

# MINUTES OF MEETING

## HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, November 17, 2016, at 6:00 p.m. at Harmony Golf Preserve Clubhouse, 7251 Five Oaks Drive, Harmony, Florida.

Present and constituting a quorum were:

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

Also present were:

Gary Moyer	Manager: Moyer Management Group
Tim Qualls ( <i>by phone</i> )	Attorney: Young Qualls, P.A.
Steve Boyd	Engineer: Boyd Civil Engineering
Peter Brill	Severn Trent Services, Accounting
Rick Mansfield	Davey Commercial Grounds
Amber Sambuca	Starwood Land Ventures
Gerhard van der Snel	Harmony District Staff
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

### Audience Comments

Mr. Dan Leet stated I spoke to this Board back in March about the trails behind neighborhood F, both on CDD and on developer lands. The trails on CDD property have been discussed since then. I have been away on business during the meetings in the interim, so I would like to give my comments. I agree that Lakeshore Trail behind neighborhood F does not need to be concrete. In wet months, however, it is basically unusable without weather-proof hiking gear. I am sure that it is all part of the drainage basin for the neighborhood, and some engineering would be involved no matter what is done to improve it. The raised portion behind the pond in the back corner is in great shape; however, all the trail marker posts have been knocked down and removed in the last few months. A doggie pot would also be nice to have back there, especially as more people move into the neighborhood. I saw mention of work on the drainage structure on the pond related to the ditch on the other side of neighborhood F. I would like to know

what information is available about what is being done and when. I also asked about a trail on developer lands running from that pond behind neighborhood F out to the lake. Ms. Sambuca was here then and said they might be looking to clear it out. Last month, I went to Richmond American with the idea, thinking that maybe they would be interested in financing the improvement of that trail to help sell their waterside lots. This time, the response from the developer was that the trail was not part of their future plans, and it was taken off all their online maps. I was told that trail upkeep would be shifting from the developer to a different party sometime next year. My question for Ms. Sambuca is if the developer would be willing to work with an outside party to improve trails through their land as long as it is not interfering with construction like it was with Jug Creek Trail.

Ms. Sambuca asked specifically for that location?

Mr. Leet stated yes, my question is for that location but also in general.

Ms. Sambuca stated our goal for the trail network, as I mentioned earlier, is to eventually shift the maintenance to another party. In the past, several resident crews have volunteered to improve the trail markers. Our goal is to regain some of that. I do not foresee us contributing to any additional improvements at the moment.

Mr. Leet asked is any permitting involved because it is land that belongs to the developer? Or will you just see what happens at the time?

Ms. Sambuca stated we do not have any permitting roadblocks at this point.

Mr. Leet asked what if someone wanted to do a boardwalk through that wetland area, like what is behind the older neighborhoods?

Ms. Sambuca stated because it is developer land, if that instance were to come in the future, we would have to address it then.

Mr. Berube stated related to the water outflow structure, I am sure Mr. Boyd will agree that we are currently waiting on permitting to do some modifications.

Mr. Boyd stated we have prepared a permit modification that will be submitted next week to allow that work to proceed.

Mr. Berube stated it is a two-step process. Basically, we have to lower the mean high water level in the pond, which will also drain that ditch that the trees sit in. We will see how that works. We need to get a drier bottom of that ditch because it is killing the trees. Some trees will be changed. How long will permitting take, 90 days?

Mr. Boyd stated about 30 days for the review process for this modification.

Mr. Berube stated realistically, that means 90 days. When the water level drops in that pond, the area you are mentioning will more than likely follow the water level. Several things may happen if all this goes well. I think that is the most important question you asked regarding access and needing boots to walk in the area.

Mr. Leet stated that is between the neighborhood and the lake. That is all affected.

Mr. Berube stated we need to wait to see what happens. When the water level goes down, we will get into it again further.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the October 27, 2016, Meeting**

Mr. Berube reviewed the minutes and requested any additions, corrections, notations, or deletions.

Ms. Kassel stated page 30 in the middle said that I asked something. I do not think it is exactly right, but it is not a big deal so we can approve the minutes as presented.

On MOTION by Ms. Kassel, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to the minutes of the October 27, 2016, meeting.
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**FOURTH ORDER OF BUSINESS**

**Subcontractor Reports**

**A. 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 or on the website.

Mr. Mansfield stated things continued to improve during the month with our maintenance team. Details are getting better. I think Mr. DaQuan Bennett, our site manager, is growing into this position very well in putting out the effort and in getting the job done on general maintenance. He has a lot still to learn on the technical issues that we discussed at the last meeting. That part seems to be going much better. During the month, we continued pruning trees, which is probably about 70% done. We will continue doing that a couple days each week until it is complete. The annuals are installed except for a few areas, only because we put too many in the other areas to make them look better. We used the right number of flowers, but we need more to finish those areas. Tomorrow, 400 additional flowers are coming in, and we will finish that work. The replacement for the salvia is installed in Ashley Park.

Mr. van der Snel stated because the deer will eat them, we decided to put foxtail in there. The foxtails that came in were very little, so we decided to relocate those foxtails to Ashley Park which needed an upgrade. I think today they put in jack frost.

Mr. Mansfield stated they were going to put in jack frost and they are here on site, but when we started to install them, we found so many roots that we were afraid they were going to damage the trees. We decided to wait until tomorrow when Mr. van der Snel is onsite. We are looking to make the beds a little bigger, so we can put them in and make the same thing work for you. We want to make sure you are okay with the beds where we will be planting them tomorrow.

Mr. Berube asked would the salvia have replaced something in another area?

Ms. Kassel stated I provided salvias from my yard that were going to be kept for several weeks to acclimate from being in the ground to being in a pot to get over their shock before they were planted. I do not know what happened to them, but they never got planted.

Mr. van der Snel stated the salvia plants were not maintained by a previous employee of Davey, and they died.

Mr. Mansfield stated that goes back quite a few months.

Mr. van der Snel stated Davey asked what to put in, so we discussed the salvia. That area has a lot of deer, and they will eat the salvia.

Ms. Kassel stated they have never eaten the salvia in my yard.

Mr. Berube stated my underlying question is if Davey is replacing the salvias that died.

Mr. van der Snel stated no. Mr. Mansfield and I decided not to put in salvias because of the deer. So we used foxtail, which is a green plant.

Mr. Berube stated foxtail replaced the salvias.

Ms. Kassel stated but they did not get put around those trees because they were too small. That is why jack frost plants are being installed.

Mr. Berube stated ultimately, we will receive some plants to replace the salvias that were damaged.

Mr. Mansfield stated yes. Hopefully tomorrow when the jack frost is all planted, that project is complete. The struggling trees in the back of the newer area by a park that are thinning out and do not look very good were fertilized. We will fertilize them again the

first week in December. I brought Dr. Ahmed Ali through about a week ago. He looked at them and said we basically have the same condition that they have everywhere else, which is soil conditions. He said if we keep fertilizing them more often than we normally would and if we have to prune them back this year, they should come back very well. We will fertilize one more time. If they do not show some immediate progress, he wants us to trim them back. We are still missing the magnolia tree, and that is totally my fault.

Mr. Berube stated I have been noticing, and it gets pushed back on the ground-zero list, along with a few other things.

Mr. Mansfield stated I will order that tomorrow. I apologize for overlooking that.

Mr. Berube stated last month, you indicated that you and Mr. van der Snel were going to decide to put in something else, which may be complementary to the big one that is already there.

Mr. Mansfield asked are you okay with that?

Mr. Berube stated I think so. Having two of them side by side was a little overdone anyway. Maybe you can have two or three of them, but something needs to be put there. It is a big brown area.

Mr. Mansfield stated I will get it started and make sure it happens.

Ms. Kassel stated it is not only Mr. Berube's decision to make. Mr. Mansfield only asked Mr. Berube.

Mr. Berube stated I understand. Everyone can comment if you want.

Ms. Kassel stated from my point of view, it depends on the materials you get in and what they look like. If it is three tiny trees, then no.

Mr. Berube stated I think it is understood that we do not want any tiny trees. We want something that is complementary to what is there.

Ms. Kassel asked does this list include the ferns that were supposed to go under the oak trees and all the plant material that was put in under contract that did not get maintained and died? Many ferns under the pines on Cat Brier in Long Park, French trees, the tabebuia tree, and a number of plants were installed but died and were never replaced. It is thousands of dollars of plant material that did not survive and were supposed to be warrantied, but nothing has happened for well over a year.

Mr. van der Snel stated those are not on the ground-zero list. The tabebuia tree will be credited for \$490.

Ms. Kassel stated that particular area looks bad.

Mr. Berube asked did both tabebuia die?

Mr. van der Snel stated no, only the one across from the Primrose Willow dog park. The ferns were never on the ground-zero list. That is up to Mr. Mansfield to decide if he wants to warranty them.

Ms. Kassel stated a number of other plants were also installed by Davey, but I do not think they were on the ground-zero list. I wanted to bring them to your attention.

Mr. Berube stated perhaps Ms. Kassel can detail that list and send it to Mr. Mansfield to make sure everything is covered.

Ms. Kassel stated yes. I will ask Mr. Moyer to pull up any additional Davey proposals from the last 18 to 24 months for plants that were installed not under contract but as additional proposals.

Mr. Walls stated from a more general perspective, Mr. van der Snel mentioned a month or so ago that he was spending a lot of time managing Davey issues. Has that gotten better over the past couple months?

Mr. van der Snel stated a little.

Mr. Walls stated hopefully it is moving in the right direction.

Mr. van der Snel stated yes, slowly. I am very cautious by saying that. Communication is still a problem. Structure is still a problem. Those are the two items that I mentioned in the beginning, about five months ago, and it is really going slowly.

Mr. Mansfield stated but the results are getting there.

Mr. Walls stated my point is that one of your talking points each month is that your people are learning, which is fine. But we are paying our money to Davey for a service that should be done professionally without us having to worry about waiting for your people to be trained. That is on Davey, not something we should have to deal with. In the next month or two, I want to see a pretty big improvement. I do not want Mr. Mansfield to come here and say you are trying to teach your crews how to do things they should already know how to do. I am looking to you to employ the right people to do that now. I am getting kind of tired of it.

Mr. Mansfield stated I understand what you are saying. I will be very frank and say that the condition of the property is getting better.

Ms. Kassel stated I disagree.

Mr. Walls stated I also disagree. I think right now, it is looking worse than it has in a long time. I take walks and drive in the community. I see weeds in all the grass and no mulch in the flower beds. It is looking pretty rough. I see a lot of dead material. We have not had that problem for quite some time. I have been on your side the past few months. I have been trying to bring everyone together, but my patience is growing thin.

Mr. Mansfield stated we replaced a lot of the dead plants with azaleas this week, and mulching is planned for the last of this month which is scheduled December through January. You cannot expect it to be there until the scheduled time.

Mr. Walls stated there are issues with that, and we were told it was going to last a long time. I just need to see some improvements over the next couple months, or else we are going to have to try something different.

Mr. Mansfield stated frankly, I would strongly disagree that it has not gotten much better.

Mr. Walls stated we have a difference of opinion.

Mr. Mansfield stated we do. From where it was to where it is today, it is better. It is tracking in the right direction quickly on the maintenance.

Mr. Walls stated our residents are the ones paying the bills. Our satisfaction should be your concern.

Mr. Berube stated I think it is fair to say that we were on an even level with Davey where everyone was pretty happy. When there was an issue, we spoke to the prior management, and things got handled. Earlier this year about February or March, the management changes started at Davey. I think we fell into a pretty steady decline in overall service. I will agree with Mr. Mansfield a little that things have improved; however, we are nowhere near our original level. We might be one-third of the way back up that hill. As you know, I monitor the communication going back and forth, and I purposely stay out of it and just watch. I think Mr. van der Snel is right that communication is a problem.

Mr. Mansfield stated I want to separate the two. I agree on the communication being an issue. I met with Mr. van der Snel earlier this week, and I totally agree with that. It has to change and get better. That is something we have to do. If you take away that portion, the rest of the stuff has improved dramatically. We will have completed all the tree

trimming, and all the mulch will be in the beds by next month. That will address the weed issues and everything else.

Mr. Berube stated I agree that you are climbing back up the hill. It is slow, but there is steady improvement. We have a long way to go.

Mr. Walls stated my point is that we should not be climbing up hills. We pay for a level of service, and that is where we should be. The fact that we had to do this is a problem. It is taking so long to get back up, which is also a problem.

Ms. Kassel stated we had a number of months of sub-par performance when we are paying full price. That is what is really rankling us. The fact is, we are still seeing a lot of dead material and things that are not looking healthy.

Mr. Mansfield stated I hear that, but it is unfair to me to say this when we already have a plan to do the sod in December. I am taking care of all the plants and everything else. Maintenance is improving. I have more crews out there doing work than we budgeted for. We continue to do that even on the weeks when we do not mow. We have a full staff working all the time and are doing everything that can be done to get it done fast and get to the level you want. As soon as the mulch is done, the sod will be done, and we will work on the plant material that we discussed. I do not think what you are saying is fair. I know from an appearance standpoint, you do not see the mulch but you see the brown grass.

Mr. Walls stated it is not just me, but everyone who drives into our community sees that.

Mr. Mansfield stated we all agreed that mulch would be done in December, so that is unfair to comment that you do not see it when it is not December yet.

Mr. Walls stated all I am saying is that we should not have gotten to that point. It should not take forever to get out of that point.

Mr. Mansfield stated I do not feel we are because we are going by the schedule.

Mr. Walls stated I will give you a couple more months.

Mr. Farnsworth stated a couple items on the ground-zero list have been delayed at least twice. I flagged them. Those start to become an issue. When you set a schedule and then delay it and delay it, that becomes worrisome.

Mr. Mansfield stated that is why they are highlighted, which I did. They were either changed or behind schedule. We got the plant materials and I asked Dr. Ali to look at the

trees. We have a plan for the trees which shows as incomplete, but that is being worked on. Everything else on the list will be done in the next week. I am comfortable that we made note of it, which is why I highlighted it. We are not sidestepping it at all.

Mr. Berube stated everything on this list should be completed since December is the last month. I think Mr. Mansfield has heard the Board's dissent. We can beat you up all night, but it will not do any good. We meet four weeks from now, and we will have another discussion. Then we will know if our words have had any impact.

**ii. Maintenance of Neighborhood I**

Mr. Mansfield asked when do you want the service to start? Mr. Qualls sent me yesterday a copy of the contract. I approved it this morning.

Mr. Berube stated based on the number of acres and the type of landscape, the whole thing is hard to figure out what it should cost because it is dramatically different from any other area we have. However, Mr. van der Snel and I discussed it, and I came up with what I thought should be a range of the price. Interestingly enough, Mr. Mansfield came right in the middle of my high and low numbers, so I think he hit it pretty well.

Mr. LeMenager stated it seems pretty reasonable. Frankly, this is difficult stuff to maintain.

Mr. Berube stated it is, but it is also different than anything we have had before. It is a different package with the banks around the pond and the trees.

Mr. LeMenager stated this is all mowing on an angle. It is difficult.

Mr. Berube stated my point was that based on my observation and on prior contracts, I will recommend that we accept the proposal from Davey.

Mr. Qualls stated before the Board accepts this proposal, I had a question for Mr. Boyd. Have you looked at neighborhood I and would you say the landscaping therein meets or exceeds the District's standards?

Mr. Boyd stated I have, and yes it does. I drove through it tonight before the meeting.

On MOTION by Ms. Kassel, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to the proposal from Davey Tree for maintenance of neighborhood I, as presented, in the amount of \$14,016.
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Mr. Berube stated we will sign this contract. I believe Mr. Moyer has a copy to be executed. This work will begin December 1, 2016.

Mr. Qualls stated if Mr. Moyer does not have a copy, my office will take care of getting it executed.

Mr. Moyer stated my copy has “draft” written on it.

Mr. Qualls stated we will send out a final version.

**iii. Tree Proposal**

Ms. Kassel stated this proposal came in 50% above what we were anticipating. I wrote to Mr. Mansfield and told him that we would be seeking other proposals. He then wrote back saying the trees would be three-inch caliper instead of 2.5-inch caliper and that they would be 13 to 14 feet high when planted rather than 10 to 12 feet high. Today, he sent me a new proposal, which still specifies 2.5 inches at breast height, which is what it was before. This says that the tree height must be 10 to 12 feet prior to planting, but the County requirement is that they be 10 to 12 feet at planting.

Mr. Boyd stated that is correct. After they are planted, they must be a minimum of 10 feet tall.

Mr. Walls asked did we verify that they are going to make us do that?

Mr. Boyd stated yes.

Mr. Berube stated we are still working on that.

Mr. Boyd stated he was pretty firm on it the last conversation I had with him.

Ms. Kassel stated I was supposed to meet with Commissioner Fred Hawkins, Jr. yesterday, but he was called out of town. My appointment is not until the 30<sup>th</sup>.

Mr. Berube stated I think it is around Commissioner Hawkins at this point because he turned it over to a deputy County administrator, Mr. Johnson. I got really busy and only got back to it today and sent pictures of the area we are trying to modify versus the existing walk paths. They keep calling this a sidewalk, and it truly is not. I took some pictures and gave him an explanation. I sent it over today. He is pretty quick to respond, but I have not received an answer yet. There is still some hope that we will not have to put in 34 trees. They have not said “no” yet. I used pictures of the existing walk path and said it will be a park like that. The other thing, as they mentioned in one of the notes, the trees in the ditch and the trees we are planting along Butterfly now might be able to be included in the final proposal for the new walk path. I brought all that into my conversation with him today, and they have to work that out. I do not think we are at the point of having to make a decision yet because the permit is not yet finalized. They will

not finalize it until we know what the landscaping is. Now we know what the numbers are for the trees. I think we will probably be pretty close to it.

Mr. Walls stated it sounds like some modifications need to be made to that proposal if we do, in fact, have to meet that requirement.

Mr. Boyd stated since it says canopy tree, I do not know if a crepe myrtle will qualify if they enforce the requirement per code.

Mr. Berube stated the next step is what they come back with, either yes or no to modifying it. If they will not let us modify it, then are these two lines of trees on either side able to be counted? Once we know the answer to that, then we will know what the landscape plan has to be. Then I think we can make some decisions. Hopefully by next month, we will have all this nailed down.

Mr. LeMenager stated or we just do not do it. When people come to complain, we send them to Commissioner Hawkins. We can tell them that we tried to do everything for them, but the bureaucracy at the County level said “no.” They should not complain in our meetings but go to the County Commission and make their voices heard.

Mr. Berube stated my point to Mr. Johnson is that we are not putting in a sidewalk that is fronting houses. We are building a park that needs to look like what already exists. This is a walk path through a park. We are trying to get around this sidewalk requirement.

Ms. Kassel stated that is literally what we are doing.

Mr. Berube stated if they do not accept it at this level, we can always ask for a variance and say we are building a park. It keeps getting delayed, but maybe we can save buying 34 trees at \$500 each.

Ms. Kassel stated it is still an additional 20 trees at \$10,000.

Mr. Berube stated we can wait a little longer to figure it all out. Hopefully in four weeks, we will have more defined answers.

## **FIFTH ORDER OF BUSINESS**

### **Developer's Report**

#### **A. Waterside**

Ms. Sambuca stated parcel O – Waterside – is now under contract with a home builder, which is Meritage Homes. We anticipate closing on those lots by the end of the year. You will see construction most likely during the first quarter of 2017.

Mr. Berube asked are they doing the whole parcel?

Ms. Sambuca stated yes, all 67 lots. The park equipment is scheduled to be installed soon. We talked about that over the past couple months to put a few play structures on each side of a small park on each cul-de-sac. The mailboxes are also being installed next week, so it will be fully complete and ready for the home builder soon. Fortunately, we have not had any rain recently, so the washout will be a little better and landscaping will be wrapped up. It will establish, which will allow the park equipment to come in, as well. We expect turnover to the CDD around February or March 2017, so you can budget for that. The street lights have also been installed.

**B. Fencing Along U.S. Hwy 192**

Ms. Sambuca stated we know this fence has been a problem for a while. We have received concerns from residents, as well. After deliberation, Mr. Bob Glantz has spoken in the past about maintaining that fence. Over the past couple weeks, we brought in a crew to do the work. You will notice some areas have been cleaned at each entrance, east and west. We removed a portion in front of Arthur J. Gallagher Boulevard at the entrance to the high school in front of the conservation area. That portion was extremely black, and even with pressure washing, it would have looked gray. We removed that portion, and we are bringing a crew back onsite to finish the remainder of the pressure washing, probably for another week of work.

**C. Residential Owners Association**

Ms. Sambuca stated within the past month, First Service has employed another assistant to be in the office a couple days a week. Her name is Dora. That will be helpful for residents. It is more productive to get things moving. Along with that, we encourage residents to provide their email addresses for the email blast list that First Service and the community committees can use. They are planning some awesome events, especially for December. They have some holiday items as well as the clubhouse events that we invite residents to attend. Tell your neighbors so we can get them on the list.

**D. CalAtlantic**

Ms. Sambuca stated we will have CalAtlantic at the information center. Currently they are at their model homes, which is six homes. We feel as a whole that it would be more productive for everyone if they had space in our offices. It will assist visitors, as well, for the active adult community.

**E. Town Hall Meeting**

Ms. Sambuca stated we are scheduling another town hall meeting, which meetings are held semi-annually in the clubhouse. We anticipate that to be January 18 or 19. We will

select a date, so be on the lookout for a save-the-date invitation in December sometime. That gives an opportunity for residents to ask any questions, and we will give updates on the whole community, as we have done in the past.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**A. Engineer**

**i. Status of Butterfly Drive Sidewalk Permitting**

Mr. Boyd stated we discussed this briefly earlier in the meeting.

**ii. Canoe Launch Facility**

Mr. Boyd stated we researched and determined that a permit modification to the original permit is required to make any improvements that are above and beyond what was there before, which is what you want to pursue. Mr. Randy Austin is the environmental consultant who did that permitting originally. He is coming out tomorrow and will provide a proposal for permitting those improvements after his site visit with Mr. van der Snel.

Mr. Walls stated I think we need the developer to be on board with that.

Ms. Kassel stated it is their property.

Mr. Boyd stated I believe it is developer-owned property, so they would have to sign the application. I do not expect to have any problem with that.

Ms. Sambuca stated I do not foresee any problems.

**iii. Neighborhood I Pond**

Mr. Boyd stated SFWMD is pushing for us to transfer the permit to the CDD as the operating entity. I will ask the Board consider accepting the stormwater management system for operation and maintenance. I have the form with me tonight for the chairman to sign.

Mr. Farnsworth asked is that different from this proposal for neighborhood I?

Mr. Boyd stated yes.

On MOTION by Mr. Walls, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to transfer the stormwater management system for neighborhood I to Harmony CDD for operation and maintenance.
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**iv. Neighborhood F**

Mr. Boyd stated the permit modification will be submitted next week. As soon as SFWMD issues the permit, the work will be done on that pond. Fortunately, it will

coincide with the dry season that we are in now, so we will be able to catch up before the wet season gets here.

**B. Attorney**

There being nothing to report, the next item followed.

**C. Field Manager**

**i. Facilities Maintenance** (*Parks, Pools, Boats, etc.*)

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

**ii. Facilities Usage** (*Boats and Others*)

The monthly facilities usage report is contained in the agenda package and is available for public review in the District Office during normal business hours or on the website.

**iii. Facebook Activities**

The monthly Facebook activities report is contained in the agenda package and is available for public review in the District Office during normal business hours or on the website.

**iv. Proposal from The Dock-Ters**

This item not being discussed, the next item followed.

**v. Miscellaneous**

Mr. Berube stated I would like Mr. van der Snel to expand his comments on Davey. He and I meet frequently during the month, but I think the Board needs to be involved in some of that.

Mr. LeMenager stated I think these conversations should take place when Davey is here. I appreciate that it is on the record, but why would you ask him this now rather than when Davey was here?

Mr. Berube stated to tell you the truth, I think it would be more frank.

Mr. van der Snel stated I already expressed my concerns with Davey to the Board. I think the Board is also seeing that the decline is there, especially in the sod and in the decisions they make. The hedge at the dog park is destroyed by mismanagement, in my opinion.

Ms. Kassel stated it is possible that will recover in the spring, but they trimmed all that back at the wrong time of year. They should have done it in August so it had time in September and October to grow back, or they should have done it in early February

before the spring flush. Hopefully they have not killed that material, but it remains to be seen whether that is the case or not.

Mr. van der Snel stated as an example of what I am dealing with, the Davey truck that broke down in the Lakeshore Park parking lot was there for three weeks. I had to put in five requests to get it removed. I had to threaten to tow it at their expense, but even that did not get it moved. I said that I will call their boss because it was not getting anywhere. It is not being taken seriously, which is a problem. Communication is connected to the whole situation. I want to make the Board aware that is occurring. A tree had to be cut down on Blue Stem, and it was the same scenario. It took four weeks and five attempts to get it removed. That tree was a hazard; it was almost falling down after Hurricane Matthew. These are my communication issues, and I keep Mr. Berube in the loop to let him know what is happening. I feel it is babysitting. My concern for the future is if this will change and if we will be able to walk on promises or on improvements. It is also what Mr. Walls said.

Mr. Walls stated perhaps I was too stern with them.

Ms. Kassel stated I thought you were fine.

Mr. Berube stated no, you were not stern enough.

Mr. Walls stated the issue for me is that I was giving them time to fix that stuff. To me, two to four months is enough time. I do not see a big improvement. They say they are working toward it, which is great, but my point is that we have been paying for a professional service all along that we have not been getting. I think we really need to encourage them to get this done, and if they do not, then we need to start the RFP process. At the last meeting, I suggesting doing that in March. I am open to starting that process earlier if they continue down this road.

Mr. van der Snel stated the main thing that happened was in February or March when Mr. John Rukkila left. It came to a decline, which was not our fault as their client. We told them that the community has fallen into decline.

Mr. Walls stated I get the impression that we do not matter to Davey much. I do not know if we have done it already, but maybe we need to go above Mr. Mansfield and talk to his boss. I do not know who that is.

Mr. van der Snel stated I do.

Mr. Walls stated I think we need to do that. I think we are at that point.

Mr. Berube stated let us go back a couple months. The Board decided to send a letter to Davey, informing them of our displeasure in what is going on here. That went to the Celebration office, and Mr. Mansfield is in charge of that office, so it did not go any farther than him. I think we need to take that letter and send it to Ohio. I am not sure what else to do.

Ms. Kassel stated what I am hearing from Mr. Mansfield is a lot of resistance.

Mr. Berube stated yes, defense.

Ms. Kassel stated yes, and I do not hear much recognition of our concerns and not taking our concerns as seriously as we would like to see them taken.

Mr. Berube stated I think we need to send a letter to Mr. Mansfield's supervisor in Ohio. I think that is warranted at this point.

Mr. Walls stated I think it needs to include everything that they are currently deficient on, including the extra jobs they did and the materials they should be warrantying. We need to describe all the areas where we are having issues and not getting help from their employees.

Mr. Berube stated my concern is the amount of time Mr. van der Snel spends with Davey. He has other people he needs to supervise. We pay for five staff members, and he has his hands full. Now he has a group of six people from Davey that he has to monitor all the time.

Mr. Walls stated we should not have to do that. We should get a report from them, telling us what they are doing. Other than that, we should not be doing anything.

Ms. Kassel stated I would like to hear from Mr. Moyer as to his thoughts on what is happening and the idea to send a letter to someone above Mr. Mansfield.

Mr. Moyer stated I think it is warranted. Part of the reason we sent the letter to Mr. Mansfield, expressing the Board's concerns, was because I believe in giving people an opportunity to perform before you go to their boss. I never particularly like that method of going around someone to go to their boss. Based on what I am hearing in these discussions is that Mr. Mansfield is performing but not at a level that we are satisfied with. The only other place we can go is to his boss. I am fine with that.

Mr. Farnsworth asked so you would recompose and possibly expand what you sent before?

Mr. Moyer stated yes.

Ms. Kassel stated we did not have the ground-zero list.

Mr. van der Snel stated I created that list.

Ms. Kassel stated but we did not include it in the first letter.

Mr. Berube stated and things keep getting pushed back. They are not going to meet their December targets.

Mr. Farnsworth stated it does not look like it to me.

Mr. Berube stated we will ask Mr. Moyer to send a new letter.

Ms. Kassel stated it will take a little while because I need to see those proposals and then review what has survived and what has not.

Mr. Berube stated I was a little strong a couple months ago when I recommended withholding money from their invoice, but I knew where we were heading when I said it, and that got his attention. To the point Mr. Walls made, we have been paying our full monthly invoice amounts. Have we received all the bills that are still outstanding? We have months of bills for F and H-2.

Mr. Brill stated I spoke with the accountant, Ms. Tiziana Cessna, and I have an email from Mr. Mansfield to Ms. Cessna saying not to worry that they billed us. My concern is they may have billed us internally, but we still do not have invoices. I spoke with him outside and said that if we do not have his invoices by November 30, then I will have to let the Board know. It will affect the accruals and the audit process. The accrual will go against fund balance, and we will pay it from fund balance. We want to apply it to last year's books so we can include it in the audit. He said that it was the senior vice president's assistant who sent the bills and assured him that they sent the invoices. He would be speaking with her again and have her forward them to the accountant. I asked him to get it done before November 30 so we can get them paid.

Mr. Berube stated I think we beat it enough. We all get the point. We will send a new letter, and we will look to Mr. van der Snel to let us know how things are going.

Mr. Farnsworth asked do you have an update on the playground equipment?

Mr. van der Snel stated we are in the process of permitting. The contractor has asked for information from me, and that is where we are.

Mr. Farnsworth asked nothing new to report?

Mr. van der Snel stated no. I really cannot start grading or any other groundwork until it has been permitted.

Mr. Farnsworth asked do you have anything to report on that log?

Mr. van der Snel stated I tried through social media to reach Ms. Kia Ricchi. She has her own company, but I have not had any news. For safety purposes, I bought some material, and it will be fixed next week.

Mr. Berube stated we will do it ourselves.

Ms. Kassel asked what is broken?

Mr. van der Snel stated it has square holes in what looks like a wood structure, but it is concrete. Mr. Jeff Boreio is really good at that. It will be done next week. The dock is still pending. The repairs have been done. The new dockmaster is doing well.

Mr. Berube stated we are using the hippo again.

Mr. van der Snel stated we had a lot of algae on one of our trouble ponds, across the road from the golf maintenance entryway.

Ms. Kassel stated it was a golf course pond.

Mr. van der Snel stated yes. It had mats of algae.

Mr. Walls asked the hippo does well with algae, too?

Mr. van der Snel stated yes. It is foam so you have to stir it up a little where the hippo is, but it works. It was worth the money.

## **SEVENTH ORDER OF BUSINESS**                      **District Manager's Report**

### **A. Financial Statements for October 31, 2016**

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 do not collect anything from the tax collector in October, which is not unusual. In terms of expenditures, administrative expenses are \$6,300 under budget, and total operational expenses are \$38,820 under budget.

Mr. Berube stated when the bills come in from Davey, at this point, it will readjust these numbers. Have we closed fiscal year 2016 yet?

Mr. Moyer stated September 30 was the end of the fiscal year, but as Mr. Brill indicated earlier, he accrued those bills. Now they need to be transferred on the financial statements.

Mr. Berube asked you will reopen fiscal year 2016 to do that?

Mr. Brill stated it will be fixed on the financial statements. We just need to receive them before November 30.

**B. Invoice Approval #199, Check Register, and Debit Invoices**

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

On MOTION by Ms. Kassel, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to invoice approval #199, check register, and debit invoices, as presented.

**C. Authorization to Enter into a Three-Year Engagement with the Selected Auditing Firm**

Mr. Brill stated the audit selection committee met today at 5:45 p.m. and ranked Berger Toombs et al. #1 and recommended the Board accept that ranking and negotiate an engagement.

On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, unanimous approval was given to accept the audit selection committee's ranking of Berger Toombs et al. as #1 and to authorize staff to negotiate a three-year engagement.

**EIGHTH ORDER OF BUSINESS**

**Topical Subject Discussion**

There being none, the next order of business followed.

**NINTH ORDER OF BUSINESS**

**Supervisor Requests**

Ms. Kassel stated I would like to recognize Mr. LeMenager for his years of service on the Board. He will be missed. I very much value his service.

Mr. Moyer stated we will present a nice resolution at next month's meeting.

Mr. LeMenager asked can I keep the tablet?

Ms. Kassel asked is that the new one?

Mr. LeMenager stated recently new. I am willing to pay for it at its depreciated value.

Mr. Walls stated it is probably pretty cheap.

Mr. Qualls stated I could look into if Mr. LeMenager could purchase it. If the District declared it surplus material, then it could be purchased. The answer I know is right is that it was purchased by the CDD, so it is CDD property until otherwise disposed of.

Mr. Berube stated if he wanted to purchase it, then the fair thing to do would be to pay fair market value for it.

Mr. Qualls stated I would ask Mr. Moyer, but I would not be surprised if there is a way to make that transaction happen. Until I look it up, the only advice I can give is to say it is District property until we figure out how to otherwise dispose of it.

Mr. Moyer stated I think we can make the determination of what the depreciable value is, and that would be the value that would have to be paid to the District. After that, we would proceed as normal and buy the new Supervisor a tablet. They do have a useful life and are depreciated.

Mr. Qualls stated any records on it, including emails, is public record, so we need to make sure we recover those.

Mr. Berube stated Mr. Moyer will make a determination and let Mr. LeMenager know.

Mr. LeMenager stated that sounds fair.

Ms. Kassel asked what is its disposition until that time?

Mr. Moyer stated it is still owned by the District. Mr. LeMenager is technically a Supervisor until November 22.

Mr. LeMenager stated actually, it is until the December meeting, which is when the new Supervisor is sworn in.

Ms. Kassel stated that is true.

Mr. Farnsworth stated I want to remind people you will need to look at the street light contracts again.

Mr. Berube stated we already decided we will look at them in January when the money is received.

Mr. Farnsworth stated part of the question was the timing of available funds. The table I updated projects paying things off in March, just for a reference point. I have one additional item that it appears Davey is addressing partially. I noticed as we were coming in, the shrub at the bear sculpture is really bad. It looks like they trimmed it back somewhat. In my opinion, that shrub should never have been that tall. It should have been four feet tall, five feet at most. They trimmed it back so at least it looks neatly trimmed, but it is way too tall.

Mr. Berube stated Mr. van der Snel will add that to the ground-one list. We have the ground-zero list, so now we need a ground-one list.

Mr. Farnsworth stated that shrub needs to be cut back way more than it is. I am glad they trimmed it and it looks much neater, but it is way too tall.

Mr. LeMenager stated years ago, I used to take walks with my shears and just cut branches myself.

**TENTH ORDER OF BUSINESS**

**Adjournment**

The next meeting is scheduled for Thursday, December 15, 2016, at 6:00 p.m.

On MOTION by Ms. Kassel, seconded by Mr. Walls, with all in favor, the meeting was adjourned at 7:05 p.m.
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Gary L. Moyer, Secretary

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Steve Berube, Chairman