

MINUTES OF MEETING

HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, November 21, 2013, at 6:00 p.m. at 7251 Five Oaks Drive, Harmony, Florida.

Present and constituting a quorum were:

Steve Berube	Chairman
David Farnsworth	Supervisor
Kerul Kassel	Supervisor
Mark LeMenager	Supervisor

Also present were:

Gary Moyer	Manager: Moyer Management Group
Tim Qualls	Attorney: Young vanAssenderp, P.A.
Greg Golgowski	Harmony Development Company
Todd Haskett	Harmony Development Company
Garth Rinard	Davey Commercial Grounds
Residents and Members of the Public	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Berube called the meeting to order at 6:00 p.m.

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

SECOND ORDER OF BUSINESS

Approval of the Minutes of the October 24, 2013, Workshop and Regular Meeting

Mr. Berube reviewed the minutes of the October 24, 2013, workshop and regular meeting, and requested any additions, corrections, notations, or deletions.

Ms. Kassel stated page 13 of the workshop minutes should read, "Ms. Kassel stated I ~~agree~~ disagree." Page 31 of the regular meeting minutes has two references to Donna and it should be Don.

Mr. Berube stated page 3 of the workshop minutes should read, "It was a ~~pressing~~ prescient move for the Board at that time to sell the plant to Toho." Mr. Walls requested two changes to be made, and Ms. Brenda Burgess indicated she has already made those changes.

On MOTION by Ms. Kassel, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to approve the minutes of the October 24, 2013, workshop and regular meeting, as amended.

THIRD ORDER OF BUSINESS

Audience Comments

Mr. Berube stated we have a larger-than-normal audience tonight, but we want to hear from everyone. We have a three-minute time limit, and Ms. Kassel has a timer that she will operate.

Mr. Dave Leeman stated I want to request the same courtesy from the Board that you extended to Mr. George Schiro and if I go a little over three minutes, that I not be stopped. If you will not do that, then my comments can be made and the questions can be answered after that. I would like to have the questions answered as the discussion moves forward. Mr. Schiro's questions were answered, and I am hoping mine will be, as well.

Mr. Berube stated I can see this turning into a shouting match.

Mr. Leeman stated I will not shout. If I seem to get a little excited, just raise your hand and let me know. My first question is for the audience. I am asking for a show of hands for how many are here to ask the Board to change the rule to allow fishing in all the ponds. Let the record show that there are no hands. How many are here to ask the Board to keep the rule the way it is? Almost everyone raised their hands, including myself. My question for Mr. Qualls, when this all came about regarding fishing, because the Board members did not want to take any action or spend any money unless the rule was enforceable, it was my understanding that if they followed Mr. Qualls's instructions about the signs, then the rule would be enforceable. Is that still true?

Mr. Qualls stated I am not sure I understand the question.

Mr. Leeman stated when citizens complained about fishing in the pond behind their homes and asked the CDD Board to do something, the Board members asked if they could do something and if there was an enforceable rule, and if so, what has to be done. They spent the money on the signs with the understanding that the rule was enforceable. Does Mr. Qualls still hold that view, or has that changed?

Mr. Qualls stated the rule is enforceable. The other corollary question is, it is enforceable by whom. The District has no police power, so the rule would have to be enforceable in other ways, which is why I believe steps were taken to make it more likely that the rule would be enforced.

Mr. Leeman stated the rule is enforceable.

Ms. Kassel asked by whom?

Mr. Leeman stated it does not matter by whom it is enforceable. The answer to "is the rule enforceable" is yes.

Mr. LeMenager asked to what rule are you referring?

Mr. Leeman stated no fishing in the ponds. The sign has been posted.

Mr. LeMenager stated there is actually no such rule.

Mr. Berube stated the sign says No Trespassing.

Mr. LeMenager stated the attorney will confirm there is no rule that says that. The rule says No Trespassing.

Mr. Leeman asked does the sign say No Trespassing and No Fishing? Does it only say No Trespassing?

Mr. Berube stated it says "For your safety, no fishing and no swimming. NO TRESPASSING." Then there is a Florida Statute underneath that references the appropriate Statute. That is the reason that the sign was made just the way it is, for no trespassing, not no fishing.

Mr. Leeman stated that is a technicality. It does seem to me that it is enforceable to keep people from fishing in the ponds because that would be trespassing unless they can cast their reel from outside the CDD property. It seems you are getting technical. Yes, the rule is enforceable. The rule is no trespassing, which is the rule we are asking them to enforce, but that rule is enforceable. If someone is there fishing, that is trespassing and we can call the deputies and get them to leave.

Mr. Qualls stated to help move this along, I will note the questions, but I will not opine on all the answers at this point. Your questions are valid, and I am deeply interested in answering them. I will just refrain from doing so at this point.

Mr. Leeman stated that is fine. Anyone can say that you are refraining from answering a question.

A Resident asked would Mr. Leeman make it plain that you are not just talking about the ponds where people live adjacent to them, but it is for all the ponds?

Mr. Leeman stated yes, it is for all the ponds. That is my personal opinion. I will ask that question of the Board shortly. If no one wants the Board to change the rule, and everyone wants the rule to be unchanged, the question for the Board is, where has the impetus come to change that rule?

Mr. LeMenager stated I would challenge that question that no one has said they are in favor of it.

Mr. Leeman stated no one at this meeting.

Mr. LeMenager stated you did not say that in the question. You indicated no one, and as a point of fact, there are people who have told us and written to us that they are in favor of it. They have not come out for whatever reason.

Mr. Leeman stated it is not so much the fishing in the ponds. It is the process that you are going through. When we moved here, we signed a contract. Everyone who moved here after the Lentzes probably did not sign that contract with the HOA rules. It is a covenant, and they would not let us move in unless we signed it. Those rules are in there. Just like the American Constitution, they are not written in stone. They can be changed, but it should only be at the behest of a large majority of the residents. It should not be because someone thinks it is unenforceable or because the deputies say they are too busy to come here. If the rule is enforceable and the deputies will not enforce it, then the residents who care need to go talk to the sheriff and/or the County Commissioners to get them to do the job we want them to do and that they are supposed to do. The rules should not be changed just because deputies do not come here. My point is, please do not change rules because you feel like it. There needs to be a serious outpouring of desire from a good number of residents before you go changing the rules.

Mr. Berube stated the rule did get changed two years ago, or thereabout, so there already has been a rule change. It made some people happy and some other people unhappy. Here we are going through the same process.

Mr. LeMenager stated until we made the last rule change, understand that it was 100% perfectly legal for someone who was not a member of the Harmony HOA to fish in the ponds. I am guessing that you do not actually understand that because there is no prohibition.

Mr. Leeman stated that is not relevant to what I am saying now.

A Resident stated it is legal but not encouraged.

Mr. LeMenager stated that is why we changed the rule to no trespassing.

Mr. Leeman stated my second issue concerns the deeding of the school property over to the CDD. From the January 23 minutes, Mr. Berube indicated there is a number we do not have and he asked what Mr. Rinard, Davey's representative, anticipates the maintenance will be on an annual basis. Mr. Rinard replied that it was \$5,000 to \$7,000. We have since heard from Mr. Berube and Mr. Ray Walls that it is anticipated to be

nothing. Then later they said it might be something, but it will be insignificant. To Mr. Rinard, did you agree with the CDD to maintain that land for nothing?

Mr. Rinard stated we have had discussions along that line.

Mr. Leeman asked forever? It will not be put into the next contract, so the maintenance will be free forever?

Mr. Rinard stated yes.

Mr. Leeman stated thank you, CDD members. You got us that for nothing.

Mr. Berube stated let us expand on that a little. In January, we had a big number thrown out there. Our anticipation was that there was a big piece of land that was going to be involved in this. The reason it came up was because the school property in general looked pretty bad. As it happened, that big piece of land turned into 0.2 acres, or 8,800 square feet. The scope of what was possibly being discussed shrank way down. That is how we got into the difficulty of having a number out there for \$7,000 down to a very miniscule amount.

Mr. Leeman stated it turns out to be nothing, according to Mr. Rinard, and that is fine.

Mr. Berube stated that is thanks to Davey, and they have been maintaining it for free for the developer. The end result is the School District has deeded the 0.2 acres to the CDD. The developer spent several thousand dollars upgrading those two small areas. It did not cost the CDD anything. Through their generosity, Davey has agreed to just maintain it, as you just heard, at no additional cost. It is a pretty good deal because the areas do look a lot better.

Ms. Kassel stated I do not recall ever reading any minutes where the CDD approved the receipt of such land.

Mr. Berube stated I agree with you, and when we investigated this a little, I think there was some miscommunication on the developer's part. If you recall the discussion, we said flat out that we would not entertain maintaining someone else's property. That was the hang-up. The only way we might think about providing the maintenance for that property was if the CDD owned it. The development company ran with that and took it to mean that the property needed to be quit-claimed to the CDD in order to provide the maintenance. All of a sudden, it was done.

Ms. Kassel stated Mr. Qualls will have to weigh in on that. Someone has to agree. Someone has to sign a document accepting the deeding of this acreage, do they not?

Mr. Qualls stated yes. It was my understanding that the Board approved that.

Ms. Kassel stated no, we never did. It never happened.

Mr. LeMenager stated I thought we did.

Mr. Berube stated I thought we did, too.

Ms. Kassel stated no.

Mr. LeMenager asked have we signed anything?

Mr. Berube stated yes, tonight. It has already been quit-claimed back to us.

Ms. Kassel stated they may have given it to us, but we have to formally accept it, and there was no vote on that, ever.

Mr. Qualls stated if that is true, then that needs to be cured, and we can cure that tonight by taking an official vote. I attended the meeting when it was discussed, and I had the permission to move forward, so that is exactly what we did.

Mr. Berube stated that was my interpretation.

Ms. Kassel stated we never voted on it.

Mr. Qualls stated these things do not happen out of the blue.

Mr. Berube stated we can certainly take a formal vote to finalize it.

Mr. Qualls stated simply by virtue of the fact that the question has arisen, I think that would be the best thing to do before it is formally accepted, for the Board to vote on it. We can do that under my report.

Mr. Leeman stated my final comment on that, even though I am personally against it, it also said in the minutes of the meeting that the developer agreed to go ahead and spend their money to improve that property, with the understanding from the Board that you would take it over. Even though I am personally against taking it over, even for free, it is important that the Board keeps its word. Even though I do not want you to take property and maintain it, you agreed to do that. It is more important that you keep your agreements with everyone, including the developer. It is my opinion you should go ahead and do it.

Mr. Berube stated so you read in the minutes that we agreed to do that.

Mr. Leeman stated I read that the developer had that understanding. I do not have that part of the minutes with me to cite where it is.

Mr. Berube stated that is fine.

Mr. Leeman stated the minutes said that the developer was going ahead with that. It might have been Mr. Golgowski instead of Mr. Brock Nicholas, so I do not think he is up

on that exactly. They did have that understanding. To renege on that will have bad consequences for our reputation.

Mr. Berube stated I agree.

Mr. Leeman stated my last issue is, after much discussion about kayaks and what to buy, from the minutes in the motion by Mr. Walls, approval was given to purchase two regular kayaks and one fishing kayak. From the October minutes, "Mr. Berube stated Mr. Haskett discussed this with me before he ordered them. I cannot remember the specifics, but there was some question about the pricing. I changed the proposal." Are motions that are voted on just guidelines? Is that even legal for someone to go after the meeting and speak privately to an employee and change a motion that was voted on?

Mr. Qualls stated when the Board makes a determination, that determination is not to be changed and cannot be changed by individual Board members, if I understand the question.

Mr. Leeman stated Mr. Berube spoke privately to Mr. Haskett and changed the order from two regular kayaks and one fishing kayak to one regular kayak and two fishing kayaks.

Mr. Qualls stated this is a collegial body, and only the Board makes determinations, not individuals.

Mr. Leeman stated that is exactly my point. Was it incorrect for Mr. Berube to do that?

Mr. Berube stated possibly.

Mr. Leeman stated I do not think we need to pursue criminal penalties or anything like that, but at the very least, the District should be reimbursed for the kayak that was purchased incorrectly.

Mr. Berube stated to give you my thought process when I did that, I do not remember the exact reason, but there was a money savings. When I looked at the bigger picture, we approved three kayaks, and we approved a certain amount of money. We still received three kayaks, and we saved a little money on them. The style of one of those kayaks was changed. That was my thinking.

Mr. Leeman stated however, your thinking and the money were not relevant to the point, which is that you did something that was incorrect for a Board member. That needs to be put right in some way. We cannot just let that slide. It is a very bad precedent. I do

not know exactly how that works, but I feel strongly that it needs to go back to the original motion so that the decision goes back to what the Board voted on.

Mr. Qualls stated I want to make clear that I am not opining on any specific fact pattern because I am not aware of exactly what happened. I think Mr. Leeman's question was, if the Board makes a decision, can an individual Board member change the will of the body. The answer to that is no.

Mr. Leeman asked where does it stop? If the Board votes on a landscape company, the Chairman cannot go switch to a different company. You cannot say that because this issue is insignificant and we saved \$100 that we can let this slide. When it comes to principles, you cannot let it slide just because it is insignificant. I am asking Mr. Berube to stand up and make this correct on his own accord so that we do not have to deal with this in another way. All he has to do is pay us for the kayak.

Ms. Kassel stated that is a fairly punitive way of going about this. There may be other options that could be available.

Mr. Leeman stated I am willing to hear the Board's suggestion on those options.

Mr. Moyer stated the Board can ratify the action taken.

Mr. Farnsworth stated that is exactly right. If you want it taken care of, we will take a vote here to back up the change that was made. I understand Mr. Leeman's point.

Ms. Kassel stated ratification only resolves the technicality. It does not resolve the decision to overstep boundaries, which is what I think Mr. Leeman is trying to point out.

Mr. Farnsworth stated you already made the point that Mr. Berube overstepped his bounds. What penalty are you trying to impose?

Ms. Kassel stated he is trying to impose a penalty, and I am trying to see if there are options other than imposing a penalty.

Mr. LeMenager stated I would ask the attorney to comment on this. The public comment period is for public comments. It is not a question-and-answer period.

Mr. Farnsworth stated yes.

Mr. LeMenager stated we are a relaxed body, but this is not a question-and-answer period. This is a time for the public to make comments on items related to the agenda. This is not even an item on the agenda.

Mr. Leeman stated it says nothing about this being only for items on the agenda. It is for public comments on anything.

Mr. LeMenager stated ask the attorney about that.

Mr. Qualls stated public comment is so integral and so important to a governmental body, such as this. I represent many different Boards, and I work with the Florida Legislature. It tends to help a meeting move along if there is a set way of doing things that is followed. Typically, the public gets to comment, but it is not usually a give-and-take, question-and-answer period. That is why I was trying to refrain from responding now and address all the questions at the end, simply because everyone's time is precious and the Board has a certain way to go about getting things done. I think they have made that policy clear.

Mr. Leeman stated yes, but to bring it up at this moment to avoid dealing with the issue I raised is pretty slimy. If you are going to do that, then fine.

Mr. Berube stated I want to be sure Mr. Leeman is finished.

Mr. Leeman stated yes, and thank you for giving me the extra time.

Mr. LeMenager stated you are welcome.

Mr. Rich Martz stated there used to be forms to fill out in order to speak.

Ms. Kassel stated they were forgotten tonight.

Mr. Martz stated that might have rectified the previous speaker if he had filled out the form.

Mr. Berube stated in reality, we are supposed to limit this to items on the agenda. But if people want to speak, we will give you some latitude, with or without the form. That is what we are trying to do. If we give everyone as much time as Mr. Leeman just took, we will be here until midnight, and we have not even gotten to our agenda items.

Mr. Martz stated I am here to discuss fishing. I sent in a letter and thought I might read it at tonight's meeting. I opted against doing that since the email is in the public record. I think a lot of people will say something similar to what Mr. Leeman said regarding the fishing. I, too, have a certain curiosity. Rhetorically, I could engage in a question-and-answer session, but what benefit comes of this? I have looked into quite a few attorney pages and see that a lot of ambulance-chaser types are looking for people who have some kind of grievance over some kind of retention/detention pond issue. It is a common thing in Florida. Someone could get hurt or die from drowning. I have looked through several different cases, and I will share with you some facts that I have stumbled across. That is the down side to this, and I also think it degenerates the look of our

community. That is my personal opinion. I do not know what everyone else thinks. I am not interested in what anyone else thinks about having adults urinating on these ponds that I have seen on only one occasion, as well as other things, or the alligator baiting that I did not see but that Mr. Berube reported. I have actually seen that on the pond behind my house but not on the bigger ponds. I was reminded that people have actually been water skiing on those waterways, which is interesting and I had forgotten. Given the opportunity, a large enough group of people will do the stupid thing. I do not think that offering up the opportunity or certainly engaging in any sort of encouraging activities is going to help us. I took a picture of St. Cloud's waterway between Lake Toho and Lakeshore Drive in the park. There are four to six retention/detention ponds separating a large body of water from the road, and they have signs that say No Fishing, No Watercraft, No Swimming, and not to mess with the alligators. Then they list a Statute on the sign. It is astonishing and foolish that we have to provide rules for the police to enforce, that we have to state which law we want them to uphold. If Mr. Moyer was choking me to death, I would hope that the deputy would not say that he would like to help me but I do not have a Statute put in my chest to stop this person from choking me. These signs are in St. Cloud, and we should not strive not to be like St. Cloud. I would ask you to reconsider your effort to make us worse than St. Cloud. What is your vision for this community? What do we want to be when we grow up? I do not think it is St. Cloud, and I hope it is not St. Cloud. I find the fact that they are willing to put a sign there, whether or not it is enforceable but I believe it is based on past conversations, I know that putting signs on our ponds have been effective. I know what the previous state was, and I know what the current state is. History tells us what the future state will be. I bought a four-wheel drive vehicle this week, not to put a boat in the waterway, but I do find myself thinking that we need some boats on those waterways. I would ask you to do the right thing and consider not just the small minority who could not show up tonight or would not show up tonight. Thank you for changing the meeting times to 6:00 p.m. because you will not get this many people here at 9:00 a.m. Not one of them, unless some later comers arrived who are in favor of fishing, indicated they wanted to allow fishing. No one who wants fishing felt strongly enough to come to the meeting to speak in favor of it. I find myself wondering if no one wants it who is here and who cares, why do we

want to have people who do not care and give them the benefit of doing something that will take away from our community?

Mr. Dan Miller stated I echo much of what Mr. Martz had to say. I was surprised to hear that you were reconsidering your position after we went through the whole protracted discussed a couple years ago regarding our pond. We bought our home on Bracken Fern in 2005. At that time, the declarations, restrictions and covenants said no fishing. I do not understand the legalities of a District-owned pond versus those restrictions, but that is what we thought we were buying into. At that time, if we had known that we would have had the possibility of someone standing behind our lot, which is 30 feet from the edge of the water, fishing outside our back door, we never would have bought the house. We bought it on the basis that there was no fishing in those ponds. We were delighted that you put the new restriction in place. That has made a significant difference. Last year was the first time we have not had anywhere near the problems. Prior to that, people who did not even live here would show up and go out to fish. That is where we will end up again if this ban is lifted. We have had some people blow off the alligator issues. We had a situation three to five years ago with some kids aged 10 to 12 who were fishing on the pond. The next thing we know, they are running along, dragging their bait in the water with an alligator, chasing it and lunging at it. When my wife ran out and told them to stop and not to fish and let the alligator go, they responded that they just wanted to get the alligator away from them. We had instances before this ban where we are sitting on the patio having dinner on two separate occasions in two different seasons and an alligator decided that what we were having smelled pretty good because he came right out of the water up toward the patio. He was clearly associating people with food. I do not know if that was due to the fishing, but anything we do that will make the alligators less afraid of people is looking for trouble. I encourage you and ask you not to change this ban. I think it will be a problem. These people who are fishing are not even residents of Harmony. We have plenty of opportunities to fish at the lakes. You just put in the new docks and fishing pier, in addition to what was already there. I frankly do not see why we need that. When our grandchildren are here, that is where we take them fishing. We do not go out the back door and fish in the pond. I encourage you not to change this ban.

Ms. Nancy Snyder stated I agree with everyone not to allow fishing. I think we went through a grueling process a couple years ago. I also want to make a comment on the lawn service for the area between the sidewalk and the street. They have a great big piece of equipment to blow the grass clippings, and my screen door is one you pull across. I had to vacuum up the leaves and grass out of my hallway between my living room and dining room because that blower is huge. I stopped the crew member the second day, and he said they were shorthanded so he had to use that piece of equipment. I asked if he could go the other way, pointing away from my house. He replied that no, he has to do it that way. I pay a person to clean my porch after my lawn service maintains my yard, and the porch is full again and it is getting inside my house since I can open the screen doors. Is there some way where the houses are they can use the regular blowers and not this huge piece of equipment? The person I talked with must have come back and blown off my porch because he saw how many leaves and weeds were in there.

Mr. Rinard stated we can absolutely change that practice. There is no problem with that.

Ms. Snyder stated even the gardens in the front get covered with grass.

Mr. Rinard stated we can change that practice. We do recognize the hour limits associated with that machine, and we keep it on property to take advantage of the efficiency that it provides. In residential neighborhoods and areas where it has an effect that you described, we are more than happy to use the other equipment. Should there be a miscue in the future, may residents call Mr. Haskett?

Mr. Haskett stated yes, absolutely.

Mr. Rinard stated I am glad to hear that he took care of blowing it out of your porch. If for some reason the next person forgets or if he gets in a hurry, please contact Mr. Haskett.

Ms. Snyder stated I did get a little upset when he said he had to use that piece of equipment.

Mr. Rinard stated I do not know the validity of that. Should it occur again or if you have any additional problems, let Mr. Haskett know. I have a project manager onsite full-time and he can address those kinds of issues. If it is a continuing problem, then I am happy to step in.

Ms. Snyder stated thank you.

Mr. Barry Kimmel stated I live on Bracken Fern, which is part of the pond problem. I have a few questions for you. If you open up the ponds for fishing, does it open up the ponds for anyone else to do anything they want to do on the ponds besides relieving themselves in them or other legal activities? In other words, if you open it up to allow fishing, does it open it up to allow me to fly my radio-controlled airplanes or my radio-controlled boats? Will you have the only privilege in the pond when you are fishing that I am not allowed to run my motorized boats? Keep in mind that they are not gasoline models. They are electric powered.

A Resident asked can you fish with planes and boats?

Mr. Kimmel stated I could.

Mr. Berube stated fishing continues to be the hot button. The real problem with this is that this is a public facility. The ponds are public.

Mr. Kimmel stated that means that I can bring my 100-member club to the ponds here while you are fishing and run my model airplanes.

Mr. Berube stated that seems extreme, but it is a public pond.

Mr. Kimmel stated it is extreme, and it is not extreme. I want to know if you are opening them up to the public just for fishing, or for any legal activity.

Mr. LeMenager stated I would suggest that they are open now for any legal activity. The only thing mentioned on the sign is fishing and swimming, not if 100 people wanted to bring their boats.

Ms. Kassel stated the signs say No Trespassing.

Mr. Kimmel stated we just want to run our model airplanes in the ponds while people are fishing. I want to know if you are going to make that illegal.

Mr. Berube stated it is a question that goes around.

Mr. Kimmel stated I just wanted to make that point.

Mr. Berube stated what we are advocating is public access to public ponds.

Mr. Kimmel stated that is fine. I just want to make sure it is open to the public.

A Resident asked does that still mean no trespassing?

Ms. Kassel stated there is no fishing in the ponds, but how we decided to enforce that is through a No Trespassing sign that cites the Florida Statutes in the correct way on the sign. By doing that, you are effectively not allowing anyone to trespass on the ponds for any reason, unless they are authorized.

Mr. Kimmel asked is there any reason for someone to get on the ponds?

Ms. Kassel stated yes, for water monitoring or controlling weeds.

Mr. Kimmel asked in a non-official capacity, is there a sensible, rational reason for someone to get on the ponds, or is it just for maintenance? They are not really ponds. They have a purpose. They are not recreational.

Ms. Kassel stated they are ponds but they are retention ponds, not recreational ponds.

Mr. Kimmel asked is there a non-official reason related to the ponds for a human to get in that water?

Mr. Berube stated only that it is a public facility, and the public should have access.

Mr. LeMenager stated obviously everyone from Bracken Fern showed up for tonight's meeting. That is great. My position has always been that we should not have fishing in that pond. To me, it is all about Lakeshore Pond and if we should allow fishing there. I am wholeheartedly in favor of that, but I am wholeheartedly against fishing in the other ponds. I counted the number of houses on the two ponds that have a significant number of houses on them, and I believe it is 36. I was going to ask Mr. Moyer to poll all 36 of those houses and find out. Frankly when it comes to those two ponds, those are the only 36 opinions I am actually interested in. I am not interested in anyone else's opinion.

Mr. Berube stated during the workshop when we discussed this, we actually discussed how to leave the ponds that are contiguous to homes off limits. Very few people were at the workshop, so you did not hear all that. All you hear is we are going to lift the fishing ban. No, that is not where this went. We are very well aware of your thoughts, and we discussed that. If we do not have No Trespassing signs, we discussed having some other kind of signs that people could use. We discussed no fishing between signs with arrows pointing to each other. Possibly we would just leave the No Trespassing signs. This has not been concluded, and we are well conscious of your concerns. We did discuss it. The problem is that all the underlying discussions that took place never make it out. People get the highlight of the story and hear that the Board is going to lift the no fishing ban, and that is all they hear, but that is not really where this ends up.

Mr. Kimmel stated I think for me to focus on the pond that is behind my house is very short-sighted and stupid on my part, so I will not do that. I think someone skiing in that water and the stupidity of the media circus when that person slams into the bridge is not human stuff, but apparently that is not outside the realm of reality.

Mr. Berube stated we understand.

Mr. Roy Sampson asked do the No Trespassing signs also apply to residents?

Mr. Berube stated yes, it is for everyone.

Mr. Sampson asked even though we pay CDD assessments?

Mr. LeMenager stated it does not matter.

Ms. Kassel stated if we open it to the residents, then it has to be open to anyone.

Mr. LeMenager stated this is a public body and we cannot differentiate between residents and non-residents.

Mr. Berube stated I have not brought out a deputy yet but I will. I almost did it today because I anticipated that someone would ask the question. I will end the question of whether or not deputies will enforce that.

Ms. Jeanna McGinnis stated some of them will, and some of them will not. I have brought a lot of them out, and some will and some will not.

Mr. Berube stated I want to know from the sheriff's perspective if that sign is going to do any good or not, just to quell that question.

Ms. Snyder stated it is just as unsafe on a pond that does not have a house on it as it is on a pond that does have a house.

Mr. Berube stated I understand.

Ms. Kassel stated most of the ponds will have houses on them eventually, so it will be harder to enforce if you allow it now but you do not allow it later or if you allow it on some ponds but not all ponds.

Mr. Berube stated the people I am listening to are the ones who showed up here tonight. They have a voice. If you recall, we did consider that but we never settled it because we could not come up with a good answer. This is not final yet.

Ms. Kassel stated no, it is not. It sounded to me, honestly, that the other four Board members were considering lifting the ban on all the ponds. That is what it sounded like to me, and that is what it sounded like when I read it.

Mr. LeMenager stated my position has been clear year in, year out. My position has not changed.

Mr. Berube stated but Mr. LeMenager agrees that the residents who live on Bracken Fern should have some concessions, and I think you just said that.

Mr. LeMenager stated yes, I do not think we should allow fishing on ponds that border on houses.

Mr. Berube stated I am not in disagreement.

Mr. Anthony Presley stated please do not forget that the houses on Goldflower Avenue back up to a pond because mine is one of them. I personally do not want fishing on any ponds because I think it detracts from the neighborhoods and the way we have it. That is my personal opinion. Please consider that. During the Homecoming parade, two people were fishing on the Lakeshore Pond. I witnessed a person ask a deputy to remove them, and the deputy drove over on his motorcycle. He asked them to leave and then came back and said he could not enforce it unless we install a sign with the Florida Statute cited on it. If the sign is up, he said he could enforce it.

Mr. LeMenager asked this was at Lakeshore Park?

Mr. Presley stated it was right by Buck Lake.

Mr. LeMenager stated the sign is there.

Mr. Presley stated he might not have seen it, but he said if there is a sign with the Statute listed on it, then he can enforce it but without the sign, he cannot. He took care of it right then, but that was a witnessed event.

Mr. Scott Brooks stated I do not want to talk about fishing. I want to talk about the comportment of the Board. I do not know any of the members, and I apologize for that. I have lived here for two years. I have been a member of governmental Boards in this County for 18 years, appointed and elected. I have to admit that I am puzzled by the actions of Board members over the last few weeks. I will start with my favorite. "Fishermen are, without fail, described as alligator harassers, something that is against Florida law anywhere you might be. Fishermen are portrayed as irresponsible people who might fall into the ponds and drown. Hooks drag kids who are wandering around aimlessly and leave mounds of trash in their wake. You would think these people would destroy the world if they were, gasp, allowed to walk down to a pond with their kids and toss a line in the water." I have not expressed any particular opinions about this particular rule, but I can tell from the opinions expressed by Board members and public writings that they hold pretty much contemptuous opinions about people who oppose changing the rule. In addition, I find based on everything I know as a Board member and elected official about how the Florida Sunshine Law works, I am positive, in my opinion, that

there have been multiple Sunshine Law violations in the discussion of this topic in forums that are outside of these noticed public meetings. My concern is that the Sunshine Law is very specific but has a couple perquisites. One of them is that it is not just backroom deals but trying to eliminate the intimidation of people who might come to a public meeting to express an opinion so that we do not have that kind of interchange in the actual public meeting. I think that is very important to remember. I did not realize all these people were going to be in the audience tonight, but that is great. I am concerned that, when we get to the point where the actual rule is put forward and we actually see what the Board is going to end up proposing and discussing, we will have a situation where we may not be able to have such a great discussion because people are already under the impression from remarks that have been made very publicly that this has been decided already. I ask the Board members to consider their actions in the public forum. I understand the concern of wanting to have a way to communicate with the public. My suggestion is that you work with your legal counsel and your staff members to develop a way that is not intimidating, that allows exchange with the public, but limits the exchange of Board members in these outside areas. It is perfectly acceptable for a Board member to post something and then back off with no other members commenting in order to get input. I think that makes a lot of sense. The concern is obviously when multiple Board members are discussing topics in areas outside of this meeting.

Mr. Berube stated we received your concerns earlier this week that you expressed.

Mr. Brooks stated I wanted to make sure that I expressed it to you all personally.

Mr. Berube stated I agree with your points. We will discuss this further later in the meeting, but you pointed out some things that escaped our attention at the time they took place. We apologize for that; it should not have happened. People tend to react very quickly without thinking about what is going on or what they are saying. When you look back at it, then you wonder where it came from. You are absolutely right, and your point is taken. We apologize for the difficulty. As you can see, the issue is not settled. If there was an intimidation factor, it has not showed up here tonight.

Mr. Berube stated hearing no further comments, we appreciate everyone coming out. We have listened to you. There is much more that has not been discussed yet, and there is more to come. We appreciate your comments.

FOURTH ORDER OF BUSINESS

Subcontractor Reports

A. Aquatic Plant Maintenance – Bio-Tech Consulting

i. Monthly Highlight Report

Mr. Golgowski stated Bio-Tech was out here yesterday, so there is no report yet.

Mr. Berube stated that is fine; everything seems to be going well.

B. Landscaping – Davey Commercial Grounds Management

i. Monthly Highlight Report

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

Mr. Berube stated thank you to Mr. Rinard for agreeing to maintain the new property at the school for free. It was never formalized, but I guess that happened tonight.

Mr. Rinard stated yes, it was. We have shifted, effective this week, to a bi-weekly mow cycle. With the cooler temperatures, weed control within the turf will pick up and shift into a three-week cycle. We are seeing some areas that are holding some moisture, and dollarweed is becoming predominant. That cycle will help break the weeds and help get those areas under control. Fertilization throughout the turf and shrubbery has been completed. Coming up the first of December after the Thanksgiving holiday, we will be overseeding the soccer field with some perennial rye. Part of that process includes scalping the turf a little bit to open it up enough to accept the seed and get good seed-to-soil contact. Then we will be posting signs, the purpose of which is to make the community aware that some seeding and maintenance has occurred and to ask for their cooperation to stay off the fields if at all possible. Our experience in other communities tells us that can be challenging. I brought a copy of the sign we would like to post, for your review and approval. In order to try to get the best germination rates, we found that this has been as effective a tool as we have been able to find.

Mr. LeMenager asked do you realize there are regularly scheduled events that go on specified days each week?

Mr. Rinard stated yes, I understand that. We also understand, and I believe I noted in the summary, that we do expect there will be touchups that will be necessary. We are using 10 pounds per thousand. What we are finding right now in areas that have been previously seeded within the past three or four weeks in other communities, a seven-day to ten-day germination period with some good rates of germination. Part of the trick is establishment and getting the rooting in. We ask and have stated on the sign that it is a

three-week to four-week period. I really do not expect it to go that long as far as germination is concerned.

Mr. LeMenager stated I would suggest you say two weeks, and if you need more time, just leave the sign up. I think that will work better psychologically with residents.

Mr. Rinard stated we thought to set the expectation for a little longer so that we can perhaps pull the signs a little sooner. We will be prepping the field on Monday, December 2 with scalping, dragging and related activities. On Tuesday, December 3, we will be seeding the field.

Mr. Berube stated I do not see a problem with the signs if you are looking for approval.

Mr. Rinard stated I am anticipating having two signs per side, for a total of eight signs.

Mr. Farnsworth stated I tend to agree with Mr. LeMenager on the timeframe being too long, but I will not argue about it. Yes, they may proceed with their drafted signs.

Mr. Rinard stated thank you. This afternoon, we replaced some small pocket areas of annuals including salvia, New Guinea impatiens. Ornamental grass cutbacks have begun.

ii. Mulching

Mr. Rinard stated I want to discuss mulching because we are looking to schedule that activity.

Ms. Kassel stated I thought when we went with this new mulch that we would not need to mulch every year.

Mr. Rinard stated we knew there would need to be some touchup. Part of that discussion is, as we go through this touchup round, to determine what the difference is in need. Part of what we discussed was the difference. If we are under what we originally used, then we would credit that back to the CDD for wherever you want to use that. So we do need to go through that round. We know there are areas, be it from mowers or maintenance or raking, that will need touching up. We did some touchup in some areas recently with mulch from a different supplier, but we used a different color that is darker.

Mr. Berube asked was that used at Lakeshore Park in the tree rings?

Mr. Rinard stated yes, that is the material.

Mr. LeMenager stated I noticed that it did not smell bad.

Mr. Rinard stated it does not have an odor. When we did this originally, in our follow-up discussion with the Board, there were two aspects to the mulch, one being the odor. In September, there was a Statewide landscape show. The supplier of that material

was there. I had a chance to talk to the owners and express those concerns. He indicated to me that they were working on a deodorant additive for a lesser odor.

Mr. LeMenager stated it seems less attractive to dogs.

Mr. Rinard stated I have not seen that since they incorporated it into the product. This product that we used in the Lakeshore Park area is darker. It is a recycled material, but I am interested in the Board's comments on the material. I was not able to provide samples for tonight. To me, the darker color helps bring the plant material out. The other issue raised with the last mulching was that you felt it looked like dirt and it blended in. The black mulch falls into that category, as well. I am open to going in any direction.

Mr. LeMenager stated I thought it looked pretty good.

Mr. Berube stated I like what was used at Lakeshore Park. I did not have any problem with it.

Ms. Kassel stated I like the darker material. I will say that when you think about the attractiveness or the suitability of any mulch and we are judging it when it has just been put down, that is a misguided time to assess how mulch performs. It is six or eight months later before we can do that.

Mr. Rinard stated I understand.

Mr. Berube stated with the mulch that was applied last year, some of it settled but some of it still blows away. When the big blower goes by, some of it gets whipped away. The mowers do a job on it. It is not perfect.

Mr. LeMenager stated I think it is better than the bark.

Mr. Berube stated I agree. It also settles in and looks like dirt if you do not look at it carefully. But it becomes dirt colored. Overall, I like it. I think it was a good change. I think we have all seen it, and we all think it looks fine.

Mr. LeMenager stated Ms. Kassel is right; six months from now we will look at it again.

Mr. Berube stated I think you can continue with this new product, and we will look at it again in six months.

Mr. Rinard stated we will proceed in that direction.

Mr. Berube asked is that activity starting now, December and January?

Mr. Rinard stated yes. We will get that moving forward and will have loads delivered next week and in early December as we come off the holiday. The idea especially with

the grass beds is to get those cut back and trimmed and mulched so that we can keep that process moving along in sync together.

iii. Tree Trimming

Mr. Rinard stated the Board tabled the work that we were doing around the neighborhoods earlier this year and pushed it to this fall. Mr. Berube asked me to look at the interior neighborhoods. I have information for that tonight, but I wanted to visit the original plan and see where we are going with that. As I stated previously, we obviously stumbled a little bit in the manner in which we were trying to complete that work. I have incorporated and included another office, a residential and a tree/lawncare (RC) group. Whether it is interior work or continuation of what was started and tabled, they would be involved, and we will put that into their hands. My staff onsite and my staff in Celebration would basically be hands off of that activity. This group will focus on that activity. They are giving me a time certain once we determine what the start date is.

Mr. Berube asked is this a Davey office that has responsibility to you?

Mr. Rinard stated we are working together. They are a different division within the company, but we work together quite often.

Mr. Berube asked the service will be provided by Davey?

Mr. Rinard stated that is correct, and we will oversee it.

Mr. Berube asked the responsibility is yours?

Mr. Rinard stated yes. Do you want to start thinking about getting back on the original scope of work for the trees, or where do you want to start?

Mr. LeMenager asked have they completed the ones on the outside streets?

Mr. Berube stated the majority of those are complete.

Mr. LeMenager stated they did a nice job.

Mr. Berube stated yes, they look good. I do not think we need to go back to those at this point. I would rather you concentrate your efforts, per our normal cycle, on the interior trees.

Mr. LeMenager stated we have almost always done the exterior trees one year and the interior trees the next year. That works.

Mr. Rinard stated relative to the interior trees, I have a proposal for that work. We are estimating a two-week window using a bucket truck and a two-man crew working full-time through those two weeks to get through the neighborhood areas. The proposal is \$13,444.

Mr. LeMenager asked did we budget \$15,000?

Mr. Berube stated yes.

Mr. LeMenager asked when do they need to get started?

Mr. Berube stated from our perspective, we want it done in these slow winter months. Mr. Rinard works with the tree experts, so I will ask him what the timeframe is. Do you wait until all the leaves fall?

Mr. Rinard stated some trees are dropping leaves now. I would estimate beginning after the first of the calendar year, in January or February.

Mr. LeMenager stated it is a different process for the sycamores versus the live oaks. I always understood that for sycamores, you really do not do very much.

Mr. Rinard stated the sycamores are a lot more straightforward than an oak tree. I would say we could start anytime in January or February.

Mr. LeMenager asked where do the trees in the parks fit in?

Mr. Berube asked is Mr. Golgowski fine with that timeframe?

Mr. Golgowski stated yes.

Ms. Kassel asked how many trees does this proposal represent?

Mr. Rinard stated I do not have that information in hand right now; I will have to check. I provided this to the RC group and let them come up with their figure.

Mr. Berube stated in effect, this would cover every tree on the interior streets.

Mr. Rinard stated I did make some notes as far as the streets. Schoolhouse, Five Oaks, and Cat Briar are the exterior streets, so the proposal would be for everything interior to those roadways. Sedges, Primrose, Dahoon and all the interior streets are included.

Ms. Kassel stated it includes Cypress 1, 2, and 3, and Birchwood 1 and 2.

Mr. LeMenager stated we are not up to the Green neighborhood yet.

Ms. Kassel asked what about Drake?

Mr. Berube asked are they too immature?

Mr. Rinard stated that is correct; we did not consider anything in the Green neighborhood right now.

Mr. LeMenager stated those trees are only a few years old.

Mr. Farnsworth stated I do not think the Drake neighborhood trees are very big yet, either.

Ms. Kassel stated I have not really looked.

Mr. Berube stated there are not many in Drake.

Ms. Kassel stated the reason I asked how many trees were included is because I think it is a good deal less than the exterior streets. I was just trying to figure it out on a per-tree basis, whether it was comparable or more expensive.

Mr. LeMenager stated it was about \$18,000 for the exterior trees, so this is less.

Mr. Berube stated historically when we have done this, it has always been about \$15,000, more or less. He is in range with what we have paid in the past. I am fine with the proposal.

Mr. LeMenager stated I am, too.

Mr. Haskett asked does this have to be decided on tonight?

Mr. Berube stated no.

Mr. Rinard stated we have time.

Mr. Haskett stated I would like to go through it because there are some other trees that fall within that cycle, such as the ones on U.S. Hwy 192 on the outskirts. I want to make sure those are addressed.

Mr. Farnsworth stated it probably needs to be addressed by our next meeting.

Mr. Rinard stated that is fine.

Mr. LeMenager stated then he would be set for January.

Mr. Berube stated classically, I think we have skipped some of the trees that are off the streets, like in the parks, that may need some attention.

Mr. Haskett stated that is correct, which is why a tree count is useful.

Mr. Berube stated Mr. Rinard can meet with Mr. Haskett to make sure as many trees as need to be done during this cycle are included in the proposal.

iv. Landscaping Projects

Mr. Rinard stated I need to meet with Ms. Kassel for the Beargrass alley to finalize that.

Ms. Kassel stated I wrote to you over a month ago, and I have not heard back.

Mr. Rinard stated my apologies but I have not seen anything relative to that.

Ms. Kassel stated you sent me an original proposal, which I believe is here. The second proposal had a completely different number that was considerably more expensive and a different plan. I wrote to ask why there was a discrepancy, and I have not heard back. That is where we are.

Mr. Rinard stated I will get back with you on that.

Ms. Kassel stated take a look at the original plan compared to the more recent plan, and you will see there is a considerable discrepancy which is no longer within the budget that we had or the number that we originally discussed.

Mr. Rinard asked do you still have that second email with the question you were asking?

Ms. Kassel stated yes, I probably do.

Mr. Rinard stated please resend that to me, and I will check my email, but I do not recall seeing anything.

Ms. Kassel stated yes, I will resend it. I responded immediately or soon after you sent the second proposal. The original proposal showed the Beargrass alley for \$722, and the second proposal was more than double.

Mr. Rinard stated I will look into that.

v. Miscellaneous

Mr. Berube stated I will reiterate my request that staffing levels increase. We mention this month after month, and I am sure you are tired of hearing it. Mr. Walls forwarded the same comment from a resident, and he is saying the same thing that I am about short staffing and falling behind. This proposal started in June, and you just finished three of the four we approved in July. The fourth one is still outstanding, which is five months for four little neighborhood projects. We would love to give you the rest of the \$21,000 in business that is part of this proposal, but we keep hearing that you are not finished with what you already have within the scope. You are backing me into a corner. Someone mentioned to me that I used to count the boots on the ground when the previous landscaping company was here. We keep hearing that Davey is short staffed. What are you going to do about that? It is a question that does not have a good answer. I know you have heard it. We have discussed it. This is becoming a growing issue. When the residents start complaining about landscaping, we have to act. When they start showing up *en masse*, we need to act. You would agree that service levels are down. That is all we need to say about that issue. You understand it. I have said it, and Mr. Walls provided his comments. Having said that, on the invoices this month for the three proposals, one of them came in under the price, and two of them came in over the price. We had a total overage on the three bills of \$233. One was quoted at \$1,782 and came in at \$96.75 under. One was quoted at \$852 and came in \$76.18 over. The last quote was \$450 and

came in \$157.75 over. The proposals say they are priced at the high end due to quantity purchases. If you install more at any given time because the quantities may increase, the price will go down.

Mr. Rinard stated that is correct.

Mr. Berube stated not only did you not meet the high-end price, you came in over. In total, it is a couple hundred dollars on a project of a couple thousand dollars. To Ms. Kassel's point earlier, we agreed on something as a Board, and we need to stick to that.

Mr. Rinard stated I agree. I do not have an explanation for it. I need to look into it.

Mr. Berube stated I was going to ask if there were any changes.

Mr. Rinard stated we presented specific proposals with specific pricing on them. After the main proposal, we provided individual proposals as we finalized the individual areas.

Ms. Kassel stated that is the email I responded to, asking why it differed from the original proposal.

Mr. Berube stated I was not aware of individual proposals. I was going by the original proposal. From reading the notes on the proposal, my thought was the only thing that can happen to these numbers is to go down unless she made a change because we allowed some flexibility on them. It is only a couple hundred dollars and it is not the end of the world, but we need to follow the guidelines.

Mr. Rinard stated I have no problem fixing it, and I need to research it.

Mr. Berube asked if we decide to give you more of these projects to do, how do we reconcile in our minds that the Beargrass alley is still unfinished, for any number of reasons? How do we justify giving you more business? I want you to be our landscaper. I want you to be our tree contractor. I want you to do everything in this contract as well as the addons. When I keep receiving complaints from residents, it is hard to give you more business. What do we do?

Mr. Rinard stated Mr. Berube and I have had conversations regarding the personnel. I said that I would work on that, and I indicated the areas where we are working.

Mr. Berube stated to that point, after we talked last month at Lakeshore Park, there was a fairly quick response, and everything was spruced up. Lakeshore Park looks a lot better. You did a wonderful job. I should not have to hammer on you and Mr. Jon Rukkila.

Mr. Rinard stated I understand. Obviously, with the tasks that are coming up, we need to adjust for that. I would say to you that by the next meeting, I believe you will see a difference.

Mr. Berube asked will Beargrass alley be complete?

Mr. LeMenager asked is that the one behind my house?

Mr. Rinard stated yes. We will get that squared away, and yes, it should absolutely be done by the next meeting.

Mr. Berube stated I think we are all amenable to giving you more of these projects. That is why you lost it last year and the money went back in the budget, which is fine. The point in asking for these proposals is, we want the place to look nice. You get it, and we will discuss it again next month. I think pending satisfactory results between now and then, this Board will be amenable to releasing more of these projects to you.

Ms. Kassel stated yes, but we do not want them to take four or five months to complete.

Mr. Berube stated no, we want a guaranteed end date.

Mr. Rinard stated we will provide start and finish dates.

Mr. Moyer stated I presume that you want to pull the three invoices for Davey from the approval list. Do you have the invoice numbers?

Mr. Berube stated yes, they are the three extra invoices for this month. Did Mr. Rinard indicate he would credit those differences?

Mr. Rinard stated yes.

Mr. Berube stated Mr. Moyer indicated he would pull them from the payment for this month.

Mr. Moyer stated our normal process would be to do that until Mr. Rinard reconciles them.

Mr. Berube asked on his agreement, can we settle for a credit?

Mr. Moyer stated yes.

Mr. Rinard stated that is up to the Board.

Mr. Farnsworth stated I am fine with a credit, for the amount we are discussing.

Mr. LeMenager stated that is fine.

Ms. Kassel stated I am fine with it as long as it is followed through.

Mr. Berube stated I will watch it.

Mr. Farnsworth stated I think the manager will watch it, too.

Mr. Berube stated we will pay all the invoices this month and then wait for the credit.

C. Field Manager

i. Dock and Maintenance Activities Report

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

Mr. Haskett stated the dates for the boat orientation should be changed from what I submitted. On October 26, one person attended, and November 9, three people attended. Orientations are held every second and fourth Saturday of the month. Staff has been actively renovating the Ashley Park cabana building. They are 95% complete.

Mr. Berube stated for those who have not been there yet, you should go take a look. It is now a two-toned building with blue and tan. The pool has been acid washed, and it looks great. There is a little tile work to do. The upper structure, the cupola, is a new color. The fallen-down cupola and pergola are gone. It is a stunning change already. I think the decrepit ceiling fans will come out. It is an amazing change from what it was. Just the pool alone looks brand new. When the tiles are cleaned up and the grout is touched up, I think the residents will be happy. There will be some landscaping to be done yet.

Mr. Haskett stated yes, just a little sprucing up. All in all, it has gone a lot faster than I thought it would. We also pressure washed the roof at the Swim Club at the same time to make use of the lift while it was here. We saved some money. We are about half of the budget amount from where we were about this time last year. We requested \$5,000 to have someone else paint it.

Mr. Berube stated I was watching Mr. Don Caron today, and he is very detailed in his painting. Where the blue turns to tan, he has a nice clean line. The paint is shiny. It is nice to have these men on staff and have this work being done right here. It looks really good.

Mr. Haskett stated we made a few irrigation repairs routinely. We get a lot of shell build-up in the lines, so they are constantly changing out the spray heads and fixing those. We are in the process of replacing some of the older rotors that are along U.S. Hwy 192 along the fence. Those were the old heads that were installed in 2002 and 2003. Normally, you get only half that long with those heads, about five or six years.

Mr. Farnsworth stated you did pretty well having them there for that long.

Mr. Haskett stated we purchase them by the case, so we get good deals on them. We are slowing getting through that activity and are staying within the budget line. We got delivery of the handicapped pool lift.

Mr. Berube asked was that today?

Mr. Haskett stated no, we have had it for a little while.

Mr. Berube stated something big was being delivered today.

Mr. Haskett stated that was a playground structure for the Harmony Market.

Mr. Berube asked what is the estimated time of installation for the pool lift?

Mr. Haskett stated as soon as we are finished with Ashley Park, so probably right after Thanksgiving. We have a few residents who would like to utilize it, so we are pushing to get that done. The pool heaters are working well, and you saw the invoice from Symbiont. They were gracious enough to push it off, so we can pay that now if it has not been already.

Mr. Berube stated I noticed they changed their warranty on the coil to a lifetime warranty.

Mr. Haskett stated yes, it is titanium instead of copper. When the second-oldest one goes out, we can get titanium on that, as well. Then we should not have to worry about it for a long time.

Mr. Berube stated to be clear, that is on the component. We will still have to pay for the labor and ancillary costs.

Mr. Haskett stated that is correct.

Mr. Berube stated a lifetime warranty is better than the previous one where we were three months out of the five-year warranty, which is about the time it fails. That is an improvement.

ii. Buck Lake Boat Use Report

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

iii. Additional Field Staff

Mr. Haskett stated we had placed some advertisements for a fourth employee, and we have seen minimal activity on that, which is disappointing. We are rerunning some advertisements to gain that interest from applicants. Along with that, Mr. Rick Druckenmiller, Mr. Paul Calabro and I are signed up for certified pool operator classes in January. The December class fell during our festival, so we registered for January.

Probably in February or March, we are looking to be completely into the pools with the fourth person in place, if not sooner. As soon as the fourth employee is available, they will be hired.

Mr. Berube asked is there such a thing as being able to go to Workforce Central Florida, which is the unemployment office, and posting job opportunities there?

Mr. Haskett stated we did that, and we received one applicant. The turnout has been disappointing.

Mr. Berube stated posting an opportunity at Workforce Central Florida and getting only one applicant says something.

Mr. Haskett stated we are reposting it, which is also on their website. We will run newspaper advertisements and continue the search to get as many applicants as we can.

Mr. Berube stated most people do not read the newspaper anymore. How do people hire employees anymore nowadays?

Mr. Leeman stated there are a lot of sites for jobs, but you might want to post on the open forum and say that the town is looking for someone for this position.

Mr. Haskett stated I did.

Mr. Berube stated he posted it on both forums.

Ms. Kassel stated we could post it on the Yahoo group, also.

Mr. Berube stated yes.

Mr. Leeman stated there are a lot of job sites on the internet, but most of them are for IT or related positions. But there are some general job sites.

Mr. Berube stated we are in pretty good shape across the board as far as field activities.

iv. Miscellaneous

Mr. Berube stated the fence was cleaned again this year. I would like to have a plan as to what it might take for infrastructure to clean that fence ourselves. Our cost of labor is about \$30 an hour for our staff, so that gives you a guideline of what it would cost. For \$2,800, you can put an employee out there for almost 100 hours to clean. I am sure there is other infrastructure with the availability of water. If we could figure out how to get water spigots all along that fence line and start cleaning it for less than \$5,000 a year, which is what we are currently spending on that, it might pay to bring that activity in-house. There are some other options, too.

Mr. Haskett stated I totally agree. As we progress along, there is a quick-connect to get water off the irrigation lines for non-potable uses. We have done that. Dahoon Holly was one we recently did. It cost about \$20 or \$30 to do that where we had a water source to do pressure washing and things like that.

Mr. Berube stated it seems to make sense to do that wherever we have structures that need to be cleaned where water is already there. I am not saying to proceed full speed ahead in doing that, but I would like to see a plan. That will probably entail a larger pressure washer.

Mr. Haskett stated as we gain more people and as more tasks are taken on, we will budget accordingly.

Mr. Berube asked is our pressure washer about three years old?

Mr. Haskett stated yes.

Mr. Berube stated it has a lot of hours on it.

Mr. Haskett stated yes, there is always something that needs to be cleaned.

Mr. Berube stated it is a fairly small machine, so we are probably getting to the end of its useful life.

Mr. Haskett stated it will last for another year or so.

Mr. Berube stated that is something to consider going forward.

FIFTH ORDER OF BUSINESS

Developer's Report

i. Irrigation Proposal

Mr. Golgowski stated we are always looking for ways to save the community money and to do a better job at the same time. This suggestion applies to irrigation and the application of irrigation in a more specific manner. It will address things, perhaps like the dollarweed growth that Mr. Rinard mentioned. We have been approached by Mr. David Rider and his firm, who offers a component to add to the system, potentially. He will explain what he has and will offer a demonstration of the effectiveness in the field before we proceed with it.

Mr. Rider stated we are talking about irrigation efficiencies. We went around and looked at different sites, and we identified a couple sites that we would like to invite the community of Harmony to allow us to install some free sensors. They are wireless moisture sensors. If you think about them from a visual standpoint, they are like a thermostat that you have. When it gets to a certain temperature, it turns the air

conditioning on or off, and the same with the heat. This is a sensor that goes to the root level of a plant. When it gets to the optimum moisture level and temperature level, it will counteract with the irrigation system and tell it to stop watering. We are seeing 50% savings around the country with a lot of our applications. We put it in different communities. I have a brochure that I will distribute to everyone.

Mr. Berube asked does plant material include sod and all the other various plant material?

Mr. Rider stated yes, it is used on turf, botanicals and all types of plant materials. We have implemented this in several different communities in Florida, but nowhere in Central Florida yet. We thought Harmony would be the perfect place to introduce this technology into the Central Florida area. Although it is a cost-savings technology and certainly it is fiscally responsible, with the charter of the community being ecofriendly, this is a perfect place for us to introduce this technology. We thought that by putting it in for free, we would take the risk away from the community and do some testing.

Mr. LeMenager stated it sounds like a good idea.

Mr. Farnsworth asked what select areas have you chosen?

Mr. Rider stated we looked at a few areas, including Ashley Park, the dog park, and the front area at the entrance.

Mr. Gologowski stated most of the community is centrally controlled. I think Ashley Park is offline and some of the neighborhood parks are offline. They are simply controlled by timers located in the parks. We have a very limited influence in there, which is where something like this could be beneficial.

Mr. Berube stated in other words, we will be staying outside of Maxicom and going with local timers.

Mr. Gologowski stated if we can work it in with Maxicom, for example in Harmony Square, we can try it. You would have both systems operating and hopefully have even higher efficiency than just one running independently.

Mr. Berube asked to coordinate it with Maxicom, will that require some input from Insight Irrigation?

Mr. Gologowski stated I do not know the answer to that yet. I do not even know if this is compatible with what we have. It has been used with systems elsewhere like ours. The concern I have with it is, our central system sends commands out and tells it to water, but

we have no way of knowing if it actually gets watered or not because we do not have flow sensors.

Mr. LeMenager stated that was the point they made that we did not put in his whole system, and to retrofit it would be outrageously expensive.

Mr. Golgowski stated if we had a device like this to shut it off, we need to know what that does to the central controller who thinks it watered, but in reality, it did not. The next time, it is calculating that it watered last Tuesday when it was interrupted.

Mr. Berube stated in theory, the two should work the same. Maxicom, in theory, works on temperature, rainfall, hydro transpiration and so forth. The two should be in sync, one would think, presuming the programming is similar. This would just read the percentage of temperature in the soil.

Ms. Kassel stated it is very local, whereas Maxicom is taking a very large area in terms of weather conditions. This will not call for water, but it will simply turn off the system if there is sufficient moisture.

Mr. Rider stated that is correct. This is an interrupter.

Mr. Golgowski stated this is not a particularly new technology.

Ms. Kassel stated moisture sensors have been around for a while.

Mr. Golgowski stated that is correct. The University of Florida was a big advocate of them for a while. In fact, we had some experience with the technology here already. The technology was earlier and it did not work very well. I believe this technology has its roots from the University of Georgia.

Mr. Rider stated they are one of our clients.

Mr. Golgowski stated we have two universities that seem to see some interest in this.

Mr. Farnsworth stated this is basically an interrupter. If you cite one of the error conditions where your system says to turn on, it does not really know if it turned on or not. If it did not turn on, is there any record or is anything logged to say that something did not happen the way it was supposed to happen? Or will you just say that you do not have to shut anything off because the moisture is not up?

Mr. Rider stated yes, that is how it will work.

Mr. Farnsworth stated it will not let us know if a flow error had occurred.

Mr. Rider stated no, it will not tell you that.

Ms. Kassel stated it does not provide any data.

Mr. Rider stated there is a version that we can upgrade, and that will happen very soon, which will provide that information. It will come on a dashboard, but that is not what we are looking to provide today. That is a system that we are working on now and testing at Desert Mountain Golf Course and some other areas. Today, we are just talking about installing the interrupters. We are seeing significant savings everywhere we go. Some of our clients include McDonalds, Los Angeles Dodgers, Arizona Diamondbacks, and others who are turf elitists. We know the technology works, and we want to implement it and demonstrate the savings for you and this community. At that point, we will come back and readdress upgrading the system if you want to look at it.

Ms. Kassel asked you are proposing a pilot program?

Mr. Rider stated yes.

Ms. Kassel asked how much acreage?

Mr. Rider stated that is what we need to decide. We have taken a preliminary look at the different areas, which I mentioned. We will come back with our technicians and decide where it is most feasible to put it in. We just want to work with Mr. Golgowski to determine those areas and then implement it. If we put them in and it is something you decide you do not want to keep, then we will come back and take it out. We do not think you will, but we are willing to take that risk, based on our findings everywhere we are installing it now.

Mr. Berube asked is Mr. Rider familiar with Maxicom?

Mr. Rider stated yes.

Mr. Berube asked do you have other installations that are interrupting Maxicom?

Mr. Rider stated yes.

Mr. Berube stated I presume you will cut the power available to a sprinkler timer zone, and this sensor will determine if there is enough water, and that your technicians will handle that installation.

Mr. Rider stated that is correct. We will handle it. We will be invisible to you. We are agnostic with a lot of different systems. We will provide the installation and the maintenance. We will invite anyone who wants to be a part of that, but we will take care of all of that.

Mr. Berube asked do the installation technicians have the ability to work with Maxicom if we go that route? Or will we need to pay our staff to assist in the installation with Maxicom?

Mr. Rider stated we will discuss that with you. We would not come in and touch the Maxicom system. We can discuss how to do that, depending on your contracted relationship. That is not something we are proposing right now to do.

Mr. Berube stated the visuals of these are that they will go in the ground and no one will see them.

Mr. Rider stated that is correct.

Mr. Berube asked they are not subject to lawnmower damage or anything like that?

Mr. Rider stated no.

Mr. Berube asked you will go into the timer box in the various neighborhoods where this would be and it would all be invisible except for some small piece in the timer box?

Mr. Rider stated yes, that is correct.

Mr. Berube stated it seems like an easy answer to me. You would like to use our name in your promotional materials?

Mr. Rider stated yes. We looked for larger communities in Central Florida to begin with, but I believe personally that because of the mission and the charter of this community, there was no better place to start than Harmony.

Mr. Berube stated we are pretty unique.

Mr. Rider stated you are, and that should be celebrated. We are looking at just a product here, but we are really about water conservation. We believe the message will resonate in this community pretty well.

Mr. LeMenager stated it sounds good.

Mr. Berube stated I like it.

Mr. LeMenager stated I like saving money.

Mr. Golgowski stated we will work with Mr. Rider and his group to see if we can find some satisfactory locations. How long of a test period do you think we will have?

Mr. Rider stated we will put it in for a couple months, and then we will pull the data. We will meet to determine if we like what we are finding.

Ms. Kassel stated I would like to see at least a six-month pilot period. Two months is not really sufficient.

Mr. Farnsworth stated I agree. The winter months are not necessarily the right time to try this.

Mr. Berube stated we have a little problem with the water because our water provider just changed the bills, so we no longer have the historical data. You used to be able to watch what went on for the previous 12 months. They just changed their billing cycle, and we just received this month's bills. It will take us a little while to know exactly what is happening without some manual manipulation going back. Do what you need to, and for the small number of areas, we can probably look at those meters manually if we need to. If you are able to tolerate a test for some period of time, it will be easier for us to tell you if it is working or not. I have no problem with doing the test. Hearing no objection from the Board members, proceed to work with Mr. Golgowski. In the future, if we have a guest making a presentation, feel free to move them closer to the front of the agenda. The residents come first, but I would have entertained moving this presentation ahead of our contractor reports.

ii. Miscellaneous

Mr. Berube stated Mr. Walls sent a note that we have signs up at all the CDD usage facilities. I had this happen to me one time, and Mr. Walls has had it, too, where a resident reserved a facility and they want to set up early but they have no way of knowing if that facility is in use at any time during the day. What he is requesting, and I agree with it, is if there is usage of a facility during the day, have one of our employees post that on the signs first thing, not necessarily at 8:00 a.m. but early enough so that if people want to set up an hour early for their event, they know they will not be interfering with someone else.

Mr. Haskett stated we did that last weekend for a party that was at Lakeshore Park. I agree that it needs to be consistent for each event.

Mr. Berube stated every facility that can be reserved has that: Lakeshore Park, the two swimming pools.

Mr. Haskett stated that is correct.

Mr. Berube stated we have three potential areas that have signs.

Mr. Haskett stated that is correct.

A Resident asked can that be added to the online reservation system so someone can just look online?

Mr. Berube stated we will discuss that later on the agenda.

Mr. LeMenager stated for those of you who do not regularly go to the District's website, go to www.HarmonyCDD.org, and you will see a new button on the Home page to make reservations. Right now it is for boats, but it will certainly expand to include all facilities. There will be no more need to call Mr. Moyer's staff in Celebration.

Mr. Berube stated to that point, Mr. Mark Catanese works for a company called Jungle Lasers, and he is also a Harmony resident. He approached us a couple months ago about putting together a whole online package. He showed us a demonstration that was remarkably well-developed at that point. One month later, that system is up and running, and it looks beautiful. It is free.

Mr. LeMenager stated we like free.

Mr. Berube stated yes, we like free, so when Mr. Catanese offered this for free, we could not resist. I think that was posted today.

Mr. LeMenager stated yes, it is on the website. You can literally reserve a boat online and you do not have to go through the former rigmarole.

Mr. Berube asked have we set up a payment system for deposits?

Mr. Haskett stated Ms. Rosemary Tschinkel asked me that this morning, so I am still sending that to her so she can keep that information on file in her office. I do not want it in my office.

Mr. LeMenager stated that is specified in the rules. We need to change the rules in order to do that.

Mr. Berube stated our discussion was to have that integrated into the reservation system.

Mr. Haskett stated I do not know whether we have put it in there yet or not, but it does say whether or not you have a deposit on file and if it is a credit card or a check. It also has a tab as to whether or not you have had the boat orientation.

Ms. Kassel asked so Ms. Tschinkel or Ms. Burgess, or someone from Mr. Moyer's office, puts that in manually into the system?

Mr. Haskett stated there is nothing manual to put in anything.

Mr. Berube stated it is either there or it is not.

Ms. Kassel stated but someone has to input that information into that program. It is coming from the taxpayer base, and that information is not going to be there. Someone

will have to put in the information, essentially manually, about who has provided deposits and what kind they are.

Mr. Berube asked if a new person who is not in the database today goes to that link to sign up or register, how are they going to provide us with their deposit information? Is that part of the system?

Mr. Haskett stated that occurred today. A resident signed up who had not had boat orientation and does not have a deposit on file. I emailed them right out of that system. The new reservation system said you have to contact Rosemary@moyer-group.com and provide your deposit information by check or credit card. It also said they have to attend boat orientation, which is held the second and fourth Saturdays of each month.

Mr. Berube asked so that component is still manual and will probably remain manual?

Mr. Haskett stated yes, there will be some personal level to it, but it all coincides with the card access system. I can cross reference that system to make sure they have an access card and if not, I can send a reminder that they need one of those. It will get better as we progress because we do not know all the things that have to happen until we find out that it is not there.

Mr. Berube stated I want to commend you for the initial presentation. I expected it would be two or three months before this was ready to go. When I received the email today that said it was on the website, I went looking for it and was pleasantly surprised. Thank you very much. This is great. I am sure we will have some bumps in the road, but so far, it was a great start and very quickly, too.

Mr. Haskett stated as soon as the big sign printer is fixed, we will put out signs in the community directing residents to go to the website for the boat reservation system. In the meantime, Ms. Tschinkel and I can help them. It is as simple as creating a password.

Mr. Berube stated perhaps Mr. Haskett or someone in his office could include something in the Harmony Notes.

Mr. Golgowski stated we can get something in the January edition.

Mr. Berube stated for the website, if there is no objection, I did not notice any credit to Mr. Catanese's company for providing that system. I think it would be a nice gesture to tell the residents who is providing the reservation system.

Ms. Kassel stated I agree. We also need to send an email blast to everyone about the new system.

Mr. LeMenager stated that is probably the best way to get the word out.

Mr. Berube asked are the rest of the Board members amenable to including some language on the website giving Mr. Catanese's company credit for providing the system?

Ms. Kassel stated yes.

Mr. Farnsworth stated yes.

Mr. LeMenager asked do we have any legal issues with that?

Mr. Qualls stated no.

Mr. Berube stated we will ask Mr. Moyer to pass that along to Ms. Burgess. How should the name be credited?

Mr. Catanese stated the company is Jungle Lasers, and the product name is Geo3.0. That would be great.

Mr. Berube stated it can say something like we are thanking Mr. Catanese, a Harmony resident, for providing the back-office work and support for this system. Will that be acceptable?

Mr. Catanese stated yes, thank you.

Mr. Berube stated at some point, there will be a cost associated with this as we need to modify the system and provide more details. Certainly, we appreciate your efforts to this point.

SIXTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

The financial statements are included in the agenda package and are available for public review in the District Office during normal business hours.

Mr. Moyer stated we just concluded our fiscal year on September 30, and we have not received any tax revenue. We have received the assessments that we collect directly. Except for some capital project work, we are ahead of what we budgeted overall.

Ms. Kassel stated great news that our liability insurance was \$6,000 lower than the budget. That will not change for the rest of the year?

Mr. Moyer stated that is correct. Our staff works really hard on that. It was not a good market year for insurance, so we had to fight for that.

Ms. Kassel stated we knew the capital expense for the dock was coming up. Why are we over budget for that? Why did we not put that budget line item to be higher to account for the dock?

Mr. Moyer stated as that information becomes available, we will amend the budget to do that.

Ms. Kassel stated I am confused. We had been discussing it prior to the time we adopted the budget in August.

Mr. Berube asked does it still show that line item being short?

Ms. Kassel stated yes, it was budgeted for \$12,000 and we put \$22,000 toward the dock as a deposit. It will be \$40,000+. Why was that line item not inclusive of the dock?

Mr. Moyer stated it is a renewal and replacement.

Mr. Haskett stated it should not have come out of capital outlay.

Ms. Kassel asked so it is in the wrong line item and needs to be corrected?

Mr. Moyer stated usually the accountant does a very good job in the notes on the variances. For this one, for whatever reason, it was not there. I do not know what comprises what is called capital projects for \$21,000.

Ms. Kassel stated so that is incorrect.

Mr. Moyer stated the purchase of the kayaks might be in there.

Ms. Kassel stated no, the explanation is a couple pages back.

Mr. LeMenager stated it has to be in operations and maintenance somewhere. She might be right. I do not see it in there.

Mr. Moyer stated you are right.

Ms. Kassel asked so it is in the wrong line item?

Mr. Moyer stated no. What I am saying is we need to have a budget amendment to take the money out of renewal and replacement and added to that line item.

Ms. Kassel stated I understand. Even so, it is not a big deal, but I am confused as to why we did not include that when we created the budget. Why would we not have included it in the budget, knowing we were getting quotes to award this contract?

Mr. Berube stated I think we did, but the error occurs in where they posted that \$21,000 outlay, not necessarily that it was not our intent. When the dock is finished, then we will do a budget amendment to make it balance on one line item.

Ms. Kassel stated I thought when we created the budget that we accounted for this \$40,000+ expense somewhere in the budget, so a line item should not be behind by that much money. It should not be under capital outlay because it is renewal and replacement.

Mr. LeMenager stated that is what I thought we did.

Ms. Kassel stated I thought we put it under a budget line item.

Mr. LeMenager stated I agree.

Ms. Kassel stated that is why I was confused to see it there.

Mr. Moyer stated we will look at it. We do not need to spend everyone's time discussing an accounting nuance.

Ms. Kassel stated I just wanted to point it out because I wondered what was going on.

Mr. Moyer stated we will check it.

Mr. Berube asked where did we put it?

Mr. LeMenager stated he will go back and check.

Mr. Berube stated you are right that we discussed at some length where to put it.

Mr. Haskett stated it should come out of reserve and replacement.

Ms. Kassel stated no, we would have put a line item in the regular budget.

Mr. Haskett stated no, not if it is a replacement.

Mr. Berube stated it was to replace the dock and improve it.

Mr. Haskett stated it is included in reserves for renewal and replacement, which is where we said we were going to take it out of. It does not need to be in the general maintenance fund.

Mr. Berube stated we can review the minutes for that item.

B. Invoice Approval #163 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.

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

The complaint log is contained in the agenda package and is available for public review in the District Office during normal business hours.

Ms. Kassel stated two letters out of 20 were posted in the log, and I am wondering why. Either do not put in any of the letters that were received about fishing on the ponds, or put them all in.

Mr. Moyer stated this report was issued 10 days ago, and a lot of the responses were received after that time.

Ms. Kassel stated that is fine.

Mr. Berube stated we operate on stale information.

A Resident asked can you put in things retroactively?

Mr. Moyer stated no, we cannot.

D. Website Statistics

The website statistics are contained in the agenda package and are available for public review in the District Office during normal business hours.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

i. Agreement with the Osceola County School Board

Mr. Qualls stated I reviewed the minutes from July forward, and the two items with the School Board had been discussed. I stand corrected. We did not have a motion to approve these two items, so I will ask for those now. The first is an interlocal agreement between the District and the School Board stating that the School Board will deed the property to the District, and the District will maintain it and pay the closing costs, which are minimal as I understand it. The second item is the quit-claim deed.

Mr. Berube stated the development company paid the closing costs. There were no closing costs to the District.

Ms. Kassel stated that is not what Mr. Qualls said.

Mr. Qualls stated the agreement says that the District will pay them, but if the developer stepped in and paid them, that is fine.

Mr. Berube stated Mr. Nicholas already agreed that he would pay it. If you read the email, he indicated that the Harmony Development Company is paying the closing costs, which were about \$200. There will be no closing costs to the District. The only money that we had involved was the minimal amount of time the attorney spent reviewing the draft agreements.

Mr. Qualls stated the Board did discuss this issue at several meetings.

Mr. Berube stated I understand.

Ms. Kassel stated we never approved it. I have not seen those agreements. I feel it would be a violation of my responsibility to agree to something that I have not even seen.

Mr. Qualls stated I reviewed them thoroughly and made changes. You can review them now, but they are ready to go in my estimation.

Ms. Kassel stated I will abstain from the vote since I have not even had the opportunity to review the agreements.

Mr. Farnsworth stated I am putting my trust in the attorney. If there are any issues, we will address them later.

Mr. Moyer stated you cannot abstain from this vote.

Mr. Berube stated you have to vote either yea or nay.

Ms. Kassel asked can we put this off for five minutes while I review the agreement?

Mr. Berube stated yes. We can continue the meeting while Ms. Kassel reviews the agreement.

ii. Sunshine Law

Mr. Qualls stated I received an email from Mr. Scott Brooks that I forwarded to the Board. The email asked some questions about the Sunshine Law and includes some attachments, which are Facebook posts, I believe. I am taking these for what they were represented as.

Mr. Berube stated I reviewed them, and they are reasonably accurate. There may be some missing.

Mr. Qualls stated in any event, I am not a Facebook expert, but I reviewed the subject. I would like to give the Board some guiding principles for things such as these. There is no doubt that when the Sunshine Law relating to public meetings was passed, there was no such thing as Facebook posts and those types of things. But the law been around for a while, so we have some pretty good guidance on this subject. First, the Sunshine Law covers this Board, which we all know, as included in Section 286.011, Florida Statutes. There are three requirements: a meeting of this Board must be open to the public, you must have notice about meetings that are open to the public, and you must have minutes that are promptly taken and recorded. The Sunshine Law does extend to discussions. It is not just whenever a final action is going to be made, but the Sunshine Law does extend to discussions of the Board. The Attorney General has opined as it relates to Facebook posts, and the Attorney General has determined that the use of a website, blog or message board, similar to the forum on Facebook, to solicit comments

from other members of the Board on matters that would come before the Board would trigger the requirements of the Sunshine Law. However, the use of such forums does not trigger the requirement when only one member posts his position on an issue. The requirements are triggered when another Board member responds. In situations where citizens and Board members are both interacting via the online forum, the responding member does not have to respond specifically to a comment by another member for the requirements to be triggered. Rather, the Attorney General determined that any subsequent postings by other Board members on the subject of the initial posting could be construed as a response, which would be subject to the Statute.

Mr. Brooks stated you used the phrase “requirements would be triggered.” Does that mean it would be a violation?

Mr. Qualls stated the requirements of the Sunshine Law are that any meeting must be publicly noticed.

Mr. Brooks stated if it does not apply to the three things you mentioned, then it would be a violation.

Mr. Qualls stated I am confused by the question, not your fault.

Mr. Berube stated if we do not conform to the three requirements for a meeting, then a violation could be occurring. That is his question.

Mr. Qualls stated yes.

Mr. Berube stated after Mr. Brooks brought this to our attention, I looked at this a little more carefully, too. He is probably right. I did not understand it, but now I do.

Mr. Qualls stated we have discussed this previously. There is nothing wrong with putting a post on a web blog when one Board member does that. However, if someone responds, it could be construed as a meeting. The Attorney General is just opining, but the Supreme Court has said that the Sunshine Law is to be construed to get rid of any evasive devices. The idea is that you cannot have a meeting without the public having been invited. That is a violation of the Sunshine Law. While I am not ready to say 100% beyond any doubt that a violation has occurred, I will say that in an over abundance of caution, I would like this Board to assume that a violation has occurred. It seems based on what I just read and the facts that were presented to me that one could make the assumption that arguably, a violation has occurred. I would like this Board to assume a

violation has occurred. It is a great teaching moment. This is a real-world example of the dangers of posting something online when you are a public official.

Mr. Farnsworth stated I would like to make one observation regarding the limitation that has been placed on one Board member responding or one Board member initiating a post. What essentially happens in that situation is, if someone in the audience asks a question and one of the Board members, say Ms. Kassel, answered it and included her opinion, automatically she owns that blog or that entry. No one else can comment.

Mr. Berube stated that is exactly right.

Mr. Farnsworth stated she has taken possession of it. That is the restriction that is imposed under the Sunshine Law. That is one consequence of it. I want to make sure everyone is aware of it. I wonder what about if Mr. Berube chose to start a new entry and not respond under the initial one.

Ms. Kassel stated I do not think it could be on the same Facebook page. It would have to be an entirely different forum.

Mr. Farnsworth stated that is what I am getting at. It might as well muzzle us completely. We would like to respond with the public and get information to them, but none of us can actually do it. We should let someone else do it.

Ms. Kassel stated we can, but here is the way we would have to do it. If someone writes to us on a Facebook page, we click on their name and friend them. If we are already friends, then we can respond by private message.

Mr. Berube stated or you can get off Facebook and send them an email.

Ms. Kassel stated that is correct. To respond publicly in that forum so that everyone can see it would be a violation if anyone else on the Board comments. I think the agreement or understanding we need to have is that we should not try to elicit the public's opinion or sway the public's opinion on a Facebook page. Then whoever gets there first owns it.

Mr. LeMenager stated I am not in agreement. Newspaper editorials have been around forever. We are in Osceola County. We have had in the past, thankfully no more, one of the most dysfunctional School Boards that ever existed in our history. Talk about them posting things in the newspaper or on the computer, in terms of getting their opinion out and trying to sway public opinion. I am never going to respond to something if someone

else has started the post. To the extent that you get on there and you post your opinion on a subject or try to sway public opinion, that is kind of what being a politician is all about.

Mr. Berube stated I understand the theory of it. I have looked at it carefully and I read the Statutes. I have been a heavy user of Facebook and have received a lot of opinions from the people. The problem with the current subject is that it elicits and draws out a lot of emotions. People start yelling and screaming at each other. People are jumping back and forth. I am not setting any rules, but I am offering my opinion. I think Mr. Qualls is right, and Mr. Brooks brought up a very good point that certainly, multiple people on this Board were online offering opinions. They may not have been going back and forth with each other, but it is very easy under the strictest reading of those rules that a violation has probably occurred. I do not disagree. It should not have happened. Those of us who responded did not see the problem, but now it is out and is very clear. I think we cannot do that anymore. I think that is the right thing. Having said that, if you post your opinion and no one else replies, then you are probably fine. Mr. Qualls is not a Facebook user, but I presume Mr. Brooks is a Facebook user because he followed this discussion.

Mr. Brooks stated yes, I am.

Mr. Berube stated Mr. Walls has his own Facebook page. If I had my own Facebook page, separate from Mr. Walls, is that a violation?

Mr. Qualls stated no. The violation is not having a Facebook page. The violation is having a meeting, and a meeting could be construed if two members of the Board are commenting on the same post.

Mr. Berube stated I understand that, but that is not my question. This is an evolving technology issue. What constitutes a violation by posting on Facebook? It is all Facebook, whether the page is here or somewhere else. If Mr. Walls is posting his opinion on his page and I am posting my opinion on my page, it is still on Facebook. It may not all be in the same lineup, but it is still Facebook. I want to know what Mr. Brooks thinks.

Mr. Brooks stated I will not disagree with you about the School Board. Our City Attorney was one of the best around, and he told us if someone wrote something, then you do not write back if it is something that is coming in front of the Board.

Mr. LeMenager stated that is correct.

Mr. Brooks stated you have to be clear that it has to be something that is reasonably expected to come before the Board, which this issue was. You could construe the law strictly that if Mr. Berube has a page and posted his opinion, Mr. Walls could look at that and then post an opinion on his own page. In my opinion, not being as an attorney, that could be construed as a violation if it is a topic that will come before the Board. I do not care if you like the Red Sox, but we are talking about things that are strictly Board business.

Mr. Qualls stated I will take it one step further. If you do not post, then we do not get into the question of whether it was fine or not. If you do post, then we get the question, especially if someone responds. Our advice is consistently just not to do it so that the question does not come up. It is important to interact with constituents. What I read had a lot of public input, and that is good. But what the Sunshine Law says is that no meetings that are not noticed and open to all the public can be held. Someone posting is not a problem, but the minute another Board member responds on the same thread, even if it is not a direct response to the Board member who made the initial post, the Attorney General said that will trigger the requirements of the Sunshine Law. There are many nuances and many technicalities. I am not going to address if a violation happened. That is not for me to decide. I am telling you that we should just assume for a learning moment that a violation did occur. Our advice is to stop that type of activity. The rest of what I want to discuss briefly is, if a violation has occurred, there is a way to cure that. The Supreme Court has ruled on this.

Mr. Berube asked when you say a violation has occurred, you mean specifically the discussion of fishing?

Mr. Qualls stated if you can construe this public discussion as a public meeting, which arguably you can because it was not noticed and a violation has occurred, does that mean this Board can never take action as it relates to fishing since there has been a supposed taint or violation of the Sunshine Law, and that is not the case. There is a way to cure when a Sunshine Law violation has taken place. The Supreme Court case is *Tolar v. School Board of Liberty County*. In this case the School Board members had private discussions regarding a subject. At a subsequent public meeting that was noticed, the Board had a full discussion, including public comment, on the issues that were before that time discussed privately among the members. The Court held that even though private

discussions amounted to technical violations of the Sunshine Law, such violations would not always void subsequent final action. The Court held that the Sunshine Law is satisfied if a mutual decision is reached when meeting together in public for formal action. In such situations, the Sunshine Law violations are said to be cured by subsequent final action at a public meeting; however, violations are not cured by mere ceremonial acceptance of secret actions or perfunctory ratification of secret decisions at a later meeting open to the public. Based on the standards in the Tolar case, my advice is the Board can cure any alleged violation of the Sunshine Law by having an open discussion of the fishing issue at an open and public meeting, prior to final action being taken. I think this is a great learning moment. We have many newfangled, technological ways of bringing people together.

Mr. Farnsworth stated it sounds to me like when you are a public official, it pushes you away. It muzzles you.

Mr. Qualls stated it muzzles you from having anything that could be construed as a meeting that was not publicly noticed. It does not muzzle you from getting feedback from constituents. It just muzzles you from having a meeting with another Board member when such meeting has not been noticed to the public.

Ms. Kassel stated you could call a meeting of all the residents of Harmony except for the other Board members. It would not be a violation if they all showed up without any of the other Board members. As soon as another Board member shows up, then it is a violation.

Mr. Moyer stated another violation is if a resident talks to Mr. Berube, then picks up the phone and calls Mr. Farnsworth and says that Mr. Berube thinks that what we are doing with fishing is crazy. That is also a violation of the Sunshine Law.

Mr. Qualls stated that is correct. I would argue that it is a violation of the Sunshine Law if a Board member makes a post and a spouse of another Board member talks to their spouse and suggests making a post about that same item, so the spouse is making a post for the other Board member. There are a myriad of issues that come up when you get into this realm. That is why we just advise not to make these types of posts, ever.

Mr. Berube stated the remedy to what we have discussed is, once the proposed rule changes are formalized and in paper form and discussed, then we will advertise a public hearing for the purpose of discussing those rule changes and potentially adopting them.

That notice will state that we are going to have a public hearing. We are going to have a public hearing anyway.

Mr. Qualls stated yes.

Mr. Berube stated our notice of public hearing detailing the rule changes and the associated discussion should remedy this.

Mr. Qualls stated that is correct. This Board taking action at a publicly noticed meeting available to all the public where this subject is discussed and vetted, where input is taken and so forth, where a decision is made, will remedy this. Another case we found that is more recent, the Supreme Court held that the Sunshine Law violations by email discussions between Board members and public constituents were cured by multiple full and open meetings with full consideration of proposals discussed and participation by the public. You are on your way, and I commend all of you. I commend you for learning something, you dealt with it, and you brought it to the public. That is the idea of why meetings take place in the public and not behind closed doors in the State of Florida. It is to prevent miscommunication and to prevent the erosion of trust. This is an excellent Board. I hope everyone understands that I have District clients across the State. This is an excellent CDD Board and it is a great District. I know you all understand the importance of this, and unless there are questions, I do not feel the need to elaborate. I am happy to provide anyone with my information. It was also asked what are the penalties. We discuss this every time a new member joins the Board. I instill them with fear right up front because there are criminal penalties for violating the Sunshine Law, including up to 60 days in jail and up to \$500. There are also civil penalties.

Mr. Berube stated the key to that is knowingly, willingly, and with intent to violate. I do not think that was the case here, certainly not on my part, and I doubt it was on anyone else's part.

Mr. Qualls stated I am not suggesting that when anyone put up a post that they were doing it to solicit other comments. I understand this discussion took place over several days, and I do not think they go anywhere. So once you have started a post as a Supervisor, you have left it from now for a long period of time. If someone were to respond, you have put future decisions and discussions of the Board in jeopardy.

Mr. Berube stated the bottom line is, if you are going to make a post, leave it there for a couple days and let the discussion take place. Then drop it so no one can join in at the end by accident.

Mr. Qualls stated the bottom line is, please do not make any more posts on Facebook. I want to be clear that technically there is nothing wrong with posting. It is when someone else on the Board responds.

Mr. Berube stated I understand. For instance, tonight I posted about the job openings. No one else responded, and I do not think anyone else will, knowing what we know now. It is more of a community service.

Mr. Qualls stated I think the website is enabled so that information can be shared but in a way that is not a violation. You have staff who can provide that type of information, and that is what I would encourage you to do. I think the rulemaking hearing going forward could be a good example of that. There still needs to be development and discussion with the public, but that does not mean that in the interim, while we will not have an open meeting, there can be information shared so that when the Board gets together, you make the best educated decision. I think the website is the tool for that. Ms. Burgess was telling me about some of the features where the information can be shared, but you will not have any sort of discussion going back and forth or any sort of decision-making process. There are ways to accomplish this.

Mr. Moyer stated that is why whenever we email anything to the Board, we blind copy all the other Board members so that you cannot respond to all members.

Mr. Berube stated I understand. This was an issue raised by Mr. Brooks, and we appreciate you bringing it to our attention. Are you satisfied with the resolution you have heard tonight?

Mr. Brooks stated it was a great discussion, and it was right on track. I appreciate it and I appreciate you following through on it.

Mr. Berube stated we appreciate you raising it and perhaps it has saved us from some problems in the future.

Mr. Leeman stated there is still a way to communicate with the residents. You can communicate with them privately. It is possible for the Board to work out a procedure so that whatever you are discussing, you work on how you want it to be sent out. Then either have one person post it, or have the management company post it. Then that would

be it. There is no discussion by the Board, but the Board sends it out to the residents, either on the Facebook page or however you choose. A lot of people are on Facebook, but a lot of them are not on the website. Getting them to sign up for that will not happen. You should just make a procedure among yourselves, and then decide that whenever you have an issue that the Board discusses, at the end of that discussion, you decide if you want to put it out to the residents, yes or no. If the result is yes, then have one Board member or the management company staff post on Facebook what you are discussing and what has been said thus far.

Mr. LeMenager stated that already exists.

Mr. Leeman stated not everyone reads the minutes.

Mr. LeMenager stated that is not our problem. I am not in agreement at all with the way Mr. Berube and Mr. Walls responded to each other. That is where you get in a little trouble. The bottom line is, we come to these meetings and we had 15 residents at tonight's meeting. The community has hundreds, if not thousands, of residents. That is the concern, how to get the message out to the most people. You are right; they do not want to read the minutes. They do not want to understand how Harmony works. Harmony is set up in a complicated fashion. My point has always been that you play the cards you are dealt. We have been dealt these cards. We did not design it, but we will try to do the best we can with it. You want to get the message out of the things we are thinking about. That is the real key. To the extent that people are jumping to conclusions, they need to read the minutes. I appreciate that it is seriously boring to read a 50-page document. If you want to come to this meeting and make a comment, my response is always going to be, did you read the minutes. If you do, then you know what is going on. If the answer is no, then I am sorry.

Mr. Berube stated I think Mr. Brooks has read the minutes today because he posted some of the information from them.

Mr. Brooks stated yes, and they are excellent minutes. Whoever types these does a great job.

Mr. Berube stated some people read them.

Mr. LeMenager stated I agree.

Mr. Moyer stated as a suggestion, maybe the way you respond on any social media is just what you are talking about. Your response as a Supervisor should be, "please go to

the Harmony website, www.HarmonyCDD.org, and please feel free to attend a future meeting of the Board.” You are being responsive. You are not ignoring that person. You are basically telling them the laws that you have to live by, and you are not expressing opinions.

Mr. Farnsworth stated one thing to consider is the minutes. The minutes for this meeting, for instance, will not be on the website until the next meeting.

Mr. Berube stated they will be posted the week before the meeting.

Mr. Farnsworth stated so tomorrow or the next day, people cannot go to the website to read about what we discussed tonight. They have no way of finding out.

Mr. Qualls stated not until the final minutes are posted.

Mr. Moyer stated you cannot produce 100 pages of minutes overnight.

Ms. Kassel stated that is a consideration for residents.

Mr. Berube stated there was a learning curve for me with this beyond the Sunshine Law situation. Certain things you can post and get instant feedback, and other things turn into a shouting match and have intimidation factors. People interpret things the wrong way, and you try to explain the interpretation and fix things, but it get worse and worse. The learning curve for me said that we cannot do this anymore. It turns to be degrading very quickly because everyone has a polarized opinion, and no one wants to see the other person’s point.

Mr. Brooks stated I have one more piece of advice. If you want to get a good perspective, talk to Commissioner Fred Hawkins. He will tell you how constrained it is to be a public official. You will feel constrained that you really cannot talk the way you used to be able to before you were elected. That is the nature of the beast.

Mr. LeMenager stated I agree with you completely. I wanted to jump in on what Mr. Walls and Mr. Berube were saying, but I would never do that, period.

Mr. Brooks stated staff is important. I know you do not have official staff like we do at the City or the County, but the Sunshine Law does not cover the manager posting on Facebook, so he can post something on a forum.

Mr. Moyer stated I cannot do that because I do not have the time to go through 40, 50 or 100 posts and try to respond on behalf of this Board. That is not going to happen.

A Resident stated you do not have to respond. I think what Mr. Berube tried to do was try to start a conversation on what the Board is considering related to fishing. Let the

residents reply to it. At the end of the post, include the date of the next meeting. So the residents can discuss it and the Board members can stay out of it. The resident discussions will go where they will, but at least they are informed. Maybe there were only 15 or 20 people here and they all have their own opinions, but at least information is getting to more people. Instead of saying you do not care and we need to read the minutes, it is your responsibility to get the community involved. It is their choice to get involved or not, but as a Board, you should try to get the community involved. We are supposed to be living here in harmony, and we are trying to build this community up the proper way. That is why I moved here in July.

iii. Follow-Up and Miscellaneous Items

Mr. Qualls stated going back to the two items for the School Board, the interlocal agreement and the quit-claim deed, if Ms. Kassel has been able to review them, I would ask the Board to approve them as presented.

Ms. Kassel stated yes, I have.

On MOTION by Mr. LeMenager, seconded by Mr. Farnsworth, with all in favor, unanimous approval was given to the interlocal agreement between the Harmony CDD and the Osceola County School Board and the quit-claim deed to the Harmony CDD for the 0.2 acres, as discussed.

Mr. Qualls stated there were several questions that I will try to address. There was a question why the District cannot enforce rules. I hope this helps guide all future discussions about the rules. This District has the power pursuant to Statute to adopt administrative rules with respect to any of the projects of the District and to the defined area therein. Remember that a CDD Board has only one purpose, and that is it. This Board's sole purpose is to maintain infrastructure. That is all, to manage infrastructure at high qualities over the long term. That is the power this District has. There is no power to stop people for trespassing.

Mr. Farnsworth stated we do not create laws.

Mr. Qualls stated you can adopt rules and maintain the infrastructure, but there is no police power. I know that is a subtle difference, but it is important. As the rulemaking process continues, I know you will look at the relationship between the rule that is trying to be developed with your one, single purpose, which is the management of District

infrastructure. I think that will hopefully cut out a lot of the periphery discussions. The core is the management, including maintenance, of infrastructure over the long term.

B. Engineer

There being nothing to report, the next item followed.

EIGHTH ORDER OF BUSINESS

Supervisor Requests

Mr. LeMenager stated I wanted to follow up on what we were discussing during the previous question. I did a count and I think there are 36 houses that are on ponds, and I think you are right that there are probably a few more that I was not taking into consideration. I was only taking into consideration the Bracken Fern pond and the one by the school. Mr. Moyer, is there some way that we can actually poll the residents who live on those ponds? I appreciate that people will come out because they do not want fishing. On the other hand, there is no one who feels strongly that they should. Certainly people have commented the opposite. We have received comments from parents of teenaged boys who would like to have more activities for their teenaged boys. I received an email on that recently.

A Resident stated I will volunteer to take that poll.

Mr. LeMenager stated I mean an official, District poll.

Ms. Kassel stated I do not want a poll that is only from a few people who live on a pond. If we are going to do a poll, then we should have one from everyone in the community because we all bought here with certain understandings.

Mr. Berube stated let us presume that 50 houses are contiguous to a pond. Let us say that all 50 residents do not want fishing in those ponds. Now we know that number. This is hypothetical, but what do we do with the information now that we know that?

Mr. Farnsworth stated therein lies the rub.

Mr. LeMenager stated to me, that is simple. That is one way that we get to the point where we have enough votes on this body that will agree that at the very least, we should continue prohibiting fishing in a pond that is on a property. That is my position. That is what I would like to see. I am trying to make sure we get three votes that are in favor of that position. When it comes to Lakeshore Park, we have two new bridges where people fish, as well as the canal, and I am fine with that.

Ms. Kassel stated but there are a number of people who live across from Lakeshore Park who are against fishing in that pond.

Mr. Berube stated no one lives contiguous to that pond.

Ms. Kassel stated it does not matter if they are contiguous or not. They do not want fishing in the ponds. The idea of being contiguous is something Mr. LeMenager is bringing up.

Mr. Berube stated I do not want people in my backyard, I do not want them peeking in my windows, and other reasons people do not want fishing allowed in ponds by their house.

Mr. LeMenager stated these comments were from people who live on the pond behind Bracken Fern.

Mr. Berube stated every single one of them.

Ms. Kassel stated no, absolutely not.

Mr. Leeman asked what about Ms. Snyder?

Ms. Kassel stated also the woman who was here and lives in the townhouses, but there were a couple people here who do not live on Bracken Fern.

Mr. Berube stated let us say that the majority of people who responded tonight live on the pond.

Mr. LeMenager stated that is correct.

Mr. Berube stated the complaints are that they do not want anyone in their backyard. That is fair. They do not want anyone in their backyard urinating on their bushes and various other things. I understand that.

Mr. LeMenager stated those are all fair.

Mr. Berube stated if you live across the street from Lakeshore Park, that is, at best, 150 feet from the edges of the pond.

Ms. Kassel stated I do not think you can make the determination about whether or not a house is contiguous or about which ponds should or should not have fishing. I think you need to ask everyone in Harmony about fishing on all ponds versus just on some ponds, not just asking the people who live on ponds. That is fair.

Mr. Berube stated the bottom line is, we heard the response from the audience tonight. To Mr. LeMenager's credit, he is offering a compromise similar to the compromise that I have been contemplating after listening to the people who showed up tonight. They virtually all live on a pond. If it means we will lift the fishing ban in general but keep it in certain ponds, would that make more sense?

Mr. LeMenager stated I would like to get away from “fishing” and “no fishing.” We all know that we cannot regulate fishing. We can regulate access. What we basically said is fishing is trespassing, and swimming is trespassing. That is what our sign says. These two activities on this pond are considered trespassing. It sounds like the sheriff will enforce that sometimes. However, if someone wanted to put a boat on the pond, it is not prohibited.

Ms. Kassel stated that is trespassing. No trespassing means no trespassing.

Mr. Berube stated but it is a public pond.

Ms. Kassel stated trespassing includes boating or fishing or anything on our pond.

Mr. Moyer stated they would have to go across our property to launch a boat.

Ms. Kassel stated that is trespassing.

Mr. LeMenager asked where is there no trespassing?

Ms. Kassel stated beyond those signs.

Mr. Farnsworth asked if I choose to go down to one of these ponds, are you telling me that I cannot walk around that pond?

Ms. Kassel stated you can walk around the pond.

Mr. Farnsworth stated then I have trespassed. I have gone into that area.

Mr. Berube stated therein lies the problem.

Mr. LeMenager asked where does the trespass line start?

Mr. Berube stated the sign is in the water.

Mr. Moyer stated the trespass line starts on the property that we own, which would be the top of the canal bank to the bottom of the pond. We do not have jurisdiction, in my opinion, over the water, but we own the property. It would be a trespass for someone to be on the canal bank if you are not performing a purpose that has been authorized by the District. The way other communities have handled this that we discussed last month, is those ponds are there for drainage. Unless you are there performing a drainage function, it is a trespass. It is not recreation. If you are maintaining the pond, such as our contractor or our employee, that is legitimate because that is what we pay for. But no one else is authorized to be on that strip of property. That is how it becomes a trespass.

Mr. Berube asked how does any deputy enforce that? Our signs are in the water, on purpose, to keep them from being stolen. If the deputy is standing there, it does not say on the sign that it is from the easement because the sign is in the water, and it says no

swimming and no fishing. A deputy will look at the sign in the water that says no swimming and no fishing, and if someone is standing there on the grass, he will not know to trespass him.

Mr. Moyer stated then we will have to educate the sheriff's department.

Mr. Berube stated we hired deputies last year on paid details for the pools, and we could not educate them.

Mr. Farnsworth stated I really want to understand exactly what you said. If I understand it correctly, there is a pond with a 30-foot or some other boundary around it. You are telling me that I cannot run around it or exercise down there. I cannot do anything. If I am not one of the employees who is specifically doing something as part of the drainage maintenance, then I am not allowed down there. That means no one can go down there.

Mr. Berube stated right now, you cannot.

Mr. Moyer stated to be consistent and to have an enforceable policy, then no one can go down there.

Mr. Farnsworth stated that means that even the people who live on the pond cannot be in that 30-foot area.

Mr. Moyer stated that is correct.

Mr. Farnsworth stated that is much more restrictive than almost anyone thought of.

Mr. Moyer stated otherwise, if you open it up, then it becomes recreational. That is the dilemma you have to deal with. You can decide to permit fishing, but one resident told you he is going to put his power boats in the pond. I am not sure that you can tell him to get his power boats out of there if you are letting people use your property between the backyard of someone's house and our pond. I do not see how you can let them use it for certain purposes. Then I agree with Mr. Berube, because then it becomes public property and you can use it for anything.

Mr. Berube stated if you want to restrict access, then you need to install a fence around it.

Mr. Farnsworth stated yes, that is ultimately what it will get down to.

Mr. Berube stated we can continue to belabor this issue tonight and we are not getting anywhere.

Ms. Kassel stated I disagree.

Mr. Berube asked related to the changes in the rules, who is incorporating the changes?

Mr. Qualls stated my office is doing that.

Mr. Berube asked what is the timeframe?

Mr. Qualls stated we will be done by the end of next week.

Mr. Berube asked then it will be distributed to us? Is that how the process works?

Mr. Qualls stated yes.

Mr. Berube asked how does the process of reading through it and providing comments work? Is it back and forth by email?

Mr. Qualls stated you may comment back to me on things. You just cannot comment to other Board members.

Mr. Berube stated we will forward our comments to Mr. Qualls.

Mr. Qualls stated ultimately, it will have to be vetted again at a public meeting.

Mr. Berube stated we will discuss them at our next meeting, including the evolution of the changes to make sure that our intent from the workshop discussion is interpreted correctly by Mr. Qualls. We will probably consider that at the next meeting and make any final changes to modify and edit the rules. Once it is all rewritten again, then there is a final version, and we advertise a public hearing to discuss the whole package.

Mr. Qualls stated yes, that sounds like a good process. That way, you have vetted it through several publicly noticed meetings. When you get our draft, it will create questions. As I read through it, there are a lot of interpretations at stake. Certainly you were very thorough at the workshop and gave a lot of good direction.

Mr. Berube stated for those residents who were not at the workshop, we used some guidance from another CDD that is much further along than we are. They have addressed all these issues of fishing and boat rentals and use and other issues. We simply lifted a lot of their verbiage, but it was really good. We modified it to suit our needs.

Mr. Leeman asked do they allow fishing in their ponds?

Mr. Berube yes, they do. We appear to be the only CDD in the State that bans fishing.

Ms. Kassel stated they are a gated community.

Mr. Berube stated at least part of the community is gated, but they specifically allow fishing. We appear to be the only ones who do not. We cannot find another one that allows it.

A Resident stated I am sitting here listening to this, and you have already made your decision.

Mr. Berube stated no.

The Resident stated yes, you have. You are talking about writing rules, and you have said that a couple times tonight.

Mr. LeMenager stated we need to have something to read.

The Resident stated you have made your decisions. I am also hearing that it is no trespassing, but we know why the signs are there. The signs are there so people do not fish in the pond and so people do not swim in the pond.

Mr. LeMenager stated that is correct.

The Resident stated you can call it no trespassing so you are legal, but be honest in this discussion. It is to keep people from fishing and to keep people from using their boats in the ponds.

Mr. LeMenager stated actually, no.

The Resident stated that is rubbish; you are wrong.

Mr. LeMenager stated no, but I appreciate your opinion.

The Resident stated no matter what you say in the endless debate about the legality and how we say it, the signs are working.

Mr. LeMenager stated I agree with you. I am not proposing getting rid of them.

The Resident stated you are talking about fishing elsewhere.

Mr. LeMenager stated yes, in Lakeshore Park.

The Resident stated those who live on ponds are the ones who have the issues.

Mr. LeMenager stated I agree with you, and I will never vote to remove the signs from behind your house.

The Resident stated that is fine, but it is not just the ponds that people live on. As someone said, it is the aesthetics of people standing around fishing all day. We are looking to try to create an upscale community here, and I am not seeing that happen with this kind of approach. So what if we are the only community that does not allow fishing? We are probably the only community that does not allow power boats on our lake. So what? This is the way Harmony was set up, with no fishing in the ponds and with the lakes. I do not understand why we are going back through this all over again. The process was working. Some people do not like it, but that is what they bought into when they

came here. They read the declarations, restrictions and covenants, which said no fishing. That is the deal. They signed the deed and it is what they bought into.

Mr. Berube stated it is not over yet, and the decision has not been made.

The Resident stated that is not what I am hearing. I heard somewhere along the line that four of you are pretty much in agreement, but I do not know which four.

Mr. Berube stated it is public. That was done at the public workshop next month. We are not hiding anything.

The Resident stated I do not know anything about Facebook.

Mr. Berube stated I am not talking about Facebook. I am talking about the rules workshop last month. We discussed it; four people were in favor of fishing and one was not. It is in the minutes.

Ms. Kassel asked what is your point?

Mr. Berube stated he says it is like this is some secret.

Ms. Kassel stated what he is saying is that your minds are already decided on it.

Mr. Berube stated no.

Mr. LeMenager stated not at all.

Mr. Berube stated I am in favor of fishing, but I listen to the residents. There are certain people who live on ponds who want a restriction. I do not disagree.

Ms. Kassel stated it is not just people who live on ponds. One-third of the people who were here tonight and are against fishing do not live on any of those ponds.

The Resident asked why do we want to have fishing?

Mr. LeMenager stated I think it is an excellent activity for teenaged boys.

Ms. Kassel stated we have it on the lake.

Mr. Berube stated people go to Lakeshore Park now. They do not go to the new dock and fish. Hardly anyone goes there, but they go to Lakeshore Park and go fishing there. We have signs that say No Trespassing, and people are fishing there all the time.

The Resident asked so you are just going to give up?

Mr. Berube asked what do you want us to do?

Mr. Leeman stated keep the rule the way it is.

The Resident stated call the sheriff.

Mr. Berube stated I am not calling the sheriff to trespass a father and son who are out there catching fish.

Mr. LeMenager stated I am not calling the sheriff, either. We disagree on that.

The Resident stated do not change the rules just because you do not want to enforce them.

Mr. Berube stated we cannot enforce them because we do not have enforcement powers. The attorney just told you that.

The Resident stated do not insult me.

Mr. Berube stated I am not trying to.

The Resident stated we understand that you are not a police force. You write the rules, just like any other legislative body. You have the sheriff to enforce the rules. Some will enforce it, and some of the deputies will not. I had one experience last year when a deputy came out, looked at the sign and said absolutely, end of story. He took care of it. It seems like we are focusing so much on the little, legal details instead of the fundamental issue we are trying to do here, which is to create a community with premier standards.

Mr. Berube stated therein lies the fine line. Some people think that fishing is negative, and others think that fishing is neutral or positive. As the Facebook page pointed out, the two sides are not willing to look at the other side's opinion, and everyone goes away mad. Therein lies the problem.

Ms. Kassel stated we have not taken a vote on this.

A Resident stated the issue is who comes to the public meeting.

Mr. Farnsworth stated now you are saying that only the ones that show up here as the vocal minority are the ones to listen to.

The Resident stated if you do not read the minutes or come to the meeting, you are saying who cares. People who care will come to the meeting.

Mr. LeMenager stated it definitely influenced me tonight.

Mr. Berube stated we understand, and there is no disagreement.

Mr. LeMenager stated I have not decided my final position on Lakeshore Pond.

Mr. Berube asked did you feel as if anyone got blown off?

The Resident stated no, I did not say that anyone got blown off. I am saying that you are going to have a conversation with someone outside this open forum that is affecting your opinion. You said that you have talked with people who want fishing.

Mr. LeMenager stated yes.

Mr. Leeman asked how many of those people are going to come to the meeting if you do not change the rule and demand that you do something about that rule?

Mr. LeMenager stated probably none of them.

Mr. Berube stated perhaps none.

Mr. LeMenager stated for the most part, there are parents of teenagers who are putting dinner on the table at 6:00 p.m.

Mr. Leeman asked where is the priority in your minds to change the rule? I do not understand.

Mr. Berube stated we have discussed this for a couple hours, and we are not going to settle this tonight.

Mr. Leeman stated I am not asking you to settle it. I am asking where that comes from.

Mr. LeMenager stated the Board member where it comes from is not here tonight.

Mr. Farnsworth stated I have one final issue that I would like to address, and that is the purchase of the kayaks. I want to accept the purchase made, as modified, so that we do not need to go through any modification of what was done or why it was done or anything else.

On MOTION by Mr. Farnsworth, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to accept the purchase of the kayaks as modified to two fishing kayaks and one regular kayak.

Mr. Farnsworth asked does that motion settle the matter?

Mr. Qualls stated yes.

NINTH ORDER OF BUSINESS

Adjournment

The next regular meeting is scheduled for Thursday, December 19, 2013, at 6:00 p.m.

The meeting adjourned at 8:50 p.m.

Gary L. Moyer, Secretary

Steve Berube, Chairman