

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

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, March 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  
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 (via phone)  
Young Qualls, P.A.  
District Engineer  
Field Services Manager  
Servello

*The following is a summary of the discussions and actions taken at the March 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 noted the Closed Session is cancelled.

Mr. LaNasa addressed the cancellation noting they spoke with the Davey Tree counsel after missing the deadline for the February CDD Meeting for providing the settlement offer and Davey's leal counsel had promised it for March. Again, we reached out multiple times this month and received nothing from them and finally they said they would provide something for April. Tonight, we will request another closed session for April, schedule the court reporter again and will provide the 48 hours' notice to cancel if nothing is received by the Monday or Tuesday prior to the April meeting.

### **THIRD ORDER OF BUSINESS**

#### **Audience Comments**

Ms. Kris van der Snel addressed meeting length issues, dump trucks/tractor trailers parking on Five Oaks Drive overnight and meeting minutes.

Harmony CDD  
March 25, 2021

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

#### **Approval of Minutes**

##### **A. February 25, 2021 Regular Monthly Meeting Minutes**

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, the February 25, 2021 regular meeting minutes were approved. (4-0)

#### **FIFTH ORDER OF BUSINESS**

#### **Subcontractors' Reports**

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

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

Mr. Feliciano reported they are still on bi-weekly service and will be returning to weekly service in April. Mulching will begin Monday, April 5<sup>th</sup>, it was delayed due to the amount of leaves. Fertilization was done last week; there will be a follow-up in some areas within ten to 15 days.

Supv Leet addressed the mulch storage and for how long.

Mr. Feliciano noted it should be about one week.

Supv Kramer inquired if the diseased trees on Cupseed had been reviewed.

Mr. Feliciano noted when Mr. Betancourt returns next week, they will look at them and see what is wrong with the trees.

##### **ii. Proposal – Lift and thin All Hardwood Trees**

Mr. Feliciano noted this work is throughout the community.

Supv Kramer inquired if it is the interior trees.

Mr. Feliciano noted it is.

Supv Kramer inquired when they would be doing the work.

Mr. Feliciano noted sometime in April after the mulch is done. They will also be doing the smaller trees for sucker removal to start maturing the trees and pushing them up. It was not included on the proposal as it is groundwork.

Supv Berube clarified that this includes every tree in the community other than those they cut the grass under.

Mr. Feliciano noted except for the townhomes.

Supv Kramer noted her only concern is to have it done sooner rather than later as they want to be careful because of the Live Oaks and fungus that starts becoming active.

Harmony CDD  
March 25, 2021

Supv Kassel noted the proposal states trees are located at park areas, in front of homes on sidewalk and curb areas within the community. Along Cat Brier and Schoolhouse, they do mow under those trees. The proposal is not clear about which trees it covers.

Mr. Feliciano noted the 1,728 common areas trees are under the contract.

Supv Kramer noted it would be the trees that are not currently included in the contract.

Mr. Feliciano noted that is correct.

Supv Berube MOVED to approve the Servello proposal to lift and thin all hardwood in the amount of \$22,400.00 and Supv Leet seconded the motion.

Supv Kassel inquired if there is money in the budget for this.

Ms. Suit noted there is.

Ms. Ash-Mower noted they would like the chippings again for the garden.

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

### **iii. Proposal – Add Irrigation Services and Maintenance**

Supv Kramer addressed the proposal outlining the purpose for the irrigation service and maintenance noting the Field Services irrigation staff member had left. The cost would be \$2,200.00 per month.

Supv Kassel noted her confusion with the proposal for the timing of the inspections.

Mr. Feliciano noted they had broken down the property where they are inspect and adjust one half of the property one month and the other half the next month.

Supv Berube addressed in-house personnel for irrigation and the yearly costs noting the proposal is not apples-to-apples.

Discussion continued on the proposal with it being noted the amount does not include repairs.

The agreement includes that any repairs up to \$1,000.00 can be made without Board approval – anything over \$1,000.00 would come to the Board unless it is an emergency repair.

Harmony CDD  
March 25, 2021

A six-month trial period was suggested which will take them to end of the current contract period.

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, the Servello proposal adding irrigation service and inspection in the amount \$2,200.00 monthly, in total amount of \$13,200.00 for the remaining six (6) months of FY 2021 Landscape Maintenance agreement, subject to District Counsel drafting an addendum for the same was approved. (4-0)

Supv Berube inquired where they will be accounting for the costs in the budget.

Supv Kramer noted she believes there is enough in landscaping with taking the \$22,000.00 out previously.

Discussion continued on accounting for the expenditure with the outcome being to make certain it is accounted for under one line within the budget.

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

Mr. Boyd noted they are waiting on responses to the RFP for the repairs. They will be included in next month's agenda package for consideration.

Supv Kassel noted in looking at the photos she is not seeing what needs repaired.

Mr. Boyd noted it is the deck boards that are degrading.

Supv Berube noted the landing ramps need to be raised and fixed.

Supv Kramer noted there is degradation in both decking and ramps and that erosion under ramps can not be addressed without taking up deck boards.

#### **iii. Approval of PD Amendment – Next Steps**

Mr. Boyd noted the approval letter came through. Two things to note – the next step is to apply for a Site Development Permit (SDP) which includes anything improved horizontally, any new fencing and basically anything they are doing to the site has to have a Site Development Permit. It will retroactively approve anything that has been done to date and any new improvements will be permitted as part of the process. He will

Harmony CDD  
March 25, 2021

start pulling together the document to submit to the County and it may require a code minimum landscape plan.

Supv Berube noted Mr. Boyd previously stated he was going to draw up that plan. There is an \$8,800.00 deposit with Straightline Fencing and they have most of the fence.

Supv Kassel noted the letter from the County states the access and drive aisles for the storage must be paved for the increase in use.

Mr. Boyd noted the County did include that but there is an out if there is going to be an exception it has to be at the SDP level and they have to provide a reason for the exception and the best reason for the exception will be the encroachment agreement with the gas company for the other improvements from the access road.

#### **v. Boundary Survey**

Mr. Boyd noted this is the survey received with the actual gas line locations and shows all the existing fencing. Once the improvement plan is submitted to the gas company showing the road improvement with crushed concrete or gravel; not pavement, they will enter into an encroachment agreement which says they are authorizing the CDD to make the improvements as long as it is not paved. With that agreement they will have the documentation to give the County that says they are not able to pave with the terms of the easement agreement.

Supv Kramer addressed her concerns of putting a lot of money into site plans and things like that and then get into a Catch-22 and they really cannot do anything. Would it be possible to do the proposed design of the road that FGT wants and run it by the County or perhaps get FGT and the County together to find out before they spend an excessive amount of money designing landscape plans and everything else and then the County saying we will let you do concrete fines on the roadway but for the major turn areas you have to pave.

Mr. Boyd noted it is probably a worthwhile task to go to the County to show what they are doing with FGT and how it affects what they want to do on the RV storage area and get them to buy-in while they are working through the agreement with FGT.

#### **iv. Discussion of Harmony Conservation Area Monitoring**

Mr. Boyd noted he included the correspondence with SFWMD after the review of the monitoring report. SFWMD noted some areas that require additional maintenance or

Harmony CDD  
March 25, 2021

are requesting an action plan. SFWMD is requesting the plan from Austin Environmental but they do not have a contract to do any maintenance; he is just doing reports. The Board needs to determine how to respond.

Supv Kramer noted a second notice of non-compliance was sent March 11<sup>th</sup> and was not received by the Chair or District Manager until March 22<sup>nd</sup>. It was sent to Robert Lance of Birchwood Acres with a copy to Supv Berube and neither forwarded it on. She stated that she was in contact with SFWMD and is working with them to determine where we are required to treat because SFWMD is under the assumption that basically all mitigation areas within the permit are owned by the CDD. She will work with and provide maps of what is currently under CDD ownership and what is not. Only one of the transects is owned by the CDD and with private property owners causing legal issues with trespass the CDD does not want to get caught up in that. She spoke with Sandra and worked with Brad to get the information about the chemical application and the technique they are using. She will write up a management plan to provide to them and should be back in compliance. They are making good progress on the eradication.

Supv Kassel addressed the non-compliance noting she thought they were submitting reports.

Supv Kramer noted the reports were for a previous non-compliance. This will be resolved as soon as she gets the maintenance plan submitted. Also, she has notified SFWMD that all communications should be submitted to the District Manager.

## **B. District Attorney**

Mr. LaNasa requested a Shade Meeting for the April 29<sup>th</sup> meeting with the hope they will receive the settlement offer from the Davey Tree litigation. The discussion will be limited to the settlement and litigation expenditures.

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, to conduct a Shade Meeting at the April 29, 2021 regular meeting was approved. (4-0)

## **i. Report on Injunctive Relief Hearing re: Locked Irrigation Boxes**

Mr. LaNasa reported an injunctive relief hearing was conducted to have the padlocks removed from certain irrigation boxes. While we disagree with the judge, he

Harmony CDD  
March 25, 2021

said that because the action was brought on behalf of the CDD as Steve Berube, he said that only Steve Berube the individual had standing. He outlined what standing is in the eyes of the court noting it is very hard to separate Steve Berube the individual being sued for the irrigation boxes from Supv Berube as CDD not being able to get to a resolution. Without getting into the nuts and bolts of the case; they learned a lot, as it was a mini trial. They would like to present a few options on how to end this 1) Declaratory Relief Action in a separate action, 2) there may be a non-legal workaround through bypass of the parcels, and 3) the CDD files a complaint against Harmony Retail.

Supv Kramer noted her prior concern that there was no standing for the case. What they do not want to do going forward is to continue to incur legal costs. Her understand is Mr. van der Snel has evaluated the irrigation system and feels he can do a workaround, so they do not need to use those boxes.

Mr. van der Snel noted the laterals will have to be located and then they can make a closed system on the areas that are CDD owned. For the east side of the entrance there are four zones and would need a separate meter. They need to eliminate the three valve boxes on Mr. Fusilier's property.

Re-routing was discussed with it being noted they will need the locates, power by OUC and a water meter. It will be a month before it would all be done.

Supv Kramer requested Mr. van der Snel write up everything and get estimates from OUC, TOHO and the locator.

## **ii. Brownie's Matter Update**

Mr. LaNasa reported the lien was released after the final payment.

## **iii. Landscape Contract Extension Memo**

Mr. LaNasa noted the most conservative, safest option for the District is they would be able to renew for one more year at the end of this term. Pursuant to F.S. Chapter 287.057(13) the District can renew up to three years or the original term, whichever is greater.

Supv Kassel noted they will need to put out an RFP when the contract renewal expires.

Harmony CDD  
March 25, 2021

Mr. LaNasa noted they would be able to include the new addendum in the contract renewal. They would want the Board to ratify and affirm the two one year renewals already in place.

Supv Kassel addressed that the memo provided mentions that any renewal can have no increase in costs.

Mr. Qualls noted where the Board has adjusted the scope of the contract it is perfectly okay.

The contract and prior renewals were discussed.

This item to be placed on the April agenda.

**iv. Discussion of Sunshine Law Applicability to Social Media**

Mr. LaNasa addressed the Sunshine Law regarding social media – avoid commenting on each other's posts, avoid CDD business.

Supv Kramer outlined a case with City Commissioners. A factual summary of the meeting is fine, but Board members should not comment.

Supv Kassel addressed print media noting in the community magazine both Supervisors Kramer and Berube have articles in the magazine opining on CDD matters.

Mr. LaNasa noted if they are not able to see each other's articles prior to publication he does not have too much of a concern. If one article is a rebuttal of the other that would be a concern but as these are separate pieces, he does not have a concern.

**v. Discussion of Livestreaming Board Meetings**

Mr. LaNasa inquired if Supv Leet was putting together proposals on the livestreaming of Board meetings.

Supv Leet noted in the agenda package there is some pricing information on the different transcription services and as far as procuring hardware he is working with a group that Inframark uses and will have a couple of quotes ready for April.

Mr. LaNasa noted they have done in-depth research on livestreaming and the fact that there is never really a record so there are no record requirements for it but with regard to ADA it got more complicated and can be cumbersome when they are expending CDD funds for captioning. He suggested reaching out to the community to see who really wants/needs the captioning service.



Harmony CDD  
March 25, 2021

Supv Kramer noted they could include language regarding prior notice being required for closed captioning.

**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 the water usage requesting Mr. van der Snel double-check the meters.

Supv Kramer reported the good news from TOHO is they have no sewer at the dog park and they will be refunding the money from last month's bill but are reticent to go back further than that but it will be removed going forward.

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

No action taken.

**vii. Proposals**

- a. Town Square**
- b. Arrow Pavement Services, Inc.**

Tabled to April meeting.

**EIGHTH ORDER OF BUSINESS      District Manager's Report**

- A. Financial Statements for February 28, 2021**
- B. Approval of: #251 Invoices, Check Register and Debit Purchases**

On MOTION by Supv Kassel seconded by Supv Leet, with all in favor, the #251 invoices, check register and debit purchases were approved. (4-0)

- C. Discussion and Consideration of Approval to Transfer \$26,000.01 from General Fund to 2015 Debt Service Fund for Parcel VC-1**

On MOTION by Supv Kassel seconded by Supv Berube, with all in favor, the transfer of \$26,000.01 from General Fund to 2015 Debt Service Fund for Parcel VC-1 was approved. (4-0)

Harmony CDD  
March 25, 2021

- D. Facilities Usage Applications**
  - i. Harmony Community Church – Easter Sunday Worship Service**
  - ii. HROA – Easter Egg Hunt – March 28, 2021**

Ms. Suit outlined the Facilities Usage Applications.

On MOTION by Supv Berube seconded by Supv Leet, with all in favor, the Harmony Community Church Easter Sunday worship service and the HROA Easter egg hunt were approved. (4-0)

**E. Inframark Field Service Proposal**

Ms. Suit noted the proposal was included in the agenda package and has three options. 1) Field Management Services – staff of six (6), 2) Field Management Services Option 1 removing and the subcontracting of pond maintenance to lake management contractor and 3) Field Management Services – Option 2 removing and the subcontracting of irrigation review and maintenance to landscaping contractor.

Supv Kramer addressed prior pond maintenance contractors.

Ms. Suit noted the ones they reached out to for water quality, testing and such were between \$30,000.00 and \$40,000.00 per year based on the level of service needed.

Supv Kramer noted the Buck Lake Committee of two does have a meeting coming up and are indicating Harmony West will take the lead on that. She will be able to provide an update after April 6<sup>th</sup>.

Supv Berube inquired if they take out lake and pond maintenance what are they doing with weed mitigation.

Supv Kassel noted it may be premature at this time as the still need to work out whether the CDD is responsible for maintaining property it does not own.

Ms. Suit addressed the chemical applications noting she would need to speak with Risk Management regarding those activities.

Supv Berube noted for Option 2 they need to know if they are taking out all weed mitigation or is this just what is in the ponds.

Supv Kassel noted it does not say anything about invasive management and if it is included in Option 1.

Supv Berube noted the question is if Inframark is willing to keep the land-based herbicide applications.

Harmony CDD  
March 25, 2021

Mr. Tarase, VP Inframark, noted he would consider it for weed based but not the pond based.

Ms. Suit outlined the invasives that the CDD is working toward eradication of.

Mr. Tarase noted as long as they were trained, certified, and signed off on by the Safety Team he would say yes.

Supv Kramer inquired if the Board is in favor of moving forward to finalize the new employment model.

Supv Kassel noted moving forward, exploring, and clarifying what is the CDD is looking for.

Supv Kramer, Ms. Suit and Mr. Tarase will continue to work on the proposal as far as offsets.

Tabled to April.

#### **F. Near-Verbatim Minutes versus Summary Minutes**

Supv Kassel MOVED to go to verbatim minutes. Motion died for lack of a second.

Supv Berube addressed the discussions regarding transcribing the livestreams and this would cover the meetings.

Ms. Suit noted she found a company that could provide actual verbatim minutes.

Tabled to April.

#### **G. RFQ for District Engineer**

April agenda.

### **NINTH ORDER OF BUSINESS** **Old Business**

**A. Discussion and Consideration of Video Recording Meetings**

**B. CDD Purchase of Computer**

**C. Back-up for Workshop Discussion**

Tabled to April.

### **TENTH ORDER OF BUSINESS** **New Business**

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

Tabled to April.

### **ELEVENTH ORDER OF BUSINESS** **Supervisors' Requests**

**A. Consideration of Reserve Study**

Tabled to April.

Harmony CDD  
March 25, 2021

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

On MOTION by Supv Kassel seconded by Supv Berube, with all in favor, the meeting was adjourned. (4-0)
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Kristen Suit  
Secretary

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Teresa Kramer  
Chair