

# **MINUTES OF MEETING HARMONY COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, February 25, 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	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
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 February 25, 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**

## **Closed Litigation Session**

Supv Kramer addressed the Closed Litigation Session noting that only the Board, District Counsel, District Manager, and a court reporter will be in the session.

At this time the audience and all others in attendance were asked to step outside the meeting room and the Closed Litigation Session was conducted.

The audience returned to the meeting.

Mr. Qualls outlined Section 286.011, Florida Statutes and explained what a Closed Litigation Session is.

## **THIRD ORDER OF BUSINESS**

## **Audience Comments**

There being none, the next item followed.

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

#### **Brownies Septic & Plumbing Discussion**

Supv Kramer addressed the letter from Brownies Septic & Plumbing making a counteroffer. They are requesting the remainder of the contracted price of \$57,109.00 plus the \$15,000.00 agreed upon for dewatering. They are willing to provide an additional \$2,250.00 for any damages and non-completion of the contract.

Discussion followed on the counteroffer with it being suggested to counter with a request for an additional \$7,500.00 for a total of \$37,359.00 as the final payment.

Supv Scarborough MOVED to authorize District Counsel to counteroffer settlement to Brownies Septic & Plumbing in the amount of \$37,359.00 and Supv Kassel seconded the motion.

Supv Berube inquired what District Counsel thinks.

Mr. Qualls noted there are many ways to negotiate and the cost of defense would well exceed \$7,500.00; meeting in the middle is a fair counteroffer.

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

#### **FIFTH ORDER OF BUSINESS Approval of Minutes**

##### **A. January 28, 2021 Regular Monthly Meeting Minutes**

Supv Kassel noted she had sent minor edits.

Supv Kramer noted she had one amendment also which she sent.

On MOTION by Supv Kassel seconded by Supv Scarborough, with all in favor, the January 28, 2021 regular meeting minutes were approved as amended. (5-0)

#### **SIXTH ORDER OF BUSINESS**

#### **Subcontractors' Reports**

##### **A. Servello**

##### **i. Grounds Maintenance Status**

Mr. Betancourt reported for March they will be doing mulching and as soon as they determine a start date it will be provided to Mr. van der Snel. The horticultural service will be out as Mr. van der Snel has expressed some concern regarding the west

entrance sod. For the ponds they normally do weed eating along the edge once or twice per year and the crew has informed him that the Board does not want this done anymore.

It was noted this is incorrect; the Board has not discussed pond cutting in the last several months.

Mr. Betancourt noted they will continue, he normally schedules it for March before they go into season while everything is dead making it easier to trim.

Supv Kramer inquired if the horticulturist looks at the trees noting there are some problems on Cupseed behind the school with weep holes and black sap on trees. There is also some pest damage.

Mr. Betancourt requested the location of the trees he will address with Mr. Feliciano and will look at them on Monday.

Supv Kramer addressed placing the Servello contract on the March agenda noting the original contract allowed for a two-year contract extension and those two years are ending in September.

## **SEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. District Engineer**

##### **i. District Engineer's Report**

##### **ii. Discussion of FGT Review of Garden Road**

Mr. Boyd reported he and Supervisor Kramer had a field meeting with FGST. FGST will not allow a paved surface but will allow crushed concrete. They flagged the lines, but the District will need to have it surveyed and he has a quote for \$2,500.00 and is awaiting a second quote. The next steps will be to draw up a design and submit to FGST and there will be an encroachment agreement the District will need to execute with FGT that approves the specific improvements.

Supv Berube inquired if the surface would be crowned, leveled or angled.

Mr. Boyd noted it would be crowned or sloped to one side.

##### **iii. Austin Environmental Monitoring Report Update**

Mr. Boyd reported Austin Environmental received a response from SFWMD earlier this week. SFWMD noted a couple of areas they want spot treated.

##### **iv. Discussion of Foot Bridge Repairs [Long Pond]**

Mr. Boyd reported it is time for the decks and rails to be replaced on the foot bridges and he is preparing a scope of work to provide to contractors for the repair.

Mr. Boyd noted he mentioned last month he would be bringing a rate increase. After reflection and focus he has decided to let them know he will be stepping down as the District Engineer. He is willing to stay on during the process of selecting a new engineer. He stated that this was a hard decision and was undecided about it so the purpose for potentially bringing the rate increase was to see if he could find a way to continue to serve the District. and But, looking at how that would work, he does not want to go through rate increase and the District not seeing an increased level of service. Thank you, it has been a pleasure to serve as the District Engineer.

Supv Kassel inquired if Mr. Boyd can provide some recommended firms.

Mr. Boyd noted he can.

Ms. Suit addressed the RFP for Engineering Services and timing.

Mr. Qualls noted he would give it two months.

Supv Kramer noted they will move expeditiously on this and appreciate Mr. Boyd helping them out. Mr. Boyd has indicated he will be putting all the District's construction documents on a drive and providing it to the District so they will have a comprehensive database.

Supv Kramer addressed the dog park discussed at the last meeting noting Mr. Boyd had said they can move forward with the fencing and dog wash area and do not need to wait for anything else.

Mr. Boyd noted the contractor they hire should be able to pull the permits themselves and that he has plans that should be provided to potential vendors with the Request for Quote.

Mr. Leet inquired if there is any timing on the de-watering for the new neighborhood.

Mr. Boyd noted he would assume two months at the most.

Supv Kramer noted Mr. van der Snel can begin working on the dog park.

Mr. van der Snel noted he has three quotes for the fence and for the dog agility equipment.

Supv Kassel noted they still have to decide on that.

Supv Kramer noted they will get the quotes and consider what that might involve. For the foot bridge, they are moving forward with the scope of work and then they will be working to get it out.

Discussion followed on the foot bridges with it being noted it is the treads and railing, the support structure is fine. The area under it that keeps washing out needs to be addressed.

**B. District Attorney**

**i. Policies**

**a. Draft Procurement Procedures**

Mr. Qualls addressed the draft procurement policy. There is a breakout between the policies and the procedures.

The Procurement Policy was outlined: a) – less than \$500.00, b) - \$500.00 - \$2,499.99, c) - \$2,500.00 to \$4,999.99, d) - \$5,000.00 and Florida statutory amount and e) above Florida's statutory amount requiring formal, competitive bidding, follow the statutorily required procurement process.

On MOTION by Supv Kassel seconded by Mr. Leet with Supv Kassel, Supv Leet and Supv Kramer voting aye and Supv Berube and Supv Scarborough voting nay the Procurement Procedures were approved. (3-2)
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**ii. Follow-up Discussion of District Counsel Billing District at Flat Fee**

Mr. Qualls addressed the offer for the amendment of the legal services as a flat fee not inclusive of litigation.

Supv Berube addressed the flat fee of \$48,000.00 versus the actuals of \$55,000.00 to \$80,000.00 for previous years.

Discussion continued on the flat fee billing and what defines litigation with it being noted once a suit is filed it becomes litigation.

Supv Berube MOVED to approve District Counsel billing the District at flat fee of \$4,000.00 monthly and Supv Scarborough seconded the motion.
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Discussion ensued on the flat rate billing and going forward to work to judiciously mitigate lawsuits.

Mr. Qualls noted they can continue to track their time and provide a general description of the services being performed.

On VOICE vote, with all in favor, the motion was approved.

**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 addressed a water bill being in excess of \$2000 for one month when it is typically around \$500.

Mr. van der Snel noted he has been in contact with TOHO to investigate and a technician will be onsite Friday to check the clock.

Discussion continued on the water bill and why it took so long to investigate and try to resolve the issue.

Mr. van der Snel addressed the mitigation pictures included in the agenda package.

Supv Kassel addressed previous discussion regarding whether the CDD is really the responsible party for these areas.

Supv Kramer noted they have not yet touched base. Since the SFWMD rep [Amy] did the flyover she noticed a severe infestation; it is within the CDD boundaries but not on CDD owned property. Supv Kramer is trying to get a time where Austin Environmental and herself can get with the SFWMD representative.

Supv Kramer addressed working with TOHO on the dog park drains noting TOHO is going to send someone out to evaluate.

Supv Kramer reported they were contacted by the new owners of Harmony West and they are going to get together to have a meeting. Previously the Board has designated the Chair to be the committee member on the Buck Lake Management Committee.

Discussion followed on the draft Buck Lake agreement previously presented.

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, Chair to serve as Representative for Buck Lake Committee was approved. (5-0)

**EIGHTH ORDER OF BUSINESS**

**District Manager's Report**

- A. Financial Statements for January 31, 2021**
- B. Approval of: #250 Invoices, Check Register and Debit Purchases**

On MOTION by Supv Kassel seconded by Supv Berube, with all in favor, the #250 invoices, check register and debit purchases were approved. (5-0)

- C. Facilities Usage Applications**
  - i. Farmer's Market** – awaiting Mr. Fusilier's response.
  - ii. Harmony Community Church 4:12 Student Ministry – Student Service Day**

Discussion followed on the usage application with it being noted the application includes a Pandemic Indemnification.

On MOTION by Supv Berube seconded by Supv Leet, with all in favor, the Harmony Community Church 4:12 Student Ministry Student Service Day for February 28, 2021 from noon to 4:00 p.m. at the Buck Lake Park pavilion with 60 participants was approved. (5-0)

**NINTH ORDER OF BUSINESS**

**Old Business**

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

Supv Kramer outlined the request from Osceola County to relocate the west entrance crosswalk.

Supv Kassel MOVED seconded by Supv Leet, with all in favor, adding sidewalk/crosswalk at intersection of Five Oaks Drive and Dark Sky Drive / Milkweed Lane without removing existing sidewalk.

Discussion ensued on relocating. It was noted they have one estimate at \$5,300.00 and will need to go out to bid on work to be done.

Supv Leet seconded the motion and with all in favor, the motion was approved.

**B. Consideration of Acceptance of Deeds**

30-26-32-2877-0001-00E0 (0.61 acres)

30-26-32-2877-0001-00G0 (0.10 acres)

30-26-32-2877-0001-00F0 (0.10 acres)

Supv Kramer addressed the deeds noting they were considered in the past where they indicated they would accept the property and was to come back to the Board for final approval of acceptance. However, they were recorded prior to that happening. They are being brought to the Board to decide whether to accept after the fact or to ask them to change them back.

On MOTION by Supv Kassel seconded by Supv Berube, with Supv Leet, Supv Berube, Supv Kassel and Supv Scarborough voting aye and Supv Kramer voting nay, the accepting of the quit claim deeds 30-26-32-2877-0001-00E0 (0.61 acres), 30-26-32-2877-0001-00G0 (0.10 acres), 30-26-32-2877-0001-00F0 (0.10 acres) was approved. (4-1)

**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**

Supv Leet reviewed the presentation noting it is included in the agenda package. He addressed the equipment needed to video record the meetings, ADA compliance and records retention. He suggested waiting until Inframark has the ability to store the recordings but proceed with obtaining quotes for a computer for the video recording.

Discussion followed on storage, access and live streaming versus recording a meeting. Supv Leet will obtain proposals for the system to provide video streaming for the next meeting.

**B. Discussion of Maintenance of District Vehicles and Equipment**

Supv Berube noted he used to maintain the District's vehicles and equipment at no cost to the District. When the Chair changed this ceased and part of that was maybe too much management from the Chair. He would be happy to continue with his service at no charge but without interference as it was before to include if a vehicle is sitting in his garage and needs \$1,000 worth of parts to fix it, he does not want to go through the purchasing process. He said he will continue but only on his time, on his schedule,



without interference and only if he is totally exempt from the Procurement Policy. He further addressed the purchase of a trailer five or six months ago and that he authorized it for transporting vehicles for repair instead of pulling them behind the truck like they have been doing.

Supv Scarborough addressed the history of Supervisor Berube doing the maintenance and the cost if they calculated the manhours he has put into the repair and general maintenance on the equipment it would be significant over the course of any given year. He is not opposed to Supervisor Berube continuing.

Supv Kramer addressed the procurement policy noting there are different levels. She would like him to continue but that is his decision.

Discussion continued with Supv Berube stating that there is three months of deferred maintenance on the equipment. It was noted that if they have a volunteer to do the maintenance, that is great, but that maintenance cannot continue to be deferred and that Field Services should have moved forward to properly maintain the equipment as appropriate.

### **C. Field Services – Services/Workload**

Supv Kramer addressed the tracking hours and equipment. They have the work Field Services does and the scope creep has been tremendous. They now need to track the hours that Field Services is working on each project so they can properly quantify whether it is more economical to continue doing the services in-house or to sub-contract the services. Additionally, they will be breaking out expendables and equipment costs associated with those projects.

Supv Kramer MOVED for Field Services to implement tracking systems for hours/tasks performed, equipment and expendables and Supv Kassel seconded the motion.

Discussion followed on the information regarding the tracking with it being noted it was discussed at the workshop.

On VOICE vote with Supv Kramer, Supv Kassel, Supv Leet and Supv Scarborough voting aye and Supv Berube voting nay, the motion was approved. (4-1)

**D. February 18, 2021 Workshop Items for Discussion and Consideration**

Workshop items were: increasing public access to CDD meetings, verbatim minutes.

This item was tabled to next meeting.

**E. Residents of Feathergrass Petition**

Supv Kramer addressed the Feathergrass request for playground equipment.

Supv Kassel reported she looked at the site with Mr. van der Snel and it is very limited in terms of space. It can be lengthened toward the circle, but it cannot be widened due to the slopes. The Middlebrook playground which is a sizable playground is two blocks away.

Supv Leet inquired if shifting the sidewalk in that area is something that could be considered.

Mr. Boyd noted the sidewalks are not on the CDD tract. If it were a small relocation, he would not have a concern, if it were a larger relocation then the County might want to see it.

Supv Kramer addressed the conservation areas and the required buffer areas that cannot have any improvements placed on them.

**ELEVENTH ORDER OF BUSINESS**

**Supervisors' Requests**

**A. Status of VC-1 Survey Monkey**

**B. Consideration of Reserve Study**

These items were tabled to next meeting

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

On MOTION by Supv Leet seconded by Supv Scarborough, with all in favor, the meeting was adjourned. (5-0)
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Kristen Suit  
Secretary

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Teresa Kramer  
Chair