

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 19, 2020, at 6:00 p.m. at the at the Grace Community Church, 5501 East Irlo Bronson Highway, St. Cloud, FL.

Present and constituting a quorum were:

Teresa Kramer	Chair
Dan Leet	Vice Chairman
Steve Berube	Assistant Secretary
Kerul Kassel	Assistant Secretary
Mike Scarborough	Assistant Secretary

Also present were:

Kristen Suit	District Manager: Inframark
Tim Qualls	District Attorney: Young Qualls, P.A.
Tristan LaNasa	Young Qualls, P.A.
Steve Boyd	District Engineer (via phone)
Gerhard van der Snel	Field Services Manager
Pete Betancourt	Servello
Residents and Members of the Public	

The following is a summary of the discussions and actions taken at the November 19, 2020 Harmony CDD Board of Supervisors meeting.

FIRST ORDER OF BUSINESS Roll Call

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

Roll was called and the record will reflect a quorum.

SECOND ORDER OF BUSINESS Audience Comments

Hearing none, the next order of business followed.

THIRD ORDER OF BUSINESS Organizational Matters

A. Oath of Office for Newly Elected Supervisors via General Election – Seat 1 – Daniel Leet, Seat 3 – Kerul Kassel and Seat 5 – Teresa Kramer

Ms. Suit, a Notary Public of the State of Florida administered the oath of office to Supv Kassel, Supv Kramer and Supv Leet, copies of which are attached hereto and made part of the record.

B. Election of Officers – Resolution 2021-04

Ms. Suit outlined the election of officers.

Supv Scarborough addressed the Chairman noting Mr. Berube has had the

position for many years. He comes from the CDD background working under Mr. van der Snel and he thinks the community knows and he knows first hand of the diligence that Supervisor Berube has put into the community, and has invested above and beyond the call of the duty for the position that he holds; he has been extremely successful with the community, the CDD and the position that he has held.

Supv Scarborough nominated Supv Berube as Chairman and Supv Berube seconded the nomination; with Supv Scarborough and Supv Berube voting aye and Supv Kassel, Supv Kramer and Supv Leet voting nay, the nomination failed. (2-3)

Supv Kassel nominated Supv Kramer as Chair and Supv Leet seconded the nomination; with Supv Kassel, Supv Leet and Supv Kramer voting aye and Supv Berube and Supv Scarborough voting nay; Supv Kramer was elected Chair. (3-2)

Supv Kramer nominated Supv Leet as Vice Chair and Supv Kassel seconded the nomination. There being no further nominations, with all in favor, Supv Leet was elected Vice Chair. (5-0)

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, Resolution 2021-04 designating officers of the Harmony Community Development District as Teresa Kramer – Chair, Daniel Leet – Vice Chair, Kristen Suit – Secretary, Alan Baldwin – Treasurer, Stephen Bloom – Assistant Treasurer and Kerul Kassel, Steve Berube and Mike Scarborough as Assistant Secretaries was adopted. (5-0)

FOURTH ORDER OF BUSINESS

Public Hearing: Brownies Septic & Plumbing LLC Contract

Supv Kramer inquired if anyone was present representing Brownies. Hearing no one, she inquired if they were noticed.

Mr. Qualls noted he believes so and confirmed that he did so via email. He noted his advice is to give them another opportunity at the December meeting.

Ms. Kramer noted they will table to December and inquired if they can send a letter asking Brownies to confirm that they will be present.

Mr. Qualls noted they will.

FIFTH ORDER OF BUSINESS

Approval of the Minutes

A. October 29, 2020 - Regular Monthly Meeting Minutes

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, the October 29, 2020 regular meeting minutes were approved. (5-0)

SIXTH ORDER OF BUSINESS

Subcontractors' Reports

A. Servello

i. Grounds Maintenance Status

Mr. Pete Betancourt reported at this time the Bahia is behind. The machine has been in for repair for the past week and was just back today and they will start mowing the Bahia on Monday.

Mr. van der Snel noted the tree trimming has been fast forwarded after some concerns and should be done in the next couple of weeks.

Mr. Betancourt stated they will be back on Monday.

Supv Scarborough inquired if Servello has a short week next week.

Mr. Betancourt noted they do.

Supv Berube addressed the prior discussion areas with tree rings along Cat Brier and a couple of other areas and inquired if there is a proposal for the Liriope?

Mr. Betancourt noted he will follow-up with Mr. Feliciano on it; he has not had a chance to go over it with him.

Supv Berube noted they other open item is the touching up the inner street trees while the tree trimmers are onsite.

Mr. van der Snel stated it is bi-annual so the inside trees will happen next year, but the low hanging branches will be taken care of.

Supv Kramer noted there is an item on the agenda to accept a deed of a berm that would add to the landscape maintenance contract.

Supv Kassel noted she believes they are already paying to maintain it.

Mr. van der Snel noted the deed is for along side the entrance of Cat Lake. This will also need to be added as an addendum.

Supv Berube noted Supv Kramer previous brought up mistletoe in the trees along Cupseed.

Supv Kramer noted there were several that she provided photos and information on the location.

Supv Berube inquired if they were done.

Supv Kramer noted she has not noticed if it has been done.

SEVENTH ORDER OF BUSINESS

Storm Drain Pipe Failure Update

Supv Kramer noted this was part of the hearing and inquired if there is any other information that needs to be provided.

Supv Berube addressed approving engaging Devo Engineering noting he inquired a couple of times and other things and some answers came in late today, but he does not know where the soil penetrometer test stands.

EIGHTH ORDER OF BUSINESS

Staff Reports

B. District Attorney

Mr. Qualls gave an overview of the Sunshine Law, emails and Facebook postings. He also addressed public records and using the Harmony email address rather than a personal email and avoiding texting about District business.

Supv Kramer addressed calls between a Supervisor and staff.

Mr. Qualls addressed the TOHO easement with the road regrade noting they worked to make sure the is language for after their work is done they will regrade the road to the satisfaction of the District Engineer.

i. Discussion and Consideration of Accepting the East Lakes Parcel J Berm Deed of Dedication

Mr. Qualls addressed the dedication noting Mr. Boyd verified the ownership was consistent with the language in the deed of dedication. He further noted they did not see any issues in the deed of dedication.

ii. Update on Fusilier Litigation and CDD Irrigation Infringement Injunction

Mr. Qualls reported they filed today a motion for emergency injunction, and they will let them know they status of it and try to get the earliest possible hearing. He suspects it will be a Zoom hearing and anybody can access it.

Mr. Qualls reported the Servello contract expires September 2021. Under the Competitive Procurement law, they would have the ability under Statute to renew the existing contract for a period of three years. It is just something to think about and may be a good option.

The last item is he had said he would bring forth a proposal to try to do what they can to help plan for legal fees in the future. What the proposal would be is a \$5,000 per month retainer that would save them roughly \$26,000 over and above what they spent this past year. Included within the retainer would be all the work they do for the District plus any out of court work they would do in litigation. Depositions and court appearances are not included.

Supv Berube clarified \$5,000 per month for \$60,000 per year save for extraordinary costs.

Mr. Qualls noted in court litigation.

Supv Kramer noted they will take it under advisement and bring it up at the next meeting.

Mr. Qualls noted the total amount from December 2019 to November 2020 the average monthly costs was \$7,507.00 and backing out the litigation it is closer to \$6,000.00.

A. District Engineer

Mr. Boyd noted Devo Engineering will be completing the compaction testing at the pipe tomorrow. He will forward the results as soon as they are received.

Discussion followed on the garden road and quotes for concrete finds. Mr. van der Snel noted he provided some quotes to Mr. Boyd.

Supv Berube addressed the quotes received noting they did not include compaction to a certain density and should be part of the contract.

Supv Kramer noted they will need to look at it to make sure they have a proper scope of work.

Supv Leet noted under New Business they have the section of CDD property that is adjacent to wetlands.

Supv Kramer inquired if this is Billy's Trail.

Supv Leet noted it is.

Mr. Boyd noted he has not been onsite yet and will be doing a site visit next week.

Discussion continued on the trail with it being noted it is on the edge of wetlands and there was a survey done about a year ago.

Supv Leet inquired if they need Mr. Boyd's input on the proposed move of the crosswalk.

Supv Kramer inquired if Mr. Boyd has seen the full agenda.

Mr. Boyd noted he has and can review the information sent by the County.

Supv Kramer noted her concern is whether it was a requirement of the PUD for the crosswalk to be close to 192 and if the Highway Dept would require them to maintain the crosswalk.

Discussion continued with it being noted there is a crosswalk there that was paved over.

Mr. Boyd noted it is not a requirement of FDOT, it is a county-controlled issue and he does not know that the CDD is required to do anything.

Ms. Kramer noted it does seem to be a dangerous situation with cars coming in off of 192. In her estimation the cost would be \$3,000.00 to \$5,000.00 to move it. It would link two existing roads and sidewalks and inquired if there is any reason not to consider it.

Mr. Boyd noted there is not. There is no stop sign at this location but the County did propose putting up crosswalk signs along with the crosswalk.

Supv Kramer inquired if there is any reason to hold it up today.

Mr. Boyd noted not that he is aware of. He will contact the County Engineer to ask if he needs the District to prepare anything.

Discussion followed on obtaining the costs for the sidewalk and curb cuts.

B. District Attorney (continued)

iii. Discussion of Solicitation Policy (updated)

Supv Berube noted he likes the revision done by Supervisor Kassel.

Supv Berube MOVED to approve the revised Solicitation Policy and Supv Kassel seconded the motion.

Supv Kramer addressed her understanding of why the Solicitation Policy came about and her concerns of adopting a policy.

Mr. Qualls noted if you are going to allow one group to put something up then you have to allow everybody, but Supervisor Kassel has included *“All forms of solicitation and distribution are strictly prohibited at all times on any community property, unless previously and explicitly authorized by the District Board of Supervisors”* and if a group has filled out the form and is going to have an event with signage, if the Board looks at it and approves it that may alleviate the concern about not being able to have any signage at all.

Discussion followed on the Farmer’s Market and a usage application.

Supv Berube outlined the history of the menu issue.

Discussion continued on whether there is a need to have a policy.

On VOICE vote, with all in favor, the motion was approved. (5-0)

C. Field Manager

- i. Facilities Maintenance (Parks, Pools, Docks, Boats, etc.)**
- ii. Facility Use Records (Inclusive – Boats & Other)**
- iii. Resident Submittals (Facebook & Direct)**
- iv. Pond Maintenance (Chart & Map)**
- v. Wetlands Report (Chart & Map)**

Mr. van der Snel noted his reports were in the package and inquired if there were any questions or concerns.

Supv Kramer inquired if the play structures are inspected for rust and such and are those issues addressed.

Mr. van der Snel noted they do every Friday or Saturday. He addressed the play structure at the dog park and its poor condition that is not fixable.

Supv Kramer addressed the pond maintenance and an excessive amount of torpedo grass and cattails that are interfering with waterflow. She noted she has not seen this in the reports and inquired if they are updated regularly or quarterly.

Mr. van der Snel inquired if they are interfering with waterflow.

Supv Kramer noted she will be happy to meet with him to show him the areas. She inquired about the Old World Climbing Fern.

Mr. van der Snel noted there are areas that are a 40-foot wall and they have purchased a bush hog to cut a path through.

Supv Kassel inquired about the drain from the swings to the pond.

Mr. van der Snel noted he will be in touch with Supervisor Scarborough about putting in a drain and a list of supplies he will need.

NINTH ORDER OF BUSINESS District Manager's Report

A. Financial Statements for October 31, 2020

B. Approval of: #247 Invoices, Check Register and Debit Purchases

Ms. Suit noted she would be happy to answer any questions.

C. Discussion of Reserves – Sidewalks

Ms. Suit noted the Arrow Paving invoices can be reallocated to Reserves. Her question to the accountant was when the reimbursement check is received does it go to the General Fund or returned to Reserves.

Discussion followed on Reserve funds and line items.

On MOTION Supv Kramer seconded by Supervisor Berube, with all in favor, reallocating Arrow Paving invoices paid out of R&M Sidewalk to Reserve – Sidewalks & Alleyways and Insurance Reimbursements to be allocated to General Fund was approved. (5-0)

On MOTION by Supv Berube seconded by Supv Kassel, with all in favor, Invoice Approval #247, Check Register and Debit Purchases was approved. (5-0)

D. Facilities Usage Applications

i. Harmony Community Church Christmas Eve Service

Ms. Suit outlined the application - it is anticipated to be 100 plus attendees in all age groups on December 24th from 5:30 p.m. to 8:00 p.m.

Supv Kramer inquired if they will be complying with all CDD requirements.

Ms. Suit noted yes, and they have signed the waiver.

On MOTION by Supv Leet seconded by Supv Berube, with all in favor, the Harmony Community Church usage application, with no fee, was approved. (5-0)

ii. Soccer Shots – Soccer Instruction for Ages 2 to 8

Ms. Suit outlined the application – 2- to 8- years old from January 10th to June 25th from 5:00 p.m. to 7:00 p.m. on Fridays. The District charges them \$200.

Supv Leet inquired how the soccer field is looking. Has there been an impact from them using it in the past?

Supv Kassel noted the field is not in great shape but she does not know that is due to Soccer Shots.

On MOTION by Supv Leet seconded by Supv Berube, with all in favor, the Soccer Shots usage application with a fee of \$200 was approved. (5-0)

TENTH ORDER OF BUSINESS Old Business

A. Survey – Cost for HROA Mail Survey

Supv Berube noted the got with Mr. Mark Hills who noted a letter would be cheaper than a postcard – there 1,128 addresses for a total cost of \$1197.45.

Discussion followed on letter versus postcard and providing the link information for Survey Monkey in the letter.

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, the Survey Monkey mailing by the HROA at a cost not to exceed \$1,200.00 was approved. (5-0)

Supv Kassel will coordinate the survey on Survey Monkey and Ms. Suit will provide the letter/survey link to the HROA.

ELEVENTH ORDER OF BUSINESS New Business

A. Discussion and Consideration of Trail/CDD Property/Wetland Area Cleanup

Previously addressed.

B. Discussion and Consideration of Osceola County Traffic Operations Request

Supv Kramer outlined the request from Mr. Yeager at Osceola County to move the crosswalk at Five Oaks Drive near US 192.

Mr. van der Snel will obtain a quote for the sidewalk and curb cuts.

Discussion followed on the crosswalk. Supv Kramer noted she can approach them about installing a solar-powered motion activated flashing red light.

TWELFTH ORDER OF BUSINESS**Topical Subject Discussions**

There being none, the next item of business followed.

THIRTEENTH ORDER OF BUSINESS**Supervisors' Requests**

Supv Leet inquired as to having item placed on the agenda for discussion.

Ms. Suit noted it is preferable if it requested at the meeting to be placed on the next agenda.

Supv Leet requested for a future meeting revisiting the video recording of meetings. He will update his information for discussion at next month's meeting.

Discussion followed on the prior discussions on the matter with it being noted Mr. Qualls will provide the prior research regarding records retention and ADA compliance.

Ms. Suit noted there was no action of the Deed of Dedication.

On MOTION by Supv Kassel seconded by Supv Scarborough, with all in favor, the East Lakes Parcel J Berm Deed of Dedication was accepted.

Supv Kramer noted she would like to work Mr. Qualls to expand the District's procurement procedure. She addressed the City of St. Clouds procedure with anything over \$25,000.00 going to the full advertisement and sealed bid process, anything from \$3,000.00 to \$25,000.00 is a competitive bid, and \$0 to \$3,000.00 is purchased on the open market. She would also like to include piggybacking on contracts by other local governments and additionally finding a way to relieve Field Services of this responsibility due to their workload. There was no objection to working with Mr. Qualls on this matter. Further she addressed the workload of field staff noting they have had a lot of projects moved their way. She would like to work with Mr. van der Snel to understand all the projects they have. Lastly, she addressed virtual meetings should the Governor reinstate the Executive Order waiving the physical quorum.

On MOTION by Supv Kramer seconded by Supv Kassel, with all in favor, to hold the CDD Board meetings virtually if the Governor reinstates the Executive Order waiving the requirement for a physical quorum was approved.

Mr. Qualls noted the CDD Rules do allow people attending virtually even if the Governor does not waive it if somebody wanted to call in.

Supv Leet confirmed that would still require a physical quorum in the room with it being noted that is correct.

Supv Kassel requested should they move to a virtual meeting they get a commitment from Board members and staff to be on camera.

FOURTEENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, the meeting was adjourned.

Kristen Suit
Secretary

Teresa Kramer
Chair