

CARBON

Agenda 2022-02-24

Subsection 5A

Minutes

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41

42 **LOST RECORDING**

43

44 Spv. Leet:

45 There we are.

46

47 Madam Chair:

48 So for everybody here, we do have a Zoom meeting so that other members of our community can
49 join in without having to come out in the weather and come directly to the meeting, but they are
50 viewing the meeting online.

51

52 Spv. Leet:

53 And we've got a few people joined back in already.

54

55 Madam Chair:

56 Okay. Ready to go?

57

58 Spv. Leet:

59 It's up to you when to proceed.

60

61 Madam Chair:

62 All right. The next item on the agenda is new business. We have the first item under new
63 business is a discussion regarding Tract B1. This is a parcel of land on the front area of Harmony
64 between the Town Center and the condo and town homes in Ashley Park. At this point in time,
65 we have Mr. Pratt who's the representative for the adjoining landowner who has a proposal for
66 us. It's in the packet. Hopefully, all of the Supervisors have read it, but now is your time to give
67 your presentation Mr. Pratt.

68

69 **FOURTH ORDER OF BUSINESS**

NEW BUSINESS

70

71 **Discussion Regarding Tract B - 1**

72

73 Jim Pratt:

74 Thank you. Appreciate your time Board. We recognize that your time is valuable. We're grateful
75 for the time that you've made for us. Those of you who have had the chance to speak with us
76 over the phone, we appreciate that as well. My name is Jim Pratt. I'm an attorney with Burr &
77 Forman in Orlando, 100 South Orange Avenue, eighth floor. I represent Harmony Retail, which
78 is the owner, as you say, chairperson, the owner of the parcel immediately East of the entrance
79 road. Then west of that parcel is Tract B1 and then West of Tract B1 is the parcel owned by
80 Compass. I represent Harmony, which is Harmony Retail, the owner of the tract that adjoins the
81 entrance. The property that my client owns has been, well there's a contract to sell that property. I
82 don't represent the buyer. The buyer is the company that's proposing to develop the property.
83 And so as much as I'd like to answer questions for you about the development, I don't have
84 authority and, frankly, I lack a lot of the information. As our presentation explained that Tract
85 B1 is a linear track that this board addressed, two or three months ago for the location of a
86 drainage easement. At that time, the belief was that the property was owned by Harmony.

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87
88 Madam Chair:
89 I'll help you here. When you say Harmony, we all assume us.
90
91 Jim Pratt:
92 Harmony Retail, sorry. You're right. You're right. My apology, my apologies.
93
94 Madam Chair:
95 So I would encourage you to adjust that.
96
97 Jim Pratt:
98 Yes, ma'am. That makes sense.
99
100 Madam Chair:
101 And, just quickly, Spv. Leet:, can we put some of the graphics up, maybe a locator map or
102 something?
103
104 Spv. Leet:
105 Let me see if I can pull it up on here.
106
107 Madam Chair:
108 Okay. You could go ahead and continue while they get it up on the screen.
109
110 Jim Pratt:
111 Thank you for that. At the time the belief was that it was owned by Harmony Retail and in
112 connection with this transaction that's in the works now, another title search was done and a
113 Deed of Dedication was discovered. The Deed of Dedication conveys or contains language
114 conveying the property to the CDD. At the same time, the Deed of Dedication reserves easement
115 rights in favor of the owner of the adjoining parcels. We've had a complete reversal and what
116 was believed in October to be owned by Harmony Retail and subject to an easement held by
117 CDD it now appears that the fee title is owned by the CDD subject to an easement in favor of
118 Harmony Retail. That's not a problem except that, the county tax records show Harmony Retail
119 as the owner. They're title insurance policies, that in addition to the historical belief that it was
120 that Tract B1 was owned by Harmony Retail that just creates confusion regarding ownership of
121 the property. So, as we reviewed this, and particularly as we dealt with our buyer, an issue was
122 raised that we ought to get that made more certain. We ought to get a determination made by
123 Harmony Retail and the CDD exactly what interest each has. For our purposes, either
124 arrangement works for our purposes. That's why we presented the materials to you that way. We
125 can do what we want on the, on the property whether we own fee title to Tract B1 or whether we
126 own just the development easement for Tract B1. To give you an idea of what the easement
127 rights are, because they're very broad and they're especially material for this discussion tonight.
128 The easement gives Harmony Retail the right to pave and construct driveways and curb cuts, the
129 right to use Tract B1 for parking, the right to install and maintain signage, lighting, mailboxes,
130 decorative improvements, fencing, and entry features. The exclusive, right, to determine the
131 location of improvements, driveways, curb cuts and paved areas within the Tract B1 and then the
132 right of access and use for construction and maintenance purposes. So it's fairly broad. And that's

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133 the reason I say that whatever is decided here will work for the, the owner of the property. What
134 it comes down to for us and the reason that we felt it was worthwhile making a presentation to
135 the board tonight was that our buyer has asked and the, and the buyer's lender has asked that we
136 get some certainty regarding what our rights and what are our obligations and what are the
137 CDD's rights and the CDD's obligations.

138 And also because it just didn't seem like it was, for the good of the community to have, the CDD
139 own what is essentially going to become a private roadway and parking area it through an
140 apartment complex. And, so it seemed to us that we would benefit by getting the certainty and
141 the CDD would be given a chance to decide how the CDD is best served, whether as the holder
142 of an easement for drainage and utility purposes, or the owner of a pretty simple title to the Tract
143 B1, which will become a roadway and parking. Those are the two driving purposes for our
144 request of the board tonight., As I said, we're trying to be as accommodating as we can. The
145 outcome is whether we're owner of the fee or we're owner of the easement, it doesn't make a
146 difference for our purposes. We could go either way. It is important to note that we haven't come
147 to the board to get approvals, development approvals to develop this property. That's not what
148 we've asked for. So regardless of the decision made, there's going to be an apartment complex at
149 the entrance to, and, and I say this respectfully, at the entrance to the project. And so this is an
150 opportunity to, I guess, optimize our circumstances. I know there have been some questions
151 about, what are the development rights for that property? And so, Steve Boyd, I believe whom,
152 you know, is here to address what the development rights are.

153

154 Madam Chair:

155 I don't know that we need.

156

157 Jim Pratt:

158 No.

159

160 Madam Chair:

161 If, anybody has any questions then..

162

163 Jim Pratt:

164 Perfect.

165

166 Madam Chair:

167 ... we'll do that.

168

169 Jim Pratt:

170 Then if, you have questions, I'm happy to answer the questions.

171

172 Madam Chair:

173 Okay.

174

175 Jim Pratt:

176 And, hopefully that's an adequate explanation of what our purposes are.

177

178 Madam Chair:

179 What you're asking.

180

181 Jim Pratt:

182 Thank you.

183

184 Madam Chair:

185 Our legal counsel, Tim Qualls, did you want to make any comments about what they're
186 requesting of us?

187

188 Tim Qualls:

189 Sure. I'd be happy to. So, madam-

190

191 Madam Chair:

192 If you'll come up here for the mic.

193

194 Tim Qualls:

195 Sure.

196

197 Madam Chair:

198 And this is Tim Qualls, District legal counsel for Harmony CDD.

199

200 Tim Qualls:

201 Madam chair and members, I think you've received the same information I have. I've had several
202 discussions with Mr. Pratt and, many of you individually. I don't think it ever hurts to remind
203 you of this, but legally you guys have one job, one duty and that's to maintain infrastructure. So
204 as you're considering this deal, whether you own the tract or whether you have an easement
205 allowing you to maintain the infrastructure, you have that option. But no decision under no
206 circumstances should be made, that would lessen in any way your ability to maintain the
207 infrastructure. So I think you have before you a policy decision, and as long as the, the District
208 Engineer is comfortable, that nothing in this transaction will limit your ability to maintain the
209 infrastructure or hurt that, I think it's important to consider the pros and cons of both. I'm happy
210 to address specific questions but remember the only purpose of your government is to maintain
211 infrastructure. Development issues and other things like that are handled by the County.
212 Assessment issues as those will arise in the future would be handled in the normal course. And
213 so, again, I'm happy to answer any questions, but I think it's important to understand the
214 framework through which you, weigh and make this decision. That's all I have, madam chair.
215 Thank you.

216

217 Madam Chair:

218 What I'd like to do is start with the board for questions, not discussions or opinions, but if you
219 have any questions of the presenter or of our legal counsel. Mr. Berube do you have any?

220

221 Spv. Berube:

222 Well, I don't have any questions because I understand it quite thoroughly and I've been in contact
223 with several of the parties. I do have-

224

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225 Madam Chair:

226 Okay.

227

228 Mr. Berube:

229 ... an idea of where we want to go, but-

230

231 Madam Chair:

232 So you don't have any questions at this time? Okay. Spv. Scarborough?

233

234 Spv. Scarborough:

235 No.

236

237 Madam Chair:

238 Spv. Lee?

239

240 Spv. Leet:

241 Good understanding. So I have no questions right now.

242

243 Madam Chair:

244 Spv. Kassel?

245

246 Spv. Kassel:

247 None at the moment.

248

249 Madam Chair:

250 Okay. I have a few questions. In, reading the Deed of Dedication, it does reserve some rights.

251 And again, this was in 2003, and that was Birchwood Acres Limited-

252

253 Tim Qualls:

254 LLC.

255

256 Madam Chair:

257 or LLC. They did reserve some rights to themselves to Birchwood Acres. This was normal

258 language that they put in almost all of the deeds that they've dedicated our pocket parks and our

259 conservation areas and, many other areas. And in fact, this deed itself gives us a lot of pocket

260 parks and other things. You've indicated your position, that this is basically, an appurtenant

261 easement. So it's an easement that rides on the land, makes this land subservient-

262

263 Jim Pratt:

264 Correct.

265

266 Madam Chair:

267 to another land. And you're suggesting that the master parcel is Harmony Retail's parcel or

268 Compass Trading's parcel?

269

270 Jim Pratt:

271 And actually that deed conveyed several parcels that included both Harmony Retail's and
272 Compass's parcels and reserved the easements for the grantor of the deed and its successors and
273 assigns

274
275 Madam Chair:
276 Okay. But the grantor of the deed was, was neither Compass Trading nor-

277
278 Jim Pratt:
279 No, ma'am.

280
281 Madam Chair:
282 Right. So the grantor of the deed was Birchwood Acres. So wouldn't this be more of a, an
283 easement and gross and ride to the benefit of Birchwood Acres, LLC?

284
285 Jim Pratt:
286 I don't know that you can conclude... Well, an easement in gross is an easement that is not
287 benefiting another property.

288
289 Madam Chair:
290 Correct.

291
292 Jim Pratt:
293 It's benefiting an individual-

294
295 Madam Chair:
296 Correct.

297
298 Jim Pratt:
299 or a company.

300
301 Madam Chair:
302 Mm-hmm (affirmative).

303
304 Jim Pratt:
305 An appurtenant easement is an easement that is benefiting another piece of property. At the time
306 of the conveyance Birchwood owned the property they conveyed and reserved an easement for
307 its successors and assigns. So that, what's been assigned to us inures to our benefit.

308
309 Madam Chair:
310 So the other, the other parcels in the same deed, and there are a lot of other similar deeds with the
311 exact same language, different parcels?

312
313 Jim Pratt:
314 And the plat contains that language as well.

315
316 Madam Chair:

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317 So the, for instance, the pocket park there are like four or five pocket parks, Ponpine median is in
318 here. So Ponpine, the median strip, one of the, I guess previously adjoining properties would be
319 Spv. Kassel's house. So would her property be the dominant parcel for that particular to dictate
320 where any curb cuts or anything for this parcel would be?

321
322 Jim Pratt:

323 I'm not able to answer that. I'm not familiar with those other properties. So, I'm afraid, I don't
324 know the answer to that.

325
326 Madam Chair:
327 Okay. Mr. Qualls, do you have any suggestions as to whether this is an easement in gross or an
328 easement in appurtenant?

329
330 Tim Qualls:
331 Yes. We, we covered that with Rosemary, and I'll pull up my notes. I had talked to you about
332 that.

333
334 Madam Chair:
335 Well, that was the easement that they were supposedly granting to us. It would be in gross, but
336 the easement that's conveyed in this Deed of Dedication or, or not conveyed, but left with the
337 previous property owner, which was Birchwood Acres, LLC. Wouldn't that still be in Birchwood
338 Acres, LLC's hands, and not in Harmony Retail or Compass Trading's hands.

339
340 Tim Qualls:
341 I don't know. I think, what I hear, Mr. Pratt saying is that that passed

342
343 Madam Chair:
344 I totally understand his position.

345
346 Tim Qualls:
347 All right.

348
349 Madam Chair:
350 And if I were in his shoes as the attorney for Harmony Retail, that's the way I would see it.

351
352 Jim Pratt:
353 There are assignments of record as well, which is common. And I'm sure you know, that when
354 undeveloped land, especially in a PUD or a DRI is conveyed, the developer's rights are also
355 conveyed. And so whether it's treated in gross or as appurtenant easement, those rights have been
356 transferred to the current owners.

357
358 Spv. Berube:
359 As a matter of sale.

360
361 Jim Pratt:
362 That's right.

363
364 Spv. Berube:
365 So when Birchwood sold it to whoever they, by selling it, they assigned it to the next guy.
366
367 Jim Pratt:
368 Yes, sir.
369
370 Spv. Berube:
371 And if it sells again-
372
373 Jim Pratt:
374 It would be the same.
375
376 Spv. Berube:
377 ... it should follow along with them. Continues the assignment all the way along-
378
379 Jim Pratt:
380 Yes, sir.
381
382 Spv. Berube:
383 ... through the sale?
384
385 Madam Chair:
386 That's an appurtenant easement. Yes. That's the way it would be. But again, I think we need
387 further legal.
388
389 Spv. Kassel:
390 Clarification.
391
392 Madam Chair:
393 Yes, clarification.
394
395 Spv. Berube:
396 Well, to your point and, and I think I know where you're going, but I'm not sure. You have an
397 appurtenant easement and a gross easement, but for purposes here, we already know that
398 Birchwood assigned it's easement rights and sold them to the next guy.
399
400 Madam Chair:
401 Not necessarily.
402
403 Spv. Berube:
404 Why not?
405
406 Madam Chair:
407 Just because-
408

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409 Spv. Berube:
410 That's what it says to its assigns.
411
412 Madam Chair:
413 No.
414
415 Spv. Berube:
416 And by selling it, they assigned it.
417
418 Madam Chair:
419 Okay.
420
421 Spv. Berube:
422 And successors, I'm sorry.
423
424 Madam Chair:
425 But again, it's not necessarily the property. If it is selling and assigning itself, like it did to
426 Starwood, then all of these would go with it, but just selling another piece of land... I mean, there
427 are lots of pieces of land in Harmony that Birchwood Acres sold, right?
428
429 Spv. Berube:
430 Yep.
431
432 Madam Chair:
433 For instance, they sold your property. There's a strip of land between-
434
435 Spv. Berube:
436 Right.
437
438 Madam Chair:
439 ... your property line and the sidewalk that's owned by the CDD. And in fact, in the deed of
440 dedication that gives us Buck Lane Park and that strip, it says the same things. So does that give
441 you as the current property owner adjacent to it, the right to turn it into a parking?
442
443 Spv. Berube:
444 Well, I didn't buy the park. I bought my parcel.
445
446 Madam Chair:
447 That's correct. And your parcels is immediately adjacent and abutting that strip of land.
448
449 Spv. Berube:
450 Okay. So let me back up then, the deed that you are working with-
451
452 Madam Chair:
453 Mm-hmm (affirmative).
454

455 Spv. Berube:
456 right there on a piece of paper, is that the deed for the land in question here A2 and the Compass
457 parcel and B1 or is that a different-

458
459 Madam Chair:
460 The exact same language is in both, the deed that transfers the property adjacent to you and the
461 one that transfers B1 and to the CDD.

462
463 Madam Chair:
464 I think it, it behooves us to look further into that easement question and whether or not Harmony
465 Retail and/or Compass Trading truly has the rights that are in this Deed of Dedication. I think
466 that's an issue we need to address.

467
468 Jim Pratt:
469 We can provide documentation, showing the assignments have occurred. And I would ask is the
470 board, if we provide that documentation, is the board willing to make a decision tonight?

471
472 Madam Chair:
473 I've got a couple of other issues I need to bring forward and ask you questions on. So that's the
474 first one. And I think, my guess I am not going to be ready tonight to make a decision in
475 Harmony Trading or Compass. I mean, Harmony Retail or Compass Trading's favor at this
476 point, because I don't have my questions answered. The second question I have, and there was a
477 document that was in the agenda package that I had put in. I also researched our PD approvals.
478 We've gotten crosswise with our PD in the past, and I certainly don't want us to get crosswise
479 with it this time. Right now, our, the PD final approval even as amended in most recently in
480 November 30th, 2020, number one states that landscape and utility tracks of which B1 is
481 essentially a utility track, shall be owned by the community development district or Osceola
482 County and function as public right of way for the purposes of public right away including
483 drainage, infrastructure, utilities, et cetera. Only if the adjoining streets are private, such as in our
484 gated communities, would it then be allowed to be owned by anything other than the CDD or
485 Osceola County. In this case, the streets adjoining are not private, they are owned by the County.
486 And we are the CDD. That's the first thing. So that would be something we need to get the
487 County's opinion on. The second item that I found in the plan development approval is the
488 designation of this particular area as a connector path. And it runs from Five Oaks to the
489 frontage. This is similar to Billy's Trail connector path, the Butterfly Trail connector path that we
490 have, and the Garden Road connector path that we have. All of these are designated as connector
491 paths. And in fact, the, designation on that is that they will be used for either pedestrian, bicycle
492 or equestrian trails. And that's what they are limited to. So have you addressed that with the
493 County at this time?

494
495 Jim Pratt:
496 Like I said, I'm just... Go ahead Steve.

497
498 Madam Chair:
499 Steve, if you'll come up here so that the mic will pick it up.

500

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501 Steve Boyd:

502 Yes. Actually, developing a multi-use trail as part of this project does include the county
503 requiring a multi-use trail from Five Oaks through the project down to the lake. I mean, it goes to
504 the lake where you can access the existing sidewalk system all the way to the high school. But
505 there's a requirement in the county permit for a 10 foot wide multi use trail that's being built as
506 part of the project. So that, that satisfies the requirement from the PDA.

507

508 Madam Chair:

509 Okay, and the, the location that they have for it in the PD is directly on this parcel B1?

510

511 Steve Boyd:

512 That's correct. In the PD is a bubble plan.

513

514 Madam Chair:

515 Mm-hmm (affirmative).

516

517 Steve Boyd:

518 As long as the intents met then that's what to look for. So the actual location of the trail will be
519 on the western boundary of the project. There's an existing sidewalk that comes down, I can't
520 remember the name of the, the existing Street on the east side of A2.

521

522 Madam Chair:

523 That Sebastian Bridge?

524

525 Steve Boyd:

526 Yeah, I think it's Sebastian Bridge. There's an existing sidewalk on the eastern side of that, that's
527 going to be widened to accommodate the multi-use trail there. The other access that you have
528 that really functions as kind of as a multi-use trail is the wide sidewalk that eventually will be
529 extended through the town center all the way down through the town center itself to the highway.

530

531 Madam Chair:

532 Mm-hmm (affirmative).

533

534 Steve Boyd:

535 So there's going to be two alternative routes that that satisfy that what's shown on the PD master
536 plan.

537

538 Madam Chair:

539 I would just I think it's important again for us to verify that with the county, so that's another
540 question that needs to be answered from the county. And I do have a request in to them-

541

542 Steve Boyd:

543 Okay.

544

545 Madam Chair:

546 About that.

547
548 Jim Pratt:
549 Madam Chair-
550
551 Madam Chair:
552 Certainly.
553
554 Jim Pratt:
555 Can I explain your question about ownership? We've come in conceding that the CDD owns
556 Tract B1.
557
558 Madam Chair:
559 Yes. Mm-hmm (affirmative).
560
561 Jim Pratt:
562 So, I don't think that presents a problem for us. Your first one.
563
564 Madam Chair:
565 No, but what I-
566
567 Jim Pratt:
568 You're first point.
569
570 Madam Chair:
571 Right. What I'm saying is that would affect what, if we made a choice between one of the
572 options, which option we might be locked into? We might be locked into owning it? And, you
573 know, do-
574
575 Jim Pratt:
576 And, We're fine with that.
577
578 Madam Chair:
579 Okay. So-
580
581 Jim Pratt:
582 We can go either way.
583
584 Madam Chair:
585 We'll have to discuss that further.
586
587 Madame Chair:
588 Also in the materials you presented, you indicated that, there had been confusion in the
589 ownership. I understand that it is misrepresented in the property appraiser's website, but we have
590 documents. I pulled this one out that was done by, Mr. Boyd, I presume your firm. This was in
591 2008, that distinctly shows that the CDD owns that particular, I think it's U2 and B1. It goes all
592 the way down, across the front of, next to the pond, around the pond, and then across the

593 frontage. I don't know that there's been a long-term confusion. I think the confusion started in
594 2017.

595

596 Jim Pratt:

597 And, I can't say when the confusion started. I do know that anyone reviewing title or title
598 companies reviewing the title have been concerned because of how the property appraiser
599 reflects ownership and then previous title insurance policies reflect ownership. And the clarity is
600 provided by what we're proposing. If, it's more essential from a transactional perspective than it
601 is from a usage perspective.

602

603 Madam Chair:

604 I don't think there really is. For some reason, they don't have it on the property appraiser's
605 database, I don't know where that slipped through. I followed the chain of title and, for those of
606 you that are familiar with the history of Harmony, there was Birchwood Acres, LLC that was
607 owned by Balenses and started the whole CDD off. Eventually, correct me if I'm wrong, and
608 somewhere around in about 2011, they sold the entire Birchwood Acres and all their holdings to
609 Starwood.

610

611 Spv. Kassel:

612 2005.

613

614 Spv. Berube:

615 2005.

616

617 Madam Chair:

618 2005? Okay. To Starwood.

619

620 Spv. Berube:

621 To Starwood Capital.

622

623 Madam Chair:

624 Okay. So Starwood capital then owned it. And again, this is a 2008 map. So it still was shown
625 under CDD ownership. So Starwood Capital, evidently knew that this was owned by the CDD

626

627 Spv. Berube:

628 Or they thought so anyway.

629

630 Madam Chair:

631 Or they thought. So at some time between when they took ownership of Birchwood Acres, LLC,
632 and I presume they probably did not... I don't know whether they did or not do any title searches,
633 but then they assumed later on down the road in 2017, when Starwood then conveyed to
634 Harmony, Florida Lands

635

636 Spv. Berube:

637 There was a conveyance in between, from-

638

639 Spv. Leet:
640 Land Ventures.
641
642 Spv. Berube:
643 Starwood Land Ventures.
644
645 Spv. Leet:
646 Ventures.
647
648 Spv. Berube:
649 ... the capitol to Land Ventures around 12.
650
651 Madam Chair:
652 All Starwood?
653
654 Spv. Berube:
655 Yeah.
656
657 Spv. Berube:
658 But two separate entities.
659
660 Madam Chair:
661 Right.
662
663 Spv. Berube:
664 And then to your point-
665
666 Madam Chair:
667 And then so it's probably-
668
669 Spv. Berube:
670 ... in September in '17 then it went to Sunterra.
671
672 Madam Chair:
673 ...the Starwood that then made the mistake and then created their own deed on land that they did
674 not have title to and sold it. So luckily, you are protected by title insurance policies, that you can
675 go back upon.
676
677 Jim Pratt:
678 Yes, ma'am.
679
680 Madam Chair:
681 Okay. So that's good in that accord. So those are the issues that I think that we need to have
682 investigated further to flesh out, again who these-
683
684 Spv. Berube:

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685 Did you continue beyond the '17 acquisition by Sunterra? Is that one clear as ownership of this or
686 does the foginess predate that, do you think?

687
688 Madam Chair:

689 The ownership of this is, is in my opinion, clear all the way back.

690

691 Spv. Berube:

692 Well, some people think it's not. But, I get it.

693

694 Madam Chair:

695 Okay. So the problem seems to come in when Starwood Ventures then decided to sell off their
696 holdings to Florida Land.

697

698 Spv. Kassel:

699 Harmony. Harmony.

700

701 Madam Chair:

702 Florida Harmony Lands.

703

704 Spv. Kassel:

705 Harmony Florida Land.

706

707 Spv. Berube:

708 AKA Sunterra.

709

710 Spv. Leet:

711 Sunterra.

712

713 Madam Chair:

714 Anyway, Sunterra. They actually deeded parcels instead of all their holdings. And when they
715 deeded the parcels, they deeded this parcel over, which was not theirs to deed to anyone. Then
716 from there.

717

718 Spv. Berube:

719 But when you say not theirs, do you mean B1?

720

721 Madam Chair:

722 It's B1 and U2 and U1.

723

724 Spv. Berube:

725 That utility tract that's...

726

727 Madam Chair:

728 And the frontage, on the other side of the east entrance, the east side of the east entrance is also
729 owned by us. So unfortunately, somebody deeded land they did not own to other individuals and
730 these other individuals deeded it further. And that's where we are today.

731
732 Jim Pratt:
733 Excuse me. You had mentioned that when we first talked about this, as we looked into it, we
734 realized we could concede that point. I think that the deed clearly is a deed and it clearly has
735 language conveying ownership for the property, that Deed of Dedication. And so the confusion
736 really is, well, first off it's secondary to, to the primary reasons we've come forward. And second
737 it's a nuisance in a transaction and little more than that.
738
739 Madam Chair:
740 I'm, I am not at all saying that you all are at fault. You're, just as baffled as we are why. We're
741 wondering why people are selling our land to other people and you're baffled as to why you,
742 people were selling you land they didn't own.
743
744 Jim Pratt:
745 They didn't know, exactly.
746
747 Madam Chair:
748 So we're both in the same ballpark, Mr. Pratt. So I, you know, nothing, nothing there. But again,
749 these are all pretty serious issues that I think we need to get with the county on. And, , also make
750 sure that we have, the best, legal eyes we can have on the issue of where these reserved rights go
751 and where they don't go, because they don't just deal with this parcel. They deal with basically
752 the abatement, the majority of our pocket parks, the areas between the sidewalks and the grassy
753 areas between the property boundaries and the curbs. All of that hinges on how this is decided
754 about, is it Birchwood Acres that owns these reserved rights or is it the subsequent landowners
755 that own it. Those are some issues I think we need to get resolved in this. Any further questions
756 now that all that's out on the table?
757
758 Jim Pratt:
759 Could I get clarification, madame chair?
760
761 Madam Chair:
762 Certainly.
763
764 Jim Pratt:
765 I believe you raised three, three questions. One was the, the trail, and that one, you've said you
766 want to check with the county to make sure that they're satisfied that, what is being provided,
767 proposed for the development satisfies the PUD requirements. Is that correct?
768
769 Madam Chair:
770 That's one.
771
772 Jim Pratt:
773 Okay. The other is, whether the easement rights were transferred to subsequent owners. That's
774 two.
775
776 Madam Chair:

777 That's correct.

778

779 Jim Pratt:

780 And the third is, if I remember correctly, the question about ownership. I'm hoping we've
781 addressed that adequately.

782

783 Madam Chair:

784 Well, the ownership, the question is, if board decides to go with one of the two options that
785 you've proposed, if the county requires CDD ownership, then that will limit which one of those
786 two.

787

788 Jim Pratt:

789 Sure. Okay. And, so your concern is that, because of the language of the PUD that even though
790 the CDD is permitted to own it, they're not permitted to convey it?

791

792 Madam Chair:

793 That's right. Unless it's to the county.

794

795 Jim Pratt:

796 It seems to me that where that's leading is, that it, it really comes down to easement rights,
797 whether we have the easement rights, because we've said you don't need to convey it to us.

798

799 Madam Chair:

800 Right. I mean, the big, the big question will be-

801

802 Jim Pratt:

803 The easement rights.

804

805 Madam Chair:

806 ... the easement rights-

807

808 Jim Pratt:

809 Okay

810

811 Madam Chair:

812 ... as to what, what happens, what decision the board will make.

813

814 Jim Pratt:

815 If we can demonstrate that those easement rights have been expressly assigned, from the original
816 grantor, is the board prepared to make a decision on our proposal, or are we going to encounter,
817 some resistance?

818

819 Madam Chair:

820 I don't know. I'm only one of five.

821

822 Jim Pratt:

823 But I'm asking everyone.

824

825 Madam Chair:

826 What we're going to do now is see if there's any public that would like to have some input. And
827 then we'll draw the discussion all the way back to the board and the board members will discuss
828 where they want to go from here.

829

830 Jim Pratt:

831 Thank you. Okay.

832

833 Madam Chair:

834 You'll have some direction before we leave, I hope. Okay. If there's no other questions of the
835 presenter or of legal counsel from the board, I'll open it up to, comments from the public. If there
836 are any public comments.

837

838 Spv. Berube:

839 I think we're in a quandary here because of the specific questions that you asked

840

841 Madam Chair:

842 Let's wait and see if there's anybody from Zoom first. And then I'll pull it back to the board for
843 that type of discussion.

844

845 Spv. Leet:

846 Nothing indicated.

847

848 Spv. Kassel:

849 Everybody's muted.

850

851 Spv. Leet::

852 Yeah. If anyone that's on the meeting wants to,

853

854 Spv. Kassel:

855 Unmute.

856

857 Spv. Leet::

858 ... and speak to this.

859

860 Madam Chair:

861 Raise a hand and unmute?

862

863 Madam Chair:

864 And speak. Okay, hearing none the chair calls the discussion back to the board. At this point in
865 time, any comments, or?

866

867 Spv. Berube:

868 I think we're from my view, I thought I knew where I wanted to go with this, but you raised

CARBON

869 several questions, which specifically, the requirement of the PUD that we own that piece. If that
870 indeed is true, then that changes my view of what we should be doing here. I don't see where we
871 have a gain in owning basically a strip of land up through the middle of an apartment complex
872 that's going to be paved and covered with parking slots and mailboxes and other things. I don't
873 see whether that's a gain for the CDD to own that. That would be precedent setting for us to own
874 a piece of land with other stuff built on top of it. I was willing to cede that piece of land, U1 and
875 the appurtenant things in exchange for getting other things, but if we're required to own it, that
876 stops me dead. From my view, I need that answered.

877
878 Madam Chair:
879 You need that answered.

880
881 Steve:
882 And I think you do, too.

883
884 Madam Chair:
885 That's one of my questions.

886
887 Spv. Berube:
888 So I, I believe that the questions you presented pretty much stop us from much further discussion
889 here. I mean, we can ratchet Joe about it all night, right? But until the questions get settled to
890 everybody's satisfaction, what are we talking about? Flipping coins, right?

891
892 Madam Chair:
893 I would entertain based on that a motion to able this until we get further information from the
894 county-

895
896 Spv. Berube:
897 I hate to do it

898
899 Madam Chair:
900 and from legal on.

901
902 Spv. Berube:
903 It's a great presentation. A lot of time's been put into it, and, I thought we could settle it tonight,
904 but tending the lack of the answers, I, don't see any option but to table it.

905
906 Madam Chair:
907 Is that a motion to table?

908
909 Spv. Berube:
910 Yes.

911
912 Spv. Leet:
913 Second.

914

CARBON

915 Madam Chair:

916 I have a motion to table and a second. Any discussion on that motion to table?

917

918 Spv. Kassel:

919 No. Well, I just wanted to know. You said in exchange for something, but you didn't, you weren't
920 clear on what that was.

921

922 Spv. Berube:

923 Well, other lands and, other considerations. I mean, there's a value. It becomes an equity
924 proposal. I mean, the land to us is worth very little. The getting that land and getting it settled is
925 worth a whole lot of stuff to the guy who wants to sell the land. And I think this would be an
926 opportunity to gain other valuable potential lands and other things from that owner for the
927 residents of Harmony. Which this land here is to us, it's no value. I mean, what good's it going to
928 do? What good's it i doing now. Once it's paved, I think we could... I know that the owner of the
929 land would give up other parcels and other considerations to get this done if we deeded that over,
930 but we can't deed it over until your question gets answered, even if we want to. That's, what's
931 holding me back-

932

933 Madam Chair:

934 Do you have any comment?

935

936 Spv. Leet:

937 It mostly would fall under, what Steve said. Mostly would fall under what, Steve said, I came
938 into tonight, wanting to, discuss what considerations might be made in our direction for, greasing
939 the skids for, their real estate transaction that they're wanting to do. But yeah, if there's stuff with
940 the county that we still need clarified, it's pretty clear cut.

941

942 Madam Chair:

943 Okay.

944

945 Spv. Berube:

946 To me, that's the one, that of all the stuff you brought up and it's all important, but that's the one
947 that puts the brakes on the whole thing. And that PUD, you know, we live and die by that thing
948 and we get it.

949

950 Madam Chair:

951 Yeah. And I want to verify that because, for some reason I had, in my mind some recollection
952 that there was supposed to be a, kind of a trail or a pedestrian,

953

954 Spv. Kassel:

955 Walkway.

956

957 Madam Chair:

958 ... walkway that separated.

959

960 Spv. Kassel:

961 Promenade.
962
963 Madam Chair:
964 Promenade. Yes, that's the word I was looking for. Promenade that would separate the, the mixed
965 use commercial residential from the, the pure residential. I thought that was what was intended
966 for that piece of land. I would like to delve further into that. So at this point we have a motion
967 and a second to table until our next meeting in order to get further information from the county
968 and legal advice.
969
970 Jim Pratt:
971 Sorry to interrupt. Could you tell us which provision of the PUD requires those be owned by the
972 CDD or the county?
973
974 Jim Pratt:
975 We're looking at one section of the PUD that doesn't seem to say that with respect to this
976 property. I mean, it seems to say that it applies to properties adjoining private streets but doesn't
977 say it applies to the properties adjoining-
978
979 Madam Chair:
980 There we go. Thank you.
981
982 Jim Pratt:
983 ... to other properties.
984
985 Madam Chair:
986 I'm sorry, I don't. It's currently on the November 30th, 2020, it was the excerpt from PD 19-
987 00035 final approval. It says landscape, section 6.2.
988
989 Jim Pratt:
990 Yes, that's what we're looking at.
991
992 Madam Chair:
993 "Landscape and utility tracts shall be owned by the Community Development District or Osceola
994 County."
995
996 Jim Pratt:
997 But the next paragraph. It says-
998
999 Madam Chair:
1000 Oh, it says, "Landscaping utility tracts associated with-
1001
1002 Jim Pratt:
1003 Private streets.
1004
1005 Madam Chair:
1006 ... private streets or within gated neighborhoods, such as the Enclaves or The Lakes, will be

1007 owned and maintained by the same private association that owns and maintains." So that would
1008 be the homeowner's association. In this case, you're adjoining, you have no private streets.
1009 You're adjoining Five Oaks. And So that's-

1010
1011 Jim Pratt:
1012 All of the streets in this development will be private.

1013
1014 Madam Chair:
1015 You don't have streets. You have parking lots in this development.

1016
1017 Jim Pratt:
1018 There's streets. There's circulation streets and parking lots in the development.

1019
1020 Madam Chair:
1021 I think in that case we need to clarify that with the county.

1022
1023 Madam Chair:
1024 Okay. We have a motion and a second on the table, all in favor to table till our next meeting?

1025
1026 Spv. Berube:
1027 I.

1028
1029 Spv. Kassel:
1030 I.

1031
1032 Madam Chair:
1033 I.

1034
1035 Spv. Leet:
1036 I.

1037
1038 Spv. Scarborough:
1039 I.

1040
1041 Madam Chair:
1042 Hearing no opposition motion passes.

1043

1044 On MOTION by Spv. Berube, SECOND by Spv. Leet, with
1045 all in favor, the Board approved to table the discussion
1046 of Tract B1 until the February meeting and once legal
1047 gets confirmation of the Board's concerns from the
1048 County.

1049

1050

1051

1052
1053
1054 District Manager:
1055 Slate that for the February agenda?
1056
1057 Madam Chair:
1058 Yes, please.
1059
1060 Jim Pratt:
1061 Thank you for your time.
1062
1063 Madam Chair:
1064 Thank you for your presentation and information. We'll diligently work. And again, I tried to get
1065 a response from the county. Have not received one yet.
1066
1067 Jim Pratt:
1068 Well, we'll help you look into some of these issues as well. We have good reason to also.
1069
1070 Madam Chair:
1071 Okay. Well, yes, I imagine you do. But we do need to look into also the question of the, the type
1072 of reservation of rights, because that's going to affect not only this parcel, but other parcels,
1073 numerous other parcels that we have been deeded-
1074
1075 Jim Pratt:
1076 Yes, ma'am.
1077
1078 Madam Chair:
1079 ... given to us in this fashion.
1080
1081 Jim Pratt:
1082 And that's what I've been looking at while I listened. And I did find some of the assignments
1083 recorded in the public record of Belton Heights. So, and I knew that I'd seen them before. So I'll
1084 gather those and forward them to you.
1085
1086 Madam Chair:
1087 Wonderful. All right. Thank you so much. All right.
1088
1089 Jim Pratt:
1090 Thanks everyone.
1091
1092 Spv. Kassel:
1093 Nice to see you Mr. Boyd.
1094
1095 Madam Chair:
1096 Along that same general issue not with this parcel but with other parcels I would like to point
1097 out, this same deed also deeded us, a land along the frontage east of our east entrance. That was

1098 the land that we, the infamous land we cut off irrigation to.

1099

1100 Spv. Leet:

1101 Would explain why it was irrigated in the first place.

1102

1103 Spv. Kassel:

1104 That's right.

1105

1106 Madam Chair:

1107 Right.

1108

1109 Spv. Berube:

1110 Well, it was always ours.

1111

1112 Madam Chair:

1113 Well, it's all-

1114

1115 Spv. Kassel:

1116 But-

1117

1118 Madam Chair:

1119 It's been ours since 2003, but we did-

1120

1121 Spv. Kassel:

1122 But because the property appraiser showed as theirs.

1123

1124 Spv. Berube:

1125 I understand that. That all happened. And, that's why I asked about 2017 because myself and Mr.

1126 German some years back had a conversation regarding all of that. And he said, we made some...

1127 Transactional detail errors when we sold that off to the current owner. Meaning, Mr. Fusilier.

1128 And basically, what happened is they weren't paying attention. He thought they were selling just

1129 basically the town square. And because those areas kind of adjoin on the maps, it all got included

1130 in the sale. And that wasn't his intent because of the maintenance issues.

1131

1132 Spv. Kramer:

1133 Well, he didn't... He never owned them.

1134

1135 Spv. Berube:

1136 Well, I understand.

1137

1138 Madam Chair:

1139 So-

1140

1141 Spv. Berube:

1142 But somehow those same kinds of-

1143

1144 Madam Chair:
1145 That's correct. The same errors.
1146
1147 Spv. Kassel:
1148 So a question then about the front dog park. Is that-
1149
1150 Spv. Leet:
1151 The what dog park?
1152
1153 Spv. Kassel:
1154 The, the Central Bark?
1155
1156 Madam Chair:
1157 Yeah, that leads to, a bigger question as to the-
1158
1159 Spv. Leet:
1160 Well, that's compass. That's a different parcel.
1161
1162 Madam Chair:
1163 As to the fact that we evidently cannot rely on the property appraiser's database and we don't
1164 know what we own. I've queried Mr. Qualls. His firm has been representing Harmony since
1165 inception. I anticipated that he would say, well, we have a database that, you know, logs all the
1166 properties that have been deeded over, but he does not.
1167
1168 Spv. Berube:
1169 Why would the law firm? Wouldn't that be an engineering?
1170
1171 Madam Chair:
1172 No, it-
1173
1174 Spv. Berube:
1175 Because whenever we want to know about maps, it always comes from engineering.
1176
1177 Madam Chair:
1178 But the deeds are legal documents and should also be had. So we should have checks and
1179 balances. It should be with the district manager should have a whole log. The attorney should
1180 have a whole set of deeds of everything that's been deeded to harmony.
1181
1182 Tim Qualls:
1183 And we do have those deeds.
1184
1185 Madam Chair:
1186 And you okay. But I inquired of you, if you had an inventory of everything that's been deeded to
1187 Harmony, and you said, no.
1188
1189 Tim Qualls:

1190 So when you said inventory, what I pictured in my head was like a spreadsheet saying this was
1191 transferred at this time. But, but when, when deeds were transferred, and I spent the afternoon
1192 between the property appraiser's office and the clerk of the court researching all of this. I've been
1193 talking to people that the property appraiser in Osceola, they're very helpful, but they only about
1194 90% of the time they get it just right. 10% of the time there, there are errors, not just in Harmony,
1195 but everywhere. And there's reasons for that, but it's deed that controls and these deeds... And,
1196 and I will way the, the folks here in Osceola are super helpful. These deeds are on the record.
1197 They take the time to go through them with you. And this was a very complicated- I don't want
1198 to say it's like the most complicated land deal ever. I'm not a land use attorney, but this dead was
1199 complicated, and you guys were touching on it. It's not like there was just a big chunk of land
1200 and all of it got conveyed.

1201
1202 Spv. Berube:
1203 It's been carved up.

1204
1205 Tim Qualls:
1206 It gets carved up. And so what happens is the property appraiser looks at certain things, but they
1207 don't always go and dig down. And a title company doesn't either. So we can certainly ascertain
1208 through the Osceola, which those records would be much more, reliable because that's what's
1209 finally recorded is what my office has. We don't delete any files. We're not allowed to. Even
1210 though we're not the custodian, we still keep all the files. What we would have is when a
1211 developer says, "Here's a draft we want you to look at." We would have that draft in, in our files.
1212 We keep everything. But the most accurate place to get these answers is the Osceola County
1213 clerk of the court because this is where the deeds are recorded. And with the statute of frauds a
1214 land deal has to be in writing, witnessed by two parties, and recorded. So, so you can certainly
1215 ascertain what you own. I will say I spent the afternoon at the property appraisers in the clerks. I
1216 spent the morning talking to a title specialist and she started looking into Harmony and she said
1217 it's very complicated. and DOT had already contacted her and she, she was saying it was
1218 complicated there as well. But these are not, these are not unsolvable questions. Just need the
1219 specific direction to go and answer.

1220
1221 Spv. Berube:
1222 To this point and Madame Chairwoman's point, there, in the presentation there are several pieces
1223 with arrows that say, um, "ownership is wrong" or something, "property appraiser has ownership
1224 wrong." Did they find those? Is that a result of you asking a question or, how? I mean, I've seen
1225 it in the presentation where it says.

1226
1227 Spv. Kassel:
1228 They did title... They did a title search. He said tonight, they did a title search and that's how it
1229 came.

1230
1231 Spv. Berube:
1232 So those notes on that presentation were known by them that the property appraiser has it wrong.

1233
1234 Madam Chair:
1235 Yes.

- 1236 District Manager:
1237 I think it was a combination of a lot of things. So, they found it. I think, the chairwoman found it.
1238 Elizabeth in our office researched and found... So, it was kind of like a mixture
1239
1240 Madam Chair:
1241 And, and the thing is, is we don't know how many other errors like that are out there.
1242
1243 Tim Qualls:
1244 With the property appraiser's office.
1245
1246 Madam Chair:
1247 Well, or, or with our records or with anything. We've got two parcels right now. One is the GA
1248 that's across the street from the community school. And I've mentioned to you this to you before
1249 Tim, that we don't assess a CDD fee on. And why is that? Why isn't there debt service, CDD
1250 debt service on that? Why isn't there an O&M? And those are the questions I'm asking, but I'm
1251 not getting answers. Elizabeth is investigating these. The other way is the Cat Lake access parcel,
1252 um, is the one where they do the weddings on for the, the clubhouse right now. And that has no
1253 CDD fee, either debt services or O&M, and both should unless they're owned by CDD. So the
1254 question is, is there something back in the record where those were deeded to us?
1255
1256 Tim Qualls:
1257 Not that I found. And I think that the, the important... Your question is certainly very important,
1258 madam chair, but what's happened in the past when the role was prepared and sent over the tax
1259 collector and the property appraiser, you, you're not going to be able most likely to go back and
1260 collect anything. Your question is certainly very important, Madam. Sure. But what's happened
1261 in the past when the role was repair and sent over to the tax, collect the property appraiser you,
1262 you're not going to be able most likely to go back and collect anything. So the idea is for future-
1263
1264 Madam Chair:
1265 I'm not saying collect it. I'm saying we need to do due diligence. We don't know what we own
1266 and we don't own. That is a serious concern to me, serious concern.
1267
1268 Spv. Kassel:
1269 Yeah, very.
1270
1271 Madam Chair:
1272 And it's something we should have well in hand. So that's my point is that, that we need to get
1273 there. I mean, because not knowing about that property to the east of the entrance got us into a
1274 lawsuit. If we didn't feel it was privately owned and didn't cut off the water, we wouldn't have
1275 spent 47,000 in legal fees to defend that lawsuit. So it has a direct impact to us. We need to be
1276 responsible stewards.
1277
1278 Spv. Berube:
1279 To that point, is it both sides or just the one on the east?
1280
1281 Madame Chair:

1282 Both.

1283

1284 Madam Chair:

1285 So that's why I think we need to as a board look and do our due diligence and make proper

1286 arrangements to do some legal searches to have, to find someone.

1287

1288 **LOST RECORDING**

1289

1290 Spv. Leet:

1291 I apologize everybody. There, are we good?

1292

1293 Madame Chair:

1294 Got it?

1295

1296 Spv. Leet:

1297 If anyone is on the meeting, uh, are you able to, um, raise your hand or just unmute and say that

1298 you're able to hear us? I apologize for that. We should be. Thank you very much. Sorry about

1299 that.

1300

1301 **LEGAL COUNSEL RFQ**

1302

1303 Madame Chair:

1304 At, at this point, it's a difficult issue, but I need to bring to the board's attention. For the past year,

1305 we tried different, fee structures and, since we've gone to a flat fee, I don't feel confident that

1306 we're getting the legal advice, even reflecting back, I have concerns about legal advice and as is

1307 exhibited by this, this property question. I had asked the district manager to get information

1308 about, law firms that are available. We had two that were going to be present, and we do have

1309 one representative here, from, KUTAK ROCK, who is here, in case you have any questions of

1310 him. Competent legal counsel for CDD, there are lots of CDDs that are coming online. They are

1311 becoming, more and more scarce. So at this point in time, I would like to ask the board to

1312 consider, going out and requesting, qualification packages, unless, there's a further decision

1313 tonight, to further consider our options for legal counsel.

1314

1315 Spv. Berube:

1316 I would not entertain changing legal counsel. It's pretty clear that the chairwoman and current

1317 counsel don't get along very well, seems like two opposing lawyers in the courtroom at almost

1318 every single meeting. I think current counsel has been here for most of 20 years. And until

1319 recently, we haven't had the opposite or opposition towards counsel's opinions and advice, and I

1320 would move that we retained current legal counsel, and that's a motion.

1321

1322 Spv. Scarborough:

1323 I second.

1324

1325 Madame Chair:

1326 I have a motion and a second, any further discussion? I would like to bring several items to the

1327 attention of the board during this discussion period. Again, ever since we've gone to the flat fee,
1328 our legal representation has been lacking. For instance, our contracts have been primarily
1329 handled by Sylvia, cutting and pasting the documents together. We found significant problems
1330 with the contracts. We've been having difficulties with policies, our tree trimming policy,
1331 although all we wanted was a very simple policy, it took numerous months to finally get out of
1332 the gate. And that was only after, Matthew Pippin helped us out with it and, Brett assisted.
1333 We had a problem with our towing contract. It was sent before, I was able to review it, to the
1334 provider and the provider went forward with it. Because he was provided it, it did not include
1335 any of the statutory language that was necessary to be in it or any of the, indicators of when and
1336 how they could tow. It resulted in two of our residents' cars being towed inappropriately that we
1337 then had to work to get their cost refunded. I just have not seen a performance, even before the
1338 flat fee. When we want a policy, there was the no solicitation policy. We paid our, legal firm
1339 time for their efforts in putting that together, and what it ended up was that Mr. Farnsworth
1340 pulled something off the internet, and my understanding is you went ahead and tweaked it, Spv.
1341 Kassel, and that's what we ended up adopting. It wasn't a product from the legal research or
1342 writing of our attorney's office. Same thing happened with the procurement policy. It's been quite
1343 frustrating and luckily, there is some legal background available, but it, just can't continue on
1344 with. For instance, this particular issue with the property. I asked for a full review of it, and there
1345 were no questions answered. The flat-out statement was, "Well, just turn it over to the developer.
1346 Don't worry about it, just turn it over to the developer." And there were so many other issues,
1347 that instead I, as chairman should not have to go out and do all this research, but I ended up
1348 doing all the research instead of our legal counsel doing it. We have the COVID issue. The thing
1349 is, when we employ an attorney who covers a number of districts, they spread the cost of a new
1350 issue, such as COVID, out over a number of CDDs that they represent. In this case, I went back
1351 and looked at the billings and we were billed over \$7,400 for research and advice on the COVID
1352 issues. Another community development district that Mr. Qualls firm represents, their bill for
1353 COVID issues was \$3,500. So that's about \$11,000 between two districts. The largest bills for
1354 research, I know there will be some billings that will be unique to the particular district, but the
1355 majority of them should be split between all the districts. I don't know the exact circumstances
1356 but, that's a high cost to pay for advice about the COVID issue, even though it was a unique and
1357 a very difficult issue to deal with. I am not minimizing it at all. The other issue is, I really would
1358 like to see the district move forward on different possibilities of re-cooping some of the money
1359 that was spent in legal fees for the Harmony Retail versus Steve Berube lawsuit. The legal advice
1360 that was given during that period of time, I don't think was in the best interest of the district. I
1361 feel that the advice should have, and this was before my time on the board, should have come out
1362 and clearly stated, "You have insurance for that." But instead, we ended up paying Mr. Qualls's
1363 law firm over \$47,000 in legal fees for something that our insurance company should have
1364 footed the bill on. I think there might be one individual that understood that issue, but I don't
1365 think the other Supervisors really truly were given the advice to fully understand the issue and
1366 why it would be important for it to go straight to the insurance company. So that's my position on
1367 this. Anybody else have any questions or comments on this issue?

1368
1369 Spv. Berube:

1370 To your last point, a dually authorized board took a dually authorized vote to provide a defense
1371 to that lawsuit against me. You can call it personal if you want, it was all related to district
1372 business.

1373

1374 Madame Chair:

1375 That's correct. and I have no argument with providing you legal representation. And counsel was
1376 asked, "Should we, send this to the insurance company?" And during that meeting, he said,
1377 "There is no reason to send it to company." I mean, "There is no reason to not send it to the
1378 insurance company." Spv. Kassel made a motion to turn it over to insurance, that same board at
1379 that time said, "No, we're going to provide a defense.

1380

1381 Spv. Berube:

1382 We have a duty to defend." Insurance is not a defense, end of story. And it's well known, and
1383 counsel has rebutted many of your concerns that you just brought up in meeting after meeting,
1384 his version of what you asked for versus your version are two different things. And it's you two
1385 go like this. So he's on edge when he's dealing with you, you are on edge when you're dealing
1386 with him, and you have this problem. I made my motion to retain counsel. We have a second.

1387

1388 Madame Chair:

1389 Okay. It sounds like we can call it.

1390

1391 Spv. Kassel:

1392 You brought up the point that Mr. Qualls knows that I was upset with regarding the issue that
1393 you just raised. My sense was that Mr. Qualls should have, covered more of the advantages of
1394 providing, legal representation through our insurance at the time. I want to say that it is,
1395 wonderful that we have a chair who has a legal background and can be evaluating things, in a
1396 way that the rest of us who do not have that background or experience would not understand or
1397 be aware of in any way. I do appreciate that. I think the board should appreciate that.
1398 Clearly, there is a level of discomfort or a level of lack of trust, I'm not sure how to put it into
1399 words, but, some questioning perhaps on both sides, on the chairwoman's side and their legal
1400 representation. I am not ready to decide on other legal representation tonight. I'm not ready to
1401 say whether we should go forward with that. I do understand where you're coming from, and I do
1402 understand the issues that you've raised. I did review the proposals and I think perhaps we just
1403 maybe need a little more information and time before we make that decision. I'll just leave it
1404 there.

1405

1406 Spv. Leet:

1407 My thoughts, having gone back and reviewed the meetings that took place regarding the
1408 representation of, chair at the time, Mr. Berube and that's an accurate telling of events. There was
1409 the separate question of, should there be representation? Was the suit stemming from actions
1410 taken as their position on the board? And then the separate question of, should we refer to
1411 insurance? I was pretty sure I was at both those meetings. I disagreed with the decision that was
1412 made at the time to not pursue insurance that we're paying for and could be covered, but, ,
1413 district counsel serves at the pleasure of the board and that was the direction that was given at the
1414 time. I'm absolutely cognizant of there being some friction and maybe opportunities to make sure
1415 we're getting the best of the best possible coverage, but, I, along with Spv. Kassel, I'm not ready
1416 to make any changes, especially based on if it was action that was taken at the direction of the
1417 board, as much as I might've disagreed with it at the time.

1418

CARBON

1419 Madame Chair:
1420 At this time, I'll call a question. All in favor-
1421
1422 Spv. Kassel:
1423 Can you repeat the, the motion please?
1424
1425 District Manager:
1426 Motion to retain current legal counsel.
1427
1428 Spv. Berube:
1429 I move that we retain current legal counsel.
1430
1431 Spv. Scarborough:
1432 I second it.
1433
1434 Madame Chair:
1435 All right.
1436
1437 Madame Chair:
1438 Okay.
1439
1440 Spv. Kassel:
1441 I will say, just to go back to a little discussion, that doesn't mean that's a permanent continuance.
1442
1443 Madame Chair:
1444 So my understanding, the motion is to retain current counsel, and not to look at any other legal
1445 counsel at this time.
1446
1447 Spv. Berube:
1448 Correct. That was my intent in the motion.
1449
1450 Madame Chair:
1451 Okay. All in favor?
1452
1453 Spv. Kassel, Berube, Leet and Scarborough:
1454 Aye.
1455
1456 Madame Chair:
1457 All opposed? I'm opposed.
1458
1459 On MOTION by Spv. Berube, SECOND by Spv.
1460 Scarborough, with four Supervisors in favor and
1461 Supervisor Kramer opposing, the Board approved to
1462 retain current Legal Counsel.
1463
1464

CARBON

1465

1466

1467

1468 Spv. Berube:

1469 Madam Chairwoman, if I may. I understand how difficult it is to sit in that chair and make those
1470 statements. I get it. I sat in that chair. I appreciate the fact that you have the tailbone to sit there
1471 and say it. It's tough, I get it. But if I may, I think, and I'm sure you are anticipating what I'm
1472 going to say, I think you and counsel really need to, not necessarily shake hands and make up,
1473 but there needs to be more of a less frictional type relationship. I think everybody sees it, and
1474 that's not a criticism to you. You have your ways of doing things and I've dealt with counsel for a
1475 long time, he happens to be my friend as well, and I know that there are times when he's not
1476 getting what you are putting out. And sometimes you have to be a little bit more decisive in what
1477 you want from counsel, because he's thinking over here and you're thinking over here. I get it.
1478 I've dealt with him for a long time, and we were always able to work it out. So just my
1479 suggestion. And again, I appreciate the fact that you stood up and said what you believe. It's
1480 commendable, but the rest of us have a slightly different view, and I think, I'm sure you're an
1481 intelligent woman, he's an intelligent man, I think you can come together in the middle and we
1482 can probably get better performance out of counsel.

1483

1484 Madame Chair:

1485 I definitely hope that that's forthcoming.

1486

1487 Spv. Berube:

1488 We will see.

1489

1490 Madame Chair:

1491 All right. And my apologies.

1492

1493 Mike Eckert:

1494 Oh, no. It's all good. Keep going about the business

1495

1496 Madame Chair:

1497 Are you enjoying yourself

1498

1499 Mike Eckert:

1500 No, it's interesting. Keep going.

1501

1502 Spv. Berube:

1503 He's an attorney. He loves watching this back and forth, right? We got a room full of attorneys
1504 here tonight.

1505

1506 Theresa:

1507 There we go. There we go.

1508

1509 Spv. Berube:

1510 And we even got some amateur attorneys sitting around this table, or so we think. And again,

1511 Madam Chairman, thanks for bringing it up. I can't say it enough, I know how hard it is to bring
1512 certain issues up and many times you avoid them because it's going to be tough. And not
1513 everything is cut and dry and easy to throw out there.

1514

1515

1516 **FIFTH ORDER OF BUSINESS**

CONSENT AGENDA

1517

1518

1519 Madame Chair:

1520 All right. We'll continue moving forward so we can hopefully get to everything on our agenda.
1521 Consent agenda, it includes the approval of our December 16th, 2021, regular meeting minutes,
1522 the approval of our December workshop minutes, financial statements for December 31st of
1523 2021, and the approval of number 261 invoices and check registers.

1524

1525 Spv. Berube:

1526 Those bloody water bills keep coming in high.

1527

1528 Spv. Kassel:

1529 Move to approve, save for a requested amendment to the minutes where a vote was missing.

1530

1531 District Manager:

1532 And I revised that, Mrs. Kassel sent it to me prior to, so I revised it.

1533

1534 Spv. Kassel:

1535 Okay, that was my mother, Mrs. Kassel.

1536

1537 Madame Chair:

1538 We have a motion.

1539

1540 Spv. Berube:

1541 Oh.

1542

1543 Madame Chair:

1544 Do I hear a second?

1545

1546 Spv. Berube:

1547 Second.

1548

1549 Madame Chair:

1550 So we have a motion and a second to approve with the amendment as, already been made. Any
1551 discussion other than that? Hearing none, approved.

1552

1553

1554

1555

On MOTION by Spv. Kassel, SECOND by Spv. Berube,
with all in favor, the Board approved the consent

CARBON

1556 agenda with the amendment to the December 16th
1557 minutes
1558
1559
1560

1561
1562

1563 Spv. Berube:
1564 Madam Chairwoman
1565

1566 Madame Chair:
1567 Yes.
1568

1569 Spv. Berube:
1570 I commented about the water bill, and it's serious. They continue to be high.
1571

1572 Spv. Kassel:
1573 Did we take a vote? Did we take a vote?
1574

1575 Spv. Kassel:
1576 I don't think we took a vote
1577

1578 Madame Chair:
1579 No, I'm sorry. Thank you. All in favor?
1580

1581 Spv. Berube:
1582 Everybody
1583

1584 Spv. Kassel:
1585 Aye.
1586

1587 Madame Chair:
1588 All in favor.
1589

1590 Spv. Kassel:
1591 Thank you.
1592

1593 Madame Chair:
1594 All in favor? Aye. I thought we did. So we're done.
1595

1596 Spv. Berube:
1597 The, the consent agenda. About the water bill, it's high again, which is typical, does not include
1598 the filling of the pool, I checked that.
1599

1600 Madame Chair:
1601 No, I made sure of that.

CARBON

1602
1603 Spv. Berube:
1604 But the key, and where I'm going with this is, the sprinklers have been running the last several
1605 nights-
1606
1607 Madame Chair:
1608 I have questioned-
1609
1610 Spv. Berube:
1611 ... in the rain.
1612
1613 Madame Chair:
1614 I have a question both, I wanted to make sure and Brett, I don't know if you've had the time to
1615 check since I asked. Have we switched over to the winter watering schedule? I know it's been
1616 really warm, and I don't even know the advocacy of having moved over to the winter watering
1617 schedule, being that it's been so warm and so dry. In fact, during that billing period, I went back,
1618 I've been tracking the rainfall, we had less than three quarters of an inch during that 30-day
1619 period.
1620
1621 Spv. Berube:
1622 I get that, but we've had a lot of rain over the last several days and I've seen multiple zones
1623 running-
1624
1625 Madame Chair:
1626 Right
1627
1628 Spv. Berube:
1629 ... in the rain.
1630
1631 Madame Chair:
1632 Okay. And actually, we have not had a lot of rain-
1633
1634 Board member:
1635 No, we haven't.
1636
1637 Madame Chair:
1638 I think, correct me if I am wrong
1639
1640 Spv. Berube:
1641 I know it takes a certain amount to trip it off, but I get it.
1642 Madame Chair:
1643 Vincent, it's got to continue watering to get up to, what, a full inch? So turn it over for a quick
1644 summary on that one. And stepping up to the microphone is Brett Perez
1645
1646 Area Field Director:
1647 Yeah. So, I did reach out to Servello pertaining the irrigation system and got response back.

CARBON

1648 They do have a current issue with controllers and found there's a malfunction going on. Every
1649 controller is in standby mode right now, so they're actually having to basically go and manually
1650 water from controllers, or they're running from the timer and the actual station versus the
1651 computer running it. They're working through that. The question that you had regarding a high
1652 water bill further down, I think Pete discussed that today. They did find that leak. So that's a part
1653 of it. They should be, even though the weather's warmer, you have shorter days and longer nights
1654 and you have less, typically less humidity. So there's more in-

1655
1656 Spv. Kassel:
1657 Evaporation?

1658
1659 Area Field Director:
1660 There's less of evaporation right now because you don't-

1661
1662 Madame Chair:
1663 Right.

1664
1665 Area Field Director:
1666 ... have as much sunlight.

1667
1668 Spv. Berube:
1669 It's cooler.

1670
1671 Area Field Director:
1672 And it's, it's still a cooler temp and your nighttime temps are lower. So they should be reducing
1673 their run times. They should be, because if they're not, they're going to be pushing a lot of fungus
1674 on top of wasting water. What we have had a lot of issues with as of late, is a lot of sprinklers
1675 that are broken. So even during a normal cycle or run time, you may have five, six, seven heads
1676 that are just blasting out water and instead of having a three gallon per minute nozzle on it, it's
1677 got no nozzle on it.

1678
1679 Spv. Kassel:
1680 Yeah.

1681
1682 Area Field Director:
1683 And now you're blasting-

1684
1685 Spv. Kassel:
1686 60 gallons a minute.

1687
1688 Area Field Director:
1689 60 gallons a minute, potentially.

1690
1691 Madame Chair:
1692 I want to check of that, because there have been a couple that have been brought to my attention.
1693 I go out and it appears... It doesn't appear. The nozzle heads have been unscrewed. In fact, in one

CARBON

1694 case, the nozzle head was unscrewed, the sprinkler was taken apart, and the spring inside of it,
1695 because it was a popup, had actually been removed. So I'm not sure if we have someone
1696 harvesting sprinkler parts for their own property.

1697
1698 Spv. Kassel:
1699 Well, if, if the head pops off, the spring comes up.

1700
1701 Area Field Director:
1702 Well, she's saying the head was actually repaired. There was a new nozzle put on, you could see
1703 the new top on it, but there was no spring. Now, I can follow up with them, maybe when in haste
1704 of making the repair, they forgot. It doesn't make sense, but, the spring should've remained in
1705 there because it... The spring comes up under tension-

1706
1707 Madame Chair:
1708 Riser's up, then when the pressure comes off, the spring pops it up. So it shouldn't have,

1709
1710 Spv. Berube:
1711 Well, so did you think-

1712
1713 Madame Chair:
1714 The, ring should've held the spring in, the nozzle came off the riser, the riser wasn't out. So, but
1715 the spring was missing and then the nozzle, all I did was pick it up and screw it back on to fix it.

1716
1717 Spv. Berube:
1718 So the nozzle was off?

1719
1720 Madame Chair:
1721 Somebody had unscrewed the nozzle.

1722
1723 Spv. Berube:
1724 Well, they'll come off sometimes. And when they come off, the spring is gone.

1725
1726 Area Field Director:
1727 No, the nozzle coming off shouldn't impact the spring coming off.

1728
1729 Madame Chair:
1730 Right.

1731
1732 Area Field Director:
1733 The spring should stay in place because the spring is under the riser When you screw the top of
1734 the head on where the nozzle seats.

1735
1736 Spv. Berube:
1737 That's what I'm talking about, the threaded piece.

1738
1739 Area Field Director:

CARBON

1740 No, no. She's talking about the physical nozzle. When the head pops off that nozzle popped off.

1741

1742 Madame Chair:

1743 The little spring.

1744

1745 Spv. Berube:

1746 Just the little spring thing under the head?

1747

1748 Madame Chair:

1749 Just the little spring thing had been unscrewed.

1750

1751 Spv. Berube:

1752 Well, the only reason that somebody would put it all back together without the spring is because
1753 they lost it or because it might be easier to manipulate without the spring in it. You don't have to
1754 hold it up with the pliers. Leave the spring out, thing will still work.

1755

1756 Madame Chair:

1757 Well, the nozzle was still on.

1758

1759 Spv. Berube:

1760 I know. The thing will still work without the spring.

1761

1762 Area Field Director:

1763 Can I ask this question just so I get a better understanding? Teresa, were you able to see the
1764 spring or did you unscrew the top to see if the spring was in it, or you're just saying that the, that
1765 the actual stem of the nozzle's... it was still up and you just pushed it back down?

1766

1767 Madame Chair:

1768 No, the nozzle was off, the stem was there, I could see the stem. I put my finger down into the
1769 stem, brought it up without any resistance whatsoever. So I had to unscrew the top-

1770

1771 Area Field Director:

1772 Okay, so you had to unscrew the top, okay. Sometimes the seal will actually hold the stem from
1773 sliding back down-

1774

1775 Madame Chair:

1776 It'll keep it up.

1777

1778 Area Field Director:

1779 So it will think that it's

1780

1781 Madame Chair:

1782 But anyway, so we've got a situation where, for whatever reason, a lot of our sprinklers... But
1783 basically, from last year to this year, last year was 7,000, this year is 12,500 for this time period.
1784 Now, it's been extremely dry, I understand that.

1785

CARBON

1786 Area Field Director:

1787 It was warmer this December than last December.

1788

1789 Madame Chair:

1790 And a lot warmer. So, um, but we just need to stay on top of that.

1791

1792 Area Field Director:

1793 I did note too, speaking of the irrigation, some of the pictures that have come in, there was one
1794 that came in today, a rotor that looks like maybe a lawnmower hit it.

1795

1796 Madame Chair:

1797 Yeah. I sent that one.

1798

1799 Area Field Director:

1800 Yeah, I know. My point to it , is normally if a lawnmower is hitting and the blades spinning,
1801 you're going to see pretty significant damage to the plastic piece. That's the head, the, the actual
1802 rotor part was popped off.

1803

1804 Madame Chair:

1805 But it wasn't, it was actually to be under

1806

1807 Area Field Director:

1808 Which makes me believe potentially that people are vandalizing them, meaning when it's on-

1809

1810 Madame Chair:

1811 Yes, that's what I thought as well

1812

1813 Area Field Director:

1814 They're running by and they'll kick them. And if they kick them, that piece will snap off, it'll fly
1815 off, and then the water just shoots straight in the air. We've seen, I've seen in my tenure in the
1816 landscape industry too, where bike riders, or I don't want to say kids because it can even be golf
1817 carts, whatever, sprinklers are on while they're driving down, there's... you know, the wind's
1818 blowing this way, so instead of staying on the cart path, they'll ride directly over all the heads.
1819 Then you can have them break that way too. Unfortunately, that's part of the game. I hate to say
1820 that.

1821

1822 Spv. Berube:

1823 And depending where the mow wheels go, they may be right on the sprinkler line.

1824

1825 Madame Chair:

1826 Or the golfcart wheel.

1827

1828 Area Field Director:

1829 Or golf, or they're just people vandalizing them riding bikes, or they've got their foot out on the
1830 golf cart and they're kicking heads as they go by. I mean, I've seen a number of those.

1831

1832 Madame Chair:
1833 That's something for you to work with Servello on, if you would, please. All right. District
1834 managers report.

1835

1836 **SIXTH ORDER OF BUSINESS**

DISTRICT MANAGER REPORT

1837

1838 District Manager:

1839 I have a few things and I'll go quickly., Kristen would get approval to bill the \$26,600.07 for
1840 VC1. I need to see if the board would like to approve that.

1841

1842 Spv. Kassel:

1843 In other words, the bond payment?

1844

1845 Spv. Berube:

1846 Yes, the debt payment.

1847

1848 Spv. Kramewr:

1849 Yes. Let's, deal with that first. So I would ask, is there a motion to transfer \$26,600.07, from our
1850 general fund to the debt service fund, 2015?

1851

1852 Spv. Berube:

1853 Motion

1854

1855 Spv. Kassel:

1856 Second it.

1857

1858 Madame Chair:

1859 I have a motion and second and all in favor?

1860

1861 All Spv:

1862 Aye.

1863

1864 Madame Chair:

1865 Aye. Hearing no opposition, motion passes unanimously. All right, next.

1866

1867

On MOTION by Spv. Berube, SECOND by Spv. Kassel,
with all in favor, the Board approved a transfer of
\$26,600.07 from the general fund to make the payment
for VC-1

1868

1869

1870

1871

1872

1873

1874

1875

1876 District Manager:
1877 Next is the electric and water spreadsheet for the last two years, comparable, that'll be in your
1878 February agenda. We pulled all the data, they're just entering it in To a spreadsheet. So that'll be
1879 in, I'll send it out actually before that, but moving forward, you'll start seeing that in your agenda
1880 every month. Microsoft email should be complete. I'm going to tell you in seven days, but it's
1881 probably more like three, and you'll get an email and you'll get a pre-email from me, but you'll
1882 get an email from Microsoft telling you what to do, which is basically go in and, and set a
1883 password, is basically what it is. It's going to give you a temporary password, then you're going
1884 to go in, reset it to your permanent. So you should get that. I'm going to tell you seven, but it's
1885 probably more like three.
1886
1887 Spv. Berube:
1888 Is this Outlook?
1889
1890 District Manager:
1891 Microsoft
1892
1893 Spv. Kassel:
1894 Microsoft Exchange, probably.
1895
1896 District Manager:
1897 Microsoft Office 365.
1898
1899 Spv. Berube:
1900 Okay.
1901
1902 District Manager:
1903 Invoices, we don't need to talk about that. I think Paula has reached out. Some people are in the
1904 middle of training, some haven't had it yet, some haven't scheduled. So once everybody is up to
1905 speed on Avid, then we can address that thing again, and, and how you want to move forward
1906 with that. And there's no urgency if you're still getting the invoices as you have been.
1907
1908 Spv. Kassel:
1909 She is going to send me a report that has an invoice summary and copies of the invoice to see if
1910 that is an alternative to what we're getting now, which apparently takes three hours to put
1911 together.
1912
1913 Spv. Berube:
1914 And I was able to accept, invoices with Avid, which is fine.
1915
1916 District Manager:
1917 The last thing I have, unless you have something for me, is the employees. So in the contract that
1918 was approved for field, basically you had positions in there which ended up being five positions,
1919 including the manager, right? So I guess there was some discussion about if a position becomes
1920 available, we want it filled in 14 days. That is not in the contract, however it was discussed.
1921 Chris did acknowledge that that was discussed. So a couple things here. One is, if that is the way

1922 the board wants it, I'm going to tell you, 14 days is not feasible. It's not reasonable, , it's not
1923 going to happen because Inframark vets all their employees, and just to get through the
1924 background check and the drug screening and all of that, it takes... I mean, it could-

1925
1926 Spv. Scarborough:
1927 It takes a while.

1928
1929 District Manager:
1930 Yeah, so it's not feasible, for that. So if you do want that specific thing, then I would ask that the
1931 board come up with a reasonable amount of time to be able to do that. Second part of that is,
1932 especially if you have an employee that leaves with no notice and they're just like, "Hey, I'm
1933 out," well, there creates the problem. If someone gives you two weeks or something, it's a little
1934 more reasonable to be able to make it into that timeframe. So, it's just going to vary. Second
1935 thing, Sean, or the employee who left, has been gone now, I don't even know, a little over 40, it's
1936 40-something days now, it may even be 50 days. I'm really not sure. But he left December 2nd.
1937 Okay? He came back and then he left again. So, to that point, the scope is still being done. He
1938 was a CPO certified. You currently don't have one on staff, but we're paying for that to be done,
1939 the district's not being billed for it. So, we're doing our part, because that's part of the scope.
1940 Second, we have had Inframark field out here. Here and there, we've had numerous people out,
1941 Brett, we've had some other field managers, we've had some other field staff out here. Not every
1942 day, but throughout the whole thing. So, we have filled it, we have provided the scope, so I don't
1943 see that there's an issue. However, we have hired, if you will, that final spot. They're going
1944 through the background check and everything now. So just so the board knows, I don't know if
1945 this is a scope-based contract or if you initially entered into it as a body based, but either way, as
1946 long as the scope's being provided, I don't see where there would be an issue. Just for your
1947 knowledge, just to be fully transparent, when we were down this final spot, if you will, we also
1948 readjusted everyone's pay and took that and invested more in the employees that you have, as
1949 opposed to what they were making when we started the contract. So with all that said, I'm happy
1950 to do whatever you would like to do, but all I ask is if, it is a body based scope, if you will, and if
1951 you want that spot filled within X amount of days, that you give something other than or a little
1952 more leeway than 14 days, because I can tell you that's more times that it will not happen than it
1953 will. Hopefully we don't have any change in staff, but just in case.

1954
1955 Spv. Scarborough:
1956 Well, I can comment on that.

1957
1958 District Manager:
1959 Sure.

1960
1961 Spv. Scarborough:
1962 I mean, you're ultimately in charge of field services, in fact, it's only in your best interest to try
1963 and hire somebody as quickly until that's filed as quickly as possible. So-

1964
1965 District Manager:
1966 Correct.

1967

- 1968 Spv. Scarborough:
1969 I personally don't know that the board needs to define timeframe for positions to be filled.
1970
1971 District Manager:
1972 Agree.
1973
1974 Spv. Scarborough:
1975 It just doesn't make sense.
1976
1977 District Manager:
1978 Right.
1979
1980 Spv. Berube:
1981 I brought it up-
1982
1983 Spv. Berube:
1984 because we, when we entered to the contract, it was body based. So you had this amount of
1985 people for this amount of dollars.
1986
1987 Spv. Scarborough:
1988 Sure.
1989
1990 Spv. Berube:
1991 I could foresee that people would be coming and going, and if they're getting paid for a body-
1992 based service and they could leave the position open for six months, because people would
1993 squeal about it, but they would still be collecting from the district for that person's salary, right?
1994 And when I asked, Chris said, "Yeah, a couple weeks would be okay." And I thought, well, that's
1995 pretty quick. So, but I wasn't going to argue with it. I would go with a month without any
1996 hesitation here for an open timeframe, because if you don't define it, there's no impetus to hire
1997 somebody, right? You've got to put a little bit of oomph behind it. Now, is Inframark going to,
1998 delay things on purpose? No, it doesn't do them any good, because they're going to catch a lot of
1999 flak because the job's not getting done. I still think it's a question and you can either just say,
2000 "No, don't worry about it," or you can say, "We'd like to have people here in 30 days. 30 days
2001 seems reasonable, and I think that's what you just said.
2002
2003 District Manager:
2004 Yeah. I mean, currently, there's nothing in the contract.
2005
2006 Spv. Berube:
2007 Right. We know.
2008
2009 District Manager:
2010 It doesn't say anything. But if you are going to hold us to that, I want to make sure we're very
2011 clear on what the board's expectations are because it needs to be clear.
2012
2013 Madame Chair:

2014 I'm fine with as long as the scope is getting done, I don't care if you hire two super dynamo
2015 employees that work,
2016
2017 Spv. Scarborough:
2018 Exactly.
2019
2020 Madame Chair:
2021 40 hours overtime every week.
2022
2023 District Manager:
2024 Right.
2025
2026 Madame Chair:
2027 It doesn't matter. I don't need to count bodies.
2028
2029 District Manager:
2030 And that's my point to the board, because I want it to be very clear before we leave here. Is this a
2031 body-based contract of what you're viewing it, or is it a scope based? Because if it's scope based,
2032 like you just said, I can hire 50 people to come in and do this job and that's on me, or I can hire
2033 two people to do it. If the scope's not being met, clearly, it's going to show through and that's
2034 going to be an issue. So that's kind of what I want to clear up too because I don't want there to be
2035 misunderstanding of, oh my gosh, you only have two people, or you have five or whatever it is.
2036
2037 Spv. Kassel:
2038 Well, doesn't the contract enumerate the-
2039
2040 Spv. Berube:
2041 It states five people.
2042
2043 District Manager:
2044 It doesn't call out five people.
2045
2046 Spv. Berube:
2047 Yes, it does. Five positions.
2048
2049 District Manger:
2050 Provides, it provides five-
2051
2052 Spv. Kassel:
2053 I think we need to-
2054
2055 District Manager:
2056 five job descriptions is what it calls for.
2057
2058 Spv. Kassel:
2059 Right.

2060
2061 Spv. Kassel:
2062 Right. I think it's not clear. I think the contract is what designates whether it's a scope based, or a
2063 person based. And because the contract isn't clear, because it sort of does both, I think what
2064 you're asking is, can we please have 30 days to fill a spot? Is that what you're asking?
2065
2066 District Manager:
2067 All I'm asking, it was brought up. The current number of days is not in the contract and I wasn't
2068 actually too concerned with it, myself. It was brought up that, hey, it's been X number of days
2069 and this position hasn't been filled, and you're supposed to fill it within two weeks. And I was
2070 like, "Huh? It's not in the contract." So I reached out to Chris, and Chris did acknowledge that
2071 that conversation took place.
2072
2073 Madame Chair:
2074 And I recall the conversation
2075
2076 Spv. Kassel:
2077 I do too.
2078
2079 District Manager:
2080 So I just want to be clear I want to do whatever the board wants to do. And I'm saying, if you do
2081 want it to be a timeframe, that's fine. Totally fine. But I'm telling you, 14 days, it's not
2082 reasonable-
2083
2084 Spv. Berube:
2085 We agree.
2086
2087 District Manager:
2088 and it's not feasible. That's all.
2089
2090 Spv. Berube:
2091 We agree.
2092
2093 District Manager:
2094 That's all.
2095
2096 Spv. Berube:
2097 I thought it was too short when Chris agreed to it.
2098
2099 District Manager:
2100 So it's whatever you all would like. I just want clarity and make sure we're all on the same page.
2101 That's all.
2102
2103 Spv. Berube:
2104 I think that we've developed a good integral relationship with Inframark, if they screw up, they
2105 fix it, that we generally get the truth. I don't want to hold anybody's feet to the fire. I'm the one to

2106 say, I'm fine with revising the original agreement of Chris for two weeks to 30 days. And if that
2107 means 32 days to get somebody in here, so what? It's, not a big deal. That's just my point at the
2108 moment, because I think it's a body-based contract. We have a set number of people.

2109
2110 Madame Chair:
2111 So what we'll do, we'll, unless you tell me otherwise, we'll leave it as is, we'll base it on a 30-day
2112 approximate.

2113
2114 District Manager:
2115 Okay.

2116
2117 Madame Chair:
2118 And then if there's another issue, then we'll address it.

2119
2120 Spv. Berube:
2121 We do need CPOs.

2122
2123 Madame Chair:
2124 I've been amazed at the different faces that have come through since we've had the opening. And
2125 I think it's 2,000 a month that you're paying for our pool coverage?

2126
2127 District Manager:
2128 Yes.

2129
2130 Spv. Berube:
2131 Right.

2132
2133 District Manager:
2134 And we will continue do that until the gentleman that we have, two of them, have passed their
2135 test, which they're in the process of doing now. So once that happens and they're up to speed and
2136 everything, then we'll move away from that. But until then we will continue

2137
2138 Madame Chair:
2139 And we've got somebody coming on board.

2140
2141 Spv. Scarborough:
2142 Was the body-based question answered?

2143
2144 Spv. Kassel:
2145 I don't think it can be because the contract itself mentions both scope and people. So I don't know
2146 that we can answer that.

2147
2148 Spv. Scarborough:
2149 There is more than that component, it's not really mutually to one or the other. It's performance
2150 too.

2151

2152 Madame Chair:

2153 Right.

2154

2155 Spv. Berube:

2156 Right.

2157

2158 Spv. Scarborough:

2159 Just because you meet the scope doesn't mean that the performance is there.

2160

2161 District Manager:

2162 Correct.

2163

2164 Madame Chair:

2165 Exactly. So if we have further problems we'll go back and revisit the contract

2166

2167 District Manager:

2168 Okay.

2169

2170 Spv. Berube:

2171 But it's just a matter of protecting the district's money when you're paying people. You know?

2172 Along those lines with the CPO, we're going to end up with two CPOs?

2173

2174 District Manager:

2175 We may end up with more, we may get everybody certified.

2176

2177 Spv. Berube:

2178 Well, well that, that's okay. Well, nothing wrong with that. Along those lines with licensing, how

2179 many licensed, herbicide people do we have? Just one?

2180

2181 District Manager:

2182 Just one. We're looking into that.

2183

2184 Madame Chair:

2185 Yes. I think, I think there's been some discussion of getting more cross trained and certified.

2186

2187 Spv. Berube:

2188 Yeah, well you were thinking ahead of me here. You knew where I was going.

2189

2190 Madame Chair:

2191 All right. Any further business from the district management?

2192

2193 Spv. Berube:

2194 Yes I do. The landscape RFP. What are we doing?

2195

2196 District Manager:

2197 So that is going to be on your agenda next month. I had it in the agenda for this month, in-

2198 inadvertently, by me, was left off. So it is prepared, correct, right? It's ready to go with all the
2199 Spv.'s comments and discussion.

2200

2201 Spv. Berube:

2202 Of course he's going to say yes.

2203

2204 District Manager:

2205 Well, it is. He's looking at me like it was supposed to be an agenda this time and, and he's right,
2206 it was. So that will be in your February agenda.

2207

2208 Madame Chair:

2209 But you will have it next month?

2210

2211 District Manager:

2212 Yes.

2213

2214 Spv. Berube:

2215 You mean those people down Coral Springs blew it?

2216

2217 Madame Chair:

2218 All right.

2219

2220 District Manager:

2221 No, I did.

2222

2223 Spv. Berube:

2224 My last one for you is conditions at the pool.

2225

2226 District Manager:

2227 What is your question?

2228

2229 Spv. Scarborough:

2230 Conditions.

2231

2232 Spv. Berube:

2233 Have we accepted the pool? It's not finished. No, okay.

2234

2235 Area Field Director:

2236 We have a final walkthrough scheduled.

2237

2238 Spv. Berube:

2239 Enough said. Okay.

2240

2241 Madame Chair:

2242 Until I can get it into the water and down on the bottom and check everything out.

2243

2244 Spv. Berube:
2245 I've been there.

2246
2247 Madame Chair:
2248 It's not ready? Okay. So, I'll let him go in the cold.
2249

2250 Spv. Berube:
2251 The water is warm.
2252

2253 Madame Chair:
2254 The water is warm?
2255

2256 Spv. Berube:
2257 The water's gorgeous.
2258

2259 Madame Chair:
2260 Oh, it's gorgeous. Let me tell you, I'll have to educate everybody on Facebook about thermal
2261 mass and the amount of time and energy it takes to get a full pool up to 85 degrees.
2262

2263 Madame Chair:
2264 We need to move on. Anybody else have anything for our District Manager?
2265
2266

2267 SEVENTH ORDER OF BUSINESS

STAFF REPORTS

2268 DISTRICT ENGINEER

2269
2270 Spv. Berbue:
2271 Let's get to the engineer. He brought 12 tons of paper. Look at all that stuff. We didn't get
2272 charged for that, didn't we? Say no.
2273

2274 Madame Chair:
2275 Unfortunately.
2276

2277 Spv. Berube:
2278 Say no. We didn't, no.
2279

2280 Spv. Kassel:
2281 He's going to be here so long, he's putting a chair in front of himself.
2282

2283 District Engineer:
2284 All right, your body-based engineer is here. So even though there's 12 items on my report, I'm
2285 only going to go over six that are worthy of discussion. The first one involving Bolman and Blair
2286 who are going to talk about their environmental assessment, the results of that. And also then
2287 after that, the proposal that's in front of you for discussion. And then I'll take over on all the
2288 geeky engineering stuff.
2289

2290 Spv. Berube:
2291 Whenever you bring a guest like this, perhaps we can move those guests to the beginning.
2292
2293 Madame Chair:
2294 We had a lot of guests today.
2295
2296 Spv. Berube:
2297 Well, I understand that, but these folks have been sitting here for an hour and three quarters.
2298
2299 Madame Chair:
2300 I understand.
2301
2302 Spv. Berube:
2303 You know where I'm going here. So whenever you bring a guest, just let somebody know and we
2304 can at least get them done and we'll let you wait till later, but we don't want your guests to keep
2305 waiting.
2306
2307 District Engineer:
2308 All right. Okay.
2309
2310 Spv. Berube:
2311 How's that?
2312
2313 District Engineer:
2314 Sounds fair. Let me introduce Catherine Bowman, she's going to talk about the assessment and
2315 the proposal. And then I'll step in for remainder of the Engineering stuff.
2316
2317 Madame Chair:
2318 Spv. Leet:, can you put the pictures up?
2319
2320 Spv. Leet:
2321 Give me a moment here.
2322
2323 Madame Chair:
2324 They are in the packet.
2325
2326 Spv. Berube:
2327 Thanks for coming.
2328
2329 Spv. Berube:
2330 Take care.
2331
2332 Spv. Kassel:
2333 Ms. Bolman, can I call you our environmental services consultant?
2334
2335 Catherine Bowman:

2336 Catherine.
2337
2338 Spv. Kassel:
2339 Catherine.
2340
2341 Catherine Bowman:
2342 Ecological Consultant?
2343
2344 Spv. Kassel:
2345 Okay. Ecological services Consultant.
2346
2347 Catherine Bowman:
2348 Right, as opposed to environmental, which has to do more often with hazardous materials and
2349 those sorts of things, non-ecological things, non-plants and animals. Do I need exhibits? Do I
2350 need to point to anything?
2351
2352 District Engineer:
2353 No. You can just talk about your assessment.
2354
2355 Catherine Bowman:
2356 Okay.
2357
2358 District Engineer:
2359 It is there if you need to flip through it.
2360
2361 Catherine Bowman:
2362 I do.
2363
2364 District Engineer:
2365 And your proposal.
2366
2367 Catherine Bowman:
2368 And where is your map that we looked at?
2369
2370 District Engineer:
2371 It should be in here.
2372
2373 Catherine Bowman:
2374 December 28th, we, my, partner, Ron Blair and our assistant, field assistant, came down and
2375 toured the CDD owned and controlled wetland areas that are part of, what is being monitored, or
2376 has been monitored as, to comply with the South Florida Water Management District permitting
2377 requirements. And specifically, what was being monitored and needs to continue to be monitored
2378 are the invasive exotics plants that have invaded most of the wetlands, pretty significantly. We
2379 toured, I think all but wetlands f- 13 and 14, and, we were able to walk into a lot of it, we spent
2380 the day out here. Theresa and her staff hosted us and showed us all the areas that they thought
2381 were problems areas that the Water Management District's, compliance staff had pointed out as

2382 specific areas that they wanted to track, intensively and have better reporting on. We looked at
2383 where there had been monitoring.

2384
2385 Spv. Berube:
2386 The transects that were previously monitored by Austin Environmental?
2387

2388 Madame Chair: Yes.

2389
2390 Spv. Berube:
2391 And prior to that, by Bio-Tech.
2392

2393 Madame Chair:
2394 Biotech established it.

2395
2396 Spv. Berube:
2397 And then we figured out that these weren't in the right places.
2398

2399 Madame Chair:
2400 We don't own them, right.

2401
2402 Madame Chair:
2403 We can't do anything about them.
2404

2405 Spv. Berube:
2406 All right.

2407
2408 Madame Chair:
2409 So, what Catherine is going to do is reestablish, proposing to reestablish new, and not really
2410 transacts, but -

2411
2412 Spv. Kassel:
2413 monitoring sites.
2414

2415 Catherine Bowman:
2416 And, and protocol for that. I have talked to, the compliance reviewer for south Florida, Stefan
2417 and he said he would like to have, a written proposal of the new protocol so that he could just
2418 have it on file and know exactly what it was that we were proposing to do. Yes.

2419
2420 Spv. Kassel:
2421 So, you had approximately 23 sites, but were mentioning 10 in your report. So, I just have a
2422 question-

2423
2424 Madame Chair:
2425 There are 10 wetlands that we have control.

2426
2427 Catherine Bowman:

2428 There are 10 wetlands, but there are multiple, locations for monitoring based on the invasive,
2429 species that we've observed occurring in those areas that we felt needed to be checked, and some
2430 of those were pointed out specifically by District staff, where they noted some areas in Wetland
2431 Four that were particularly densely invaded by the climbing fern, and that those track, although
2432 in conversation with Stefan it was clear that of course the District is also concerned with other
2433 highly invasive species that would jeopardize the health of, health in the long term of, wellbeing
2434 and diversity of the various wetlands that have to be monitored. And so we, based on what we
2435 toured and what we looked at, and walked into, we could see areas that had been treated, areas
2436 where there was dense, climbing fern, dense Cogon grass, and, bands around the outside of
2437 Brazilian Pepper, pretty densely, sections of Brazilian Pepper around there; those being the most
2438 invasive of the species that occur here.

2439
2440 Spv. Berube:
2441 Brazilian pepper is a new arrival yet? I hadn't heard that one before.

2442
2443 Catherine Bowman:
2444 No, it's not new.

2445
2446 Spv. Kassel:
2447 No, Brazilian, it is not new.

2448
2449 Catherine Bowman:
2450 Brazilian pepper has clearly been here for a long time.

2451
2452 Spv. Berube:
2453 I know what Brazilian Pepper is, but it's the first time I hear of it being in the Harmony..

2454
2455 Catherine Bowman:
2456 From the amount that there is, it's probably been there for a while. Same with the Cogon grass.

2457
2458 Spv. Kassel:
2459 Oh yeah.

2460
2461 Spv. Berube:
2462 And now we're looking at new areas and finding it.

2463
2464 Catherine Bowman:
2465 Yes, we are, and it's also spreading, as will the Climbing Fern. Fortunately, yes, they do spread
2466 very rapidly, and fortunately the Climbing Fern has been able to be treated more thoroughly this
2467 year, since about July, I think, and you can tell that there is some big difference having been
2468 made, but still, there are many areas within the wetlands where the Climbing Fern is up toward
2469 the canopy, threatening to top the canopy and then kill the trees.

2470
2471 Supv. Kassel:
2472 I have a question, based on your report. Maybe I'm getting ahead of things, but just in case I'm
2473 not, one of the issues mentioned several times in your report was that there are areas that the

CARBON

2474 CDD does not own, that are heavily, affected by some of these exotic invasives, and that creates
2475 a problem for the CDD, because we're constantly going to have to battle the incursion of those.
2476 And so, I want to know what, if anything, can we do about that aside from just having to beat it
2477 back constantly?

2478

2479 Catherine Bowman:

2480 Establishing a perimeter where you can, and treating what you've got, of course. But the big
2481 problem with Climbing Fern is that it spreads by spores, so any time there's, like, hurricane, or a
2482 lot of significant wind events, it can spread around. And if you clean yours all up, you're in good
2483 shape, but the surrounding areas where it still occurs are going to be a contributing problem. I
2484 don't know how to tell you to deal with that except, you know, maybe cooperation. Seek some of
2485 the other landowners, property owners, managers can participate in a larger-scale treatment.

2486

2487 Madame Chair:

2488 Um, also I spoke with Stefan

2489

2490 Madame Chair:

2491 Giere, who is investigating, again, why our conservation areas are still privately held, and trying
2492 to put pressure on the private owners to also do a concerted effort with us.

2493

2494 Spv. Kassel:

2495 And are they, are they obligated to

2496

2497 Madame Chair:

2498 The bulk of them is strictly Florida, Harmony Land.

2499

2500 Spv. Kassel:

2501 Harmony, Florida Land.

2502

2503 Spv. Berube:

2504 Harmony, Florida Land.

2505

2506 Madame Chair:

2507 Harmony, Florida Land.

2508

2509 Spv. Berube:

2510 Largely around the lake area, probably.

2511

2512 Madame Chair:

2513 They're the ones to be, far, Northeast end of the lake.

2514

2515 Spv. Berube:

2516 To that point, don't they get cited by South Florida Water Management?

2517

2518 Spv. Leet:

2519 Yeah, they're, they're an enforcement authority, right?

2520

2521 Madame Chair:

2522 Again, we're the responsible entity, but because they have not turned over ownership, again,
2523 Stefan is looking into enforcement action against the actual landowner.

2524

2525 Spv. Leet:

2526 Literally what we need.

2527

2528 Madame Chair:

2529 Yes.

2530

2531 Catherine Bowman:

2532 Then maybe there can become some cooperative effort.

2533

2534 Madame Chair:

2535 Yes.

2536

2537 Catherine Bowman:

2538 So, with regard to the Climbing Fern, the lyonium, we have targeted areas where those are the
2539 most dense. Some of the areas where they were clearly being fairly well-treated, as much as,
2540 staff could handle that so far. I have spoken to a couple of different, vegetation management
2541 contractors that we work with, about: how it's best controlled, what the protocol is, and it looks
2542 like that is being followed as far as cutting a swath, a large swath, and spraying what's at that
2543 bottom, and the rest will die. But there's only so much you can do, and once you get into rainy
2544 season, then it becomes even more difficult, because you have the storms blowing the spores and
2545 seeds around; you have scheduling issues with getting people on the ground when it's the
2546 wetlands are flooded, when the rains prevent you from working in Spring, when it's windy and
2547 you can't spray. So, this time of year is a really important time to get some additional treatment
2548 done for these areas. So, that is the lyonium, and that is a big problem. The other one is the
2549 Brazilian Pepper, and we did notice that not all of the outer edges have the Brazilian Pepper. It
2550 tends to come in where there's disturbance, and then invade from the edges into the natural
2551 communities, and once it's established it's a network, a maze-like mangrove roots: branching,
2552 rubbery, irritating to skin. It's allelopathic, so it's killing and shading out whatever's under it, and
2553 it just becomes a wider and wider problem as it invades into the natural community and displaces
2554 whatever is there. Cogon grass is probably as much of a problem. So, the Brazilian Pepper can be
2555 managed. It's typical we, hack and squirt, control, where you cut the bases and then you
2556 herbicide the chunks, and then it kills the plant and you have the dead standing biomass, which is
2557 really unsightly if you want to have an attractive-looking edge to the golf course and near
2558 wetlands that are really important, elements within the whole development.

2559

2560 Spv. Kassel:

2561 Well, we're used to the unsightly aftereffect throughout the property, because when you, cut the
2562 Climbing Fern and spray it, it just turns into this brown mass. It's, it's a mess. To the point of the
2563 Brazilian, it's going to be more brown mess.

2564

2565 Catherine Bowman:

2566 Well you, there are other ways to deal with the Brazilian Pepper. You could, have someone
2567 mulch it. Mulch it and end up with a wide band of mulch around the edges of the wetlands, and
2568 then as the new ones emerge those could be sprayed when they're lower. And so, that standing
2569 dead biomass is, really minimal. But of course, there's the whole mulching process to start with.
2570 But, Cogon grass comes in on contaminated fill or contaminated equipment, and with the amount
2571 of fill that was, you know, around the edges of these wetlands, it's not surprising that it's
2572 invading into the edge of it. It will spread down. It's kind of slowed when there's a lot of shade,
2573 or when the ground is inundated, but it doesn't stop it completely and the rhizomes will continue
2574 to spread.

2575

2576 Catherine Bowman:

2577 It's spreads mostly rhizomatous, a little bit by seeds, but where it is in areas where it can spread
2578 rhizomatously, even if you're mowing the top, even if you're spraying the top, it still required
2579 repeated application. So, repeated monitoring and continuous monitoring, and we saw that much
2580 of it is, of course, along the edges where the fill has been related to the development, the
2581 construction of the golf course, but it is not limited to the boundaries. It actually, is, runs under
2582 the cart paths and under the fairways, and, while it's being mowed there so it's not very
2583 noticeable, it is either spreading from where there's landscaped areas within the golf course,
2584 where it is among the dwindling number, apparently, of ornamental grasses and other plants, and
2585 is spreading from there under areas that are being mowed, and out into the edge of the natural
2586 communities. So, it seems like some effort is necessary there along the edges of the natural
2587 communities, to cut that back, bring it back... It's, usually repeated applications that would, um,
2588 properties that we have dealt with where they've had Cogon grass, um, maybe not to this, uh,
2589 extent. The most, effective route has been to herbicide it at the right time of year, which is
2590 usually the best time is September, but not that you shouldn't, treat it the rest of the year, and
2591 then let that die back where it's obviously apparently dead, cut it down, remove that dead
2592 biomass, and then wait for it to regenerate to, 10 or 12 inches, then spray that again. And that,
2593 repeated over a period of time, does at least appear to slow the growth or, limit the rhizome
2594 spread some. I don't think that I have the information on exactly, you know, the comparison of
2595 how that works, but still, it's a big problem and it's not only in your natural areas; it's coming,
2596 and then it continues to come, from the golf course areas it appears.

2597

2598 Spv. Kassel:

2599 But we can't require the golf course to treat, can we?

2600

2601 Madame Chair:

2602 We can treat along the conservation areas that we control, and we do control the two,
2603 conservation areas within the golf course.

2604

2605 Spv. Berube:

2606 Is that the only areas you see that is that along the golf course?

2607

2608 Madame Chair:

2609 It's also along a lot of other conservation areas-

2610

2611 Catherine Bowman:

2612 No-
2613
2614 Mr. Blair:
2615 It's along the right of way with the highway.
2616
2617 Madame Chair:
2618 And on the right of way of the highway.
2619
2620 Catherine Bowman:
2621 Right. It's widespread in Florida, and a huge problem. It's along the roads, it's tall stuff that has
2622 the-
2623
2624 Madame Chair:
2625 And it's leaves cover the whole area.
2626
2627 Catherine Bowman:
2628 all the leaves come up from the bottom.
2629
2630 Madame Chair:
2631 It's, it's just blanketing the old right of ways.
2632
2633 Catherine Bowman:
2634 It becomes, when it goes to seed, it has white, the fluffy seed heads.
2635
2636 Madame Chair:
2637 Yeah, the seed heads, right. And, the mid ridge is off-
2638
2639 Catherine Bowman:
2640 Off-center.
2641
2642 Madame Chair:
2643 It's very sharp on the side, like saw grass.
2644
2645 Catherine Bowman:
2646 So it's a big problem, and it will displace native vegetation, it will crowd out, herbaceous
2647 vegetation, and eventually shrubs. Even trees at some point, so that's all there is. So you have
2648 the Climbing Fern threatening the canopy, the Brazilian Pepper, you know, spreading in from the
2649 edges, and the Cogon grass surrounding things, and seems like the previous protocol for
2650 monitoring wasn't really, occurring in enough places such that was maybe observed frequently
2651 enough and coordinated with maintenance staff so that it could be controlled before it got to this
2652 extent. This is really pretty bad.
2653
2654 Madame Chair:
2655 I was noticing in your proposal was that it even goes further than just the monitoring, where
2656 you're going to coordinate with our staff-
2657

2658 Catherine Boloman:

2659 Yeah.

2660

2661 Madame Chair:

2662 ... at least quarterly-

2663

2664 Catherine Bowman:

2665 True.

2666

2667 Madame Chair:

2668 ... to advise them and to work with them-

2669

2670 Madame Chair:

2671 ... on the treatment.

2672

2673 Catherine Bowman:

2674 Yes.

2675

2676 Madame Chair:

2677 ... and also following their treatment progress, um-

2678

2679 Catherine Bowman:

2680 And then, meeting with just staff-

2681

2682 Madame Chair:

2683 ... was meeting with just staff.

2684

2685 Catherine Bowman:

2686 ... after the reports are submitted, to go over areas that they still had concerns about, or areas that
2687 they had questions about, and look at the treatment that's being done and what the progress has
2688 been, what the diversity is doing, and if things are coming back in areas where there's been
2689 successful treatment, or, if more is necessary. And then twice a year onsite traversing the area,
2690 taking pictures, correcting data, and then, once a year the report, and then in between those
2691 monitoring visits, coordinating with the maintenance people, whoever's doing maintenance,
2692 internal, external, and getting records of when they maintained, and what areas, and what
2693 chemicals they were using. Just a kind of a full report of what maintenance is being done. It
2694 wasn't clear to me in previous reports that that had been done, but it seems like it's a useful thing
2695 in knowing what they see, what they're encountering in the field, and what we might want to
2696 look at more closely or monitor more frequently. Usually twice a year is adequate to collect
2697 enough data to satisfy the district criteria, and certainly your overall, cover There's been no
2698 quantitative measurement, and it would take a lot of effort to GPS all the edges of the polygons
2699 where these are occurring. And your permit requires 10% or less cover of invasive exotic
2700 species, primarily class one and class two species, as the state describes them. And, without the
2701 qualification, I don't know what, where you are, but from visually estimating, it looks like it's
2702 way out of control, in the areas where they occur, and those species are particularly threatening
2703 to the native habitats.

2704 Madame Chair:
2705 And maybe cause a fire hazard.
2706
2707 Spv. Kassel:
2708 In the interest of time, since it's already after 8:00 pm, would it be useful to make a motion to
2709 approve the addendum to the agreement with-
2710
2711 Madame Chair:
2712 Yes.
2713
2714 Spv. Kassel:
2715 Bowman and Blair, which is for a four-year total for, setting up, monitoring transects, conducting
2716 new baseline monitoring, reporting, and annual monitoring for a four-year total of \$20,200.
2717
2718 Madame Chair:
2719 That would be for the years. It'll be another \$6,000 to set up the stations and everything, so it's a
2720 total of 26,740-
2721
2722 Catherine Bowman:
2723 I think, yeah.
2724
2725 Madame Chair:
2726 for full five years.
2727
2728 Catherine Bowman:
2729 The first year was more because we had to set up the areas and do some early coordination with
2730 Stefan, and then the years subsequent to that are reduced because we don't have
2731
2732 Spv. Berube:
2733 6000 per year, or-
2734
2735 Speaker 2:
2736 No, that's for the five years
2737
2738 Spv. Kassel:
2739 So moved.
2740
2741 Madame Chair:
2742 I have a motion. Do I have a second?
2743
2744 Spv. Leet:
2745 Second.
2746
2747 Madame Chair:
2748 I have a motion and a second to approve. Any further discussion? Hearing none, all in favor?
2749

2750 Spv. Berube:
2751 Oh, aye.

2752
2753 Spv. Kassel:
2754 Aye.

2755
2756 Madame Chair:
2757 Aye. All opposed? No opposition.
2758

2759 On MOTION by Spv. Kassel, SECOND by Spv. Leet, with
2760 all in favor the Board approved the proposal from Blair
2761 and Bolman for the Wetlands monitoring for five years
2762 in the amount of \$26,740.00
2763
2764
2765

2766
2767
2768 Catherine Bowman:
2769 Thank you very much, and I would just like to encourage you to look at your maintenance and at
2770 your vegetation management protocol teams, external/internal people, because this is a very
2771 important time of year to get something in there, get started on,
2772

2773 Madame Chair:
2774 Really hitting it and everything.

2775
2776 Catherine Bowman:
2777 you could get some of that done before the rainy season.

2778
2779 Spv. Kassel:
2780 There was somebody that you work with, and perhaps you can be in touch with them about
2781 providing a proposal?

2782
2783 Catherine Bowman:
2784 That's right. Bill Snidely from Aquatic Lead Management did come along on the site visit with
2785 us, and I understand that, he can have a proposal, maybe by next week. I do know that it
2786 addresses these invasive, in some of the ways that we've talked about tonight, and I don't know
2787 the details of that. I'm not seeing a proposal-

2788
2789 Spv. Kassel:
2790 I will wait to see what the-

2791
2792 Catherine Bowman:
2793 but I know that mulching of the Brazilian Pepper was his idea. Many companies who do
2794 vegetation management. I don't know if you want to solicit advice from some others, and there
2795 are a number that we've worked with that, we don't necessarily choose to work with now. Bill's

2796 company is one that we have worked with on larger projects a number of times, so we'd be happy
2797 with them. But there's others out there that we may not have experience with, or might, also do a
2798 good job.

2799

2800 Madame Chair:

2801 Great. Thank you so much-

2802

2803 Spv. Kassel:

2804 One last, quick question.

2805

2806 Madame Chair:

2807 Oh, sorry. Yes.

2808

2809 Spv. Kassel:

2810 This new invasion of tropical chickweed, is it on the radar of, the state, or?

2811

2812 Catherine Bowman:

2813 Not yet. I think it's probably one of those still being looked at to see if it'll be classified as a class

2814 two invasive exotic, where they suspect it could threaten native ecosystems, before the bigger

2815 classification of class one. There are a number of plants that are in that same period of scrutiny.

2816

2817 Spv. Kassel:

2818 Right. Adriatic False Hawksbeard is probably amongst them.

2819

2820 Catherine Bowman:

2821 I don't know about that one, but I know that there are other... You have some here: you have

2822 some class two's. Caesar Weed, I know there's some of the-

2823

2824 Spv. Kassel:

2825 The grapevine?

2826

2827 Catherine Bowman:

2828 larger. The native grapevine is,

2829

2830 Spv. Kassel:

2831 It's native?

2832

2833 Catherine Bowman:

2834 It's really, it is native, and it comes in where there's new edges and takes advantage of the light

2835 and new edge. So, it's not something that would be required to be treated. It's something that

2836 some people feel like they don't like the aesthetics of it.

2837

2838 Spv. Kassel:

2839 Thank you.

2840

2841 Spv. Kassel:

2842 I just asked about the tropical chickweed because it seems to be taking over a lot of the Bahia
2843 areas in our communities, and it is, the seed issue is just, mind-boggling, especially if you have a
2844 pet.

2845
2846 Spv. Berube:
2847 If only we could get our sod to grow as well as the invasives.

2848
2849 Catherine Bowman:
2850 Okay, but you want, might want to look at a different sod, because your ground elevations are
2851 such that in some areas your soil is pretty dry, and you might want to look at Centipede instead
2852 of Bahia, or, Bermuda, because it does really well with very little irrigation, and very little
2853 treatment, and it only goes about that tall and you don't have to mow it. Like, maybe once a year.

2854
2855 Spv. Kassel:
2856 Wow.

2857
2858 Catherine Bowman:
2859 It's not native, but it's not invasive.

2860
2861 Madame Chair:
2862 It is. It's sweet, it's wonderful. It's great. Thank you so much.

2863
2864 Spv. Berube:
2865 Thank you, you did well.

2866
2867 Madame Chair:
2868 District engineer. Thank you so much.

2869
2870 District Engineer:
2871 All right. Real quick on the last five topics. Garden Road: The County approved it. South Florida
2872 gave us a permanent exemption, Florida Gas Transmission approved the plans, they gave us an
2873 encroachment agreement. Tim and I have looked at it. I've looked at it from an engineering point
2874 of view, Tim has looked at it from a, I guess we want to call it an exposure to the CDD point of
2875 view. We both feel it's a document that's typical of Florida Gas Transmission. Plans are done,
2876 cost estimate's done, so depending on the direction of the board, whether to execute it with FGT,
2877 we can then advertise for bids and get that Garden Road finally repaired with the 18 inches of
2878 recycled concrete.

2879
2880 Spv. Berube:
2881 You've seen the mess that's going on there with the water pipe and all that. What's the
2882 timeframe? Do you know?

2883
2884 District Engineer:
2885 Well, assuming that you approve to sign the agreement or have the chairmen sign the agreement
2886 and give it back to FGT, we could start advertising, soliciting bids, and hopefully get you bids
2887 back next month to entertain.

2888
2889 Spv. Berube:
2890 Do we necessarily want to do our road while they're right there with that mess gong on?
2891
2892 District Engineer:
2893 I prefer to get them out of there before then. I don't want their heavy equipment busting up the
2894 new road.
2895
2896 Spv. Berube:
2897 We got to watch that timeframe.
2898
2899 District Engineer:
2900 Tim, I'm sorry.
2901
2902 Tim Qualls:
2903 No, and I'm sorry to you, because I, I remembered something after we talked. There's an attorney
2904 speech provision in the encroachment agreement that I am thinking about. I have reached out to,
2905 her name is Amy.
2906
2907 Madame Chair:
2908 Amy Howe.
2909
2910 Tim Qualls:
2911 I want to talk to her about that. I doubt they're going to budge on it, but I don't see how it hurts to
2912 ask.
2913
2914 Spv. Kassel:
2915 So we're tabling,
2916
2917 Spv. Kassel:
2918 voting on the encroachment agreement?
2919
2920 Spv, Kramer:
2921 Actually, if you would, approve,
2922
2923 Spv. Kassel:
2924 Subject to?
2925
2926 Madame Chair:
2927 the execution but allowing Tim Qualls to try and negotiate something different. But, if it's a
2928 sticking point and we have to leave it in, I would recommend going ahead forward with it,
2929 because they can shut us down on that road any minute they want to.
2930
2931 Tim Qualls:
2932 Yeah, so if I may, Madam Chair? What I'm concerned about is that the language says guides are
2933 responsible if anything happens with the pipe for constructing it. That makes sense. But it goes

2934 so far to say that if anything happens to those pipes while the road is being used, you guys are
2935 liable, unless they're grossly negligent. So, I want to talk to them about gross negligence, and
2936 then I want to try to get the attorney piece provisioned out. They're probably not going to budge.
2937 You all might not would budge if the tables were turned, but I'm going to at least ask all that.

2938
2939 Madame Chair:
2940 Okay.

2941
2942 Spv. Kassel:
2943 So moved.

2944
2945 Madame Chair:
2946 I have a motion to authorize a chairman to execute the FGT agreement-

2947
2948 Spv. Kassel:
2949 Encroachment agreement.

2950
2951 Madame Chair:
2952 encroachment agreement, with the proviso that there will be some discussion, but accept it.

2953
2954 Spv. Leet:
2955 Seconded.

2956
2957 Spv. Berube:
2958 Aye.

2959
2960 Madame Chair:
2961 I have a motion to second. All in favor.

2962
2963 Spv. Berube:
2964 Aye.

2965
2966 Spv. Kassel:
2967 Aye.

2968
2969 Madame Chair:
2970 All opposed? Hearing none, motion passes unanimously.

2971

2972
2973
2974
2975
2976
2977
2978

On MOTION by Spv. Kassel, SECOND by Spv. Leet, with all in favor, the Board approved to authorize the Chair to execute the FGT Encroachment Agreement once Counsel has spoken to FGT regarding some language

2979 District Engineer:
2980 Then we'll concurrently come, start soliciting for bids to get you back some bids for next board
2981 meeting. It was the more expensive version, and so we scaled it back. It was, like, \$330,000. I
2982 think Steve had a slight heart attack. So, we decided on using the recycled concrete, the estimate
2983 is \$160,000, so not cheap but it's half the cost of what was originally proposed, and everybody
2984 approved it, so that was good.

2985

2986 District Manager:

2987 Will the bids be in the February agenda?

2988

2989 District Engineer:

2990 We'll we are going to request and get those, yes. We'll make it a point that I get them in time to
2991 review them, to put them in my re- report so you guys can approve it on the next board meeting.
2992 So, next big-ticket item is milling and resurfacing of neighborhood's C1 and C2. We have also
2993 finished the construction plans. We got 1.25 miles of alleyways to be milled and resurfaced. We
2994 also have some minor drainage to hit the hot spots. I've been out there several times after it rains,
2995 and the water's not getting to the inlet like it should. The total ticket, don't shoot the messenger,
2996 is roughly \$550,000 for the milling and resurfacing of C1, C2.

2997

2998 Spv. Kassel:

2999 I have a question, very quickly. I was reviewing the reserve study that has been revised, and for
3000 some reason it gives the C1, C2 alleyways, like, the longest life of any of the alleyways-

3001

3002 Madame Chair:

3003 Oh, that's because it anticipates it being done this year.

3004

3005 Spv. Kassel:

3006 Oh, okay.

3007

3008 District Engineer:

3009 Yeah, I told them it would be happening this year, that's why.

3010

3011 Spv. Kassel:

3012 Thank you.

3013

3014 District Engineer:

3015 Sorry for the misunderstanding

3016

3017 Spv. Kassel:

3018 I was like, "Oh my god, why?"

3019

3020 Madame Chair:

3021 No, it's not 15 years off.

3022

3023 District Engineer:

CARBON

3024 Yeah, we met with Steve, we told him this was the district's next project.

3025

3026 Spv. Kassel:

3027 Okay. And then to the same point, Mr. Berube's having a hard time accepting that that needs to
3028 be done because he feels that it may not be warranted, so I would like your, professional opinion
3029 on whether C1 and C2 alleyways actually do need resurfacing at this point.

3030

3031 District Engineer:

3032 There are really bad sections, and there are sections you can spare it a little bit longer. How we
3033 slice and dice it in the long run may be more expensive. If you're going to stop in milling
3034 surfaces and jump a couple hundred feet to continue, I'll tell you, I have to think about best to
3035 tackle that.

3036

3037 Spv. Kassel:

3038 And the other question is our reserve study because they anticipated that it would be, less than
3039 half of what the cost that you brought to us for Resurfacing and re-milling.

3040

3041 Spv. Kassel:

3042 \$136,000

3043

3044 Spv. Berube:

3045 That's not surprising. When you start getting into the drainage and all that, that adds quickly,
3046 because that's real straight-up labor work. You're going to be raising structures, having to regrade
3047 all around them.

3048

3049 Spv. Berube:

3050 We have slotted drains to take the water to the inlets. We have some sections have to be restored
3051 from base in the asphalt. There are a couple really bad areas. We're putting some ribbon curbs
3052 along the curb, so the garbage trucks don't keep driving up the edge of your asphalt. I'm going to
3053 ask Greg to put certain elements as a separate line item so when the bids come in I can see
3054 portion for milling and resurfacing, and then the, what I call the add-ons, to make it better
3055 understandable.

3056

3057 District Engineer:

3058 ... and we can make a decision in a couple months, when it gets back with the bids, whether those
3059 add-ons are worth it or we just simply want to do milling and resurfacing only.

3060

3061 Spv. Kassel:

3062 Okay, thank you.

3063

3064 Spv. Berube:

3065 Do you, suspect that the bidders on this will be 1GC, and he'll hire several subs for doing the
3066 drainage work and whatnot in a different paving contract?

3067

3068 District Engineer:

3069 Yeah, there's about three or four paving contractors that he uses. PNS Paving's a good example,

3070 Massey. You may hire a general contractor to do some of the other stuff, but they'll set up the
3071 paving work, and they just don't have the equipment, the heavy equipment to do milling,
3072 resurfacing-type work.

3073
3074 Spv. Berube:

3075 I'm all for fixing the drainage. I still think that the pavement is usable for a long time, but that's
3076 just my opinion. I understand there's a number of drains that need to be fixed, and they need
3077 special attention, and it shouldn't be the paving contractor, probably, doing the drainage work,
3078 for obvious reasons.

3079
3080 Madame Chair:

3081 Now, we had discussed having some, not an expensive engineer, but, having basically a contract
3082 manager from our perspective, overseeing the work.

3083
3084 District Engineer: So, once you start construction, whether or not you guys want to hire an
3085 inspector, I'm not sure if Inframark has construction inspectors or not, or you can sub them out.
3086 And they're not engineer fees. They're typically on the order between \$65-\$85 an hour to have an
3087 inspector out there to make sure that the contractor doesn't go unattended or unobserved, because
3088 that's a lot of money to be spending.

3089
3090 Spv. Berube:

3091 Based on prior experience? Perfect idea.

3092
3093 Madame Chair:

3094 Thank you.

3095
3096 District Engineer:

3097 So, when the bids come in you can make a decision at that point whether to retain a construction
3098 inspector to oversee construction, make sure it's done right so you're not revisiting this two year
3099 instead of 15 years. All right. Dark Sky Drive swale, the plans are done in that one, as well. I was
3100 going to give it to Angel and Brett and see if they can hire a contractor to properly regrade that
3101 swale based on Greg's, um, maneuvering around the fence, but still keeping within CDD
3102 property.

3103
3104 Madame Chair:

3105 So, none of the fence and the pool is on our property-

3106
3107 District Engineer:

3108 Right. If you look at the survey, it's soil hits the fence, and then continues to the other side. So,
3109 we're literally going to have to go... We're just going to go around it, because ripping up the
3110 fence on that stuff, it'll just cause... We're going to have a room full of angry family members
3111 and everything else. We're just going to go around it, on CDD property, and get out of there. So,
3112 those plans are done. Then I'll get to Brett and Angel.

3113
3114 Madame Chair:

3115 And we're going to try and do that before the rainy season, right?

3116 District Engineer:

3117 Yes. Last set of plans I brought with me is the RV and boat and storage area. Steve, they are at
3118 60% level. I'll give you a full-size set of plans with a bunch of questions and have you look at it,
3119 since it involves a fencing guy, and I think Greg has put on everything that the county's
3120 expecting versus what we were hoping to achieve for security.

3121

3122 Spv. Berube:

3123 Okay.

3124

3125 District Engineer:

3126 What I brought with me for you guys is half-size set of plans for all the four things we talked
3127 about, because I know in the agenda package, it's really hard to see them, and they got full sides
3128 of each that we talked about tonight. Last thing and I'm out of here: the dog park, Toho Water
3129 Authority has changed their position. They will not do the tap in to the water line and that we
3130 have to hire a contractor to do it, of course, yes So, we are going to find out exactly what they
3131 need and I'll bring it back next board meeting.

3132

3133 Spv. Berube:

3134 That was their position the last time we tried to do one of these, too. First they said yes, then they
3135 said no.

3136

3137 District Engineer:

3138 Then they changed. Anyways, here's my Christmas gifts early.

3139

3140 Madame Chair:

3141 All right. Cattails in the stormwater pond, you did an excellent review in that, and maybe we can
3142 get with Catherine, too, on the best way to handle those, if we need to. I saw the Atlantic Pipe,
3143 Post-

3144

3145 District Engineer:

3146 Yeah, they started this on several dates, yeah.

3147

3148 Madame Chair:

3149 So they've been out here.

3150

3151 District Engineer:

3152 I told them to call me if there's anything extraordinary happening. I heard the broken irrigation
3153 heads; it wasn't because of them. They should be wrapping up this week, for sure.

3154

3155 Madame Chair:

3156 Wonderful, wonderful.

3157

3158 Spv. Berube:

3159 Compared to what they're going to charge a broken irrigation head, it's nothing.

3160

3161 Madame Chair:

3162 All right, thank you so much. Any further questions of our engineer?
3163
3164 Resident:
3165 Spv. Leet:, the zoom audio is not working.
3166
3167 Spv. Leet:
3168 Okay, thank you.
3169
3170 Spv. Berube:
3171 How many times I got to tell you, pay that bill, come on.
3172
3173 Madame Chair:
3174 Do I need to pause, Spv. Leet:, or?
3175
3176 Madame Chair:
3177 Are we on mute?
3178
3179 Spv. Leet:
3180 I believe we're on mute. Let me go ahead and... I am so glad we have this stuff here.
3181
3182 Spv. Kassel:
3183 Tabled. The additional work-
3184
3185 Madame Chair:
3186 Okay. You want to move forward.
3187
3188 Spv. Kassel:
3189 on the resurfacing, what were the add-ons for the resurfacing?
3190
3191 Madame Chair:
3192 We need to talk about the real property i inventory that you had mentioned.
3193
3194 Spv.
3195 Okay.
3196
3197 Spv. Berube:
3198 Do whatever you got to do first. I almost felt fatigued.
3199
3200 Madame Chair:
3201 That we will get to on the record, Tim.
3202
3203 Spv. Leet:
3204 It says it's recording.
3205
3206 Spv. Berube:
3207 It says, "unmute my audio or press and hold the space bar to temporarily unmute".

3208 Spv. Leet:
3209 Right, but if you look at the little thing in the bottom left, it says it's not muted.
3210
3211 Spv. Berube:
3212 Okay. So we're good to go?
3213
3214 Spv. Leet:
3215 I sure hope so.
3216
3217 Madame Chair:
3218 It's now our district council's time to talk?
3219
3220 **DISTRICT COUNSEL**
3221
3222 Tim Qualls:
3223 You all have my report. The contracts are done. Madam Chair wanted to discuss the real
3224 property inventory.
3225
3226 Madame Chair:
3227 Do we know what that's going on?... I mean, if it's just a, summary, I guess I need to know more
3228 about what it's going to tell us. Is it a run of the property appraiser's database, which won't help
3229 us? Is it a run, is it going to tell us what's in the deed, or what parcels are what?
3230
3231 Tim Qualls:
3232 The title company, I spent the morning talking to, a gal who's been doing this forever, since
3233 when you had to go to the courthouse to get this done, which I learned you still have to do in
3234 some counties, but not Osceola. But she said the property appraiser, like, the website is accurate
3235 about 90% of the time, and, and not just for Harmony, in general. They only do a partial legal,
3236 and so while they might start there, they're really going to look into the deeds and look at the
3237 Osceola County. The only record that matters, because it's a statute of fraud issue, is the deed.
3238 So, because the land transfer has to be in writing, witnessed by two parties, executed and
3239 recorded. So that is going to be the Osceola County clerk. That's going to be where the records
3240 are, and you're going to want to look at the deeds.
3241
3242 Madame Chair:
3243 this report that you're going to give us actually looks at the deeds. So it, like, each of these
3244 different deeds... And I was looking at a couple of other ones for this neighborhood C1 and C2. It
3245 covers a lot of different parcels at hand, so it will pull all of that information about all those
3246 parcels and not let one slip through the crack, right?
3247
3248 Tim Qualls:
3249 No title company is infallible. Uh, no attorney is infallible.
3250
3251 Madame Chair:
3252 I understand, but I want it to be an independent, not based on the tax collector, or the property
3253 appraiser.

CARBON

3254 Tim Qualls:
3255 You know, so, again, They don't rely on the property appraiser records because they're only
3256 accurate roughly 90% of the time.
3257
3258 Spv. Berube:
3259 So we got to do a Clerk of the Court search.
3260
3261 Tim Qualls:
3262 Correct. And they're having to get into the title. They start with the plat, but then they have to get
3263 into the deed. And this is what they do.
3264
3265 Madame Chair:
3266 And it's \$600?
3267
3268 Tim Qualls:
3269 Well, that was what I was quoted whenever this was brought up last time. But, put it all on hold.
3270
3271 Madame Chair:
3272 Okay, that was just two weeks ago, right?
3273
3274 Tim Qualls:
3275 No, that was at the last meeting, last year is when I first mentioned it to you. I had called them at
3276 that time. All, all I'm saying is I don't know that the, the price is still \$600, but that is what they
3277 quoted me the first time I asked.
3278
3279 Madame Chair:
3280 Okay. It was less than a month ago?
3281
3282 Spv. Berube:
3283 Six weeks.
3284
3285 Tim Qualls:
3286 I don't remember.
3287
3288 Spv. Leet:
3289 Yeah, this is where we have the extra gap, because of the -
3290
3291 Spv. Berube:
3292 I mean, last meeting, last year, was six weeks. I'll move to approve, not to exceed \$1000, to
3293 allow for some play here, and let the chairwoman execute the deal once we understand the price.
3294 Move.
3295
3296 Spv. Kassel:
3297 Second.
3298

3299 Spv. Berube:
3300 Move to... you get it.
3301
3302 District Manager:
3303 For a real property search?
3304
3305 Spv. Berube:
3306 Real property, title search, entitlement, what are we calling this?
3307
3308 Tim Qualls:
3309 There, yeah, I think it's correct.
3310
3311 Madame Chair:
3312 A real property title search.
3313
3314 Tim Qualls:
3315 To identify what is owned by the District.
3316
3317 Madame Chair:
3318 To identify what is owned by Harmony.
3319
3320 Spv. Berube:
3321 Not to exceed \$1000 and let the chairwoman execute.
3322
3323 Madame Chair:
3324 I have a motion
3325
3326 Spv. Kassel:
3327 Second.
3328
3329 Madame Chair:
3330 All in favor?
3331
3332 Spv. Kassel:
3333 Aye.
3334
3335 Spv. Leet:
3336 Aye.
3337
3338 Madame Chair:
3339 Aye. All opposed? Carries. I will look forward, getting started on that.
3340
3341
3342
3343

3344
3345
3346
3347
3348
3349
3350
3351
3352

On MOTION by Spv. Berube, SECOND by Spv. Kassel, with all in favor, the Board approved a Not to exceed of \$1000 with the Chairwoman to execute an agreement to have a Title Company run a real property search to find out all the land Harmony owns

3353 Tim Qualls:
3354 I'll, I'll steward.
3355

3356 **FIELD MANAGER REPORT**

3357
3358 Madame Chair:
3359 Field manager's report.

3360
3361 Area Field Director:
3362 All right.

3363
3364 Spv. Berube:
3365 Nice to know where you fall on the pecking order, huh?

3366
3367 Madame Chair:
3368 It's okay. Another meeting, he'll be right up top.

3369
3370 Area Field Director:
3371 It's pretty basic. B&B's going to... They finally executed the contract. It took a little while. Their
3372 lawyer was looking at stuff, making sure language was good on their end. They should be
3373 starting the project February one. He's ready to go. Vincent will be out really making sure we're
3374 good there. I'll be out, inspecting, as well. UMAX followed up today with them and said it's all
3375 in order. And then told me six to seven months. It could be six to seven months.

3376
3377 Spv. Kassel:
3378 I'm sorry, for what?

3379
3380 Spv. Berube:
3381 It more than likely will be. That wasn't the deal that they originally presented, was it?

3382
3383 Area Field Director:
3384 No. So, I think I said at the last meeting. So, I got the quote from them. But as the year ended,
3385 the dealer in Miami with Advantage Golf Carts actually sold or broke apart from Advantage Golf
3386 Carts. So, they're still advertising on Advantage Golf Cart's website as a distributor or a location,
3387 but they're no longer affiliated with them, so they can't go pull that inventory from Miami and
3388 bring it to Orlando. Not explained to me at all when I, when I provided that. So, he said he's

CARBON

3389 going to update me as soon as possible. The price obviously hasn't changed. It's just a delay. I
3390 think we're still okay. We, as Inframark provided Vincent a work truck, so we still have the
3391 Harmony CDD truck, too, that somebody can use for the time being. You're still fine with some
3392 of the carts right now, correct?

3393

3394 Spv. Berube:

3395 How many do we have down?

3396

3397 Area Field Director:

3398 Just the Mule, right? We have to get tires on the Mule, correct?

3399

3400 Field Manager: I will be getting the tires tomorrow.

3401

3402 Area Field Director:

3403 Tomorrow. His, credit card finally came in.

3404

3405 Spv. Berube:

3406 Oh, so Bobcat and the land max are out of service.

3407

3408 Area Field Director:

3409 Correct. His credit card is in, he's good now. There's an update that's not in here. The tree
3410 inventory, we talked about it, we tabled it, for the time being, at the last meeting. From what I
3411 recall, B&B can provide this, based on the pricing that was presented at the last meeting, but at
3412 the, this point, I don't necessarily know if the tree inventory is needed for any specific reason.
3413 People will have a question.

3414

3415 Madame Chair:

3416 Yeah, and maybe we can get with him, but the biggest part of the problem I had with the tree
3417 inventory was that we'd be obligated to take \$2500 a year for the software alone.

3418

3419 Area Field Director:

3420 Correct.

3421

3422 Madame Chair:

3423 I'm looking into other possibilities,

3424

3425 Area Field Director:

3426 Yeah, and there are a lot of other things. I mean, I know he wanted to use it more to mark trees,
3427 like, green, red, yellow. Where green was good, yellow was watch for next trim, red was needs
3428 to be trimmed, and I think that's what he was trying to use that for on top of giving you quantity
3429 and types of, of trees.

3430

3431 Madame Chair:

3432 I may have another solution

3433

3434 Spv. Berube:

3435 He's going to be out here trimming just about every tree we have, right?
3436
3437 Area Field Director:
3438 No, not right away, no.
3439
3440 Spv. Berube:
3441 Well, no, but over a period of time.
3442
3443 Area Field Director:
3444 If you decide that you need-
3445
3446 Spv. Berube:
3447 While he's out here trimming them, let's inventory them.
3448
3449 Madame Chair:
3450 Right, but he has to log them onto some sort of system, and that was what the \$2500=
3451
3452 Area Field Director:
3453 I understand what you're saying. Like, just right now "this street has this many oaks, this street
3454 has this many sycamores."
3455
3456 Tim Qualls:
3457 Check out Google Earth.
3458
3459 Madame Chair:
3460 We're going to... that's what I was going to try and work with him on, and see if Google Earth-
3461
3462 Spv. Berube:
3463 Got to be a better way.
3464
3465 Madame Chair:
3466 With pins and, and... there's a way to do that.
3467
3468 Area Field Director:
3469 So, the swim club pool, the sewer line was repaired this week.
3470
3471 Madame Chair:
3472 For how much?
3473
3474 Area Field Director:
3475 \$850.
3476
3477 Madame Chair:
3478 Much better than the \$4800.
3479
3480 Area Field Director:

CARBON

3481 Correct. I've been out today because they were working on the restroom there. There were some
3482 issues going on with when they flushed the toilet. There was water backing up... I'm not a
3483 plumber, so bear with me, but just the pipe coming from the toilet up to where the handles at.
3484 Not the input water, the water coming into the flusher handle. So, we think maybe the seals are
3485 bad.

3486
3487 Spv. Berube:
3488 What, the where?

3489
3490 Area Field Director:
3491 So, you know how they have the-

3492
3493 Spv. Berube:
3494 Oh, the chrome. Yeah, yeah, yeah.

3495
3496 Area Field Director:
3497 The chrome fixture, right.

3498
3499 Spv. Berube:
3500 Yep.

3501
3502 Area Field Director:
3503 You have the water coming out and you have the pipe that's going down to the toilet, right?
3504 Well, when they let go of the handle there's back-

3505
3506 Spv. Berube:
3507 Water sprays... yeah, it comes back out of that little vent.

3508
3509 Area Field Director:
3510 Exactly.

3511
3512 Spv. Berube:
3513 We've had that problem before. The internal-

3514
3515 Area Field Director:
3516 Guts.

3517
3518 Spv. Berube:
3519 Yeah, get all corroded from the acidic water, and in the past we just bought, like, 10 or 12 of
3520 them on Amazon, and replace all those units.

3521
3522 Area Field Director:
3523 Vincent is going to take a look at it, but that's what I kind of thought was probably the gaskets
3524 inside, have gotten corroded, you know, hard water or whatever, acidic water or whichever one
3525 you want to go with.

3526

3527 Spv. Berube:
3528 When, when you take one apart, all the metal will be eaten up, it will be all green, the rubber is
3529 all going, it's a mess.
3530
3531 Madame Chair:
3532 And then, this is at lakefront?
3533
3534 Spv. Kassel:
3535 No, swim club.
3536
3537 Madame Chair:
3538 Okay. So, we just need to do a replace of the internal parts.
3539
3540 Area Field Director:
3541 Yeah, just basically rebuild them. Which we can do in-house, I believe, internally. We're fine
3542 with that. The last item on here, and then I'll talk about tow boat repairs. I also got an update
3543 today from Jim. He's working on the bow and going to do some final touches on the bow. Then
3544 the flooring's going to go in and should be... we're getting pretty darn close. I will say, Jim has
3545 been very communicative. Every time you guys see an update from me, he's sending it to me
3546 proactively. I'm not asking for it. He has been honest, as well. He has some FDLE contracts, fish
3547 and game contracts that are, kind of were already on his plate when this boat came in, that he's
3548 got timelines for as well. Not that he's pushing the towboat to the side, but obviously economy of
3549 scale doesn't make sense when you're dealing with hundreds of thousands of dollars of state
3550 boats versus-
3551
3552 Spv. Kassel:
3553 50,000.
3554
3555 Area Field Director:
3556 Lakefront Park. There was a Facebook post yesterday, this is caution tape put on a urinal. That
3557 caution tape was placed yesterday. We found that issue yesterday. The field staff did try to snake
3558 that toilet or that urinal to get it unclogged did not work. We did get a quote today from Parish,
3559 Tom Parish plumbing, for \$350 to, to get a better snake in there. I've already moved forward
3560 with it, and hopefully we'll have that up and going. But, there is now an out-of-order sign on
3561 there that was placed by in-house staff, not outsource staff.
3562
3563 Spv. Kassel:
3564 What does that mean?
3565
3566 District Manager:
3567 That was the Facebook post
3568
3569 Spv. Kassel:
3570 Oh
3571
3572 District Manager:

3573 That the district outsources staff.

3574

3575 Area Field Department:

3576 It was just a light joke, that's all. I'm sorry.

3577

3578 Madame Chair:

3579 Oh, on the plumbing issue, since we do have roots that are starting to invade some of our pipes,
3580 should we look at something like Rootettes for an annual, treatment for all of our, bath houses?

3581 Basically, it's a fungal treatment. It will, kill the roots that are in it, not the tree outside of it, and
3582 then it lays down a protective coating inside the pipe-

3583

3584 Area Field Director:

3585 To seal it?

3586

3587 Madame Chair:

3588 To seal the roots.

3589

3590 Area Field Director:

3591 I've never heard of it, but we can absolutely look into it.

3592

3593 Madame Chair:

3594 Okay. If you could look into it.

3595

3596 Area field Director:

3597 Is it something that we can buy, or is it something that somebody else can supply?

3598

3599 Madame Chair:

3600 It's something you can buy. Our staff can go ahead and buy it-

3601

3602 Area Field Director:

3603 So, it's like a Drain-O, but it's more... okay.

3604

3605 Madame Chair:

3606 Well, it also coats the inside of the pipe and provides protection. It deters roots from coming into
3607 the pipes for a year, so. Do you know anything about it?

3608

3609 Spv. Berube:

3610 Sounds like miracle in a can

3611

3612 Madame Chair:

3613 It sure beats the repair costs.

3614

3615 Area Field Director:

3616 We did have one work order, from a resident. There was, a resident that were not here tonight
3617 asking about removing two oak trees by their home. They didn't bring it up in resident comments
3618 today, but I told them that is probably not going to be accepted.

3619
3620 Madame Chair:
3621 Two living oak trees?
3622
3623 District Manager:
3624 I heard this. A little bit of backstory on that please.
3625
3626 Spv. Kassel:
3627 Between the curb and the sidewalk?
3628
3629 Area Field Director:
3630 So, the issue was, that we were made aware of, that their lawn provider had mentioned that they
3631 have jasmine minima growing underneath, in between the sidewalks and the curb. They have a
3632 lot of steppingstones there. Their lawncare provider mentioned that the oak leaves are very
3633 acidic, which is causing issues, and, and that they can't get the jasmine to grow. There were some
3634 tree limbs that were closer to their home. I don't know who removed them, necessarily, but those
3635 have been since removed.
3636
3637 District Manager:
3638 Contractor.
3639
3640 Area Field Director:
3641 They have since been removed.
3642
3643 District Manager:
3644 Is this the same resident who has so many oak trees, and she's saying the developer planted way
3645 too many oak trees?
3646
3647 Area Field Director:
3648 Well, there are two... There's one definitely in her yard, one
3649
3650 Madame Chair:
3651 On the corner.
3652
3653 Area Field Director:
3654 Kind of borders her property line and her neighbors.
3655
3656 Madame Chair:
3657 Every 20 feet we had of them.
3658
3659 Area Field Director:
3660 Yeah, this one's, this one's pretty close.
3661
3662 Madame Chair:
3663 Okay.
3664

3665 Area Field Director:
3666 It's on Butterfly Drive.
3667
3668 Resident:
3669 Butterfly drive.
3670
3671 District Manager:
3672 Twinkle Toes
3673
3674 Area Field Director:
3675 Yes, which is not their last name, by the way.
3676
3677 Spv. Kassel:
3678 That's a dog.
3679
3680 Area Field Director:
3681 Yeah. So, they want to replace them with a different type of tree, if possible, and I, again, I
3682 mentioned to them that I don't think it's going to be... I didn't say accepted or declined, but I said
3683 that would be a board decision. So, I'm making you aware of it as more of a heads-up if it does
3684 happen.
3685
3686 Spv. Kassel:
3687 Uh, question about the, um, tree that was cut down, probably a sycamore, on-
3688
3689 Area Field Director:
3690 Being replaced.
3691
3692 Spv. Kassel:
3693 Bluestem. Yeah, but I was told that weeks and weeks ago, and it's been that way for weeks and
3694 weeks.
3695
3696 Area Field Director:
3697 I followed up with Servello, and they said it should be within the next two weeks. They had-
3698
3699 Spv. Kassel:
3700 So, are they going to dig out the existing-
3701
3702 Area Field Director:
3703 I actually had to get a competitive bid. Because it was over \$500.
3704
3705 Spv. Kassel:
3706 And who authorized the... And who removed it? The homeowner?
3707
3708 Madame Chair:
3709 No, we removed it. A previous homeowner, several ownerships before, had built up a planter
3710 that are rounded and filled in over the roots and everything. We don't know that that was the total

3711 demise. It could have been part of the waxy scale problem. But anyway, that tree was almost
3712 dead, and large limbs were falling on the sidewalk.

3713
3714 Spv. Kassel:
3715 I see, okay.

3716
3717 Madame Chair:
3718 It was a real hazard.

3719
3720 Area Field Director:
3721 I want to say it was removed in, like, July, August. around that timeframe.

3722
3723 Madame Chair:
3724 And then, they delayed the replacement of it because they, I told them we're not going to replace
3725 it until they get all of that stuff out of there and clean that up. They got it all out, and it's been,
3726 like, six weeks.

3727
3728 Spv. Kassel:
3729 The homeowner, you mean? To, to take everything out?

3730
3731 Madame Chair:
3732 Yes.

3733
3734 Area Field Director:
3735 Correct.

3736
3737 Spv. Kassel:
3738 Because they had put it in.

3739
3740 Madame Chair:
3741 To clean it all out, take the paper, you know, the little locks out and everything.

3742
3743 Area Field Director:
3744 It was unsafe to stump grind, too.

3745
3746 Madame Chair:
3747 Right.

3748
3749 Area Field Director:
3750 So there was a delay in getting that out before they could stump grind, so that way they could
3751 then replant.

3752
3753 Spv. Kassel:
3754 Okay. Thank you

3755 .
3756 Area Field Director:

CARBON

3757 Yes, it is on the, the docket to be done. Not to go too much off the agenda, but the discussion
3758 today on the, the invasive plant species control and mitigation, we need to really dig in on that,
3759 because with the staff currently, even when we bring on to get five folks, you're talking about a
3760 lot of work.

3761
3762 District Manager:
3763 With the current staff, it, we can't do it.

3764
3765 Madame Chair:
3766 Well, we can't keep up with the growth, I mean, Brad is doing a stellar job attempting to take on
3767 a monster that grows faster than Jake can take a lot of time.

3768
3769 Area Field Director:
3770 There should be more control in the summer, but when you have standing water and you have,
3771 it's a safety issue there, because now you have gators that do nest in those areas; you have
3772 moccasin increases; and there are snakeroots and all that stuff, but there are companies that we
3773 should, we, being the board, should consider looking into more on that control. The only caution
3774 I will have on the Brazilian Pepper, and I think we need to find this out, is when it goes to seed.

3775
3776 Madame Chair:
3777 It's seeding right now.

3778
3779 Area Field Director:
3780 So do not grind it now.

3781
3782 Madame Chair:
3783 It's bright red seed.

3784
3785 Area Field Director:
3786 If you grind it now, you're dropping it, all those seeds off the trees, into the-

3787
3788 Madame Chair:
3789 No, we want the birds to eat them and fly somewhere else.

3790
3791 Area Field Director:
3792 Well, that's another problem. You want to grind them when they're not seeding.

3793
3794 Madame Chair:
3795 Right.

3796
3797 Area Field Director:
3798 So, just an FYI on that. Okay. That's all I have-

3799
3800 Madame Chair:
3801 Anything else, any questions? Okay. Hearing no questions, we'll relieve Brett of his position.
3802 Old business. Supervisor. requests. Anything from the board? Hearing none, I would entertain a

3803 motion to adjourn.

3804

3805 Spv. Berube:

3806 So moved.

3807

3808 Spv. Scarborough:

3809 Second it.

3810

3811 Madame Chair:

3812 Motion and second. All in favor?

3813

3814 Spv. Scarborough

3815 Aye.

3816

3817 Spv. Berube:

3818 Aye, aye, aye, aye.

3819

3820 Madame Chair:

3821 All opposed here? No opposition whatsoever. We're ready to get out of here. Thank you,
3822 everybody. You were wonderful.

3823

3824

3825

3826 On MOTION by Spv. Berube, SECOND by Spv.
3827 Scarborough, with all in favor the Board adjourned.

3828

3829

3830

3831

3832

3833

3834