

MINUTES OF MEETING HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, January 28, 2021, 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
Dan Leet
Steve Berube
Kerul Kassel

Chair
Vice Chairman
Assistant Secretary
Assistant Secretary

Also present were:

Kristen Suit
Tim Qualls
Tristan LaNasa
Steve Boyd
Gerhard van der Snel
Pete Betancourt
Residents and Members of the Public

District Manager: Inframark
District Attorney: Young Qualls, P.A.
Young Qualls, P.A.
District Engineer
Field Services Manager
Servello

The following is a summary of the discussions and actions taken at the January 28, 2021 Harmony CDD Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Supv Kramer called the meeting to order at 6:00 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. TJ Ledbetter, Feathergrass Court, addressed a request for an upgrade to the playground equipment and presented a petition from the residents of Feathergrass.

THIRD ORDER OF BUSINESS

Draft In-Person Meeting Policy

Supv Kramer addressed the Draft In-Person Meeting Policy during COVID-19 pandemic.

Discussion followed on the policy.

On MOTION by Supv Kassel seconded by Supv Leet, with Supv Kassel, Supv Leet and Supv Kramer voting aye and Supv Berube voting nay, the In-Person Meeting Policy was approved. (3-1)

Ms. Kramer outlined the In-Person meeting policy.

FOURTH ORDER OF BUSINESS

Brownies Septic & Plumbing Discussion

Supv Kramer noted at the last meeting there was a substantial interest hearing with folks from Brownies. Today they need to determine what they feel is a reasonable payment for the repair done, deducting any deficiencies in the contract – compaction, re-sodding and repair of sidewalk.

Supv Berube outlined the initial work and repair contract.

Discussion continued on the contract, work and deficiencies.

Total contract for completed job - \$57,109.00 [fixed cost]

Dewatering - \$15,000.00

Sidewalk repairs, compaction and re-sodding - \$17,250.00

Mr. Qualls requested Mr. Boyd tell the Board his involvement in the project and his observations on the work done and the quality of the work.

Mr. Boyd noted his involvement was to come out the first time to see initial setup. His main observation at that time was there was not sufficient dewatering in place and what he conveyed to them verbally. After that his observations were that the project was proceeding extremely slow in the times he would stop by and no one was onsite. The other observation and concern were that he had told them not to remove any of the pipe until they had determined exactly what needed to be replaced and had the material onsite. In the last site visit they had sawed out the top of the existing pipe and laid it on the ground next to the excavation and again, no one was onsite, at that point they were talking about them possibly backfilling the hole and coming back at a later time when they could manage the water. At that point, it was no longer an option because they have an open pipe that was not repaired.

Mr. Qualls inquired if in his experience he observed and been the engineer on similar projects.

Mr. Boyd noted not replacements but on installation of pipes such as this, yes.

Mr. Qualls noted there was an additional pipe damaged and requested he relay to the Board how that came about and when it was first brought to his attention.

Mr. Boyd noted he did not recall the exact date it was brought to his attention, but the reason for it was because of sheet pilings were installed in the wrong location and

Harmony CDD
January 28, 2021

actually drove a couple of them into a section of pipe that was not intended to be repaired.

Mr. Qualls inquired if in Mr. Boyd's opinion was the fact that the sheet piling was put in the wrong place the fault of Brownies or the fault of the District.

Mr. Boyd noted it was the fault of the contractor.

Mr. Qualls inquired if the contractor should have taken the time to locate where the pipe was before driving the sheet piling.

Mr. Boyd noted before doing any excavation or ground penetration you should always identify the exact location of underground utilities.

Mr. Qualls inquired when it comes to fixing the pipe broken by the contractor, does he believe the District bares any responsibility for that.

Mr. Boyd noted he does not.

Mr. Qualls inquired if he had any discussions with Brownies about the sheet piling and the pipe that was damaged.

Mr. Boyd noted he does not recall having any conversations with them about that specific issue.

Supv Berube addressed the contract and payment - \$57,109.00 minus \$17,250.00 for the items not completed, plus \$15,000.00 for de-watering, minus \$25,000.00 deposit. The District owes \$30,000.00 in exchange for no liens or lawsuits.

Discussion continued on the work performed.

Discussion followed on the 'excessive rainfall' that was mentioned and starting from the last day of August there was well over one week where there was no rain recorded at the airport.

Supv Berube MOVED to pay Brownies \$40,000.00 which is \$57,000.00 less the \$17,000.00 quote, plus the \$15,000.00 for dewatering.

Supv Kassel noted the contract stated Brownies was not responsible for sidewalk repairs.

Supv Kramer noted the contract does allow for damages.

Discussion followed on damages – 528 SF sidewalk at \$12 per square foot would be \$6,336.00 with it being noted it should be left in the \$17,000.00

Supv Kassel seconded the motion.

Supv Kramer restated – contract of \$57,109.00, deducting \$17,250.00 for damages, compaction and sodding, add \$15,000.00 for dewatering, deducting \$25,000.00 deposit with a final total of \$29,859.00 to be paid upon receipt of releases.

Supv Berube noted there are two subcontractors involved – the diver and United Rentals for the shoring box and they need to be sure they receive releases.

Supv Leet MOVED to approve recommended final action in accordance with the foregoing, the Board hereby denies the request for additional payment of \$97,203.00 of a \$122,203.00 final invoice. The Parties entered the contract for a total of \$57,109.00. The District paid a \$25,000.00 deposit and agrees to pay \$15,000.00 for the dewatering change order. The District has actual damages of sidewalk, soil compaction and re-sodding costs which are anticipated to be \$17,250.00. Therefore, the Board approves payment to Petitioner in the final amount of \$29,859.00 on the condition that Petitioner provides the District a full release of any and all claims and liens associated with the Contract and Supv Kassel seconded the motion.

On MOTION by Supv Kramer seconded by Supv Kassel, with all in favor, to amend the motion removing sidewalks was approved. (4-0)

On MOTION by Supv Kramer seconded by Supv Berube, with all in favor, the recommended final action, as amended, in accordance with the foregoing, the Board hereby denies the request for additional payment of \$97,203.00 of a \$122,203.00 final invoice. The Parties entered the contract for a total of \$57,109.00. The District paid a \$25,000.00 deposit and agrees to pay \$15,000.00 for the dewatering change order. The District has actual damages of soil compaction and re-sodding costs which are anticipated to be \$17,250.00. Therefore, the Board approves payment to Petitioner in the final amount of \$29,859.00 on the condition that Petitioner provides the District a full release of any and all claims and liens associated with the Contract was approved. (4-0)

Harmony CDD
January 28, 2021

Supv Kramer noted Mr. Qualls will draft for signature and a check will be exchanged for releases.

FIFTH ORDER OF BUSINESS

Approval of Minutes

A. December 17, 2020 Regular Monthly Meeting Minutes

Supv Kassel noted she had sent minor edits.

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, the December 17, 2020 regular meeting minutes were approved as amended. (4-0)

SIXTH ORDER OF BUSINESS

Subcontractors' Reports

A. Servello

i. Grounds Maintenance Status

Mr. Feliciano noted they are still in the winter service with the grass being cut every other week and detailing and leaf cleanout on the other weeks. He noted the requested removal of mistletoe trees has been completed. Additionally, he met with Mr. van der Snel this week and some leaf removal and fertilization of plants and some Magnolia trees was completed this week.

Supv Berube addressed the leaf complaints received and inquire how expensive it would be to de-leaf Harmony every Fall.

Mr. Feliciano noted it would be an expensive project as they do not have just one month where leaves drop, it is multiple months.

Supv Berube addressed Liriopes for the tree rings to replace the dead/dying sod along Cat Brier.

Mr. Feliciano noted he thought a proposal was submitted; he can resubmit.

Mr. van der Snel noted the proposal was \$13,000.00; the problem is the roots all around the trees.

Mr. Feliciano noted they can amend with soil and plant the Liriope.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Engineer

i. District Engineer's Report

Mr. Boyd reviewed his written report that was included in the agenda package.

ii. Billy's Trail

a. Consideration of Trail/CDD Property/Wetland Area Cleanup

Mr. Boyd reported the dewatering is still affecting the trail and there is a bust in the silt fence that needs to be fixed again. With the silt fence there it is evident where the trail should have been on the far west end. Once the construction is done there is going to be a need to mow and make the CDD property passable. The isolated wetland is still an issue and they need to make a footpath on the proper CDD tract.

iii. Garden Road

Mr. Boyd noted as requested he contacted Florida Gas Transmission with regard to allowable improvements to the existing road. He received a response on January 18th that FGT is still reviewing the situation and any recommendations will be forthcoming. He spoke with them again yesterday and they believe they are going to be able to work something out to help the District.

iv. Compaction of Storm Pipe Repair

Mr. Boyd reported he contacted pipe supplier and the bottom line is they looked at the compaction test result and said if there was going to be a big problem it should have already shown up. He will monitor the situation.

Supv Berube inquired about regrading and re-sodding the area.

Mr. Boyd noted it should not be a problem and okay to sod now.

**** Proposed Dog Park on Five Oaks Drive**

Mr. Boyd reported he has included a draft plan.

Discussion followed on permitting and meters. There will be no sewer services needed.

Supv Kramer addressed TOHO billing for sewer at the current dog park noting if there are no objections, they will approach TOHO about ending that charge.

Mr. van der Snel noted there is a pipe going to the storm drain. The water fountains have a stone cistern that drains into the ground.

Supv Kassel noted the dog wash goes to the sewer system.

Mr. Boyd noted it goes into a storm drain.

Supv Kramer noted hearing no objections they will try and address it with TOHO.

**** Status of RV / Boat Storage Area**

Harmony CDD
January 28, 2021

Mr. Boyd reported all documents for the PD Amendment have been updated and provided to RJ Whidden and Associates. He confirmed it has been submitted and is in process and will continue to monitor.

v. Austin Environmental Monitoring Report

Mr. Boyd reported Mr. Austin confirmed he will complete the 2020 and 2021 Environmental Reports. Yesterday Mr. Austin submitted the January report as the catchup report. There were no unusual findings and remains as it was from the initial report.

Supv Kramer addressed the transects noting she would like permission to speak with the Water Management District as only one of the eight is actually on CDD owned property. If there are no objections, they would like to go forward in speaking with the Water Management District as to whether they are the appropriate party for the monitoring and remediation on the private tracts.

Mr. Boyd noted the Master Permit issued by the SFWMD requires a maintenance entity and the Harmony CDD is the maintenance entity identified in the permit and as part of the conservation easement the CDD has easements over the areas they are required to maintain.

Supv Kramer noted it cannot hurt to inquire. They will continue to do the monitoring unless released or it is transferred to the private property owner.

Supv Berube inquired if Supervisor Kramer would be making the inquiry or if the District Engineer would be.

Supv Kramer noted she will be working through the District Engineer and Mr. Randy Austin, the Environmental Consultant to have a phone conversation with them.

**** Boyd Civil Engineering – Hourly Rate Schedule**

Mr. Boyd noted the last item is a discussion item and he is not requesting any action tonight. He noted the hourly rate was established in 2012 and since that time there has been no increase. If they had been requesting the 3% per year it would put them about at the 2020 rates presented. He would like to present a formal request at the next meeting.

B. District Attorney
i. Policies

a. Draft Procurement Procedures

Mr. Qualls addressed the draft procurement policy.

Supv Kramer noted currently the District does not have a procurement policy. It does not lower the statutory limits; it is a checks and balances to make sure they have accountability in their purchasing.

The four categories, the Permission to Procure and Request for Quote forms were outlined.

Discussion followed on the draft procurement policy – clarified policy with adjustments to category limits.

Category 1 – less than \$500.00, Category 2 - \$500.00 - \$2,499.99, Category 3 - \$2,500.00 to \$4,999.99 and Category 4 - \$5,000.00 and above.

Supv Kramer will provide a summary for clarification.

Ms. Suit addressed the procurement policy with regard to the District Manager maintaining the vendor list and field service purchases. She recommended any Field Service purchase over \$500, a list be brought to the Board for approval as well as any proposals.

Supv Kramer noted currently there is no oversight.

Supv Kassel suggested if there is something the DM is uncomfortable making a decision on it could be referred to the Chair.

Supv Kassel MOVED to table to the next meeting.

Discussion followed on current District policies and where they are assembled.

Supv Leet seconded the motion.

Discussion followed on sole-source commodities with it being noted this would be TOHO and the such.

On VOICE vote, with all in favor, this item was tabled.

b. Draft Disposal Policy

Supv Kramer outlined the Disposal Policy.

Supv Berube addressed the use of auctions and removing the value of \$5,000 or more.

Harmony CDD
January 28, 2021

Discussion followed on the statutory requirement for \$5,000.00 and more.

Add an 'I.' for an auction option for a value less than \$5,000.00.

Supv Kassel MOVED to approve the disposal policy as amended and Supv Leet seconded the motion.

Discussion followed on the quarterly basis versus as needed with the consensus being 'at least a quarterly basis or as needed'.

On VOICE vote with all in favor, the motion was approved.
(4-0)

ii. Follow-up Discussion of District Counsel Billing District at Flat Fee

No action.

iii. Discussion and Consideration of Memorandum of Understanding – E-Verify

Mr. Qualls outlined the Memorandum of Understanding – E-Verify.

Discussion followed on employees, vendors, and FRM.

On MOTION by Supv Leet seconded by Supv Kassel, with all in favor, the E-Verify of Memorandum of Understanding was approved. (4-0)

iv. Davey Litigation Update

Mr. Qualls noted pursuant Section 286.011(8), Florida Statutes he is requesting an attorney-client session confined to settlement negotiations or strategy related to litigation expenditures. They will notice it for next month, if the Board agrees.

Discussion followed on the process for an attorney-client session.

On MOTION by Supv Kramer seconded by Supv Berube, with all in favor the Attorney-Client session at the beginning of the February 25, 2021 meeting was approved.
(4-0)

Supv Berube inquired as to the access to the irrigation boxes.

Mr. Qualls noted nothing has changed.

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.

vi. Update on Alley Way Repairs

Mr. van der Snel reported they have taken care of the bollards and started the back-alley repairs.

Discussion ensued on the bollards and the appearance.

vii. Plaza Proposals

Mr. van der Snel addressed the quarter rounds on the Town Square and two smaller parks.

Discussion followed on the rusted corner bead on the signs.

Mr. van der Snel to look at the entire project.

Mr. van der Snel addressed the procurement policy noting he understands the purpose.

EIGHTH ORDER OF BUSINESS

District Manager's Report

- A. Financial Statements for December 31, 2020**
- B. Approval of: #249 Invoices, Check Register and Debit Purchases**

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, the #249 invoices, check register and debit purchases were approved. (4-0)

C. Facilities Usage Applications

- i. Farmer's Market** – awaiting Mr. Fusilier's response.
- ii. Food Truck** – HROA confirmed compliance with request.

Discussion followed on the Farmer's Market with it being noted they will continue to await Mr. Fusilier's response.

NINTH ORDER OF BUSINESS

Old Business

- A. Discussion and Consideration of Relocating West Entrance Crosswalk**

Supv Kramer outlined the request to relocate the West Entrance crosswalk and the cost estimates associated with the options.

Harmony CDD
January 28, 2021

Discussion followed on the options.

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, this item was tabled to the February meeting. (4-0)

TENTH ORDER OF BUSINESS

New Business

- A. Discussion and Consideration of Video Recording Meetings**
 - i. Presentation**
 - ii. Memos – Records Retention and ADA Compliance Memo**
 - iii. Complete I.T. Proposal - \$2,054.50**
- B. Discussion of Maintenance of District Vehicles and Equipment**
- C. Field Services – Services/Workload**

On MOTION by Supv Leet seconded by Supv Berube, with all in favor, tabling all New Business items on January agenda to February meeting agenda was approved. (4-0)

ELEVENTH ORDER OF BUSINESS

Supervisors' Requests

Supv Kramer addressed holding a workshop for some of the lengthy discussions and the possibility of having a virtual or remote workshop as no action is being taken.

Ms. Suit will try to setup a workshop prior to the February meeting.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business,

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

Kristen Suit
Secretary

Teresa Kramer
Chair