

MINUTES OF MEETING HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, March 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
Tim Qualls (<i>by phone</i>)	Attorney: Young, vanAssenderp, P.A.
Greg Golgowski	Harmony Development Company
Todd Haskett	Harmony Development Company
Brock Nicholas	Harmony Development Company
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 February 27, 2014, Regular Meeting

Mr. Berube reviewed the minutes of the February 27, 2014, regular meeting, and requested any additions, corrections, notations, or deletions.

Ms. Kassel stated page 5, first line from the top should read "I do not mind it, but perhaps other residents do not." Page 7, third paragraph from the bottom of the page, "different" should be "difference." Page 14, second paragraph from the bottom of the page, "brassier" should be "brazier."

On MOTION by Mr. Walls, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to the minutes of the February 27, 2014, regular meeting, as amended.

THIRD ORDER OF BUSINESS

Audience Comments

Mr. Moyer stated I have a request from Mr. Bell dealing with whether or not there is going to be an Indoor Activity Center.

Mr. Bell stated I would like a center where you can get eight to twelve people together for an exercise group. The current Activity Center is not suitable. Is there another facility, either in existence or contemplated in the future, we can use for this purpose?

Mr. Berube responded the CDD does not manage the Enrichment Center nor any building except for what is in existence at the Swim Club and Ashley Park swim facility. The buildings you see are not managed by the Harmony CDD. The answer would have to come from the Development Company.

Ms. Kassel stated it is not under our jurisdiction. The CDD is responsible for the physical and fiscal management of the infrastructure.

Mr. LeMenager asked who owns the swimming areas in Celebration?

Mr. Moyer responded the ROA. The Celebration CDD does not own any active recreational areas.

Ms. Kassel stated this CDD also owns the restrooms at Lakeshore Park.

FOURTH ORDER OF BUSINESS

Public Hearing for Rulemaking

A. Public Hearing to Consider Adoption of the District's Rules: Chapter 4 for Park and Recreational Facilities, Chapter 2 for Water Utilities, and Rule 1.4 of the District's Administrative Rules of Procedure

Mr. Berube stated I will open the public hearing for rulemaking. I presume most of the people in the audience would like to speak regarding the rules changes that have been contemplated and discussed at length for the past four to five months. Every resident will have three minutes to speak. Your desires will be made fairly clear as everyone speaks, and most desires have already been made clear.

Mr. Qualls stated I would like the record to reflect that the District followed the appropriate legal procedure to notice this public hearing, and the Board has had many such public hearings in the past regarding such rules. You are in compliance with Chapter 190, Chapter 120 and Chapter 286, Florida Statutes.

Mr. Berube stated an advertisement for this public hearing was published in the newspaper last month, and verification of this publication is in this month's agenda package.

Mr. Dan Miller stated my wife and I live at 3324 Bracken Fern. I spoke in the past about my opposition to changing the rules to allow fishing on ponds. I discussed our concerns related to the safety issue with the way the ponds were designed and the issue with alligators. We personally have experienced issues with alligators and kids taunting the alligators so the alligators will chase them, and with alligators coming up onto the bank walking toward us while we were eating dinner on the back patio when fishing was quite rampant. This happened over two different years. So it does have an impact. What I never heard commented on and what I do not understand is why we are even having this discussion when the Declarations of Covenants and Restrictions clearly state that fishing, boating and swimming are prohibited in the ponds.

Mr. Berube stated the answer is the Declarations of Covenants and Restrictions apply to HOA property, and we deal with CDD-managed property.

Mr. Miller stated as I read the restrictions, the only reason the CDD manages this property is because the HOA assigned the maintenance of this property to the CDD Board.

Mr. Berube stated no, it did not.

Mr. Miller stated I can read you exactly what it says. First of all, it says, "The Association shall manage and control the common area and all improvements therein." It goes on to say, "All ponds, streams and/or wetlands located within the properties that serve as part of the drainage and stormwater retention system for the properties...Except to the extent for the ownership thereof and responsibility therefore have been assigned or assumed by the CDD." This sounds to me like the two are tied together, and you cannot just ignore the restrictions and use guidelines, a copy of which everyone receives when they purchased their home.

Mr. Berube stated this is the time for audience comments and everyone has their opinion. We have been exchanging opinions for months.

Mr. Miller stated I just do not see how this Board can change the rule, which was in place when everyone purchased their property and understood what they were buying into, because now a few people think you should be able to fish. Those who purchased a home in here, fully believing that document controlled the use of those ponds, are now being left out in the cold. I do not understand this, and it does not make any sense to me. Frankly, I do not think it is right. I think it is inappropriate for you to try to change those

rules, which are part of our deeds. Second, there are all of these other issues related to privacy for home owners who live on the ponds and the issues of safety related to the design of the ponds and the alligators. How can we just ignore all of this? It just seems to me like we are opening ourselves up for nothing but a lot of trouble by trying to change rules that you should not be changing.

Mr. Nicholas stated maybe you can assume this, but the HOA never assigned anything to the CDD. The CDD did assume the operation and maintenance obligations for all the stormwater drainage infrastructure, but this was done through plat and our other processes. The way it is worded may sound like it came from the Association, but those are two separate entities. Just to be clear, the CDD has the full operation and maintenance responsibility and is the entity responsible for the stormwater system and network in Harmony. It is true, but it did not come from the HOA.

Mr. Miller asked even if it is true and I accept it is, why would the CDD establish a rule that is contrary to the Declarations of Covenants and Restrictions?

Mr. Nicholas responded I am not advocating changing it.

Mr. Miller stated I know. I am not asking you this question. Even if you do have the authority, why would you put something in place that is different and in direct contrast to the Declarations of Covenants and Restrictions?

Mr. Walls asked Mr. Qualls, can you please provide some clarification on what bearing the HOA rules have on the CDD?

Ms. Kassel asked actually what bearing does signing the Declarations of Covenants and Restrictions mean when you purchase a lot?

Mr. Qualls responded I would be happy to opine on all of those issues, but this is a public hearing and not necessarily a debate at this point. Perhaps it would be better for me to reserve my comments until my attorney report. Without reading the deeds and Declarations of Covenants and Restrictions, I do not feel qualified to opine anyway. However, I do agree with the statement that an HOA manages common areas and amenities and would typically regulate the Declarations of Covenants and Restrictions. An HOA has this power by Statute. I am not an HOA attorney, but I do know the HOA has this power by Statute. The District manages and maintains the infrastructure. Without reading the documents, I cannot opine much more than that, but I would remind everyone this is a public hearing and not necessarily a debate.

Mr. Glen Boisseau-Becker stated I live on Bracken Fern Drive. I am fully in agreement with the questions and objections Mr. Miller raised. I stand firmly opposed to fishing in the retention ponds. I want to remind the Board that less than three years ago, there was a tremendous amount of discussion leading to the present policies and the firming up of rules that are consistent with what we, as homeowners—hundreds of us—assumed would be the norm when we purchased our properties. You have heard many arguments about the safety issues, questions of security and privacy, as well as all of the aesthetic questions, such as littering. People are not likely to be caught in the act of leaving their trash on the ground, throwing rocks at the alligators, cursing and shouting, or using our outdoor facilities as a public restroom. They are not going to do these things if they know people are watching. If you confront them a few minutes later, they may even deny any responsibility. Nonetheless, we heard residents testifying all of these things have happened in the context of unauthorized fishing in our retention ponds. Let me point out, I work at the Harmony Community School as a teacher. As I walk to work every morning, I pass several ponds and I like to pick up litter as I go. Would you please imagine the embarrassment of the horrified looks a teacher sees from other grownups when he walks up to the building at 8:15 a.m. carrying some empty beer cans or the cardboard wrapper from a six pack? I was not the one doing the drinking. I will admit this has not happened recently, but there was a time I routinely had to pick up that kind of unsightly debris near the school grounds, not far from the retention ponds. I do not want to see this happening again. Two months ago, Officer Paul Mendez spoke to us at one of these meetings. He represented the Fish and Wildlife Commission. His position was if the pond was not bordered by private property belonging to a single individual, then the water must belong to the State of Florida. On this basis, he would not feel comfortable saying you are not allowed to fish here. I overheard part of his conversation after the meeting ended. My impression was he said he might have been mistaken. If, in fact, the lands around the pond were controlled by the CDD, which has posted ordinances against trespassing specifically designed to discourage fishing, then our policy should be upheld by local law enforcement. Whenever I have spoken to the Sheriff or his representatives, perhaps they tell us what we think we want to hear individually, but the message I got was the Sheriff's Office has a lot of respect for the CDD and for its authority to make those kinds of policies. It has to be understood if it is a busy Friday evening, if the

Sheriff's Office is receiving complaints about a traffic collision and a violent crime, then the task of driving out to Harmony to investigate a fishing complaint is going to be a rock-bottom priority. However, it is exactly for this reason that I am concerned about the kind of message we are sending out to the rest of the County. If we had more time, I would tell you the details of a discussion we heard at the most recent Harmony Neighborhood Watch meeting, where outsiders were misbehaving on Harmony property and no one bothered to call the Sheriff's Office. The undesirable behavior stopped because Harmony residents were keeping a wary eye on the situation and asking a few questions so the offenders realized they were breaking the rules and they made up their minds not to return. This is exactly what I want to see happening when we are talking about unauthorized angling on our ponds, especially by outsiders. The residents count on these rules, and we purchased our property with these rules in mind. I heard one resident, Mr. David Leeman, standing up months ago and saying it would be irresponsible, arbitrary and unreasonable for the CDD Board to change its mind on these well-established policies, ignoring all the previous discussions and the expressed wishes of a large majority of residents who have attended the meetings and have spoken up. I do not believe this Board is irresponsible, arbitrary or unreasonable, but I ask you to keep the existing rules in place.

Mr. Anthony Pressley stated I live on Goldflower. I sent all of the Board members an email. I am not going to reiterate it as I assume you have read it. However, I will say over the past couple of days, I have been running through the neighborhood and have seen various things. Just yesterday, on one of the ponds having a No Trespassing sign, I saw a person using a remote-controlled electric boat all over the pond. It is probably not the best thing for the alligators, either. Maybe he will not have the boat for long if they see it. Just last night, we were walking around the pond behind our house and heard from our new neighbor that someone was feeding an alligator because when their son threw a stick into the pond, the alligator went right to it. The weekend before, I saw four people fishing on my pond. My pond does not have a No Trespassing sign anymore as it was removed. I agree with Mr. Miller. He has talked various times about the issues he has had behind his house when there was not a sign. When there was a sign, he was able to take care of those issues, not by contacting the Sheriff every time, but by pointing out the sign that says No Trespassing, No Fishing, and No Swimming. I personally agree we

probably should not call the Sheriff every time, but if a resident can point to a No Trespassing sign, 90% of the people will leave without even asking a question. I know other people can walk around our ponds. If there is a No Trespassing sign, 95% of those are going to be Harmony residents enjoying the nature we have. I went out fishing today on Buck Lake. I go out there various times with my daughter, and we enjoy it. I believe this is the place for us to fish. Lastly, I have been at these meetings for the past five or six months that we have been discussing this issue, and the Board is elected to listen to the people. I have only heard three people who said they want fishing. The majority of the people I spoke to do not want fishing. I think it is your responsibility to vote with the people who elected you and that you are representing. You are representing us home owners who live in here. I also do not like the fact that we say if you are going to fish, you are supposed to park in a parking spot. But when I drive down Dark Sky, I see three cars lined up and fishermen on the pond. There is no parking on Dark Sky, but there is parking on Five Oaks, yet they are parking in the street. It is also a hazard. I realize there are a lot of feelings about this issue and I understand that, but people have feelings because we signed up for one thing and now it is going to change.

Mr. Berube stated thank you everyone for coming out today and watching the process. In the past couple of days, we received a revised redlined policy from the attorney by email.

Ms. Kassel stated we received it yesterday, and it was very hard to read.

Mr. Berube stated for housekeeping purposes, I gather the Board members have read it because it is hard to discern certain aspects of the document. Do we need to make any changes to the final version Mr. Qualls sent us? I know we want to add some language pertaining to handicapped accessibility somewhere.

Ms. Kassel stated we had a version in the agenda package, and Mr. Qualls sent us a new version. Aside from the green changes already noted in the document, some of which are deletions and others are capitalizations, what other changes have you made between the agenda package version and the one you emailed to us yesterday?

Mr. Qualls responded only the changes in green. Most of them are punctuation changes and the ADA change on the last page. I am sorry the changes in green did not come across well, but I am happy to go over those changes one by one if appropriate.

Mr. Berube asked where is the ADA change?

Mr. Qualls responded at the very end of the document.

Mr. LeMenager asked what does it say, because we cannot read it?

Mr. Qualls responded it says that the District has taken all readily achievable measures to be in accordance with American with Disabilities Act.

Mr. Berube stated the District's recreational programs and services, including the Swim Club swimming pool facility, are accessible to people with disabilities.

Mr. Qualls stated I will check to see what it says precisely, but the legal standard is that you take readily achievable measures to be in ADA compliance, and it says that is what you have done. I can read the specific language once I pull it up on my computer.

Mr. Berube stated I did not see that language, and I reviewed the entire document. It may have been in the green boxes. I printed the agenda version and the attorney's recent version to compare, and there was very little difference.

Mr. Qualls stated the precise language says "The District has taken all readily achievable measures to ensure that the District's facilities comply with the Americans with Disabilities Act."

Mr. Berube stated that sounds good. We have two choices to make in this package, both regarding Rule 2.3. Option 1 is we are not going to address fishing at all.

Ms. Kassel stated no, option 1 says "The District maintains stormwater drainage system ponds. The ponds set forth in the attached map are man-made bodies of water managed, including sustained high-quality maintenance as part of the District stormwater drainage system. The ponds were not designed and do not constitute recreational facilities, so that fishing, swimming, boating and other water-based recreational activities in District-maintained stormwater ponds is not allowed, except in specifically designated locations or for pre-approved activities." Option 2 is listed under General Policies, where 2.3.1a says swimming is prohibited in all District-maintained ponds.

Mr. Nicholas stated I think Mr. Berube is correct that the first option is to strike it. There would not be 2.3.2 if there was no 2.3.1.

Mr. Berube stated the first option was 2.3, which has a line drawn through it. That is what we agreed there would be no address of fishing. For those who want to keep the same rule, it is 2.3 with the blocks in front of it, which is the paragraph Ms. Kassel just read.

Mr. LeMenager stated that is correct.

Ms. Kassel stated I thought we ended with just two options.

Mr. Berube stated we did. Those are the two options.

Ms. Kassel asked why are there General Policies?

Mr. Berube responded that covers everything. A resident said if we take out the No Trespassing ban, people are going to be swimming, boating, and so forth, as Mr. Pressley just referred to. The General Policies section was incorporated and says "Swimming is prohibited in all District-maintained ponds. No watercraft of any kind is allowed in any of the ponds on District property. Parking along the County right-of-way or in any grassed area near a pond is prohibited." That will eliminate the problem of people parking on Dark Sky. "It is recommended anyone wishing to access the ponds either walk or ride bicycles."

Mr. Walls stated I think cars would be allowed to park on Dark Sky.

Mr. Nicholas stated 2.3.1c is a bad one.

Mr. Berube stated the County right-of-way is not the streets. It keeps them from parking on the grass.

Mr. Walls stated we cannot stop people from parking on the grass.

Mr. Berube stated I understand. It goes on to say, "Continued violation of any District policy will result in immediate reporting to law enforcement authorities for the stipulation of Rules 2.1 and 2.2. There is a 20-foot District-owned buffer surrounding each pond. Public access to this 20-foot buffer is permitted only during the hours of dawn to dusk. Please be respectful of adjacent resident homes."

Mr. Farnsworth stated I do not remember this being in there. The way it reads is that it is limiting it to residents and people who pay a fee to be part of the CDD.

Mr. Berube stated this can change.

Mr. Nicholas asked is everything highlighted in green out?

Mr. Berube stated everything with the lines drawn through it is out. Basically this says that for people around the pond, no matter what they are doing, there is a 20-foot buffer that they can be on during the hours of dawn to dusk and to be respectful of adjacent resident homes. Those are the policies covering the ponds.

Mr. LeMenager asked what is this last paragraph in lime green, 2.3.1g?

Mr. Qualls responded it says "At the discretion of the District Manager, any non-resident who demonstrates excess proclivity toward continued disrespect for the tolerance

extended to non-residents, may be subject to the conditions of Rule 3.3 or in belligerent cases, Rules 2.1 and 2.2.”

Mr. Berube stated I do not think we want that. At some point, we get too much. I think 2.3.1f covers it. It is also my opinion, no matter which way the vote goes tonight, when the No Trespassing signs were installed, our problem went away. It has always been my opinion that the signs on ponds 24 and 25 should remain. I have no desire to remove the signs from those two ponds. In effect, the only thing that might happen is what is in the rules might be different, but the remaining signs should stay. I think we continue to use those signs, whether they are enforceable or not. As residents have indicated, they can point to the signs saying No Trespassing, and people listen to it. The majority of people may not read the rules, but they will obey the signs. I do not want to remove the signs.

Mr. Walls stated from a legal perspective, that is very tenuous situation. You are basically saying we are going to try to scare you away from doing something you are legally allowed to do.

Mr. Berube stated I do not disagree.

Mr. Walls stated I cannot support that at all.

Mr. Farnsworth stated it was pointed out the wording “County right-of-way” is not quite correct for the CDD. It should say “Parking along the easements or on any grassed area near a pond is prohibited.”

Mr. Walls stated perhaps it can say publicly owned right-of-way.

Mr. Farnsworth stated I think we can use “easements.”

Mr. LeMenager asked what does “along the County right-of-way” mean?

Ms. Kassel stated that is incorrect.

Mr. Farnsworth stated strike the words “County right-of-way” and substitute the words “CDD easements.”

Mr. Berube stated it would all be grassed area.

Ms. Kassel stated we should say “Parking in any non-designated parking area is prohibited” or something to that effect.

Mr. Berube stated Rule 2.3.1c says “Parking along the County right-of-way is prohibited.” From a legal standpoint, what does this mean?

Mr. Qualls responded plain language is always the best guide, and I do not remember the history of how this was drafted. I assume it means any County-owned or maintained right-of-way. It would make good sense to say “Parking in any non-designated area is prohibited.” You want to have these rules in a way that the general public can understand them without a law degree.

Mr. Berube asked do we have any County rights-of-way surrounding any of the subject ponds?

Mr. Nicholas responded in the case of Dark Sky, this is County right-of-way. They own a 50-foot section from the back-of-curb to the back-of-curb. You can legally park on that street. There is nothing to stop that from occurring.

Mr. LeMenager stated I might note we are getting a little ahead of ourselves. This discussion is going on the basis we are going to do the second 2.3.

Mr. Berube stated no, this is part of it. The only choices are what were stated earlier. This is going to be the policy no matter which way this goes.

Mr. LeMenager stated that is nonsense.

Ms. Kassel stated no. It will be, District-maintained stormwater drainage system ponds prohibit any of these general policies.

Mr. LeMenager stated it is one or the other.

Ms. Kassel stated that is correct.

Mr. Farnsworth stated at one time, there was another choice. It was one that I originated, and I agreed to throw it out because it had too many clauses. As a result, we ended up with three possible options. One was to strike Rule 2.3 completely.

Mr. Walls stated that is the one I support.

Mr. Farnsworth stated the second option was the District-maintained stormwater drainage system ponds. The third option, which was numbered incorrectly as 2.3.2, was supposed to be 2.3. It was the second option for 2.3.

Mr. LeMenager stated I agree.

Mr. Farnsworth stated there should have been three options that we are considering.

Mr. Berube stated the third one does not ban fishing.

Mr. LeMenager stated that is correct.

Ms. Kassel stated it bans everything.

Mr. Berube stated I am looking at the other option, 2.3.2.1.

Ms. Kassel stated it does not address fishing.

Mr. Walls stated two of the options do not ban fishing; only one does.

Mr. LeMenager stated the first one is not an option.

Mr. Berube stated the first one is not to address fishing at all.

Mr. LeMenager stated that is correct. The other two are only two choices. You either have the stormwater drainage system ponds, which are off limits to everything, or you are going to define this, which is silent on fishing.

Ms. Kassel asked are we agreed those are the choices?

Mr. Farnsworth responded you are not considering striking it completely as a choice.

Mr. Berube stated effectively, you are because you will have the restrictions as in 2.3 or you will have the restrictions as in 2.3.2.1.

Ms. Kassel stated whatever it ends up being will be 2.3.

Mr. Berube stated the only difference is, there is nothing here addressing fishing. One is actually more restrictive over all the ponds with the exception of fishing.

Ms. Kassel stated no.

Mr. Berube stated there is no parking, no anything.

Ms. Kassel stated no.

Mr. Berube stated we are either going with version 1, which includes no fishing, or version 2, which does not address fishing at all.

Mr. LeMenager stated that is correct.

Mr. Berube stated if everyone is alright with the terminology for the rest of the rules, we can call for the vote. Some of Mr. Farnsworth's questions were cleared up. There was clarification regarding the difference between District facilities versus recreational facilities.

Mr. Farnsworth stated I do have one question regarding the map and the attaching of the map to the rules. This map is going to be updated fairly frequently, which will force our document to be updated frequently.

Ms. Kassel stated no, it will be an addendum.

Mr. Berube stated it will be an addendum with a date.

Mr. Farnsworth stated this still means if you pull up the document, you are going to have an addendum that is not current. What I am trying to ask is if it would be better if the map referenced and even linked with the master map? If they pull up the rules, then

they would pull up the most current version. This way you do not have to worry about the rules getting outdated because the map was updated. I will not balk at the document if you do not want to do that. I am just raising the question.

Mr. Walls asked if we include the map as part of the document and we update the map, does that require a public hearing?

Mr. Moyer responded Mr. Qualls can draft language within the rule wherein the map could be updated without having a public hearing to address the map.

Mr. Qualls stated absolutely. We will add language to the rules to refer to the most recent and up-to-date map. The majority wins. Whatever three of you want is the way the rules are going to read. Therefore, I encourage you not to get too caught up in trying to follow the track changes. We can word these the way you want to word them. We do not need to be hyper technical about it.

Mr. Berube stated Mr. Qualls sent another document to change the Resolution, which will be signed at the end of this meeting to incorporate any changes we agree to tonight. The Resolution is basically the same except it includes any amendments we make to these rules tonight.

Mr. Qualls stated before someone makes a motion and a second and you vote, I do not want anyone to think I was evading the question earlier. I just did not think it was appropriate to answer the question during the public hearing. Section 190.012(4)(a), Florida Statutes, talks about Districts and the relationship between the District and Deeds and Restrictions of an HOA. It says that the HOA and CDD must agree in writing if the CDD is going to handle any of the Deed and Restriction enforcements on behalf of the HOA, so keep that in mind. I hope it answers your question. There has to be something in writing between the HOA and CDD where it is clear and both parties agree as to what the District would maintain in those Deeds and Restrictions. So it needs to be more than just those Deeds and Restrictions. There needs to be an agreement between the District and HOA governing what the District will enforce as it relates to those Deeds and Restrictions. I did not hear anyone cite such a document. I hope that helps.

Mr. LeMenager asked does such a document exist?

Mr. Berube responded someone has to write it.

Mr. Nicholas stated the operation and maintenance assignment has nothing to do with the CDD assuming covenant enforcement on behalf of the HOA. They are completely

different things. I do not know if the document exists, but I suspect not. Relative to stormwater management and infrastructure, it is not coming from the HOA. It is coming from our relationship with how the plat was conveyed.

Mr. Berube asked can Mr. Qualls please clarify what is on page 4, under Rule 2.3g in lime green?

Mr. Qualls responded yes, it says “At the discretion of the District Manager, any non-resident who demonstrates excess proclivity toward continued disrespect for the tolerance extended to non-residents, may be subject to the conditions of Rule 3.3 or in belligerent cases, Rules 2.1 and 2.2.”

Mr. Berube stated with all due respect, I realize you must have listened to all of the debate here and put this language in based on what we said.

Mr. Qualls stated I took comments provided to me, and I copied and pasted them into another version of the rules. I did not draft them. I think what it is trying to say is the District Manager has the ability to take the actions set forth in Rule 3.3 and has the discretion to tell members of the public who are being disrespectful to go away.

Mr. Berube stated I think we should leave this out.

Mr. LeMenager stated I agree.

Mr. Haskett stated Rule 3.1.5 relating to access cards talks about acceptable proof of ownership including, but not limited to, Driver License or Florida Identification Card with proof of address within the boundaries of the District and—strike and/or—the following documents.

Ms. Kassel stated the current version in Rule 3.1.5.1 states “Driver License or Florida Identification Card with the name of owner and proof of address within the District plus at least one of the items below.”

Mr. Haskett stated if you purchase a house and live out of State, you are not going to have a Florida Driver License as proof of ownership.

Mr. Berube stated it says “Driver License” not “Florida Driver License.”

Mr. Haskett stated with your address within the boundaries of the District.

Ms. Kassel stated I think it means Driver License or Florida Driver License with name of owner and proof of address within the boundaries of the District. It does not really make sense that way.

Mr. Berube stated it is okay because this is to obtain an access card. If a person is living here, they have to get their address changed to Harmony.

Ms. Kassel stated if they are snow birds, they have a Driver License but it does not show any address within the boundaries of Harmony, and you are still requiring them to have another piece of identification.

Mr. Walls stated you do not have to get a Florida identification card.

Mr. LeMenager stated if you are a snow bird, you will not have a Florida Driver License.

Ms. Kassel stated that is correct.

Mr. Haskett stated I think all we need to have in there is proof of identification.

Mr. Berube stated but it does say "Other suitable proof of ownership" as the last line in each section.

Mr. Walls stated that is after you show them a Driver License. The way this reads, you have to show a Driver License or a Florida Identification Card, plus one more thing. As long as your Driver License matches the other documents you provided showing you own the house, regardless where your Driver License is issued, it should be suitable.

Ms. Kassel stated it should say "Driver License or Identification Card plus at least one of the items below" because not everyone has a Driver License.

Mr. Haskett stated yes.

Mr. Qualls stated it will read "Driver License or Identification Card, plus at least one of the items below."

Mr. Farnsworth asked does it have to say the same thing under renters?

Mr. Berube stated that will be a global change.

Mr. Haskett stated no.

Mr. Berube stated not for renters; it only applies to owners.

Mr. Boisseau-Becker stated Mr. Berube seemed to be saying if a new ruling says nothing about fishing, then fishing would still be discouraged by means of No Trespassing signs on two ponds but it would tacitly be allowed everywhere else. What would be the advantage of this policy? I seem to hear the residents clamoring for more No Fishing or No Trespassing signs throughout the entire community.

Mr. Berube stated I do not want to get into an argument with you, but I never heard anyone ask me for more signs.

Mr. Miller stated if you vote for the second option, which is silent on fishing, it does not say you can or cannot fish.

Mr. Berube stated that is correct.

Mr. Miller asked what does this actually mean? You still have Restrictions saying no fishing.

Mr. LeMenager responded it means we go back to what we had before three years ago. If you are a member of the HOA, you cannot fish in the ponds, but if you are an outsider, you can.

Mr. Berube stated the reality is, we installed the signs because a certain number of people came before the Board repeatedly and said there were problems with fishing on the ponds behind their houses and wanted something to be done about it. We put up the signs, and they worked.

Mr. LeMenager stated that is not really true. The reaction was to put Rule 2.3 into the rules and then do the signage.

Mr. Berube stated the big deal was the signs went up and the problems went away.

Mr. Miller stated if you vote for the last option, you will be prohibiting residents from fishing.

Mr. LeMenager stated no, we will not. The CDD will not. I have already said which side I am voting on, but to clarify, the CDD has no right whatsoever to make any statements regarding fishing. That is the point that the other side has.

Ms. Kassel stated instead, we are going with No Trespassing for any purpose in Option 1. We are not talking about fishing. We are saying No Trespassing for any reason on the stormwater retention ponds because that is not what they were designed for.

Mr. Qualls stated the purpose of tonight is for you to adopt rules based on the public's input. It is not to come to consensus on what everyone's interpretation of the rule is going to be. You are not going to get there.

Mr. Berube stated there are two choices to be made. Option 1 is as printed. We will have to change the headings as a matter of housekeeping.

Mr. Qualls stated we will fix up any headings or any scrivener's errors.

On MOTION by Ms. Kassel, seconded by Mr. LeMenager, with Ms. Kassel and Mr. LeMenager in favor and Mr. Berube, Mr. Farnsworth and Mr. Walls against, approval was not given to approve Rule 2.3, District-maintained stormwater drainage system ponds.

On MOTION by Mr. Farnsworth, seconded by Mr. Berube, with Mr. Berube, Mr. Farnsworth and Mr. Walls in favor and Ms. Kassel and Mr. LeMenager against, approval was given to Rule 2.3, General Policies.

Ms. Kassel stated I want the residents to know that two of the three Supervisors voting against the prior motion are up for re-election in November, and you can vote them out of office.

Mr. Qualls asked was the first motion for Option 1 which is the District-maintained stormwater drainage system ponds that failed, and now you adopted the General Policies set forth in what was numbered Rule 2.3.2, albeit .2 really should not be in there?

Mr. Farnsworth responded that is correct.

Mr. Qualls stated I want to point out a few things in green so we are clear for the record. In (a) of the General Policies, it says “Swimming is prohibited in all District-maintained retention ponds.” Part (b) says “No watercraft of any kind is allowed in any of the ponds on District Property.” Part (c) says “Parking along the County right-of-way or on any grassed area near a retention pond is prohibited”. Part (d) says “It is recommended that anyone wishing to access the ponds either walk or ride bicycles.”

Ms. Kassel stated c is incorrect.

Mr. Berube asked why are we calling them retention ponds when in all previous printings, for example the paragraph above, it does not say retention ponds? Why are we purposely adding retention ponds? We are over complicating things.

Mr. Qualls responded I just want to be very clear because there are two versions. One was in the agenda package, and one was redlined and contained comments in green, which was distributed between meetings. That is why I am going through the General Policies. If you do not want the word “retention” to be in there, then remove it. It was just a recommendation to include it. That is why I am asking for clarity.

Mr. Berube stated I do not think we need the word “retention.”

Mr. Qualls asked is everyone agreed?

Mr. Berube responded we know it is a pond. Whether it is a retention pond or stormwater pond, it does not matter. We have had multiple descriptions, but they are all ponds.

Mr. LeMenager stated there are no natural ponds within the borders of the CDD.

Ms. Kassel stated part c of the General Policies is incorrect as it says "Parking along the County right-of-way." It should be "Parking in any non-designated parking area is prohibited."

Mr. Qualls stated if everyone is agreed, I will make that change.

Mr. Berube stated that is correct.

Mr. Qualls stated part d now says "It is recommended that anyone wishing to access the ponds either walk or ride bicycles." Part e says "Continued violation of any District policy will result in immediate reporting to law enforcement authorities per the stipulations of Rules 2.1 and 2.2." Part f says "There is a 20-foot, District-owned buffer surrounding each pond. Public access to this 20-foot buffer is permitted only during the hours of dawn to dusk. Please be respectful of adjacent resident homes." Part g was stricken.

Mr. Berube stated that is correct.

B. Consideration of Resolution 2014-02 Adopting Said Rules

Mr. Moyer read Resolution 2014-02 into the record by title.

Ms. Kassel stated we approved the rule, and then we changed the rule. What are we adopting in this Resolution?

Mr. Moyer responded you are adopting the revision Mr. Qualls sent this afternoon permitting these amendments.

Mr. LeMenager stated he was clarifying what it was.

Mr. Berube stated it will be the rule in final form, reflecting what we just did.

Ms. Kassel stated I understand, but we voted on some rules, which were stated here and then we changed them.

Mr. Moyer stated that is correct.

Mr. Qualls stated I sent an amended Resolution saying essentially that if changes were made between the version published in the agenda package and the one in the newspaper, which is the one without the green, if changes were ultimately adopted by the Board between the two versions, then what you are adopting is this amended version which includes the green comments plus the changes made at the hearing.

Mr. Walls stated I do not believe we voted on the entire package. We just talked about that section, so we are now making changes.

Ms. Kassel stated you approved the General Policies section, and now you are changing it.

Mr. Walls stated it will now be included in the entire set of rules.

Mr. Berube stated we were just doing some housekeeping.

Mr. Moyer stated the next motion would be to approve the Resolution that was provided to the Board today by Mr. Qualls.

Mr. Qualls stated provided that you are okay with the changes in green. This is the time to ask questions.

Mr. Berube stated there is more to this than just the package on recreation rules. We agreed to delete Chapter 2, which deals with water and sewer. Is that part of this adoption?

Mr. Qualls responded that is correct. As the public notice stated, the Board will consider repealing Chapter 2, and the Resolution provides for this, as well. The other part was conduct at public meetings in the Administrative Rules of Procedure, Chapter 1, which is based on laws passed in the last Session dealing with public decorum. It is an amendment to Rule 1.4(5) dealing with public comments. No changes were made in green, so the version you would be voting on today of Rule 1.4(5) is the exact same version that is in your agenda package. It is open for discussion if you want to make changes.

Mr. Berube stated basically it says that members of the public have three minutes to address the Board, large numbers of people who want to speak on the same matter all get together, and it asks people to fill out a Speaker Form in order to speak.

Mr. Farnsworth asked did the three minutes come from the Legislature?

Mr. Qualls responded yes, through a law passed last year.

Mr. Farnsworth stated I personally would have increased it to five minutes.

Mr. Berube stated sometimes things can get out of hand. If there are not a lot of people to speak, we can give them 10 to 15 minutes. We cannot do that if 100 people show up and they all want to talk. This gives us the ability to limit discussion.

Mr. Farnsworth stated if you delete Chapter 2, you will have a hole in your numbering sequence in the list of rules. You should at least have a placeholder.

Mr. Qualls stated I agree. As part of your motion, you should renumber the rules in numerical order.

Ms. Kassel stated instead of having a placeholder, we can have language saying Chapter 2 has been removed.

Mr. Berube stated we can have a statement saying Chapter 2 was removed on this date. Then we do not have to renumber everything.

Mr. Farnsworth stated you can still have Chapter 2, but it needs to say that it is no longer applicable or something, as a placeholder.

On MOTION by Mr. Walls, seconded by Mr. Farnsworth, with all in favor except Ms. Kassel and Mr. LeMenager, approval was given to Resolution 2014-02 adopting said rules, as discussed.
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Mr. Berube stated the public hearing is now closed. Based on the votes by Board members, I realize some people may be against our motion, but I am absolutely in favor of leaving the No Trespassing signs on Ponds 24 and 25, as I mentioned earlier.

Ms. Kassel stated we heard from a number people who live on the pond across from Lakeshore who were against moving the No Trespassing signs.

Mr. Walls stated as long as everyone accepts living with the consequences of trying to enforce something that cannot be enforced.

Mr. Farnsworth stated their point is that the presence of the sign was some deterrent.

Mr. Berube stated that is correct. What I heard was, the signs made a difference.

Mr. LeMenager stated with respect to Lakeshore Park, four people were fishing there today.

A majority of the Board members agreed to leave the No Trespassing signs on Ponds 24 and 25.

Mr. Boisseau-Becker asked what was the reason for removing the signs in Lakeshore Park?

Mr. Berube responded people ignored them and they looked terrible. I live there and I can watch that pond. Routinely people stand there and fish, ignoring the sign that says No Trespassing and No Fishing.

Ms. Kassel stated people routinely ignore those signs on the pond behind the dog park.

Mr. Berube stated I understand.

Mr. LeMenager stated people routinely ignore speed limit signs.

Ms. Kassel stated yes, but that does not mean we remove them.

Mr. Boisseau-Becker asked did the Board vote to remove the signs in Lakeshore Park?

Mr. Berube responded no. In effect, we did by saying the issue of fishing and trespassing is gone, but I am making a concession to the residents who live on those two ponds by leaving the signs. They told me it made a difference.

Ms. Kassel stated we appreciate all the residents for coming to the meeting tonight.

FIFTH 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. Berube stated everything is looking good as far as I know.

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 for the most part, we are doing well and transitioning into spring. Spring is here despite the recent weather and current conditions. As you can see around the property, trees are flushing out rather heavily and well. We already started on the elevations and are monitoring those. Weeds are our primary concern to make sure we stay on top of those. It was one of the big items we stumbled with last year. We are recognizing this and trying not to repeat the history on where we are focused. Last month, you asked me about updating the enhancements and improvements for various areas throughout the project. I provided this to you. I presume it will take a couple of days for you to digest this. Ms. Kassel and I can get together and discuss the details. There is a summary on the back page showing the differences. You will notice some are more and some are less. We reviewed everything, made some adjustments and added in some areas. We are also looking at the pricing, which is the worst-case scenario using upper-end plant material. When we included the new areas, the cost difference was nominal from last year and the original numbers.

Mr. Berube stated for the benefit of the audience, we are talking about upgrading the coloring. There are many brown areas where some color is needed. We were delayed last year due to some communication issues and we were scheduled to do a lot of it during the last half of the last fiscal year, but it all carried over to this year. As a result, we requested an updated proposal. Ms. Kassel and Mr. Rinard will be meeting over the next week or two, to decide where we are going to go. This is just to get the place spruced up and looking nice.

Ms. Kassel stated these are mostly areas where the plant material over the years has degraded or been removed because it died and needs refurbishing to spruce it back to the way it used to look.

Mr. Rinard stated Mr. LeMenager asked about crepe myrtle pruning, specifically on Beargrass alley and some encroachment with the trees. Mr. Haskett and I had a chance to ride out and look at the crepe myrtles. Our opinion at this time is they are fine.

Mr. LeMenager stated one is totally out of scale with the other two.

Mr. Rinard stated we looked at the location from an encroachment standpoint with the tree in the center portion. At some point in time, we will recommend pulling those and moving them away from the area versus getting into an annual or regular trimming practice, which is a harder prune than the pencil pruning.

Mr. LeMenager asked are we going to do pencil pruning?

Mr. Rinard responded only in select areas.

Mr. LeMenager stated I am not crazy about just letting them grow.

Ms. Kassel stated my impression is that crepe myrtles get to their mature height faster than oak trees.

Mr. Rinard stated absolutely, they have a faster growth rate.

Ms. Kassel stated once they get to about two and a half stories, they are pretty much going to stay at that height. They are not going to grow to be four stories high. Is that correct?

Mr. Rinard responded yes.

Ms. Kassel stated they are reaching their mature height now, but the oak trees are going to get considerably bigger over the next few years. There will be a better scale, but it will take more time. Is that correct?

Mr. Rinard responded yes. I think it will be longer than just a few years for them to get to that point. I do not know if those crepe myrtles are necessarily at mature height right now, so you will get some continued growth off those. They will grow faster, and the oak trees will not grow quite as fast. I think it will take longer to get them into scale, but they will get there.

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.

Mr. Walls stated I received a request from a resident regarding availability in the morning. I think the system right now limits you to 8:00 or 8:30 a.m.

Mr. Haskett stated it should be allowing residents to do that.

A Resident stated I have been able to make reservations for 8:00 a.m.

Mr. Walls stated the other day when I used it, it was 8:30 a.m.

Mr. Haskett stated sometimes I have noticed when the slide bar goes across, it will give you until 8:30 a.m. when you are trying to request it, but when you print it, it will give you the correct time that you are trying for. Anytime a resident has an issue like that, it sends me a confirmation of the request. They can always send me an email. We have the time for 30 minutes after sunrise when the boats can go out until an hour before sunset. That gives you enough time to return the boat and get it prepped.

Mr. Berube stated I do not think people care about the end of the day, but fishermen want to get out there early.

Mr. Haskett stated yes, they do. We try to accommodate everyone.

Mr. Berube asked when do staff members start arriving?

Mr. Haskett responded the first ones arrive at 7:00 a.m. and they cover until 7:00 p.m., seven days a week.

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. Haskett stated there was an increase in use of the lake since the dock is in place. We held a resident mixer last Thursday at the dock area in an effort to promote more

usage. Some of the clearing that Mr. Nicholas mentioned previously is moving forward by the boathouse and the gate area.

Ms. Kassel stated I recall reading in the minutes that tree removal would be farther east than the eastern dock of the two docks. Is that continuing farther east than the dock with the pergola or will it end there?

Mr. Nicholas responded the tree removal is between the two docks. There is a widening of the improved dock and is the easternmost part of the work. Part of the work has already taken place.

iii. Miscellaneous

Mr. Haskett stated we take over management of the swimming pools, water feature and splash pad on Tuesday. We are looking forward to that. There is a lot of training and information going back and forth. The Health Inspector is coming out on Monday to do the final inspection with me. I thought that was prudent to do. The pool company will be there as well. Any issues will be taken care of. Irrigation is somewhat slow at this time due to staff vacation time. They are maintaining things as they should be. The routine maintenance will pick up in a couple of weeks. That was slowed down due to boat dock installation and putting more time into doing some boat maintenance.

Ms. Kassel asked what decision was made about the shade structure?

Mr. Haskett responded a good location is the Ashley Park pool. It has a cabana building but there are no shade structures similar to what is at the Swim Club. We looked at other areas, such as the soccer field, but decided it would look out of place there because it is rather small. Another location we considered was the Green neighborhood since it would serve well to shade the playground equipment. We felt the Ashley Park pool was the ideal location at the south side of the pool area along the back side of the fence to block the southern exposure.

Mr. Berube asked is the south side where the shower is and will run the length of the fence?

Mr. Haskett responded that is correct.

Ms. Kassel asked do we need to vote on that?

Mr. Moyer responded I think the direction of the Board is fine.

Mr. Walls asked will that affect anyone's view being on the south side? Some people might still want to look into the pool.

Mr. Haskett stated there are street trees along there.

Mr. Berube stated there are trees and bushes along the outside of the fence. The street-level view is already impeded.

Mr. Haskett stated there are oak trees on the outside, but they do not provide shade in the pool area.

Mr. Berube stated there are bushes for the first three or four feet.

Mr. LeMenager stated those oaks will get huge.

Mr. Berube stated people on the second floor will look over the top of the structure, so there might be a few complaints. However, I think the benefit to the residents who live there would be the available shade that should outweigh the view. It looks brand new, so it looks good.

Mr. Walls stated I was just thinking over time how it would look.

Mr. Berube stated when it looks bad, then we will fix it.

Ms. Kassel stated or we can remove it when the oak trees are big enough to provide the shade.

Mr. Berube stated yes. I think it is okay to put it there. We removed one small shade structure and not everyone wants to sit under the roofed area.

Mr. Haskett stated when people want to congregate in that area, it gets congested. This will provide an alternative.

The Board gave consensus to place the shade structure at the Ashley Park pool.

Ms. Kassel asked what is the status of the picnic tables?

Mr. Haskett responded I received a few prices, but they were higher than I expected. I am looking into other products. The prices for the picnic tables that first came in with a heavier reflective plastic have increased this year. An alternative is to move some of the heavier picnic tables from underneath the shade structure to areas where they would be less likely to be carried off, and the lighter ones can be bolted or chained underneath the pavilion.

Mr. Berube asked what about using pressure-treated wood and having our staff build them?

Ms. Kassel responded that is not consistent with the rest of the community.

Mr. Berube stated we have two bridges over Long Pond, and we have two walkways going out to the lake, which are all made of wood. We have set a precedent for wood,

and I do not know that the wood would be out of place in something that facilitates nature. I agree they would be different from what we have, but plastic is very expensive.

Mr. LeMenager asked where did all the chairs come from? Was that Gateway?

Mr. Berube responded American Recycled Plastic.

Mr. LeMenager stated no, the wooden chairs.

Mr. Nicholas stated one of the wood shops.

Mr. LeMenager stated that is a great idea; approach one of the schools and ask if they want to take this on as a project and make a little money.

Mr. Nicholas stated that was a very laborious venture. They also have a lot going on.

Mr. Berube asked what does it cost for a classic picnic table, \$600?

Mr. Haskett responded around \$1,200 for an eight-foot picnic table. Keep in mind that we are a park system.

Mr. Berube stated I understand, and people use them.

Mr. Haskett stated we have to get something that is commercial grade, which will last in the elements. I will have something for the agenda package next month.

Mr. Farnsworth asked has anyone looked at wooden picnic tables?

Mr. Haskett responded no.

Mr. Berube stated if you buy them, they are pretty expensive.

Mr. Farnsworth asked more so than plastic?

Mr. Berube responded no, not generally. I have not looked at eight-foot tables, but a six-foot table is \$500 or \$600. I did not consider it was \$1,200 for a plastic table. Consider what our staff is capable of. A couple of them are good with carpentry. If wood does not work, then it does not work. It is something to consider.

Mr. Haskett stated we can look at having wood in select areas. We are considering something by Buck Lake for residents to sit on if they are waiting for their guests to show up for the boat. It may be an appropriate area for something like that.

Mr. Nicholas stated if you are looking at good quality for longevity, like teak, then you will need better blades.

Mr. Berube stated I understand. There are a couple trees in that area. If you are going to do something there, what about building a bench around the trees rather than having a picnic table?

Ms. Kassel stated we want picnic tables, not just benches. We want eight people to be able to sit at a picnic table with a drink or with food.

Mr. LeMenager stated we can give Mr. Haskett time to come up with something.

Mr. Berube stated he does a good job all the time for us.

iv. Discussion of Sidewalk Policy

Mr. Haskett stated the Sidewalk Inspection and Maintenance Policy was provided to the Board. It was not adopted as a policy and still remains a draft.

Mr. Berube stated last month we received this policy, which had never been approved. Mr. Haskett wants something in writing, which I agree with as to what we need to do to maintain sidewalks. I asked him what he wanted, and this three-page, concise document meets exactly what is going on now.

Mr. Farnsworth asked is this different than the draft?

Mr. Berube responded yes, there are a lot of changes.

Mr. Farnsworth stated it looks very similar.

Mr. Haskett stated it is very similar.

Mr. Berube stated it follows the same format.

Mr. Haskett stated it is what the engineer originally provided. Nothing has changed regarding the reporting of the priority levels, except instead of reporting to the engineer every time a sidewalk has a crack, I indicated it should be to the field operations manager. That would be in our monthly reports we provide.

Mr. Berube stated this just puts in writing what Mr. Haskett has been doing.

Mr. Boyd stated I think Mr. Haskett has done a very good job of simplifying what we had before. I think it looks good.

Mr. Berube stated I have a couple housekeeping comments. On page 2 at the top, it says "Inspection of sidewalks within the Harmony CDD will be conducted on an annual basis." Should it be more on a rotating basis or ongoing basis?

Mr. LeMenager responded I like ongoing basis.

Mr. Haskett stated I struggled with that because there should also be some clarification in there about being able to report an issue without having to wait for an inspection. I thought about saying something like report it through the website.

Mr. Walls stated an inspection is when you go around and give them a formal grade, and you can do that once a year. As issues come up that people call in, they can be addressed.

Mr. Haskett stated that is correct. I was not comfortable with an annual basis that was established originally. It seems more appropriate to say ongoing basis so that we are not stuck with a certain schedule. The main thing with inspections for the priority levels is for budgeting and planning to have funds in the future for the repairs.

Mr. Berube stated priority level one should say "Field Operations Manager will take immediate action." Strike "will be taken" at the end of that sentence. On page 3, the second line should say "Receiving a priority level of 1 or 2." On the bottom of the page, the last line should say "Replacement is most cost effective when done on an area basis."

Mr. LeMenager stated mine says "an."

Mr. Haskett stated I caught it after I sent the email.

Mr. Berube asked do we need to adopt this formally?

Mr. Moyer responded I applaud the effort Mr. Haskett has done, and I would like for Mr. Qualls to review this further. If you remember last month, there were some absolutes in the policy. I think we were all relieved to find out we did not adopt this policy. You do not want to put yourself into a situation where somebody who gets hurt can take your own document and beat you up with it. Mr. Qualls may review it and believe it is perfectly fine, but I would like him to review it.

Mr. Berube stated the last line on paragraph three says something being especially dangerous.

Mr. Walls asked is there a problem with this being their standard operating procedure?

Mr. Moyer responded no.

Ms. Kassel asked so we do not have to approve it? We have discussed it, so we can leave it at that?

Mr. Moyer responded we will direct staff to make their best efforts to abide by this policy or procedure. If we do not have the budget to do it, then really they cannot do it. If they do not have the personnel or they have assigned them elsewhere, they cannot do it. The most lawsuits we have in Celebration are over trips and falls on sidewalks. There are occasions where people will take you to court. The only thing I am sensitive to is not giving them a document without attorney approval.

Mr. Berube stated we want Mr. Qualls to review this and clear up any language that may be detrimental.

Mr. Moyer stated subject to Mr. Qualls's review, then this will be the standard operating procedure.

Mr. Qualls stated I just want to be clear with some of the nomenclature. What Mr. Haskett prepared is very detailed. I commend his efforts, but this is a recommendation as to guidelines. Your District has a policy, which is the District maintains its sidewalks in accordance with District standards. That has always been the policy because that is what you have always done. These are some written guidelines, which I will gladly take a look at. It certainly helps to have these things in writing and discuss them from time to time to ensure that the District sidewalks are being maintained in accordance with District standards. Words like "Policy" and "Rule" are thrown around and they have very specific meanings in Chapter 190, Florida Statutes. For the record, at this stage, these are simply recommendations from the District's independent contractor for the Board to consider in guiding it to keeping the sidewalks up to District standards.

Mr. Berube stated that is correct.

Mr. Haskett stated I would say no. These were brought before you because I felt it was part of a policy back in 2008. It was in my book when the District did the sidewalk repairs in 2008. In reviewing the minutes from 2007 and 2008, there was plenty of discussion about the attorney saying we needed a policy. Ms. Kassel has brought forth some issues with some areas that were being stumbled over several times. I just want it on the record that I am not pushing to have this policy. It was asked of me to bring it forth and tweak some of it, which is what I did. Whether you adopt it or not, we still maintain the sidewalks properly.

Mr. Walls stated I think it is fine, and I think you should use it as a guideline as opposed to a policy.

Mr. LeMenager stated change the language from "policy" to "guideline" and that is fine.

Mr. Berube stated it will be the written directive that you will follow to the best of your ability.

Mr. Moyer stated that is correct.

The Board gave consensus to the sidewalk guidelines, as discussed.

SIXTH ORDER OF BUSINESS

Developer's Report

Mr. Nicholas stated I have nothing to report.

Mr. LeMenager stated everyone loves the clearing of the trees.

Mr. Berube stated it is incredible what a difference that makes.

SEVENTH ORDER OF BUSINESS

District Manager's Report

A. February 28, 2014 Financial Statements

Mr. Moyer reviewed the financial statements, which are included in the agenda package and are available for public review in the District Office during normal business hours.

Mr. Moyer stated we are currently 71% collected on our non-ad valorem assessments, compared to 57% last year at this time, so we are actually ahead on collections. I do not put a lot of importance on this number because it is just a matter of timing when people pay, which changes from time to time. It is always good to be higher than the year before. On the operation and maintenance expenses, we are \$9,500 under budget for administrative expenses and \$11,000 under budget for field expenditures, which includes the employees through February. Landscaping expenses are under budget by \$14,000. Utilities are under budget by \$14,000. Operation and maintenance expenses are under budget by \$18,000. Through the first five months of the fiscal year, we are doing just fine.

Ms. Kassel asked are we 71% collected on both non-ad valorem and District-collected assessments?

Mr. Moyer responded no, the District-collected assessments are done pursuant to a schedule. The total budget was \$934,000 and we are at \$400,000 or 50%, which is fine. This is all programmed according to the schedule.

Mr. Nicholas stated it will be 100% next month.

Mr. LeMenager stated that is because the developer does not take advantage of the 4% discount from the tax collector.

Mr. Nicholas stated that is correct.

B. Invoice Approval #167 and Check Run Summary

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

<p>On MOTION by Ms. Kassel, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to the invoices.</p>

C. Discussion of General Election

i. Qualifying Information

Mr. Moyer stated information was provided to you regarding the November General Election. We are required to enter this into the public record so people who desire to run for the office of Supervisor have knowledge of the procedures that are in place. This information is in the agenda package and if it is not already, it will be on the website. There are two ways to qualify to run. One is by petition, which petition form was provided in your agenda package. You need to get signatures from 25 residents, registered voters, and you need to submit those petitions on or before noon on May 19, 2014. If you miss this deadline, you can qualify by going down to the Supervisor of Elections office between noon on June 16, 2014, and noon on June 20, 2014, and pay a \$25 qualifying fee.

ii. Consideration of Resolution 2014-01 Confirming the District's Use of the Osceola County Supervisor of Elections to Continue Conducting the District's Election of Supervisors in Conjunction with the General Election

Mr. Moyer read Resolution 2014-01 into the record by title.

Mr. Moyer stated this Resolution puts Ms. Mary Jane Arrington on notice that we are going to utilize her services to conduct this election. In this election cycle, Mr. Walls's seat is up, as well as Mr. Berube's seat, which are Seats 2 and 4.

<p>On MOTION by Ms. Kassel, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to the adoption of Resolution 2014-01 confirming the District's use of the Osceola County Supervisor of Elections to continue conducting the District's election of Supervisors in conjunction with the General Election.</p>
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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.

F. Fiscal Year 2015 Budget

Mr. Berube asked when do we start the budget process?

Mr. Moyer responded in May.

Mr. Berube stated I would like to add a couple of lines to the budget under Electricity-Street Lighting. I would like to break out the investment charge of \$25,000 per month, or \$300,000 per year, so I can track it. That is the bulk of it. Then I would like another line item for Investment Charge Buyout. We did that with the street lights that are going in the new neighborhood, and we discussed buying out future contracts. I did some of the math and there are too many variables. This does not put it on the balance sheet, but it makes it easy to track. The point is, as we move forward, we can budget this line item for buyouts. Every time you buy one out, the investment charge we pay every month will decrease. In year five, it will start to balance. It depends how much money we spend buying them out. It is a multi-million dollar obligation, and we need to address it.

Mr. LeMenager stated I agree.

Mr. Berube stated if you look at it right now, it is \$300,000 per year and we have at least 10 years to go, times \$300,000, which is \$3 million. I think we can buy that down very carefully and provide a big savings to the home owners. Basically we are paying 10.25% interest or whatever you want to call it. The only way to manage it is to have it on a sheet so we can watch it.

Mr. Walls stated I do not know if we need to budget the interest separately because it gets complicated.

Mr. Berube stated I am not talking about budgeting the interest, just the investment charge.

Mr. Walls stated that is what I mean, the investment charge. It gets complicated because you have to determine what that amount will be and then you break that out from the utility fees. It is fine if it is the same every month, but as we pay it down, that number will change. I would be more comfortable tracking this on a spreadsheet rather than budget for it. If we decide we want to buy down more contracts, then we can budget for that as a line item, and I am fine with that.

Ms. Kassel stated I like that idea.

Mr. Walls stated I agree we should track it, but I do not think it needs to be part of the budget in terms of the investment.

Mr. Berube stated right now we have Electricity-Street Lighting at \$400,000 per year.

Mr. Walls stated yes, and I am saying to break that out separately from the budget so we can see it when we want to, but it does not have to be in the budget.

Mr. LeMenager stated I agree with Mr. Berube.

Ms. Kassel asked could it be a reserve line item?

Mr. LeMenager responded it is not a reserve. It is an expense.

Mr. Walls stated we would budget specifically for buying out contracts, if we decide that is what we want to do. We have expenditures coming up for road repaving and other things, and we need to balance it all.

Mr. LeMenager stated Mr. Moyer could ask the accountant how hard this would be to do. It is something that is on the bill every month. What Mr. Berube is suggesting is instead of having one gross line item for street lighting, we have three line items for street lighting, one of which is the actual cost of the electricity, and the other two would be the capital costs of the street lights. I like that idea a lot. It is very transparent when people start looking at the financials, and they ask why an investment charge is included in operations and maintenance.

Mr. Berube stated if we fund the buyouts over time as you watch the monthly budgets, this investment charge line is going to decrease and comes back into the budget. You are spending money, but you are paying yourself back.

Mr. Walls stated the budget line item is not going to show you what you are paying. It will show the budget for the year and what you spent so far. You will not see an increase or a decrease.

Mr. Berube stated no, but you will see a consistent budget as time goes along. All I am trying to do is bring it out into the open so we can manage it somehow. We manage by budget. However we want to do it is fine, and it does not have to happen tonight.

Ms. Kassel stated we should leave this with the District Manager to figure out how to make this apparent that we want to continue to buy this debt down.

Mr. Berube stated the reason why I asked about the budget is because last year we put a 2% increase into effect. Two percent on our budget is about \$80,000. We already spent this year's 2%.

Mr. LeMenager stated it was 5.5% on operations and maintenance but a net 2% including debt.

Mr. Berube stated by spending \$160,000 buying out the lights, we already spent this year's \$80,000 increase and next year's \$80,000 increase. It goes into perpetuity. If we keep devoting this money to buyouts, it pays it all back. I do not think we need to take out loans to buy down street lights. I cannot see spending interest to save interest. I think we can fund this carefully through operations. I just wanted to bring this up and let everyone think about it as we approach budget season.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Qualls stated there was some discussion in the minutes about the Dark Sky Festival and the District's sponsorship of that. I did a little research and it is okay for the District to sponsor by allowing the use of its facilities for a public festival. However, Chapter 190, Florida Statutes, is clear as to what the District's powers are. I do not see the District having the power to provide monetary sponsorship. I just wanted to address this briefly.

B. Engineer

i. Recommendations Regarding Maintenance of CDD Alleys

Mr. Boyd stated I understood at the last meeting, there was some discussion about the condition of the alleys. In one of my weekly visits down here, Mr. Haskett said we need to take a ride. We went through the alleys, and I went back and looked at the study we prepared for you a year ago where we estimated what it would take to resurface the alleys. We estimated when it needed to be done. Based on the condition of the alleys today and the status of your reserves, which appear to be healthy at this point, my recommendation is not to wait but to start an alley rehabilitation program now. Obviously, neighborhoods C-1 and B-1 are the older neighborhoods since they were put in first. Neighborhood D-1 is much smaller and the linear footage of the alleys is less. The alleys went in at a time when it was a long time before they saw any traffic. As a result, some of the cracks that appeared tended to get wider faster. As we had said in the past, the asphalt actually performs better when you have more light traffic on it than when you do not. Although D-1 is not necessarily the oldest alley, my recommendation is since we are well into 2014 now, this neighborhood is probably a good candidate to do this year, followed by neighborhood B-1 and a sequence similar to what I put into the report in your agenda package. There is nothing concrete about this. You can move it around at your discretion.

Mr. LeMenager stated you are talking about them doing a whole repavement of the entire alley, not just patching.

Mr. Boyd stated this is a mill and resurface. You will have a new pavement surface when this work is completed.

Mr. Berube stated I have a couple of concerns. The number-one complaint I received about the alleys was ponding. When I look at the alleys, they are reverse crowned.

Mr. Boyd stated that is correct.

Mr. Berube stated they crown into the center rather than to the side, and it forces all of the water to the drainage structures.

Mr. Boyd stated that is correct.

Mr. Berube stated some of these are fairly new, like the ones in the Green neighborhood, which is where a lot of the ponding is occurring. I do not have too much of a problem with milling and overlaying, but we would have to write it into the contract that they have to be careful with their grading to make sure we do not get ponding. This is what we are trying to avoid.

Mr. Boyd stated that would be one of the goals of the resurfacing, to even out where ponding is occurring today.

Mr. Berube stated one of these contractors would be someone like Jr. Davis or someone who comes in with a milling machine and asphalt. It is probably going to be more cost advantageous to give them more square footage because part of the contract bid is going to be setup, staging and moving equipment.

Mr. Boyd stated that is true.

Mr. Berube asked is it better to consolidate several mills and overlays into one?

Mr. Boyd responded it is possible. This will need to be bid at some point, but I asked Jr. Davis specifically how much asphalt they could mill and resurface in a day and what the cost was. Then I applied that rate over the linear footage we are looking at in each neighborhood. If you were to combine multiple neighborhoods, there could be some cost savings, but I would not expect to see a great deal because the way they gave me the pricing is based on the duration of how long it takes to do the job.

Mr. Berube stated it works out to be \$14.50 per square yard. Are you solid this number would hold?

Mr. Boyd responded that is a higher number than what I had. I actually had printed out that information and left it at my office. However, the number I worked out was \$9.30 per square yard. I apologize if there is a mathematical error.

Mr. Berube stated I do not know if there is an error. I took \$16,933 divided by 1,168 feet, and got \$14.49. It might cost less than what Jr. Davis told you. There were several areas you pointed out, which needed immediate attention. There are a couple of potholes and one storm structure in the center of the Beargrass Road alley where a big chunk of concrete is missing. We have some guys on staff who do concrete work. The drainage structure in the middle of the Beargrass Road alley is a strip about 12 inches wide and 4 inches deep that needs a plug of concrete put in it. Someone recently filled it with sand. Is it reasonable to assume our guys can patch the two potholes and that little concrete area? That is what I see that needs immediate attention.

Mr. Haskett responded we can certainly look at it.

Mr. Berube stated Mr. Haskett's assignment will be to look at those three now.

Mr. Boyd stated Mr. Berube is looking at picture #61. I do not know when that was done, and I did not direct it to be done, but in looking at it, the concrete was cut out to allow water that was ponding in front of the inlet to go into the inlet.

Mr. Berube stated when people drive and hit that area with their tires, it causes some damage.

Mr. Boyd stated there is a double problem. You have a problem with the structure and a ponding problem, too.

Mr. LeMenager stated it is right in the middle of the alley, and is a one-way alley. Why would your tire hit it? Your tires should go on either side of it.

Mr. Boyd responded because people swing through there to get to their driveways.

Mr. LeMenager stated that makes sense.

Mr. Berube stated I know it is a problem because someone filled it with sand. Picture #60 is one of the potholes. I think our staff can handle it. It sounds like Mr. Boyd is saying that we need to start soliciting bids for neighborhoods B-1 and D-1.

Mr. Boyd stated at least start with D-1. However, you may want to get bids for B-1 and D-1 and then decide whether you want to start with both of them this year, or do one this year and the second one next year.

Mr. Berube stated the reality is, by the time we go through this bid process, we will be three-quarters through this year.

Mr. Boyd stated that is true.

Mr. Berube stated in a month or two, we will be back to doing B-1 next. We should just combine the two and go for it.

Mr. Boyd stated I do not recall what the bidding thresholds are. I do not know if they need to be advertised. It could just be a formal request for prices.

Mr. Moyer stated the threshold is about \$195,000.

Mr. Boyd stated we can just request three or four pre-selected contractors to give us prices without going through a formal process.

Mr. Berube asked is it true Jr. Davis built most of the alleys?

Mr. Boyd responded yes.

Mr. Berube stated they have been doing good work throughout the community from what I can see in jobs like this.

Mr. Nicholas stated that is correct.

Mr. Berube stated I am not just saying we go with one contractor.

Mr. LeMenager stated we should get prices from a couple more. How much money are we talking about?

Mr. Berube responded approximately \$60,000 for the first two.

Mr. LeMenager stated I will say this *ad infinitum* about the \$1 million surprise with respect to the street lights. I want to make sure we factor this into our financial thinking in the long term.

Mr. Berube stated I have a suggestion for something like that.

Mr. Walls asked what is the life of the seal coat?

Mr. Boyd responded it adds some life but it is more of an aesthetic fix. It does not change anything structurally. It does renourish the asphalt with the oil-based materials, so it is beneficial. I guess if you seal coat it every year, you would see an increase in the life of the asphalt overall. I do not have the experience to tell you how long, but I can look into it.

Mr. Walls stated I spoke to some engineers about seal coat. They were skeptical about it at first, but then they put it on and loved it. They thought it would give them an extra couple of years.

Mr. Boyd stated there is one other option I can investigate, which I do not have experience with. This is a hybrid between a seal coat and a resurfacing. It does not involve milling. It is a thin, new layer of asphalt. We can ask for some further information on this and evaluate the pricing. I would want to get some information to bring to the Board before I recommend it. Has Mr. Moyer seen it before?

Mr. Moyer responded it lasts for about six years. It is called chip seal.

Mr. Berube stated our first seal coat is suggested for 2015.

Mr. Walls stated I do not know how bad D-1 is. It is disappointing that it is so new, and I understand it was not used and those issues. If there are cheaper options that can give it another five or six years, being so new, it might be something to look into.

Ms. Kassel asked what is the percentage of chip seal versus milling and repaving?

Mr. Moyer responded at some point, you will mill and repave. It is just a process giving you an extra five or six years. Chip seal is probably one-third to one-half of the cost.

Mr. Berube stated we are going to put this out for bid, and we will know what the cost is pretty accurately. Our first seal coat recommendation is after the first two mill and overlay. Seal coating is about one-tenth the cost. Are you suggesting to do a chip coat rather than mill and overlay?

Ms. Kassel stated yes.

Mr. Boyd stated we can request pricing for both methods.

Mr. LeMenager stated the same contractors would be doing the work anyway.

Mr. Moyer stated yes. Just so everyone has realistic expectations, chip coating is also known as micro resurfacing. There is a lot of aggregate and a lot of stones, which will be tracked onto your driveway and garage. It is not as good as if you did the milling and resurfacing. Celebration has spent hundreds of thousands of dollars milling and resurfacing. Mr. Boyd might want to ask Mr. Brian Smith from my office to provide the specifications for milling and resurfacing. We have two or three contractors that we use and have done a nice job. Jr. Davis is one of them. If you need some prices, we can get them for you. There are resources you can use, and you might as well because it is all public record.

Mr. Nicholas stated maybe the Board can consider some speed control measures in the longer straightaway alleys. Speed bumps may affect the drainage slope, but there may be something other than speed bumps.

Mr. Boyd stated we can do speed bumps as long as we leave the middle open.

Mr. Berube stated people complain and ask for speed bumps to control speed. Then the speed bumps are installed, and then they complain about the noise. I own another house in Orlando, and it was the same thing in that neighborhood. The worst offenders were the police, FedEx and UPS drivers. The City Council finally put in speed bumps, and they did not last six months. Everyone complained about the noise, so they took them out.

Mr. Boyd stated Maitland has humps, which are much gentler, but they are still very effective.

Mr. Berube stated not in Kissimmee.

Ms. Kassel stated downtown Orlando has those, too.

Mr. LeMenager stated I made a tongue-in-cheek suggestion on Facebook a couple weeks ago, and several people responded about the bumps. I was thinking about when I lived in the United Kingdom. They really went into the whole concept of traffic-calming measures. Calling it a bump is inappropriate. It is not difficult to engineer something that is designed to be driven over safely at 25 mph. Many times, it is just a raised crosswalk that you can drive over and it does not bother you at all. Do we have a speed limit in the alleys?

Mr. Walls stated what we were discussing were County-owned roads. I have not seen a lot of speeding on my alley.

Mr. Berube asked is there an area that is problematic?

Mr. Nicholas stated we are the clearinghouse for complaints, and I have received them from legitimate people related to kids being there. I have looked at those areas, and it happens. They are just in the straightaway where you can get up to a certain speed. It would not be relevant in most alleys. Ashley Park comes to mind, and I think there is another one in neighborhood G. Neighborhood E may have a straightaway, as well.

Mr. LeMenager stated the alley behind Primrose Willow, you can get up to a good speed if you wanted.

Mr. Nicholas stated yes, that is a long straightaway.

Mr. Boyd stated the speed bumps I am thinking about are gentle, but they are typically used on roads where they are driving 35 mph and you want to get them down to 25 mph. At 25 mph, that is too fast for the alley anyway, so they would need to be a little more aggressive.

Ms. Kassel stated I have seen bumps in the ground at intervals. I guess you will still have the same noise problem, and I do not know if those make the same kind of noise.

Mr. Berube stated we have to consider that what goes down these alleys early in the morning are trash trucks. They are loud enough already, but when they go over a bump in the road, they make a loud noise.

Mr. Walls stated the sound bounces off the houses back there. I think we would get more blowback if we did that.

Mr. Berube stated there must be something else we can do to address speeding besides something on the ground, but I do not know what. We should think about it and maybe ask people to slow down.

Mr. Boyd stated something to consider, as opposed to bumps, are horizontal obstacles, as long as they did not impede the fire department or trash trucks. They almost cause you to have to zigzag around them.

Mr. LeMenager stated that is a common solution in the United Kingdom. If you have a long straightaway, it is like creating an S-shaped racetrack so that you can no longer speed straight ahead.

Mr. Walls stated you may end up on other people's property.

Mr. Boyd stated that is a challenge with the alleys. The fire department may object.

Mr. Berube asked is Mr. Boyd going to handle the initial bid process?

Mr. Boyd responded I can. What is Mr. Moyer's thought?

Mr. Moyer stated we will provide what Celebration used, and Mr. Boyd can look at it and come up with a specification for them to bid.

Ms. Kassel asked why does the proposal start with 39? Where is 1 through 38?

Mr. Boyd stated the numbers on the photographs correspond to the number on my camera when I saved it.

Ms. Kassel stated I understand. Numbers 41 and 42 are the same photograph.

Mr. Boyd stated I apologize. That is a mistake.

Ms. Kassel stated one is horizontal and one is vertical.

Mr. Berube stated Mr. Moyer and Mr. Boyd will handle this, and we are going to proceed with options for the first two listed. The choice is going to be chip seal, or mill and overlay for those two alleys.

Mr. Boyd asked are two or three prices adequate?

Mr. Berube responded yes, I believe so. We can receive one, but two or three are better.

Mr. Qualls stated this will be well under the bidding threshold of \$195,000. The number of proposals is at the Board's discretion. The law does not specify.

Mr. Walls stated I would try to get three proposals, but it is okay if you can only get two.

Mr. Berube stated that is fine.

NINTH ORDER OF BUSINESS

Supervisor Requests

There not being any, the next order of business followed.

TENTH ORDER OF BUSINESS

Adjournment

The next regular meeting is scheduled for Thursday, April 24, 2014, at 6:00 p.m.

The meeting adjourned at 8:08 p.m.

Gary L. Moyer, Secretary

Steve Berube, Chairman