

# MINUTES OF MEETING

## HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, July 25, 2013, at 9:00 a.m. at 7251 Five Oaks Drive, Harmony, Florida.

Present and constituting a quorum were:

Steve Berube ( <i>by phone</i> )	Chairman
Ray Walls	Vice Chairman
David Farnsworth	Supervisor
Kerul Kassel	Supervisor
Mark LeMenager	Supervisor

Also present were:

Gary L. Moyer	Manager: Moyer Management Group
Tim Qualls	Attorney: Young vanAssenderp, P.A.
Todd Haskett	Harmony Development Company
Brock Nicholas	Harmony Development Company
Jon Rukkila	Davey Commercial Grounds

### FIRST ORDER OF BUSINESS

#### Roll Call

Mr. Walls called the meeting to order at 9:00 a.m.

Mr. Walls called the roll and stated a quorum was present for the meeting.

### SECOND ORDER OF BUSINESS

#### Approval of the Minutes of the June 27, 2013, Budget Workshop and Regular Meeting

Mr. Walls reviewed the minutes of the June 27, 2013, budget workshop and regular meeting, and requested any additions, corrections, notations, or deletions.

Ms. Kassel stated in the regular minutes, Hillside was capitalized and should not have been. It was listed as a street rather than the hillside.

On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, unanimous approval was given to approve the minutes of the June 27, 2013, budget workshop and regular meeting, as amended.
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### THIRD ORDER OF BUSINESS

#### Audience Comments

There being none, the next order of business followed.

**FOURTH ORDER OF BUSINESS**                      **Subcontractor Reports**

**A. Aquatic Plant Maintenance – Bio-Tech Consulting**

**i. Monthly Highlight Report**

The monthly aquatic plant maintenance report is contained in the agenda package and is available for public review in the District Office during normal business hours.

**B. Landscaping – Davey Commercial Grounds Management**

**i. Monthly Highlight Report**

Mr. Rukkila reviewed the monthly landscape maintenance report as contained in the agenda package and is available for public review in the District Office during normal business hours.

Mr. Rukkila stated we are up to par on our regular maintenance activities, in spite of the weather. It has been uphill, but my opinion and my impression is that the property has never looked better. We have completed fertilization, and I see the fertilizer is doing its job. It is slow release, so it will only get better. The U.S. 192 berm planting is complete as of yesterday. I feathered some things out, so it looks really nice. We are working very hard to get on schedule with the tree trimming. At the last couple meetings, we were probably at the 50 yard line, and today we are on the 5 yard line, ready to cross the goal line. I am really proud of that. When our one-year anniversary rolls around, I am confident that we will have all of the trees completed that we needed to have done. That is in addition to retouching some trees throughout the property. For instance, on Five Oaks, I lifted sycamores that were hitting people in the face as well as a large oak. I retouched the street where Ms. Kassel lives and Lakeshore Park as well as the west entrance to Five Oaks. We made a tremendous push into the Estates. We are in a really good position as far as the trees are concerned.

Mr. LeMenager stated there is a tree missing at the west entrance. Are we planning on replacing it?

Mr. Rukkila stated yes. I brought in a tree that we planned to put there, but in looking at the overall canopy and spread and caliper of the tree, it was thought best that we wait until we find a better specimen for the west entrance. It is in the works.

Ms. Kassel stated there are two sycamore trees at the beginning of Bluestem Road at Primrose Willow Drive on the south side of the street that look really bad. Apparently they had poor care in the beginning, and they look terrible. One across the street, a couple trees down is also not doing well. These are on side streets, but we have sort of taken

responsibility for street trees. I wanted to bring that to Mr. Rukkila's attention and our discussion to figure out what to do, if anything.

Mr. Nicholas asked what do you mean by they are looking bad? Are there shoots coming out of the trunk, or something else?

Ms. Kassel stated they are very small. Their growth is very sparse. One of them has a lot of shoots coming out of the trunk, but almost nothing on the top. They are very small trees, particularly compared to the other trees.

Mr. LeMenager stated I know exactly what trees Ms. Kassel is referencing. I actually trimmed shoots on them once because clearly the home owners had zero interest in taking care of the trees. I do not know what we do. On an interior street, I do not know that we actually need the trees. If they are not going to survive, maybe we should just take them out. I own a property on Primrose Willow Drive that does not have a tree on it anymore. It did once and the tree died, and I never asked anyone to replace it. The property looks just fine.

Mr. Berube stated once we start eliminating trees, that is a course that we may not want to continue.

Mr. LeMenager stated I am just saying to let them die. Do not throw good money after them.

Mr. Berube asked when do we stop? After 10 trees, 50 trees?

Mr. LeMenager stated we do it on a case-by-case basis. That particular location, I do not think the trees add anything because they are on the side of a house, not in front of a house.

Ms. Kassel stated all of those houses have a pretty symmetrical set of trees that are part of the landscaping and are the quality of Harmony.

Mr. Nicholas stated there is a street tree minimum with the County. I do not think Development Review would come back and say there is a tree missing. But we should not also openly abandon the originally approved specimen plan that was approved by the County. Every subdivision has one, and that is how the trees are installed. They are for sidewalks and for pedestrian shade. It does not have anything to do necessarily with the home.

Mr. Walls stated I suggest Mr. Nicholas meet with Mr. Rukkila and see what we can do or if there is anything we need to do.

Ms. Kassel stated I was not asking for a decision today. I was just going to mention it. Regarding the landscape replacement package that we were given last month, I have been in contact with Mr. Garth Rinard. We are discussing four locations that I have selected to start with. It is just over \$4,000, so I may come back and ask if we have authorization for up to \$4,500. The places I have selected are places that are older landscaped areas in Harmony that also have a larger amount of traffic passing by them. I want to address the interior pocket parks later rather than sooner. I want to start with areas that are older and have had landscape issues for a long time and that have a lot of public viewing of them to get started. Those four locations are the Lakeshore Park turnabout, Dahoon Holly, Beargrass, and the dog park areas. Those four areas total about \$4,300 or \$4,400. I will ask the Board for authorization to expand the previous approval to \$4,500.

Mr. Berube stated I have no objection.

Mr. LeMenager stated it is fine with me.

On MOTION by Mr. LeMenager, seconded by Mr. Farnsworth, with all in favor, unanimous approval was given to increase the not-to-exceed amount for landscape improvements to \$4,500 for four locations, as described.
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Ms. Kassel stated I will be working with Mr. Rinard for landscaping materials in those areas.

Mr. LeMenager stated nice job on the trees.

Mr. Farnsworth asked what is a pH adjustment?

Mr. Rukkila stated I am not sure.

Mr. Farnsworth stated it is under a series of places in the highlight report, but one of the places is 4.4.6 for pH adjustment. What are you actually doing?

Ms. Kassel stated probably applying lime.

Mr. Berube stated it is adjusting the acidity or alkalinity of the soil.

Mr. Rukkila stated it might be in conjunction with the application of fertilizer.

Mr. Farnsworth stated it is different from fertilizer.

Ms. Kassel stated it is acidity versus alkalinity. There are areas that are too acidic that need more alkaline.

Mr. Farnsworth stated no one ever comments on doing that.

Mr. Rukkila stated I reviewed the report. Mr. Rinard had already gone into a meeting and I meant to ask him that question so I could educate myself in case this question came up. I will relay this question to him.

Mr. Farnsworth stated I was just wondering what is being applied or what is being done.

**C. Dockmaster/Field Manager**

**i. Dock and Maintenance Activities Report**

Mr. Haskett reviewed the monthly field activities report as contained in the agenda package and is available for public review in the District Office during normal business hours.

Mr. Haskett stated the large pontoon boat seals and motor went bad. We have been checking them once a week. There was a lot of fishing line that got caught in it and it had a big hook in it, and rubber seals do not hold up well to hooks. As a precautionary measure, we took it out of service so we can get the seals replaced. We do not believe there was any damage to the motor. Keep in mind the electric motor is in the water right behind the propeller, so that is why those seals are very important. In the past, we have had to replace the motor because the seals were not properly checked. The maintenance activities have been preventing a lot of that. The boat has to go to Advanced Marine because they have to pull off the armature and check it. Those parts have been ordered, and we hope Monday or Tuesday next week, we can get it in there. I have done some research to try to find a different type of electric motor that does not have the motor in the water. That just seems silly to me. There are a couple out there that are true outboard motors, but they are quite expensive. That is probably not an option at this point. We will keep you advised on that. We had a few companies come to the dock this week to look at it for proposals. One is a manufacturer out of Fort Myers, Golden Boat Lifts and Docks, and they have a whole component system that seems interesting. You can bolt pieces and parts together. They are working up a proposal. I also met with Finder Docks and construction, who has done some work in Celebration. They are also preparing a proposal. All of them thus far seem to be recommending aluminum, which I tend to agree with. If we are going to spend the money, we should get something that is going to last. We will see what the numbers are in the proposals.

Mr. LeMenager asked are these the kind where the boats come out of the water?

Mr. Haskett stated no. Neither company has suggested that yet. Golden is a manufacturer of boat lifts, but they were not really keen on it at that point.

Ms. Kassel asked did they give a reason why?

Mr. Haskett stated they did not.

Mr. Walls stated I do not see that application very often for fresh-water boats. Maybe they do it in some places, but I have not seen it. I see it more in salt-water areas to keep the boats out of the salty water.

Mr. Haskett stated hopefully we will have some numbers shortly and can ask the Dock-Ters to take a second look at it. They provided a proposal initially.

Mr. Berube asked how many responses have we received to the RFP?

Mr. Haskett stated we received a lot of emails and phone calls from companies wanting a bid package. When they found out there was not a bid package, per se, then they do not seem interested. Once we get some ideas on what type of facility we want to install, then we can do a bid package on that and bid it that way.

Mr. Berube stated that makes sense.

Mr. LeMenager asked what was that big irrigation job on Five Oaks across from the dog park?

Mr. Haskett stated that was actually a storm drain where a yard drain connected with the storm drain at the curb. It was just a broken connection where the concrete pipes fit together. It was an old damage probably from when it was installed. We worked on it and replaced some of the concrete and put rebar in it, so it is a good, solid fix that will last. We also inspected the other yard drains that go through there to see if there are any recurring incidents, but we did not find anything.

Mr. Haskett stated other maintenance activities include pressure washing the facilities. We looked over Ashley Park, and I have been communicating with Mr. Berube on what we need to prepare for doing some renovations there. One project is the two pergolas that are there where some trusses or beams need to be replaced and some metal hangers that have rusted. The goal is to start on that work in October when the activity slows down and get everything cleaned up.

## **ii. Buck Lake Boat Use Report**

Mr. Haskett reviewed the monthly boat report as contained in the agenda package and is available for public review in the District Office during normal business hours.

**iii. Miscellaneous**

Ms. Kassel asked what is happening with the reservation system? What is happening with the pools now that the sheriff has been there?

Mr. Haskett stated I have not had the time to delve into the reservation system lately. I do not want to do something halfway and just throw something at you. I have not contacted them for proposals or anything. That would be due in part to the pool activity and the sheriffs. I reprogrammed all the access controls and locked out certain timeframes because there were a lot of people who were going in after hours. Now we have the ability to see who has tried to get in. I noticed within the same minute of the card trying to get in, there is a call for the gate to open, which means they have jumped the fence and now they are letting their friends in at midnight and 4:00 a.m. I have been going back to the security cameras to see who it is and I am in the process of dealing with that.

Mr. Nicholas asked will the card tell you who it is?

Mr. Haskett stated yes, but that does not really mean you can confirm that person had the card. Sometimes they are lost but that is a good backup. Most of the time, it has been teenagers.

Mr. Walls asked if a card is used to get in after hours, can we just shut it down? If someone had my card, and if you did not look on the camera and see me, I would want you to deactivate my card if someone is using my card after hours.

Mr. Haskett stated we already did that.

Mr. Walls stated if it happens one time, deactivate the card. They can come in and explain what happened.

Mr. Haskett stated I subscribe to the same theory.

Mr. Berube stated I agree. One time, and you are done.

Mr. Nicholas stated we had the deputies in for four weeks, as discussed at the last meeting, and the half-share cost was about \$1,000. We did not receive much feedback from the deputies in terms of something being really bad or there being a lot of criminal activity. It was really mellow. They were asking questions and checking cards of people who were there. Some were frustrated with it and others appreciate it. We did not necessarily stumble onto anything that would back up the reports we heard in the last meeting, saying this was widespread and a really big problem. The schedule was over four weekends. We can continue to do this, or not. Perhaps we should select a couple holiday weekends a year and have surprise checks instead of an ongoing commitment.

Mr. LeMenager stated I think the element of surprise is a good way to go. I am guessing what happened is word got out.

Mr. Farnsworth stated I agree.

Mr. LeMenager stated I think that was our intent, anyway. From the feedback we received, there were people who had cards but were just letting in a lot of people, which was causing the problem. Perhaps those people recognized it. From what Mr. Haskett said, it sounds like there are still people who are trying to get in during the overnight hours.

Mr. Haskett stated I am not sure how we control that. Staff has been doing a good job since I asked them to circle through and walk around when they are in the area. That has slowed some activity down during the week. Some people leave when they see the staff walk through, so that is helpful. They have run a few people off that we know have jumped the gates because when asked for a card, they cannot produce one. Staff politely tells them how they should obtain a card and monitors that.

Mr. Berube stated my wife and I were at the Swim Club last week, and five teenaged girls showed up. One of them went right over the fence at the low area near the bushes. My wife spoke right up and asked where her card was, and the girl said she forgot it at home. What she did was jump over the short piece of fence and pushed the button to let her four friends in. That is the second time I have seen that happen in recent months. People are doing it even during the daytime. Interestingly, when they left, they got in a car, went out Harmony Square and right out to U.S. 192 and turned left. It is not hard to figure out that they were not residents. I think we need to increase the fence height or bushes in a couple areas that are suspect. I emailed this suggestion to Mr. Haskett a week or so ago.

Mr. Haskett stated yes, I looked into it. There is the shorter fence around the wading pool still. There is a lot of landscape there, so I think we could get by with more thorny bushes in a select few areas. That should help curb that activity a little more.

Mr. Berube stated the six-foot fence is a little daunting to go over, but the four-foot fence is easy for kids to go over with no problems. I watched it happen a couple times, so that might be part of the problem, as well. It is not a big deal, but it is still going on.

Mr. Haskett stated the Board approved a proposal from Insight Irrigation last month to make the weather station wireless so we can get rid of the two phone lines. That was

accomplished two days ago. We are going to test it for the next week to make sure it operates properly, and then we will get those two phone lines canceled. Everything went as planned, and it is throwing out a good wireless signal. It is communicating well so far.

Mr. Walls stated I sent an email to Mr. Haskett regarding sidewalks. A resident contacted me about people tripping in front of her house. I know we marked the areas of the sidewalk where the area is raised. I wanted to see where we can go to get that fixed and what kind of plan we should put in place.

Mr. Haskett stated we had a sidewalk deficiency report done in 2008, which I generally update and monitor. I have areas marked on Beargrass, Buttonbush, Brackenfern, and similar areas. I received a quote for removal and replacement as well as grinding the roots that are there. I have talked with Davey about a different idea. I am concerned about grinding some substantial roots. There are some studies that have shown if you dig the dirt down, put in gravel, put down a fabric, and then put down the concrete, that forces the roots down instead of coming up to the concrete surface. Roots do not grow in airspace where the gravel is. I would like to replace some of these and experiment with it to see if it will cure it. Experience has shown that we can replace the sidewalks and grind the roots, and within five or ten years, we have the same issue in that area again. We are putting a band-aid on it. There are other areas that have bubbled from weather, moisture, and so forth, not necessarily from tree roots, where we can do a straightforward replacement. I have some pricing. I am not happy with one square-foot price, so I am contacting another concrete company. I would like to see it done, especially on Beargrass, before school starts, so within the next few weeks we need to do that work.

Mr. LeMenager asked are there any other materials we can use besides concrete?

Mr. Haskett stated there are pavers. I have done a lot of research from other cities, including New York and others up north. They all seem like good ideas, but they all have costs associated with them.

Mr. LeMenager stated it is going to be ongoing. I think Mr. Moyer has told us that Celebration has full-time employees who do nothing but sidewalks. This is a design flaw of traditional neighborhood developments. It is a design flaw of new urbanism, which goes back to when they designed it, of putting trees in too narrow a space. Every place in America that is New Urbanism, as we are, has the exact same problem. If we just keep

putting down concrete, we are not going to solve the problem. We are just going to replace it every x number of years.

Mr. Farnsworth stated it sounds like Mr. Haskett's suggestion of putting in a layer underneath just might work, something like that.

Mr. LeMenager stated I am saying we do need to think differently. It is just not enough to grind or replace panels.

Mr. Farnsworth stated we can try to make it better than it was.

Mr. Berube stated no matter what durable surface you put down, you are going to have the problem with the tree roots coming up. Any fix you do to already-damaged sidewalks may or may not work. The problem is we are going to have tree roots protruding wherever there are trees. That is a given. Rather than paying an outside company to come in and put these things together and pay their mark-ups and work on their schedule, I would rather expand our ability to do this in-house. We have three staff members, and I know they are busy with other things. But I would rather see us address this as an in-house matter. I think we can do it, and we have direct control over it. Eventually we will be big enough, like Celebration, where we will want to do more in-house. I think we should address that now.

Mr. LeMenager stated I am not sure. Celebration is much bigger, and even at build out, Celebration will still be much bigger than we are.

Mr. Berube stated I am not arguing that, and we probably do not need a full crew. Maybe our staff can fit it in now, and maybe they cannot. Maybe we need to expand to another person. We included half a person in the budget. I think it is something we ought to consider to continue expanding our in-house ability to do these types of things. It is going to be here forever, so why continue to patch it with outside contractors, like we have in the past?

Mr. Walls stated we have some areas that are pretty bad right now, and there will be a learning curve and time needed to mobilize if we are going to do this in-house. For now, my preference would be to get the job done, however we do it, with or without a contractor. Then we can consider a long-term plan going forward as to how we will address these things.

Ms. Kassel stated I agree with Mr. Walls. I think we need to deal with what has been percolating for some time, while we are also looking forward to see how we are going to deal with this over the long-term.

Mr. LeMenager stated I am in agreement on making sure we take care of them before school starts. It is one thing to tell an adult it is painted bright red and you should notice this, but kids are kids.

Mr. Berube stated one panel in front of my house is up 2.5 inches, and people trip on it all the time. We have ground it once, and it has come up even farther since the grinding. I agree that it is a trip hazard, but it is something we have looked at over the years and something we have never gotten a handle on. It will stay on the drawing board no matter how we move forward.

Mr. Haskett stated we can proceed with an outside source, but it needs to be a better per-square-foot price. As smaller areas come up that staff can handle, we can address those. In the meantime, we can certainly look at that.

Ms. Kassel asked what about the idea of experimenting with putting something underneath the concrete?

Mr. Haskett stated we will try to find areas where the roots would be detrimental to cut. There are a couple areas that we can use as test areas and track it and make sure it is cost effective, versus replacing trees or something else.

Mr. Walls stated I had a question about inventory and how we track our equipment and things like the vehicles and our tablets. Every month I see we are purchasing tools and various things. I want to be sure we have some kind of tracking mechanism and inventory in place so we know who has what and when they have it. Working in government, I have seen some bad audit findings come back where you bought all of these things and now we cannot find any of them, and no one knows where they are. There may be perfectly good explanations of where they are, but no one can provide them with any proof. I want to be sure, as we move forward in building inventories of equipment and things, that we have something in place to be able to track those things.

Mr. Farnsworth asked does it exist? Or is this something that needs to be added?

Mr. Haskett stated the way I track it as part of my duties is to photograph all of our equipment. I have spreadsheets with model numbers and VIN numbers and serial numbers. Smaller tools do not have numbers, so I take photographs of them. There is

really no tracking numbers or devices like some governments will affix stickers on equipment or RFIDs. If you want to get that in-depth, I would not ask us to do that. I would think the District would want to audit that equipment. It is not that we cannot be trusted, but it would be a checks and balance for the District to do it.

Mr. Walls stated this is not something we need to hash out today. I just want us to think about it. maybe there is an easy system we can come up with, and maybe once or twice a year we do an inventory.

Mr. LeMenager stated I would think Severn Trent has some responsibility in that.

Mr. Moyer stated we do have an inventory tracking system. The issue is at what dollar level do you stop an inventory tracking system. The Board just needs to think about that. I think we have it set at \$5,000, which is a fairly large number. If the Board wants to reduce that number, we can certainly do that. We went through this years ago, so I have first-hand knowledge of it, where we were putting tags on things that cost \$50, and it got to be ridiculous. It does not make sense when you get to that level. If you want to set a limit of \$500, that probably does make some sense to tag \$500 items.

Mr. Walls stated that is where I am going. We purchased some expensive tools and equipment. I think it would be prudent to have an inventory of that.

## **FIFTH ORDER OF BUSINESS**

### **Developer's Report**

Mr. Nicholas stated regarding the scheduling of deputies going forward, we will schedule some random times throughout the year and consider that to be part of our shared cost. You will not know when it will be but you will just see a deputy there. The cost has been pretty minor. We could look at four or five times a year or something to that effect.

Mr. Walls stated I think we can have the staff go by pretty frequently as they drive by and check it out and see if everything looks good. I am fine in giving staff the authority to ask people for their access card.

Mr. Berube stated I agree.

Mr. Walls stated if someone gives them any problems, then they call the sheriff.

Mr. Haskett stated those are their instructions: do not be confrontational.

Mr. Berube stated the more often they do that, the better.

Mr. Nicholas stated in theory, that works. You have human beings, and we have gone through this before. There will be peaks and valleys on how this is working, from going

really well to being tragic. That will occur over the life of this project. We do not hire for customer service. These are skilled, technical field personnel. I am not saying they cannot handle it. They have good personalities, but they are not classically trained to handle that interaction. Be prepared for comments if one of those goes the wrong way.

Mr. Berube stated I think any negative comments will be minimal. I think the positive benefits should outweigh any negative comments we receive. People complain about everything, including the signs that just went up on the poles. We will receive negative comments.

Mr. Nicholas stated I understand. I think the big picture is generally we want them to grind sidewalks and pour concrete and do major drainage repairs as well as customer service. Generally someone is good at a lot of things and not good at any one thing. Over time, we just have to watch that.

Mr. Berube stated that is fine.

Mr. Walls stated I asked a question last month when Mr. Nicholas talked about refinancing our capital piece that we pay to OUC at a better rate. I would like to know where that is going or if it is going.

Mr. Nicholas stated I engaged with OUC a few months ago in anticipation about the discussion for new neighborhoods coming online and how to, slowly over time, step down the cost obligations. I reviewed all the agreements and understand them a little better now. We are starting to get some ideas back and forth with OUC as to what might be possible. I think we are a long way from me describing a scenario and all the decisions that we need to make. It might be another month or two before I am confident in doing that. I am also talking with some lenders about the possibility of pulling that capital portion out and financing it outside of OUC. There are things in place about having a major utility finance your capital. They have rules that they cannot go over certain capital return ratios, and that is managed by the PSC at the State level. They are not incredibly flexible on terms, but they are being flexible about what options we would have. Mr. Moyer has some experience as to the situation in Celebration, which is slightly different. The thing to remember about how these are installed is, they will always remain a part of OUC's distribution network. Whether we pay them off now or over time, they will not be the property of the CDD, which I do not think is a bad thing. We are refunding their costs for having to buy the pole and install it, but they are directly connected to the

transformer. There is a flat energy fee since they are not metered. There are things in the ground that you cannot undo about the way they are connected. Having said that, the two pieces I think we will need to discuss making decisions on are, (1) how we pay for that capital over time, and (2) whether or not the CDD wants to bear the risk of the maintenance obligation on the lights. Those are two very significant numbers and there is a very wide range of possible costs depending on what we decide to do. I am trying to get 100% of the options on the table from OUC and find out what they can do for us. We know for sure that initially, having gone through this with OUC, that the effect of adding the 37 light poles in the new neighborhood is nearly offset by what they have offered to give back in terms of credit on the monthly maintenance. Just going to them and telling them we are interested in looking at this and we need to analyze it has already yielded some good financial results for the CDD. But that is a small thing. Mr. Moyer informed me that Celebration has a similar setup: they have a flat energy charge. They are also responsible for their own maintenance. In the seven years or so that I have been in Harmony, we have replaced ten poles due to car accident or storm. Poles cost about \$4,500 each, so that is \$45,000 for those ten poles. Currently, the District is paying about \$5,000 or \$6,000 per month in maintenance charges, which is an insurance policy against any of those events happening. I want to put together a scenario describing our responsibilities for maintenance and how many poles would have to break and how many light bulbs would have to go out for that to be a bad idea.

Mr. LeMenager stated it would take just one hurricane.

Mr. Nicholas stated my sense is that you are paying this as insurance, and it is nice, but there is no obligation and no exposure. At the same time, in the seven years I have been here, we have seen about ten poles go down, which is \$45,000, and you are paying that in about nine months right now. There are standards as to how these are installed, and they will go down during storms. But there is a trade-off. I am hopeful that in the next couple months, I will be able to show you the trade-off. The challenge with pulling the capital out and going with traditional bank financing is OUC will always be the owner of that pole. If I go to Lender A and say I need \$2 million private placement money, we have AAA credit in a CDD, and we want to finance these over ten years at 7%, I think everything is good until they need to collateralize that debt obligation, and there is nothing to collateralize. They do not want the poles, even if we could

collateralize them, and OUC owns them. I think the creativity will come on the part of the outside lender, if there is one. That might be to take a portion of the available reserve funds and saying we are going to guarantee the first \$250,000 in losses on this debt with some of the reserve fund. I think there is going to need to be something creative if we take this outside of OUC. The benefit of going to OUC is they will underwrite the risk because they installed it and they carry it and they own it. At the same time, there are other things, such as the phase I roadway. There are 80 poles going east on Five Oaks. I do not know how everyone feels about it from a safety standpoint, but 50 of those poles represent 7% or 8% of your total energy bill per month. If we did a deal with OUC where we shut them off or a portion of them for a certain period of time, we would see the 8% reduction immediately. If we took maintenance in-house, you would see the \$6,000 monthly reduction immediately. If we pulled the capital out and financed it ourselves, we would see \$3,000 or \$4,000 a month in savings. These options are not without their individual risks, but there are options. I am not ready to present them, but I can tell you that we are actively engaged with OUC. We met with the CFO and his staff. We are getting the list of what they know, what they do and how it happens elsewhere. We are learning about the barriers in doing a deal with them and also what possibilities might break it apart.

Mr. Walls stated that is what I was wondering by way of an update. In Celebration, if they are responsible for maintenance, is that an insurable cost for them? If a pole goes down or a hurricane comes through and 20 poles go down, can they insure that? I know insurance costs might go up when you add all the poles.

Mr. Moyer stated I will check to see if their light poles are insured. We have literally thousands of poles in Celebration. I think we have 4,000 street lights.

Mr. Walls stated I was curious because I asked Mr. Moyer about their costs, which is less than half of ours. I guess it is because they do not have a capital component in there and they are not including maintenance in the cost.

Mr. Moyer stated that is correct.

Mr. Walls stated I was curious how they did it in Celebration and had such a low cost for such a big community.

Mr. Moyer stated Mr. LeMenager and Ms. Kassel will remember that Celebration has evolved, just as Harmony will evolve with the growth of population. What we did in

Celebration was we needed workers but we targeted them based on who had some level of expertise in something. One of our hires was an electrician who does more than electrician work. Once we had the talent, now we maintain those poles, we replace the lights and the ballasts, we paint the green heads and the top of the street light poles. In the original purchase when Celebration bought the poles, we bought extra poles, so we have an inventory of poles that have already been paid for many years ago, all the way back to 1994, depending on your village. That is how all of that urns in Celebration. As the community grows, you will change your approach on what you need and who you need to hire. You will look at things, just like we are doing now with these street lights. We contracted out sidewalks for years, so you are not doing anything different than Celebration. But it got to a point where personnel costs and the materials were less than contracting out the replacement. Initially, that does not make a lot of sense. You need to contract until you get to that critical mass, and then you hire around the critical mass.

Mr. Walls stated I appreciate the update.

## **SIXTH ORDER OF BUSINESS**

### **District Manager's Report**

#### **A. Financial Statements**

Mr. Moyer reviewed the financial statements as included in the agenda package and available for public review in the District Office during normal business hours.

Mr. Moyer stated we have collected all of our non-ad valorem assessments, so we are right where we need to be. On the expense side, we are about \$129,000 under budget, although there are some special projects that the Board has authorized in the last couple meetings that will draw that down. I do not see any possibility of us not being able to put something in our fund balance at the end of the fiscal year, so we are doing well with that.

Ms. Kassel asked any idea what that amount will be?

Mr. Moyer stated it depends if we proceed with the dock replacement or not.

Ms. Kassel stated let us assume we do replace it. Will that be in this fiscal year or next fiscal year? We have two months left in this fiscal year.

Mr. Haskett stated it will probably be in the next fiscal year, depending on permitting and things of that nature.

Mr. Moyer stated this number will be pretty close. You will probably have between \$75,000 and \$100,000.

Mr. Nicholas stated the current budget draft shows that only \$26,000 will be the net change in fund balance.

Mr. Walls stated they are pretty conservative with that estimate.

Mr. Moyer stated between field management and the Severn Trent payback, you are looking at \$50,000 of savings just in those categories.

**B. Invoice Approval #159 and Check Run Summary**

Mr. Moyer reviewed the invoices and check summary, which are included in the agenda package and available for public review in the District Office during normal business hours, and requested approval.

Ms. Kassel stated it seemed there were duplicates of a number of invoices.

Mr. Walls stated I think the check run may have been included twice.

Ms. Kassel stated there were several others duplicated, as well. The 2004 debt service is just a timing issue.

Mr. Moyer stated yes. I asked Mr. Stephen Bloom, the accounting manager for Severn Trent, to call Mr. Walls since he initially raised the issue and we discussed it last month. I put together a resolution for the Board to recognize that revenue in the current period rather than as deferred income. I think Mr. Walls and Mr. Bloom have talked, and I understand that everyone believes there is no reason to do the budget amendment. We will pull that from the agenda. As long as everyone is comfortable classifying it as deferred revenue, we will leave it the way it is.

Mr. Walls stated I talked with Mr. Bloom yesterday. The way we operate at the County, budget amendments are few and far between. You normally do them only if you have to recognize the revenue to spend it. In this case, we do not. We already have a budget for that revenue item, but we are just going to go over budget, which is fine. It does not require a budget amendment to do that. He had talked with the accountants, as well, that a budget amendment is not necessary. So we can pull the resolution, pursuant to Mr. Moyer's recommendation.

Ms. Kassel stated I am fine either way.

Mr. LeMenager stated that is fine.

Mr. Berube stated I am fine removing it.

Mr. Walls stated I asked Mr. Haskett a question on the Ledesma invoice for pressure washing. The first two years I was on the Board, for 2011 and 2012, we did that one time each fiscal year, so we spent \$2,300, or whatever the total is for both of those years. This

year, we have two invoices from Ledesma for \$2,300. I thought we were on an annual cycle, and this year we went to a six-month cycle. Our budget does not reflect a six-month cycle. It reflects a one-year cycle plus some extra in case we need to do some smaller areas. I do not know what the Board thinks as far as how often we do that or what the recommendation is as far as how often we pressure wash the fence in the front. That is what the \$2,300 is for, the fence in the front.

Mr. Haskett stated that is correct.

Ms. Kassel stated the invoice says 1.65 miles, and that encompasses more than the CDD. Or has that somehow been broken out?

Mr. Haskett stated his points might be off a little on the miles, but that is just the CDD's white fence and columns in that area.

Ms. Kassel stated I thought it extended farther west.

Mr. Haskett stated no.

Ms. Kassel stated I wanted to point out that the school's fencing around the retention pond is looking really bad.

Mr. Nicholas stated I agree. I am not so worried about the retention pond fence, but the one on the other side at the playground needs some work. I have spoken with Mr. Rukkila about it, and we will figure that out. I have not seen the fence at the retention pond, but the one on the other side, the part that is visible from the sidewalk is bad.

Ms. Kassel stated we usually walk along Schoolhouse Road, and we happened to walk through the playground area and soccer field. It looks really bad with algae.

Mr. Nicholas stated we will start with the visible areas and figure out how to get a plan together to go to the back. We will find out what day his facility staff returns to start working full-time.

Mr. LeMenager stated perhaps next time, we do not do white.

Ms. Kassel stated we have black fencing all around that area now.

On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, unanimous approval was given to the invoices, as discussed.
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### **C. Public Comments/Communication Log**

Mr. Moyer reviewed the complaint log as contained in the agenda package and available for public review in the District Office during normal business hours.

**D. Website Statistics**

Mr. Moyer reviewed the website statistics as contained in the agenda package and available for public review in the District Office during normal business hours.

**E. Consideration of Resolution 2013-05 Amending the Debt Service Budget for Fiscal Year 2013**

Mr. Moyer stated as we discussed earlier under consideration of the invoices, we are pulling this from the agenda.

**F. Consideration of Engagement Letter from Grau & Associates to Perform the Audit for Fiscal Year 2013**

Mr. Moyer reviewed the engagement letter from Grau & Associates to perform the audit for fiscal year 2013 in the amount of \$4,500.

On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, unanimous approval was given to the engagement letter from Grau & Associates to perform the audit for fiscal year 2013, in the amount of \$4,500.
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**G. Consideration of Arbitrage Rebate Calculation Report for Series 2004 Capital Improvement Revenue Bonds**

Mr. Moyer stated I want to enter into the record the results of the arbitrage rebate calculation on the 2004 bonds. They have determined that we do not have any rebate exposure. We actually have a negative rebate requirement. It would be nice if it went both ways where the Federal government would send us money if it was negative, but they do not.

Mr. LeMenager asked do we get a carry forward?

Mr. Moyer stated no. Every year, we go through this process. We can earn up to the bond rate. To the degree we are earning more, we get to keep that until we get up to the bond rate. Then we have to rebate to the Federal Treasury every five years. The reason we have the calculations done every year is to identify the liability to put it on our books.

**H. Questions and Comments on the Proposed Budget for Fiscal Year 2014**

Mr. Moyer stated we had a good workshop last month. I think we made the changes that you identified. If you desire that this be your budget to take to the public hearing, this anticipates an increase in the non-ad valorem assessment of 2.08% overall, which includes debt service and operation and maintenance (O&M). The O&M increase is 5.65%, but what we will indicate in the letter that will go to all residents will be a net increase of 2.08%.

Mr. LeMenager stated I want to be sure we tell them it is 5.65% for O&M. That needs to be clearly spelled out. Depending upon the CDD, I know in Polk County, the real estate tax bill shows these assessments in two lines. It has O&M on one line and the debt on another line, so it is very clear what you are paying. They do not do that in Osceola County. It is sort of hidden.

Mr. Nicholas stated maybe you can ask the property appraiser to split them out.

Mr. LeMenager stated I have never seen them split on a tax bill for Osceola County.

Mr. Walls stated they would be treated as two separate assessments if they were broken out.

Mr. Moyer stated yes. We receive one check from the tax collector. She does not allocate that check. It all goes into the general fund, and then we allocate it back to the debt service account.

Mr. Berube stated the reality that the bill people are going to pay is going to increase by 2.08%. I do not want to introduce any confusion into that. We all know that the assessment is broken into two separate funds, but the average person does not really monitor that or really care about it.

Mr. LeMenager stated I think we should make them care about it.

Ms. Kassel stated we can at least inform them.

Mr. LeMenager stated it is all about transparency and being straightforward. For me, personally it is a 5.65% increase because I just paid off my debt assessment.

Ms. Kassel stated we did, too.

Mr. Moyer stated that is a good point.

Mr. LeMenager stated my bill is going down substantially, but the O&M portion is going up 5.65%. It will cost us \$54 a year, which I am happy to pay. I have no problems with that at all. A fair number of people are starting to pay off their debt assessment, and it is certainly something I recommend to people who plan on living in Harmony the rest of their lives. We are basically saying that since 2007, this is our first increase since that time. That is another thing to point out to people. We have not gone out of our way to raise assessments, but we have gotten to a point where we are doing more and more maintenance. They can see that with the staff around town.

Ms. Kassel stated we can point out the Lakeshore Park facilities, for example.

Mr. Nicholas stated I am very impressed with the team we have in-house that we were able to repair that drainage pipe. It is the CDD's obligation to be the O&M entity for the drainage network. If you looked at how that pipe was broken and how we had to do a form-and-place underground, I was very impressed that we did not need to call an outside contractor to figure it out.

Mr. LeMenager stated I definitely want to mention the two pieces in the letter.

Mr. Walls stated this is the budget that we compromised on in our discussions, and I will support it. The unassigned cash of \$250,000 that is projected right now is truly what that will be. It will be unassigned cash. There may be things down the road that we need to use it for, but it is not allocated to anything right now. The reason we have that unassigned cash is because we have been prudent in how we spend our money. We have assessed people for a certain budget. We have come in under that budget over the years, and we have accumulated this cash. For instance, not due to planning but because of what happened, this year we assessed people for \$15,000 for tree trimming on the trees and we did not spend that money this year. So that money will go into fund balance and be carried over into next year. Next year, we are assessing people for \$30,000 for tree trimming, so we collected the \$15,000 from them, and now we are going to collect another \$30,000 to do the tree trimming that did not happen this year and to do the tree trimming for next year. We pocketed that \$15,000 we collected into reserves. I want everyone to understand that is what is happening, which is why we are accumulating this unassigned fund balance. If we do not allocate it to anything or use it, we are assessing people, essentially, for things that did not happen at the cost that we budgeted for. That is my thought process on how we are accumulating that fund balance.

Ms. Kassel stated I see it differently. I see it that although we did not spend that money this year on tree trimming, we certainly intended to. Rather than assess people to be building up reserves, we are taking these savings and assigning them to fund balance, which is essentially the building of reserves that is not necessarily titled as reserves but acts as that kind of bolster and planning tool. It is not like we have assessed people for \$15,000 for tree trimming as a deceptive maneuver. We fully intended to do that, but various factors made it such that it did not happen and we did not have to pay it this year but will have to pay it next year. It is not as though we assessed them for something they did not receive last year and now we are double assessing them for next year. It is just

that the way the monies worked, it did not get spent, so it is going into an unallocated fund. We are not charging them for \$50,000 in reserves.

Mr. Berube stated it would be great if we could make the budget come to zero at the end of the year so everything balances. The reality is, that would be nearly impossible. The way I look at it, it is always better to be on the positive side with money. I agree with Mr. Walls that it is sort of sitting there in limbo, but the inverse of this would be that we were running a negative balance, and that would be a much more difficult situation to be in than being on the positive side. In a perfect world, it would be all balanced. In our world, it is very difficult to get it perfect. I would rather be sitting on this side.

Mr. Walls stated I agree. Do not get me wrong. Budget surpluses are a good thing. I do not disagree with that. All I am saying is that we need to be conscious of that amount and we really need to determine, at some point, how much we want to have in there. Over time, if we keep going the way we are going, it adds up. Though it may not be a lot, we keep adding to that number every year.

Mr. Farnsworth stated if you stay on the positive side forever, that is not necessarily mean that is a great idea either.

Mr. Walls stated I just want us to be conscious of the number. At some point, we may want to decide how much we want to have that is unallocated.

Mr. Berube stated at the end of the first quarter of the next fiscal year, we will make it our project to discuss. We will have concluded this fiscal year, and we will know what our ending balance was. After the first quarter of the next fiscal year, we will make it a project and a priority to decide how we are going to assign these dollars.

Mr. Nicholas stated something to think about in your fiduciary role is, by continuing to build this balance without having somewhere to go with it, you are effectively telling residents that you can save money better than they can, in terms of their own money coming out of their pockets. That is not necessarily true. Generally speaking, the concept of having some money, in case something bad happens, is not a bad concept. As the street light pole conversation evolves, I will be looking at that unassigned balance as one tool to reduce the monthly cash out-of-pocket. When you are asking people to pay into a fund, you are making them pay you to save it and they are not saving it themselves. That is not a good strategy long term. Having that balance is nice because as we try to negotiate this deal with OUC, you have some flexibility on what to do. If it was zero, we would have

less flexibility. We would not be able to tie up any of that money or we could not paydown 10% before we go to an outside debt source. I see that as a tool to really reduce your monthly cash outflow.

Ms. Kassel stated I also see that fund as something related to the maintenance of our facilities. The expected life of the facilities we have to maintain is coming to the point where these facilities are aging. Even though it appears we have all this money that is not doing anything and that we are setting aside money that we do not necessarily need to, we are going to have things like the dock replacement, alley repaving, and other asset replacement issues.

Mr. LeMenager stated also the sidewalks.

Mr. Walls stated that is why we are setting aside a renewal and replacement amount. We already have that and we have already set aside money for those things. Then we have this extra amount of money that is not allocated to anything. It is just there. I just want the Board to be aware of that. We are taking our savings and putting it in the bank, and we are making our budget for next year and assessing residents for the full amount of that budget. We are not even paying attention to what we have in that savings account. That is all I am trying to say. We need to be cognizant of that and have a plan for what we are going to do with it at some point.

Mr. LeMenager stated CDDs are quite negative to buyers. What I try to point out to people is that you need to separate the O&M from the debt service. For the vast majority of people who live in Harmony, the sum of the O&M plus HOA dues is less than \$100 a month. I would submit that for less than \$100, Harmony is probably one of the best values around. That tends to be more the way that I look at it. I know these are facilities instead of amenities, but we have a structure in place that was designed at the beginning of this century. We decided to be a little different from other communities and have a lot more facilities owned by the CDD instead of the HOA, but at the end of the day, you really need to look at the sum of the two. The sum of the two is, for most people in Harmony, less than \$100 per month. That is pretty attractive for what you get.

Mr. Walls stated I will not argue with that. Do we need any sort of a motion?

Mr. Moyer stated no. I do want the Board to be aware that since our assessments are increasing, pursuant to Chapter 197, Florida Statutes, we need to send a letter to all our residents, advising them of that increase. The letter will go out 21 days before the August

hearing. Most of the letter is legal language, but there is nothing that says I cannot include a paragraph indicating why we are increasing these assessments. If the Board would like to direct me on what to include as to why we are increasing assessments, I will include it.

Mr. Walls stated the first thing I would say is that we have not had an increase since 2007 or whenever that was. Let them know we have increased costs as well as increased services and facilities.

Mr. LeMenager stated I would include the staff. I would stress the fact that we are proposing this increase.

Mr. Moyer stated that is the biggest reason for this increase.

Mr. Walls stated it is an increased service level to residents, and I think that is where it should focus. We have held the line for as long as we can. As we have grown, we have increased not only the quantity of facilities and services available, but also the quality, as well.

Ms. Kassel stated we also need to mention that new neighborhoods have come online, and there are costs associated with maintaining those new neighborhoods.

Mr. Moyer stated I will implement those comments.

Mr. Farnsworth stated if you need any words to include regarding that surplus fund, you could use the input from Mr. Nicholas related to the most pertinent justification and explanation.

Mr. Moyer stated we will give him the opportunity to make his comments at the August hearing to explain that.

Ms. Kassel stated it enhances our financial standing and flexibility to have those unallocated funds.

Mr. LeMenager stated otherwise, we set up a reserve and put those monies into that reserve.

Ms. Kassel stated I agree.

Mr. LeMenager stated I appreciate that, but we did have discussion. I know we were not in total agreement as to how much we should have in the reserve fund for replacements. I was a lot more comfortable with the study we received, but I still do not think \$185,000 is very much to have in that reserve for replacements.

Ms. Kassel stated I agree.

Mr. Nicholas stated that is a whole other argument.

Ms. Kassel stated I think it should be at least \$500,000 at this point, considering all the things that we need to do.

Mr. LeMenager stated we can still discuss that.

Ms. Kassel stated that will be part of the discussion Mr. Berube recommended that we have.

Mr. Qualls stated I would appreciate receiving a copy of the assessment letter before it is mailed so we can review it.

## **SEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Mr. Qualls stated I looked over the ADA requirements for the swimming pools. Basically, it says that individuals with disabilities cannot be excluded, so a government must make pools accessible unless doing so would be an undue financial burden or administrative burden. For pools under 300 linear feet, it would require one lift. If it is over 300 linear feet, you will need two lifts. The standards say that typically accessibility does not require that every pool be made accessible, but that is something you will want to look into. It seems that the 2010 standards preclude a portable lift, so it needs to be a stationary lift in the pool.

Mr. Farnsworth asked why?

Mr. Qualls stated I do not know the answer to that. Congress would. The Legislature adopted these standards in their infinite wisdom.

Mr. Farnsworth asked are portables allowed anywhere?

Mr. Qualls stated it says if you remove barriers and you did so before 2010 and you have a portable lift, then it is fine. But if you are making the changes after 2010, then a portable lift is not the standard.

Mr. LeMenager asked what about zero-entry pools?

Mr. Qualls stated that is fine. It can be either that or a lift.

Mr. LeMenager stated I would like to suggest that as an idea to perhaps redesign the pool. I do not know how much it would cost. Basically we would just need to make one part of the pool zero entry, and they are pretty attractive.

Mr. Moyer stated the problem with that is you have slope requirements, so you need to take that into consideration. We just did this in Brighton Lakes, and that piece of equipment cost about \$9,000.

Mr. Qualls stated the regulations say if you are going to put in the equipment to remove the barriers, while the pool is open, there have to be people there who can operate that equipment. There is a training component to make sure that people around the pools can help. If you have a lift, it has to be accessible when the pool is open, so there needs to be a training component for people helping those trying to get into the pool so they know how to use the equipment.

Mr. Walls asked is someone required to be there to help someone get in the pool, like an employee? We can purchase a lift but no one knows how to use it.

Mr. Qualls stated I think the answer would be yes. If it is sitting there locked up and no one knows how to turn it on, I do not think that is the removal of a barrier.

Mr. Walls stated if we have the situation where a handicapped person wants to use the pool, they can call for assistance, and then someone comes and lets them in.

Mr. Qualls stated that is correct.

Mr. Berube stated I stay in a lot of hotels, and many hotels have these lifts. I can tell you that there is no one assigned to be in the pool area to help people with the lifts. They all have a sign that says for assistance to go to the front desk. I would think we could do the same thing, and for assistance, they can call a number and one of our employees could come and help. I think it is for taking off the cover and unlocking it and then making sure they provide a little assistance if it is needed. I have not seen anyone assigned to monitor those handicapped lifts yet.

Mr. LeMenager stated I heard Mr. Qualls say that if we have multiple pools, only one needs to be so equipped.

Mr. Qualls stated that is not quite what I said. Program accessibility does not typically require that every pool be made accessible. I can describe when it would be and when it would not.

Mr. LeMenager stated we keep going into the sales center and seeing that there is another pool planned.

Mr. Nicholas stated there is a two-acre tract in the G neighborhood that would be a resident facility.

Mr. LeMenager stated if that ends up being a pool, you can make sure it is a zero-entry pool. Then we solve the requirements.

Ms. Kassel asked how long do we have to address this?

Mr. Qualls stated as soon as any ADA law is updated, everyone is supposed to remove any barriers and anything that does not comply with that. A business or governmental entity is supposed to be taking reasonable steps to remove any barriers. You cannot say that because you built this pool before 2010 that you are grandfathered in and exempted. That is not the case. You have to take reasonable measures to remove any barriers. The only way you get out of it is to show that by doing so would be extremely expensive or is an undue administrative or financial burden.

Ms. Kassel asked what if the G neighborhood is going to have a pool?

Mr. Nicholas stated you do not have time to wait for that to comply with this legislation. That would not be smart, when you have a \$9,000 alternative.

Mr. Qualls stated I would not advise waiting for that pool.

Mr. Nicholas stated it will be a while. We do not have it designed or approved.

Mr. Qualls stated I think it is worth getting the information because it is probably just Google research. I do think we need to look into the statement that program accessibility does not typically require that every pool be made accessible, when it does and when it does not. There was even talk that if you built a pool before 2010 and you had purchased a portable lift that could go between pools, that it would be fine. Now, it is not acceptable. I would at least look into that aspect.

Mr. Nicholas stated I do not know what all the consternation is about. You have the money. This is an ADA requirement. These are real human beings who still need access to something. It seems like a pretty simple solution. I would not go out and purchase two of them, but you should at least explore putting one in at one of the pools to satisfy the requirements.

Ms. Kassel stated I thought we were. I thought Mr. Haskett was looking into the possibility of lifts to bring to us to decide.

Mr. Nicholas stated that is correct. Mr. Qualls is not saying that two are not required but putting one in certainly shows that effort is being made in this direction.

Mr. Qualls stated that is correct.

Mr. LeMenager asked what pool do we want to install it?

Ms. Kassel stated I think we let Mr. Haskett come forward with a proposal.

Mr. Haskett stated my recommendation would be the main swimming pool because it is heated and it is the largest one. It is not just elderly people who may have a disability; it could be a high school student from the swim team. I think that is the best pool. I did a lot of research on it. The Health Department performs the inspections of the pools. They gave us a fine grade on the pools and mentioned nothing about the lifts. They are under the impression and understanding that because it is gated access for residents that we did not need to have lifts, pursuant to ADA. But they do not really have the knowledge of us being a governmental entity, which puts us at Title II requirements. Now that we have that information, it needs to be done.

Mr. Walls stated let us get proposals and come up with something.

Ms. Kassel stated I thought I remembered Mr. Haskett saying something about difficulty with the availability of lifts.

Mr. Haskett stated there has been a problem with availability due to the rush for everyone to get one installed. Just as when there was a change for the main drains for the pools, there was a mad rush to get those changed, which ended up in a huge recall to the product they made us change to. We can ease into it, but we will get it done.

Mr. Qualls stated there is no legal distinction that I am aware of since there is a gate around the pool. The fact is, this is a public pool. The discussion here was perfect, and that is all I wanted to share with you is that it is something you have to do.

Mr. Qualls stated as was mentioned briefly earlier in the meeting, I wanted to clarify the difference between an amenity and a facility. A facility is legal language from Chapter 190, Florida Statutes, dealing with CDDs. An amenity deals with HOAs, so that is the legal distinction between the two.

**B. Engineer**

There being none, the next order of business followed.

**EIGHTH ORDER OF BUSINESS**

**Supervisor Requests**

There being none, the next order of business followed.

**NINTH ORDER OF BUSINESS**

**Adjournment**

The next regular meeting is scheduled for Thursday, August 29, 2013, at 6:00 p.m.

On MOTION by Ms. Kassel, seconded by Mr. LeMenager,  
with all in favor, the meeting adjourned at 10:30 a.m.

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Gary L. Moyer, Secretary

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Steve Berube, Chairman