

# MINUTES OF WORKSHOP

## HARMONY COMMUNITY DEVELOPMENT DISTRICT

The plans workshop of the Board of Supervisors of the Harmony Community Development District was held Wednesday, September 22, 2021, at 6:00 p.m. via ZOOM teleconferencing.

### Board Members:

Teresa Kramer	Chairman	Present
Dan Leet	Vice Chairman	Present
Kerul Kassel	Assistant Secretary	Present
Steve Berube	Assistant Secretary	Present
<del>Mike Scarborough</del>	<del>Assistant Secretary</del>	<del>Absent</del>

### Other Participants:

Angel Montagna:	District Manager, InfraMark
David Hamstra	District Engineer, Pegasus, LLC
Tim Qualls	District Counsel, Young Qualls, PA
Matt Pippin	Owner Operator, Bee & Bee trees
Brett Perez	Operations Director, InfraMark
Gerhard van der Snel	Field Manager, InfraMark
Residents and members of the public	

*This is a non-certified quasi-verbatim transcript that represents the context of the workshop audio recording.*

### FIRST ORDER OF BUSINESS

### Call to Order

**Supv Kramer:** Called the workshop to order at 6:00 p.m.

### SECOND ORDER OF BUSINESS

### Roll Call

**Supv Kramer:** Called the roll and there is a quorum (Supv Scarborough absent).

### THIRD ORDER OF BUSINESS

### Introduction & Purpose

**Supv Kramer:** Do we have any members of the public here today?

**Supv Kassel:** Matt Pippen, you are on mute.

**Matt Pippin:** Okay, sorry about that. I'm here representing Bee & Bee Trees, to discuss the tree issues in harmony. I'm not a community member, so... I wasn't sure if that's what you meant. Sorry.

**Supv Kramer:** Not a problem, Matt. I've asked Matt to attend today to help us sort out issues. A little bit about Matt; he is a certified arborist with the ISA, which is an international association, and it's recognized even by the Florida State Legislature; he has tree premier certification; he also has a special... I guess sort of a certification in risk analysis... tree risk analysis?

**Matt Pippin:** Yes, it's a tree risk assessment qualification. It's basically just assessing hazardous trees, and trees which have a close proximity to any kind of targets as far as houses, parks, and anything along those lines.

**Supv Kramer:** So I thought it would be nice to have a tree expert among us so that we're not swimming upstream, so to speak. So welcome, Matt, I appreciate your tuning in with us today. Thank you.

**Matt Pippin:** No problem.

## FOURTH ORDER OF BUSINESS

## Audience Comments

*There being none, the next order of business followed.*

## FIFTH ORDER OF BUSINESS

## Topical Discussions

**Supv Kramer:** At this time, our first order of business is the tree trimming. One of the things that the Board wanted to discuss today was several items under tree trimming. One being, what should Harmony policy be about tree trimming. Then we have the one tree that one of our homeowners dramatically pruned, so we'll be discussing that, and hopefully our attorney will be on the line when we get to that.

**Tim Qualls:** Madam Chair, I've been here.

**Supv Kramer:** Alright, wonderful to see you. My screen is showing me one person at a time, so whenever anybody pipes up, we'll see you. So at this point in time, do we want to start with the Board; go around and just discuss? I know we've had some additional issues come up since we set this workshop, but with the current Servello tree trimming of our interior trees that has been stopped... if you're not aware of that... because of some of the quality of the work and some safety issues that are out there. So we can start... pleasure of the Board... would you like to start with our overall policy on tree trimming?

**Supv Berube:** Um... Well... Yeah, I don't know that we've ever had a written policy because for many years there wasn't a whole lot of reason to... There's only been kind of a, I guess, a verbal policy, which was... the CDD will trim the street side of the trees, and from the sidewalk towards the houses, we've allowed the homeowners... or told homeowners... trim that side. And clearly, as time has gone along, that has become problematic with the size of some of the trees. Having said that, the most notable one is the one that got trimmed after a fire on the road, and it did indeed receive a pretty good scalping, and I called it an informancy haircut. Many years ago you'd see OUC trimming trees like that along their power lines, and those trees seemed to survive just fine, and probably that one will survive as well. However, that doesn't mean that that's the right thing to do, as a policy. And I think that... based on advice of Counsel for all these years, we've stayed away from pruning any trees on the house side of the trees for fear of entering private property, either on purpose or by accident, or by some other method... and possibly causing damage. So I think that the one that we have to wrestle with is, as a public body, how do we keep symmetrical trees without risking the liability of having contractors, and by extension, this Board, entering onto private property and potentially causing damage? That's... I think that's more of a legal question than philosophical. Counsel?

**Tim Qualls:** Yeah, so let me ask, probably what's a dumb question, which is, is it possible to trim all sides of the tree without going onto the private property? 'cause that would make it really easy.

**Matt Pippin:** Yes. That is possible.

**Tim Qualls:** There you go. So it's... That issue we can take off the table. You guys would be shocked at the dearth, the lack of information out there, but I reached out to some fellow local government attorneys, and I got a lot of good feedback, there's a group through the Florida Bar, and I'm still doing some due diligence on this, but since these trees are on public property, the board can do whatever it wants, including trimming any branches, the private property owner probably has a common law right, as we've talked about before, to trim any part over hanging onto private property, but that right alone doesn't give the private property owner the right to tell you guys, you can't trim the side of the tree facing the private property, so the issue is really whether we can trim these and clean these trees up from the CDD side, or if we would need to access the private property. If the answer is from the gentleman who just spoke of it, the answer is we don't need to access the property, then I think that's a problem solved. If we need to access the property, I think we can get around that. But we will need to have some sort of agreement with the private property owner.

**Supv Berube:** I have a question for Mr. Pippin, and based on what you just said, I presume you've been out here and have seen the way that our trees line the streets, and the houses?

**Matt Pippin:** I'm assuming that you're talking about the street trees that the builder planted between the sidewalk and the road, you...

**Supv Berube:** Yes sir.

**Matt Pippin:** Okay. And you guys have access all the way to the sidewalk... Correct?

**Supv Berube:** Yeah, so I... let's say that we have a tree that is directly in front of a house and a branch, a limb, is growing 90 degrees off that tree going directly towards the house and the end of that branch or a limb is now... I don't know, pick a number... 10 feet beyond the side walk onto the house side, how do you trim the end of that limb off without accessing the private property, and when I say that, I realize you can do it from a bucket truck, but what if something falls off out of the bucket truck and lands on private property you perhaps damage the house or porch or something underneath.

**Matt Pippin:** That would be my responsibility as the person trimming the tree, which would be in the contract, if we were doing work for you. I have a specialty lift that actually is on track and it can go down sidewalks, it can stay off of private property and I've got enough lateral reach to keep things away. Those incidents are far and few between when you are doing the proper procedure and using the proper equipment, so you shouldn't have any kind of damage to anybody's property, 'cause we should be able to get it back on to CDD property without any issues.

**Supv Berube:** Perfect answer. Exactly what we've been looking for, I think, and I appreciate that, and I wouldn't have... As long as it's part of the contract and Counsel said it was good... I'd be happy with that. No problem at all.

**Matt Pippin:** Just, I'm sorry to interrupt you, just to let you know, the standards that we work by, which most tree companies work by International and nationally and throughout through OSHA standards, and everything is called the ANSI 300. It's recognized through ISA. It's also recognized by CCIA. Those are the standards that we use, that they encompass safety standards and encompass trimming standards, they encompass everything that needs to be in that, that would probably be something that you might want to actually consider putting into the by-laws, and I know it's been through the whole legal gamut, I've been through some legal courses as well, dealing with cutting trees over private property, and what a homeowner can do to a tree versus what... You know... If you own the tree, if the homeowner comes out and cuts it, and they cut it to the point where it makes the tree hazardous or detrimental to the tree health and it's your tree, at that point, they can actually incur some legal liability if you guys were to pursue that.

**Supv Kramer:** So I think where our problems have been is relying on Landscape companies alone to handle our trees, especially as they grow larger, we really need to reach out and get a certified arborist who knows the true business of trimming trees and we're reaping the wrath of that procedure right now in the tree trimming that's going on. So I think it's important if Harmony is going to maintain our trees in a good healthy situation where they're an asset instead of a liability to our community, we need to go ahead and get the right assistance with those trees... reach out to the right professionals. That's why this is a workshop and meant to educate us and allow us to discuss freely... That's why I asked Mr. Pippin to join us today. Mr. Pippin, is there anything else you'd like to explain about ...{garbled}... perhaps, that we have not been aware of before?

**Matt Pippin:** Yes, I have. I've been jotting down notes as we've been talking, so one of the things I want to talk about was they said that OUC came out and did some trimming... I'm assuming that they're probably trimming around the lights, or were you leaving that up to the landscape company as well?

**\*Multiple\*:** \*Random\* What I... Leaving to landscape...

**Supv Berube:** When I mentioned OUC, it was the way that they clear-cut those trees... Between the trees and power lines, like along 192...

**Supv Leet:** Not that they're doing that inside the community.

**Matt Pippin:** Yeah, I was gonna say, 'cause I think you guys are all underground utilities here, correct?

**Supv Berube:** Right.

**Matt Pippin:** Okay.

**Supv Berube:** Just along 192, where they strip them back, but the point is that you can clear off one side of a tree, you make it look lousy in many cases, but it doesn't necessarily mean the tree's gonna die.

**Matt Pippin:** That's correct. They do what they call a clearance cut, vegetation specialists come out there and do that, and it would be... In all actuality, I mean, you guys are mainly looking at getting stuff away from houses to keep houses safe, keeping the sidewalk clear up to seven feet, the roadway clear to 14 feet. Now, most of these cuts that are performed on these trees, 'cause it's gonna look not similar in a way, but you're just clearing the road for fire trucks, UPS Trucks, things that are coming through, so those are all set up on usually like a five-year put in other words, they've cut 10 feet back and usually have a foot to two foot of growth per year on the tree. So that's something... I did prioritize some things here that you guys might want to look at. First and foremost, of course, you'd want to take care of any hazardous trees or get those assessed. Second order of business, I'd probably give a tree inventory of the area, and I don't know where you guys cover... Are you guys gonna be covering Harmony West as well, or is it just this community, the Center of the community?

**Supv Kramer:** Harmony West will be under a separate CDD and Harmony Central will be separate from us, they sold off that, so we are just... What you know as Harmony.

**Matt Pippin:** Right. OK. That makes it very helpful. So basically what we do is do a tree inventory, you break the community down in the grids and you just... You would perform work over here, and then as you rotate through the community, it would just being on working on-going process as to... Let's just say we break down one section into Sector A and we work that area for the first couple of months and get everything up to par where it needs to be, then we move to the next section now, you know in every five years, each section has to be done, or it has to be cleaned up, and then you do other stuff, incidental as it comes along. So basically, that'd be prioritizing your work as to whether you need something trimmed off of a house, off of the sidewalks, off of the road, and then basically just creating a budget, however you guys wanted to work that out, so I can provide you guys with all of the... Or the attorney with all the ANG 300 information that he needs or any kind of stuff that you guys might want to write up to get your local policies together.

**Supv Kramer:** Great. Anyone have any questions of Mr. Pippin?

**Supv Berube:** No, other than to say thank you for being here. You're giving us a lot of good information that we've never gotten from our landscapes before. And it is no doubt time to get the trees under control.

**Matt Pippin:** Just to let you know what... Most of your landscape companies, they'll usually say they have an arborist on staff, just let you know, with my company, I'm out there either performing the work or somebody else is out there working under internship, under me, or an apprenticeship. So if you guys have any questions or need anything else from me, just... Teresa's got my number, feel free to call me if you need anything, and if you guys don't have any more questions, I'll let you guys get back to your order of business.

**David Hamstra:** Thank you, Matt.

**Supv Kassel:** I just wanted to know... Regarding the email that came out today from Mr. Perez about suspension of the tree trimming, the techniques that were being used that were inappropriate, I wanted to know who evaluated them, and I'm in agreement with them, I just wanted to know.

**Matt Pippin:** I did get some pictures today of some of the stuff that was done, the pictures that I did get of some of the trees, they were improper cuts, basically, they're allowing peeling to go through the Campion layer, which is basically the layer that feeds the tree, which can cause further damage and some types of failures, the other ones were close to... They usually have a branch collar and they cut into the branch collar also cutting into the Campion layer of the tree, which causes damage, further damage later on down the road, that's just from an outside looking in, that's just an outward observation, and I'm looking at pictures and that's just what I can tell from a picture.

**Supv Kassel:** Okay, I'd like to hear from Mr. Perez on this.

**Brett Perez:** Yeah, hi Kerul. I was going to make those observations and those... Use that terminology, obviously. I have some past history in the horticultural world, and I'm familiar with our reporting practices and verbiage... That was an observation made by myself.

**Supv Kassel:** Okay, thank you very much. I just didn't know, Mr. Pippin, if you were the one who had evaluated tree trimming techniques or was it Mr. Perez, so thanks for clarifying that. I appreciate it from over.

**Matt Pippin:** Okay, thank you. Do you guys have any other questions for me?

**Supv Leet:** I had a question, the... *\*{echo}\**... Hang on a second...

**Supv Kassel:** Are you on the Harmony CDD and on Dan Leet? I think you have to leave one.

**Supv Leet:** Yeah, I thought I turned it, the other Microphone, off. Apparently I hadn't, so... Yes. Alright, so yeah, my question was, we had a survey done in the last couple of months through our landscaper, but also with a third party... forget his title... sort of an arborist, horticulturist. Would any of that feed into, if we were to proceed with Bee & Bee; what, do you guys wanna do your own sort of survey, can give us any kind of warm fuzzy about that, and what we've already done there.

**Matt Pippin:** Yeah, there's no reason to do double the work if somebody has already gone out and surveyed and got a tree inventory, and my biggest thing is, is, I like to do things very systematic, so we don't miss anything, so that way if we do start performing work, you know what I mean? We would have a meeting with you guys, sit down, do a contract, explain to you how work would be done in what areas, and again, like I said, you guys would be the ones who would prioritize work, you tell us what you need done... Of course, like I said, I think a priority of work, of course, hazardous trees first, and then start working from there, but if anything, we can use like if they've already done the survey of the area and gone and counted the trees and you know what type of trees are where... 'cause I know when I was talking to Teresa before, that you can also do what they call... In your inventory, you can also list in there how much each tree is worth, just based on caliper size. I use the standard that the City of Orlando uses, and they basically set up to where if somebody goes to remove a tree or somebody damages one of your trees and it need to be replaced, at least you can put a value on it, and that's not something that you like oh, well, you know that tree there is... It only cost me \$200 to take it down. So I don't feel like I have to pay \$200 to replace it. You know what I mean? So there's things like that. And they're all tried... They've all been tried in court; they've all been trying... There's case law that backs all of it. So, I'm not an attorney, I have taken classes to kind of get me on track with what needs to be done, of course, that would be something that will be handled through your guy's attorney.

**Supv Kramer:** We could... The inventory we have currently, I think it's just kind of a count of species. Gerhard or Brett, do you know what Servello, our landscaper, has done today.

**Gerhard van der Snel:** Yep, I had to un-mute first. So they stopped at Gold Flower, they did...

**Supv Kramer:** I'm talking about the inventory and exactly what trees we have, where, what size, what species, and...

**Gerhard van der Snel:** As my memory recalls they did... Scotty would know that, but they counted the number of trees, but it would be... What they specifically are and categorized, that I don't know.

**Supv Kramer:** Okay, and the work we did with Tom McCubbin, was very cursory. We had a limited amount of time, based on weather. He spotted some trees that were stressed and probably needed to come down, but it was far from a full inventory, so we would really need to take a close look at... It's kind of an analogous to what we deal with on our sidewalks, and as you know, our engineer is putting together a full sidewalk inventory for us, and then we will come up with a sidewalk maintenance plan so that we will be maintaining our sidewalks in a very methodical way to, again, ensure that they're kept in the best condition possible, and also avoid lawsuits from trip & falls on our sidewalks. So this would be kind of analogous to that, but again, you're working with a living, breathing organism, and we need to really take a good close look at them and being able to end this divisiveness between the residents and the CDD over the CDD owned and maintained trees would be

absolutely wonderful if we could get in there, take care of them properly, and no longer having large limbs cut off the tree on the home side of the tree, it will be invaluable. So, any other questions or input?

**Brett Perez:** Teresa, real quick, this is Brett again, I just wanna make sure the Board is where a Tom McCubbin is not a certified arborist, he is just a horticulturist. So we wanna make sure that if we're doing this or the Board moves in the direction of using, and inventorying... I would highly suggest, if the Board moves forward with Bee & Bee, that they do a thorough inventory on their own, so that way their counts are accurate based off the work that they're gonna do, not use previous history or data, especially from anybody that's done it that's not an arborist, so that we have accurate information.

**Supv Leet:** I would agree. I was just looking for any kind of commonality, so that all sounds good. Thanks.

**Supv Kramer:** Wonderful. Okay, thank you so much, Mr. Pippin, if you want to hang around and listen in, we'd love to have you, but I'm sure you've got a lot to do, so...

**Matt Pippin:** I've got some work that I actually got to go do, so I appreciate you guys having me. Like I said, if you need anything else or you wanna move forward with anything, just let me know.

**Supv Kramer:** Thank you very much.

**Matt Pippin:** Okay, nice meeting you guys. Have a good day.

**Supv Berube:** Thank you.

**Matt Pippin:** Okay, bye-bye.

**Supv Kramer:** Okay, at this point, one of the thoughts on moving forward and working on this project, we're right in the middle of a project right now, tree trimming, and it seems to be actually going very poorly, and I have concerns that we're doing more damage to our trees than we're doing good. Are there any other thoughts about where we are now?

**Supv Berube:** I agree with you 100% that it has not gone the way that we anticipated. Just looking back at the entire process, I think that some of the folks at InfraMark were frustrated, and we've been frustrated. It's hard to get them going, then they stop. They haven't been following the schedule. They go from one street to the next, we need time, we need this, it's... It's more of... A lot of what we expected from Servello over the last couple of years, which is, they preceded at their own pace, and when it goes bad, they come to a meeting and apologize and say, We'll fix it, it doesn't get fixed. This tree trimming project has been more of that, and hasn't gotten any better. And when our management company has to step in and stop them, it just says... It's pretty ridiculous, because it's so bad.

**Supv Kramer:** I just... So much of the pace, or Servello's part, or the schedule, we have all those things now. We have the signage, they... Those things are working wonderfully. My concern is to help our trees. We are doing what is called Lion scaling to our tree limbs where they cut off all the vegetation and leave a stark branch out with a nub of leaves on it. Brett, could you give us a little, uh, information about what... that... how that might affect our trees?

**Brett Perez:** Yeah, I mean... It's just improper, it puts more stress on the tree, there's more top growth on those lateral limbs that are moving forward, and the idea of lifting and thinning trees is not to just completely clear them of all interior growth. What you're really trying to do is you're looking at lateral limbs that over time, and I would defer to Brandon... Mr. Pippin, I don't know why I said Brandon... But, if I'm not mistaken, what I've studied and learned is that any limb under 10 feet is, over time, is rendered useless, so those limbs can come off, which in turn helps lift the tree, you can't remove more than 25% of the canopy at one time... And you're really aiming at downward growth off of lateral limbs, and what they've done is really come in and, as Teresa mentioned, just stripped all limbs, or all secondary limbs on laterals up to a certain point, which is 14 feet, and that's just not the correct way to do it... And it's more inconsistency that I'm seeing, they're not doing a bad a job on sycamores, but the oak trees, they just can't figure them out and they're just getting way too aggressive on them with what they're doing, so I... we had to stop them for numerous reasons. Again, Gold Flower, if you

drive it, one side isn't nearly as bad as the other, but there were two different people operating and there's just a lack of oversight, is what I'm seeing right now; a lack of, you know, just project management and proper training on the individuals that are performing the services. So then you throw on top of that the amount of safety issues and concerns that I mentioned in the email to Pippin is just a whole other level of concerns, so...

**Supv Kramer:** Since we're at a workshop and discussing these issues, as far as what actions to take going forward we should leave to our meeting next week and just hold them where they are, in the meantime, I like our management company to get with legal counsel and talk about our options, because we don't... I'll express my opinion, that I don't want them moving forward with any further tree trimming, if... Because, the work they're doing today could have some long-lasting effects. Some of the Elms, they have a stripped... And some of them may have, like you said, long-lasting effects as far as entryway provisions. Is there anything else we need... Does anyone have concerns about where we are right now? .

**Supv Berube:** Yeah, I'm with you on that, it's inconsistent. What was the guy... When he was on Bear Grass last week, and I'm down and all around, and both sides get trimmed differently, similar trees, um... It's not good, we're in a bad place with this project as it stands right now, without a doubt.

**Supv Kassel:** I'm an agreement as well. And I agree that we should have management and our District Counsel discuss what our options are, and then regroup about it at the meeting.

**Supv Leet:** Agreed.

**Supv Kramer:** As far as an overall tree policy, is that something that we should think about pursuing? I think it would be good since that the trees truly are important part of the infrastructure of Harmony, and we have trees in all different stages of growth. We have some that are very new and some that are quit mature, so I think it would be a good idea to start looking at using a more professional certified arborist. Mr. Pippin, maybe, if you're there, but there are a number of others that we could... that are put out there for... that work... towards... coming up with a way to properly care for our trees.

**Supv Berube:** I think that would be a good idea. Maybe have some further conversations with Mr. Pippin, you seem to have all the right answers. It looks like you've been lots of experience, you mentioned the ANSI standards and all that. He has the type of vehicle that is needed to get in here and trim these trees. He may be able to provide us with some basic policies for trees as part of an overall package, and maybe we give him some work on a small area... I don't know... could try out a section, right? And, we got to do something because we've always let our landscapers come in and do the trees, and when the trees are small, and fewer of them, that probably works. They're at a point now where we have this double problem of giant trees and growth into housing areas that really needs to be addressed.

**Supv Kassel:** I'd like to ask our district management and our engineer if they have worked with other CDDs or property owners to have policies about trees.

**Supv Leet:** And I put the question to Brett, you know, having identified the issues with the existing work, whether, again, like Kerul said, through another community, we shouldn't be starting from scratch doing this, we should be able to find something that's, you know, out there, common, and does not take a huge effort on our part to put it in place and feel good about it.

**Brett Perez:** Yeah, there are other districts that have the same issues where the CDD easements between sidewalk and roadway have trees, the district is maintaining...

**Supv Kassel:** We're asking about policy, Brett. Do they have tree policies?

**Brett Perez:** Yeah, definitely... That's what I'm getting at. They have policies and they all vary because the difference is, it all depends on what the district wants to do, some of the conversation that I've had in the past is that their easement strips are being maintained by homeowners for grass and irrigation. The only thing that they're not really doing, or some people are doing, are trees... right? So the CDDs are coming in, some districts policies, whether they're coming in and lifting 15 feet over roadways and 8 feet over sidewalks and keeping limbs five feet away from the building, and that's it, but there's no structural pruning or interior pruning

taking place. That's just the district policy. So there's some stuff that probably will need to be discussed further as a Board as to what length you all want to take it to. If you want to continue to do interior growth, or interior trimming, you can... But as these trees continue to mature, the height of the tree will continue to go up and the limbs will continue to get closer to buildings at a higher... That's probably not the right way to say it, but you know what I'm getting at. As a tree matures, those lateral limbs will continue to extend over homes, and if you put in a policy in place that it's got to be five feet away from a building, now you're crossing that discussion that we had earlier with Mr. Qualls of now we're encroaching on private property, so where do you stop, I guess is kind of some of the issue in those policies is, okay, we can maintain 15 foot roadways and 8 feet over sidewalks, but what are you gonna do once you cross over in a private property and I think that's where it kinda gets gray, and I defer that policy to someone like Mr. Qualls.

**Supv Kramer:** \*[Very Garbled]\* Yeah, and we... in Mr. Pippin's... and I'll ask Angel to share information on his website... with you all... But, again, he has the proper equipment to handle higher branches in all the trees, without endangering the homeowner's property, which would... It was like some of them in the front, what I saw out here years ago with Servello with a regular old bucket and pretty dangerous practices versus what a true certified arborist would have and be able to accomplish. So, again, they're our trees. I am very hesitant to draft a policy that says the inside trees are maintained by our homeowners, because we've seen what they will do, and others were angry with us for not maintaining the trees that belong to us. If we didn't get to replace the trees, then we end up with guys with chainsaws hacking at the trees. And I don't think we want that. One of the beautiful things about Harmony is our uniformity. Not that everything is uniform, but the consistency of the bulk of the property, and I for one would definitely like to see that maintained. And to do that, I think we need to take the impetus to do that, and I as a homeowner wouldn't mind paying... And I don't know that we have to ask them to pay any more... But as a homeowner, I wouldn't mind paying an extra \$100 a year to never have to worry about the tree on, you know, on the edge of my property. So, I think this is something that wraps well into our real subject, too, and we need to look at this as a part of that, for trees are a part of our infrastructure.

**Supv Kassel:** I'm wondering if we can get sort of a set of existing tree policies to review and... Yes, I agree with you super... Chairwoman Kramer, regarding the responsibility of the CDD to keep our trees healthy and relatively... I wanna say, use the word uniform... Maybe, consistent in how they're treated and how they're trimmed. So I'm for that as well. I suppose maybe a more comprehensive Tree Policy draft would be probably better for us and then we can cut out what we feel is inappropriate.

**Angel Montagna:** I can bring several examples to the board. I'll send them out for review and then you can kind of piece them together and kinda see what you want to come up with.

**Supv Kassel:** Sounds good to me. Thank you, Angel.

**Supv Kramer:** \*[Very Garbled]\* I'm good. So, okay, let's start on the path to putting together a Trees Policy, and probably looking at the...

**Supv Kassel:** Teresa, could you please repeat what you just said, because you were not facing your computer.

**Supv Kramer:** \*[Very Garbled]\* Certainly, my apologies. But what... we'll go ahead and start working towards a comprehensive Tree Policy with Angel providing us, our District Manager providing us with different options that other communities may have, and move forward there. So, at this point, before kicking that off, if nobody has anything else to say about that, we could then move into dealing with our more particular issue, which we will call our attorney in on, and that is what to do with the tree that has been severely damaged by a homeowner. Mr. Qualls, if you will...

**Tim Qualls:** Yeah, thanks, Madam Chair. Can everybody hear me okay? So we had drafted a letter that we sent to the board and basically I viewed it as if somebody vandalized your pool area, you wouldn't hesitate to demand that steps be taken to fix it, you can't fix a tree, so the letter basically indicated, Look, I'm gonna have to take this tree down and replace it, and the idea was that the home owner would be responsible for the cost of the replacement tree. It would be a much smaller caliper tree, I forget the dollar figure, at one point, I



believe the homeowner had indicated that he was willing to pay for the replacement, I don't know that I knew the cost involved with that, it's actually quite expensive, even with a smaller tree, but to me... And I know, I wanna hear you all's feedback 'cause there was a difference of opinion, but I don't know why a tree is any different than any other facility of the district, certainly, we've already talked about the home owner has a common law right to trim portions of a tree where the branches are going across the property line, but that's not what occurred here, the owner went on to the district property, onto the public right of way, and hacked down the tree, is my understanding. And in talking to Scotty, it was the opinion of Scotty and others that the tree was gonna be a tough... It was gonna be tough for that tree to survive. Now, I'm sure stranger things have happened, who wants to predict the future, but I think it's very important you guys determine how you wanna deal with this, because it's not likely gonna be a one-off issue, particularly if you take no action, probably the community is gonna say, Oh, okay, well, it's okay to do that, that sort of a thing, is what the assumption would be. So I'm looking for direction, a good, robust discussion in this workshop about how you guys wanna deal with this particular issue: Harry Homeowner goes across the private property boundary onto the public right away and takes steps to damage CDD property.

**Supv Kassel:** Should that be part of the tree policy?

**Tim Qualls:** Sure.

**Supv Berube:** I think it's important to remember the critical event before the home owner took any action, and that was the traffic accident with a fire... It wasn't an accident... But a tractor trailer caught fire right under that tree and burnt some of the tree, including some of the limbs that were taken off. So, he just didn't hire a tree trimmer and say, Hey come in here and take all this stuff, take off the burnt... *{squeal}*... and the guy went a little further, probably, than he should have. But, fact of the matter is, the tree is still standing, it doesn't show any detriment... Yeah, one side is cleared, but much of that was burnt by fire, when the limbs were trimmed, could it have been done a little less aggressively? Yeah, probably, but in light of the fact that we didn't have any policy before, and it was this preceding action, a fire, through no fault of the home owner, to try to hold the homeowner responsible for clearing up what they saw as a hazard... Nah, I don't think so, that just don't strike me as proper.

**Supv Kramer:** Let me interject here, because I was directly involved in this, yes, you're right, there was a fire underneath that tree, and it did singe, not burn, some of the leaves on one branch. It also singed some of leaves on the tree across the street, so about equal damage. The property owner immediately went to... I wanna take the tree down... The tree needs to come down. We explained to him that the tree was not significantly damaged. Servello took a look at it... They evaluated it. He was told not to cut the tree. Instead, he went out and hired an individual with a lift and a chainsaw with his instructions, as relayed to me, when I went out there shopping it, was that he was told by the homeowner to top the tree, to take the entire canopy off the tree. We prevented that, thank goodness, but that's where we are at right now. And that homeowner's desire was to get rid of that tree. If we let every homeowner in Harmony, resident, just cut on our landmark trees, and take them down at will, then we will have a problem.

**Supv Leet:** My question for District Counsel is, what kind of timeframe are we looking at to take any kind of compensatory action against the homeowner?

**Tim Qualls:** Right, you have time. I think the statute of limitations is going to be... will not have run. I'll confirm that, but it would be at least a year, I would suspect, probably more, but I don't know how you guys get a consensus, you don't even need a consensus, but you need three people to agree, 'cause I'm hearing... Is it at least... Can we all agree that this individual went across onto the public right away... to take down branches?

**\*Multiple Speakers\*:** Yes, yes.

**Tim Qualls:** Yeah, it is an important... It would be important to determine whether the tree had been damaged before that action was taken, I think that is an important factor, but we have time to sort this out, and it's one of those... Supervisor Leet, I think you're thinking is correct. You wanna get it right because this is gonna establish the precedent moving forward, not that you can't change a policy, but it would be better to get it right the first time and be consistent.

**Supv Leet:** Yeah, we're already talking about, you know, getting a... Cleaning up our handling of the trees, overall... Uh, which... I agree, I think we all agree is a very good thing. And in this case here, yes, we absolutely don't want to allow a precedent of homeowners doing whatever they want with CDD trees, which are very significant asset that we have, but from a practical standpoint, if there's a chance of that tree making it and we can kind of slow roll the process, I guess there's the risk of them moving out of town or something like that. Is that me outgoing... No.

**Angel Montagna:** Yeah, there's a bad, bad echo and some other background noise, I can't hear.

**Supv Leet:** Okay. Yeah, but my thoughts are, again, with... If District Counsel is able to confirm that we have time to kinda slow roll this, not risk losing out completely on our ability to be compensated, then maybe that tree is able to, within the next year or so, that it is improving, because practically, we like having a nice full mature tree there, then whatever... Two, three inch we're able to replace it with... And I put the question to counsel, can we still take some kind of damages as... 'cause our property was damaged by the home owner and establishing the precedent that we're not just going to let that happen, even if we don't necessarily replace that tree with an exact size for size replacement, especially if it's able to recover on its own.

**Tim Qualls:** Yeah, in talking to Scotty, the size for size, it would be so expensive to replace it with a similarly sized tree...

**Supv Leet:** Right, I understand.

**Tim Qualls:** But yeah, so I just encouraged the Board to think about, again, you know, say that he hadn't gone as drastic, but still had crossed onto the public right-of-way, so you got to be careful when crafting this policy to try to account for future things which might happen. So again, you guys have the ability to do what you would want here. Personally, I think it's dangerous if you do nothing, because, you know, that basically... To me, it precludes your ability to take action down the road, and it does seem that this went too far, again, assuming that the tree was healthy prior to this action, if it was damaged, I think the equation changes, but... You know... I think you guys have the ability to decide how you wanna handle this. I thought the letter was a decent compromise, in other words, you're not charging the guy for what it would cost for the full on... Like for exchange... You're just charging the guy to put in a similar, or a much smaller tree, and I thought somebody had told me that the gentleman had volunteered to do that, and so it might be something that the property owner can live with, and that might be a fair resolution any time this would happen in the future.

**Supv Kassel:** So are we talking about this specific example? And what to do, which I don't think is the purview of this meeting, or are we talking about a policy going forward?

**Tim Qualls:** Those two things overlap, but I think what you're more talking about for purposes of this workshop is your policy going forward, and you'll have to discuss... You can't take any action and vote on anything at this workshop, so you'll have to take any sort of final action on either a policy or a communication to this homeowner at your next regularly scheduled board.

**Supv Kassel:** Sure. So, we're back to that this should be a part of our policy, that trees belong to the CDD and the CDD is the appropriate party to address any trimming or correction, and that the policy is that if the home holder tries to do that, they will be liable for damages, or the replacement of the tree.

**Tim Qualls:** If you're asking, I think that's fair. I think the devil is a little bit gonna be in the details, and so, remember that a homeowner has the right under law to trim anything on their side of the property boundary, and so, to me, a policy would say something to the effect of... And I'm not an arborist... But Harmony values its trees. Harmony is taking steps to prune trees within the right away in an all-encompassing way, and that'll alert the homeowners that you guys are about to take action, which would hopefully sort of freeze any knee-jerk reaction that a homeowner may be contemplating at this time. And then I think you could go so far as to say, Look, home owners under the law, you don't have to say this, it is the law, but homeowners are not permitted or authorized to take steps across onto the public easement and right away. And I think that's how you start to address the particular incident that happened with the individual where we drafted a letter and sent it out, not to him, to the Board, and then decided not to send it.

**Supv Kassel:** Teresa, can you make yourself... Please. I think your sound system is causing some feedback issues. You're muted, now.

**Supv Kramer:** \*[Very Garbled]\* There's no feedback problem when I mute?

**Supv Berube:** Yes.

**Supv Kramer:** I'm in agreement, Mr. Qualls, with your suggestion.

**Supv Leet:** Agreed.

**Tim Qualls:** And Brett, I'd love to see anything that's already been drafted, just... No need to reinvent the wheel. If other districts have a policy out there, I'll get with you and Angel.

**Angel Montagna:** That's good.

**Supv Kramer:** \*[Very Garbled]\* As to our policy, we'll decide... Again, we could reach out. My concern as far as sending a letter out to the property owner stating that the benders that have to come down is not having a good evaluation on the state of that tree. I think it is important that we got ahead of having taken some one of our community, and whereas Mr. Pippin and others certified, with the proper training as an arborist, have them come out and truly evaluate that tree to see what are the chances of it coming down, because then we also have a liability issue, that once the homeowner has cut so much of the tree off, it's now unbalanced. If it does become a problem, or is a hazardous tree, it's probably at risk to cars on the street, and that's where the unbalance is, and it would be potentially falling onto the street. So I think for our liability issues we should consider moving forward to have this violated, and in fact, as a homeowner, I don't know of any other trees that are anywhere near that state. We did have one that we recently took down, that was one of the large Sycamores that was literally falling down, and that came down recently. But it is imperative that we as a CDD take care of a dangerous tree, if they truly are evaluated as dangerous to the right of way.

**Brett Perez:** I would agree with Teresa to have an arborist evaluate that tree to determine the long-term detriment done from the burning, and they can evaluate that and see, and, you know, sometimes these prunings that take place, the full impact will be in 30 or 60 days, that's like when you spray Round-Up on a plant, it could take three, four, or five years, so we... You can't wait that long to make that decision if an arborist is deeming it imminent, that it's gonna eventually go... It's better to make that judgment now.

**Supv Leet:** And we should be able to find pictures of... After the fire, but before the trimming, I believe I remember seeing some, at least the immediate aftermath of the fire, so I think we should be able to find something there.

**Supv Berube:** Yeah, having an independent evaluation done, probably by Mr. Phippen, seeing he's already been here, and you see what he thinks, which is more solid ground when I speak to the owner. I go along with that based on his evaluation.

**Supv Kramer:** \*[Very Garbled]\* Okay, is there any other discussions that we should take concerning our tree trimming issues at this point in time in our workshop setting? None? Then we will move on to other landscaping issues we have; does anybody wanna bring forward a landscape issue that they have?

**Supv Berube:** In general, and I know four, five months ago, I lived in charge of renewing the Servello contract, and largely that was based on the common pricing and anticipating what the market would bring if we went through RFP, but at that time, I was relatively satisfied with the job that they were performing. But the fact of the matter is, since then the landscape quality has deteriorated, significantly. When you look around, it just... And I realize there's lots of rain, but it rains in Florida every Spring, and they're always behind on the Mowing, they're behind on their services, when you look at bushes and plants and planter beds and everything, there's weeds everywhere, there's weeds growing out where they shouldn't be growing out. It's... The detailing is lousy. And there's been pictures, made by Mr. van der Snel, along with InfraMark, we see those weekly or monthly observations, there's a couple of those that largely focus on landscaping, as I look, it doesn't look like any... Or hardly any of those pictures that were detailed, got repaired and that's nobody's fault, other than Servello's, they've been made aware of them, and when you look around, they're always short a guy, and the standard...

When we think about what we've been hearing from Servello for the last couple of years... We're short people, we can't hire people and get this drug testing going on, it's hard to keep people... Since COVID started, they've had more COVID cases, I think, than half the state of Florida within their company. But it's always the same story. And we don't get any discounts, for lousy performance, and it's not up to us to tell them how many people to have here, but they're always short a guy, and it's been going on for months and months and months and months and months. It's 20% of their work, when one guy is out. And it's not getting any better... It really isn't... And I think we're at the place with Servello where we typically get with landscapers after three, four, or five years, where it just becomes unmanageable anymore and we go to RFP and bring in a new guy, and start it all over again.

**Supv Kramer:** \*[Garbled & Unintelligible]\*...

**Supv Kassel:** Sorry, you're really breaking up, Teresa. Can you try again?

**Supv Kramer:** \*[Garbled & Fades Out]\* I'm sorry. So, I'm frustrated too by the...

**Supv Berube:** Teresa, you need to stop and probably sign out and sign back in.

**Supv Kramer:** \*[Garbled & Unintelligible]\*...

**Supv Kassel:** I just wanted to say that in response to a Supervisor Berube's comment, I agree things have gone downhill a bit, but it's also... It's been going on for months and months and months. But they've had a lot of staff out to COVID, and so were a lot of other people, and so forth... I just wanna give them the benefit of that doubt. I just wanna... Just wanna put that out there.

**Supv Berube:** Well, I agree that COVID is a big deal for a lot of people, but the fact of the matter is, other companies have responded to COVID by taking care of things. They were short staffed even pre-COVID, so the whole world blames COVID on all their problems. But our tax payers are still paying the same amount of money as they were before, and we're not getting the services, and as a Board, you can only be so tolerant, and at some point you have to expect, that a contractor that you're paying... You wanna perform up to expectation and it's just not happening, so that's my viewpoint.

**Supv Leet:** I see Teresa's back... Still muted... My thoughts are... In, yeah, the results speak for themselves, but we've had, you know, issues, many like Steve said, you know, pre-COVID. Now, I wanna say that last year, it didn't seem quite as... I wanna say two years ago, just my personal recollection... The areas around landscaping I'm familiar with seemed to be doing a better job last year compared to two years before that, and again, this is still all Servello, not going back to Davey, which in my view, does lend weight to the, you know, COVID-based staffing issues, which, you know, again, the proof will be as we get out of the growing season, how are they able to catch up and hopefully remain caught up, deal with closing the outstanding issues, but for the purpose of the workshop, I guess we want to be discussing, if we are proceeding with the doing another RFP, rebidding the contract, just make sure we are all in agreement of what that scope needs to be.

**Supv Berube:** That point being... I think that... We know we're in the last year of the contract, we're gonna enter that last year in just a few weeks, and these RFPS could take a long time and you don't wanna be rush. Prior history... We've gotten rushed a couple of times, 'cause we didn't see things coming. Here, we have an opportunity to get this done now, and we have a guy with Mr. Perez with background in landscaping, so he can be an invaluable guide to us. If we put together a scope and get this going now rather than wait till the last week, and it's gonna cost more money, almost without a doubt, but we will need a better scope with certain details added to that scope, and I think that the time to do it is now... 'cause twelve months seems like a long time, but it really isn't once you start doing something with the breath of the overall landscaping... It's big, it really is.

**Supv Leet:** Yep, I agree. And so we've already, during this meeting, discussed the tree side of things. Other Board members, what are your thoughts on... So far, we've pulled in the irrigation under the Servello umbrella... What is... What are other people's thoughts on continuing that level of a scope in our landscaping contract?

**Supv Berube:** I think that we should separate the irrigation and put it back with CDD Field Services. We know the figure for that, because it was initially part of the InfraMark contract. The problem with contractors is that you have to manage them and they have a tendency to not do... Not perform to the contract, and you have to watch that all the time. Where, with your own people, you have more direct control, and I have no doubt that InfraMark manages their people well, but we wouldn't be paying those huge mark-ups that we pay to Servello, and if you are gonna change landscape contractors, well, now you have another piece of this, which is Servello for the irrigation. So I think, based on a earlier conversation, that we should probably take the trees out of the overall Landscape package and make that separate, and also take the Irrigation Maintenance out of the Landscape side and make that separate, and obviously I'm navigating for putting that back with the Field Services staff members managed by InfraMark. The trees, with Mr. Pippin or somebody else, and just have Landscapers do what Landscaper do, which is cut grass, trim and edge grass, trim bushes, and things like that, and take the tree mess away from them.

**Supv Kramer:** I'd like to interject that I am of the opposite mind, my position is irrigation needs to be with the landscaper. Servello has been putting our system back together, it's been in disarray. I don't know that we should continue. We're trying to determine whether their irrigation gentleman, Mr. Cory Westbrook, who's handling irrigation is going to remain with Servello or not, but if we go out for another company, again, the people who are responsible for the health of our plants need to be the ones making the decisions and keeping the system that waters those plants. They're feeding the plants; they're cutting the plants; they're maintaining the plants. If we don't give them the power to make sure they're properly irrigated, then we're gonna end up in another spitting match like we've seen again before with other landscapers. And I just don't wanna be there. So I would advocate removing the trees and putting them under a corporate tree professional. But I think the irrigation needs to say with whatever landscape company we're using.

**Supv Berube:** We've been here before with landscapers managing irrigated, and it has always turned out to be not good, and that's why we ended up where we were. Matter of fact, at one point we asked Davey if they wanted to manage the landscaping, and they said No. We used to pay an outside specialist, with MaxiCom to manage the MaxiCom, and he wouldn't come to a meeting. I forget his name, and one time I asked him... We were paying \$500 a month, to manage it... And I asked him, What are we getting for our money? And his answer to me at that point was, not much; and Supervisor Kassel may remember that conversation. So I agree that there needs to be a watch on how much water gets put down, but the fact of the matter is that's why we have a MaxiCom, and with a little bit of monitoring from the landscaper through the guy running the MaxiCom, more or less water can you put down. But whenever the case, that's just my view. We been here before with outside people managing MaxiCom, and it turns out expensive, and it doesn't work the way you want.

**Supv Kassel:** So my perspective on this issue is that, it seems to me that Servello is doing a comprehensive re-evaluation of the irrigation system and has been finding that there are areas where there were broken heads or broken parts that were just turned off, which doesn't seem appropriate to me. And other issues where... That hadn't been recognized to date, before they started evaluating the system, and yes, maybe it's more expensive than having it done in-house, but having it done in-house may have been more inexpensive in terms of irrigation, but in terms of landscaping may have been more expensive. I also agree with Chairwoman Kramer, that the company that is cutting and trimming and mowing and fertilizing should also be the company... At least I think we need to give it more time because... We've had issues where there's been disagreement over sod dying, for instance, or plants dying, and there is a disagreement because, Oh, you weren't giving enough water, or you're giving it too much water, because the CDD was watering and the Landscaper was the one who was guaranteeing the plants, but if they are taking care of irrigation and plants, then there's no excuse so that's my perspective.

**Supv Berube:** It's important to remember that some of those valves and areas that were shut off were done on purpose, and left that way because the plants and such in that area had matured over time, so why continue to water them? But that's a whole separate issue.

**Supv Kramer:** Well, let's forget it, since we're kinda nit picking this part. The bigger question is, I think it was Brett who had marked up an RFP for landscaping and whether we use it in a year from now when the

contract expires or earlier, it's probably good to have it ready, and what... Since we're running short on-time, what I'd like to do is charge each of the supervisors to take this marked up copy, to jot some comments, to provide it back to Brett, to see if he could put together something that might be a good discussion topic, and it may not be ready for this month's meeting, but definitely by next month's meeting. Is that doable, Brett?

**Brett Perez:** Yeah, I don't see that being an issue. I will say real quick on the specifications that I send over, they are Harmony's current specifications from the 2017 bid, if you do not have it in Word document, which I believe you do, you can just add notes to that, so we keep it... Then I can... I think I can compile them all together, maybe not, we'll figure it out, but yeah, there's a lot of good discussion points on there, I made notes, I didn't consider that you'd cut down a tree branch, you won't see that... That note to remove that. So those would be some adjustments that we wanna talk about. There is room for improvement in the specifications, and I mentioned some of them, and I'm willing to answer any questions you may have at this time, I know we're running short on time, so you just... I'm here for... whatever you have to bounce off me.

**Supv Berube:** So you're saying that the book of work that we got, I didn't even open it... I just thought it was a copy where we were already put out... You've already modified or put notes in that, is that what you're saying?

**Brett Perez:** Yes sir, Mr. Berube. That's what I'm saying. I didn't change any of the verbiage, I did highlight it. When you open it up, you'll see what. I highlighted and then I added in my note off to the side.

**Supv Berube:** That's good. We'll go back and have a look at that. Thank you.

**Supv Kramer:** Any other comments about the... Going forward to prepare our RFP, so if the continual downhill on the current service we have continues that we will be ready to move forward. If it improves, we'll still be ready at the end of the year, does that seem reasonable for everybody.

**Supv Berube:** I would advocate for moving forward with it as soon as we have the RFP massaged to the standards that we want and the specifications that we think we want, because... We're gonna play this back and forth... A couple of months already, and you know the months skip by very, very quickly. At the blink gate, you don't wanna be at the end of the current contract, and then going... you know... having to make a decision in a rush, that's just the wrong way to do. So, I'm advocating to doing this right away, because Servello knows it is coming, I'm sure. If they don't, they will after our next meeting. So, do whatcha gotta do?

**Supv Kramer:** Any other comments from any other Board members or our staff?

**Brett Perez:** Teresa, if I may... When you're looking at an RFP on a community the size of Harmony, one thing we wanna consider is... If it's... obviously next year... the budget that starts October 1st is already set, so, if the Board decides to hold until next budget season, that's totally fine, it's the Board's decision. We would... My guess, if we started the RFP process in March, where we're at... 'cause we have to advertise, we'll have to make sure you guys verify the specifications and approve them once we advertise, then we'll go through the process, we'll have an on-site meeting, they're probably gonna have to be a property-wide tour, 'cause it's a very large community, a lot of ins and outs and intricacies, I would estimate that the entire... I've seen RFPs give 30 days to turn around numbers, I don't think that's an accurate timeframe for the size of Harmony, so even if we started in March, say we advertised in March and we had pre-bid at the end of March, and we add 60 days from the end of March, you're still... That's April, May... You're still before your budget season really ramps up to get a final number. If the board decides to go out sooner, there more than likely will be an increase in cost, depending on what specifications adjustments you make, the cost of labor has gone up, a cost of materials have gone up, and that will have to be also considered when this process either does go forward... Or eventually goes forward.

**Supv Kramer:** Thank you. The other thing for everyone to keep in mind, and I don't know if Ken is still on here or not, but I think our contract requires that, if we do decide to terminate Servello early, we have to give them, I think, it's a two-month notice. So that would give us some time too, but I don't think we can do the full RFP advertising, getting it back, and selecting a vendor in two months. So, again, if we finalize the scope of work, get it really honed well, to what Harmony needs, I think it's better to do it sooner than later. So if you all

will take some time over the next couple of weeks, go through that, take a look at it, jot your comments down, and get it back to Brett, so that he could pull something together that would be wonderful. Is there anything anybody else... Any of the supervisors or staff... Would like to interject on this process?

**Supv Kassel:** When will we receive a proposed scope of services?

**Supv Kramer:** Did you get one scope of services that was marked out by Brett in your email, Kerul?

**Supv Kassel:** Not to my knowledge.

**Supv Kramer:** Okay.

**Supv Leet:** Neither did I.

**Supv Kramer:** So, Brett, if you will resend that to Supervisor Kassel and Supervise Leet.

**Brett Perez:** I'll do it right now.

**Supv Kramer:** Wonderful, and that way they'll have it to look over, he has made comments on it and recommendations, and then I'm sure each one of you will have some comments or recommendations of your own, and then we can put all that together, bring it back before a Board meeting, and see where we go from there.

**Supv Leet:** Okay, my only comment is a quick one with David, he has been looking at the landscaping, possibly being done on opening up the Billie's Trail access, I just wanna make sure that doesn't fall by the wayside, I assume that would be done just as a kind of separate stand-alone issue, that's the only thing come to mind on my end.

**David Hamstra:** It's still on the radar, and I know we got three minutes left, and maybe it's next week we talk about this ongoing Dark Sky swale issue with the bickering neighbors, so...

**Supv Kassel:** That's what I wanted to bring up. I was just about to interject, but I was on mute, that in one of the items, I think it was "C" today, Other Landscape Issues; I wanted to bring up the pool issue, 'cause we need to develop a policy about... We talked about having... getting a bond from the homeowner so that, to perform to the CDD standards, any kind of landscaping, excavation, grading, etcetera issues. And I think we need something like that. So, Mr. Hamstra, if you could perhaps get to us some kind of suggested policy regarding, not only pool issues, but any kind of issue that impacts CDD lands where it intersects with private property.

**David Hamstra:** I will, and I correct me if I'm wrong, Tim, but I thought We're gonna hold off publishing that until we resolved the potential legal matter with the homeowner at 3170 Dark Sky, but I can get started if that's not the case?

**Supv Kassel:** Tim, you're on mute.

**Supv Berube:** Tim Qualls is still on mute.

**Supv Kassel:** Maybe he's in the restroom.

**Supv Berube:** Then he's really mute.

**Supv Kassel:** So, I would like to know, in regard to this particular issue, what happens if the homeowner takes action...

**Tim Qualls:** Can you guys hear me now?

**Supv Kassel:** If the homeowner takes action and it's not adequate.

**David Hamstra:** While we wait, Tim will correct me. Tim wrote a letter to the homeowner, put them on notice to do it right, if not, the CDD would step in, do it right, and charge him the cost of doing the work, if I'm paraphrasing it correctly.

**Supv Kassel:** And how much time does he have to accomplish that.

**Tim Qualls:** What now?

**Supv Kassel:** How much time does the homeowner have to accomplish the repair of the grading.

**Tim Qualls:** 14 Days. 14 days, I think we gave him.

**Supv Kassel:** Okay, thank you.

**Supv Kramer:** I'm going...

**Tim Qualls:** Sorry, I was yelling, I need to make a couple of points, at the appropriate time, Madam Chair.

**Supv Kramer:** \*[Garbled & Low Volume]\*...

**Tim Qualls:** Okay, I'm having... I cannot hear Madam Chair, so I'm just gonna make my points and...

**\*Multiple Speakers\*:** [Nonsensical speech overlay] Store... no way...

**Tim Qualls:** Okay, so I'm having a hard time hearing, but I heard discussion about, we're going out for an RFP, we're doing this, we're doing that. You guys aren't doing anything until you meet as a board and decide to take certain actions, now anybody can do legwork to work to research and workshop, but I just wanna make very clear for recording and future listeners of the recording, the board is not taking any action they're not voting on anything, no decisions have been made concerning landscaping, except what I think I heard was a robust discussion about what types of areas of improvement everybody would want to see... I just want that to be reflected in the meeting minutes. Please.

**\*Multiple Speakers\*:** You are correct, we... Yeah nothing was... Alright...

**Tim Qualls:** Okay, thanks guys.

**Supv Kassel:** Mr. Qualls, we wanted you to give us your thoughts on Mr. Hamstra's response to my question about getting a policy regarding not only things like pools, but grading, landscaping, anything to do with CDD property where it intersects with a lot owner's property where they do something that affects CDD property. So, Mr. Hamstra, do you wanna be more specific about what you were asking Mr. Qualls to opine on?

**David Hamstra:** Tim, I believe you and I were gonna work on a policy that would be given to homeowners, before they do the work, so they have a clear understanding of responsibility. I thought we talked about the meeting putting a pause on that until this issue of 3170 was resolved, that's all. But if I'm wrong, I'll...

**Tim Qualls:** That... that... no, no, you're right, David. And it's a great question, Supervisor Kassel. Here's the way I would just phrase this and couch it is, you guys do have a policy, just remember, policies don't have to be in writing to be policies, but consistently, as long as I've been serving as your general counselor, you have enacted a policy that if a homeowner does any sort of damage to CDD property, then that homeowner is responsible to fix that, and so what I think everybody's talking about is how do we make that clear from the onset and then how do we avoid maybe situations where we're now waiting on a homeowner and that homeowner's contractor to make something right so that a neighbor's yard isn't being flooded, and we have various concepts and ideas, but we have drafted... 'cause I understood it to be the direction from last meeting. We have drafted an easement access agreement, and in that agreement, we put a requirement for a down... a down payment. I don't know what the appropriate amount would be. I haven't found any similar easement access agreements, so I'm not sure whether this is the best approach, but that is the approach that I was gonna bring to you guys at this workshop, which is to say... say a home-owner says, You know, I'm gonna build a pool, I'm wondering if the contractor can cross over the CDD easement. Someone in the management company would give this sample agreement, or form agreement, and say: Sure, no problem, just fill out our easement access agreement. And that agreement says, Look, that the district is happy to let you access this property, but you have to put it back in the position it was, if there's any damage, and we'd like you to put down a security deposit or bond, I heard... But anyway, I will have something circulated if we're work shopping this idea now, so give me your feedback, especially you, David, I view you as quite the expert in all of this, but is that something that would [A] put everybody on alert and then [B] is that something that is worth... Is the juice worth the squeeze? I



don't know how often this happens when people access the easement and whether this is just too... much red tape. I don't know how everyone feels about it, but that was a concept that we had been working on between the meeting and today.

**Supv Kassel:** This is not the first time that we've had an issue with a home owner who has done something on their lot and access that, they're a lot, through CDD property and where there's been an issue. So I don't think it's a bad idea.

**Supv Berube:** The only problem that you have, and it's a great idea, but the problem is that no homeowner has to contact the CDD prior to doing any work. The contact agency is the HROA and the HROA, so far as this list of addresses, hasn't flagged those addresses for any work joining CD property. Along Dark Sky, there's a note in their files that a homeowner has to contact the CDD prior to work the beginning. So, you got to rely on several things to happen here: That the homeowner asks permission, they don't always... That the HROA does what we're asking it to do, and that's to contact us and let us know who's gonna be working doing here, so you can have all the policies you want, but we're gonna have to rely on outside influences to make sure that we get notification. Otherwise, we'll find out after work begins. I have no doubt that the HROA will let us know, but there's still a step there that we don't have any control over; just something to keep in mind. It's a good idea, but maybe talk to the Administrator.

**Tim Qualls:** That makes sense. Good feedback.

**Supv Kramer:** Alright, I also think... I mean, we can check with the HROA, we're speaking to the President now, which is nice, but I would hope that the HROA would be taking a look at the Property Appraiser's database before their issuing approvals, and they should be able to see whether it is or not... And let us know. They're not legally obligated to. We could also reach out to the County, and it's possible that the County could flag... I know the County has certain requirements to give an HROA approval before they issue permits, or in conjunction with issuing permits, so we can check into that also. And the other thing is, if we have it in place and somebody starts without letting us know, then hopefully we will have the power to tell them they're not allowed to trespass until they fill this out and put their deposit down. What do you think, Tim?

**Tim Qualls:** Yeah, so the way I'm sort of... The lens at which I'm looking this through is... First thing I asked on this particular issue that arose and was presented at the last meet with the neighbors, I said to David and Angel, I said, Well, why is this a CDD problem, 'cause the last thing the CDD wants to do is over-step and be getting involved... that... there's got to be some way we clearly define where the CDD... And I know everybody knows this, but the frame of reference is that your District has one job, which is managing the horizontal infrastructure, you know, that's it, but with the neighbors in question, it was clear that damage had been done to the storm water system, that it is your duty to manage and maintain the storm water drainage system, and so in that case, it's obvious, but how would a homeowner know to contact the CDD... Now, I'm not suggesting that's required in order for you guys to get folks to fix what they broke, but what I'm saying is there needs to be a reasonable expectation, if I'm living in harmony of... where... when I go to the CDD and when I go to the HROA. I promise you, the average citizen, the average resident of Harmony, he couldn't care less about the decision, in my opinion, nor should they have to, when it comes to getting something done that they want done. And so, what... it is a fine line, that's why you guys are worshipping this, it's a fine line between overstepping and creating a lot of red tape, where the juice isn't worth the squeeze, and having something in place to protect your infrastructure, and... Look, I don't know the answer to that. I don't know when you implement or when you don't, but I think as you guys continue to discuss it, that'll become more and more clear.

**Supv Kramer:** Tim... We've got a number of these situations, and... Gerhard is pointing out that, with Middle Brook and Feather Grass, there was a pool contractor putting pools in on each street behind the ponds, and he was running his equipment over CDD property, just destroying all the sod on that area. And, to this day, it's in really bad shape because of it. There are numerous problems, and the threshold is when they start trespassing, other than normal residential uses. If they're starting to drive trucks, and concrete trucks, and all sorts of things, over CDD property, then this policy kicks in, and we can reach out to try and let people know, but they ought to be on notice that if they're wanting to use CDD property, or to damage or destroy CDD property, that they need to come to us and get permission to do it.

**Tim Qualls:** Yeah, I agree. That's why the basis of my discussion is that you guys have had a policy, and the policy that you've implemented has never been in writing... It's called an incipient policy... Is that, you know, what you just said, Madam Chair, everybody should be on notice of when they're going onto CDD property, but what I think is you probably got, yes, some sort of contractors who just don't take the time to get that information and some homeowners that are just genuinely confused. So what I'm saying is, you all have to help me define, in this policy, and maybe a map is the best way to do it. If you're going to have a contractor access the areas of the map in red, or whatever, then you need to contact the CDD and get an access easement agreement before work commences and... There you go. Maybe that's the best way to handle it, I don't know.

**Supv Kramer:** That's possible, if we had a map... We can put it together, but the bigger thing is, how about if you're... if you can't maintain your work, on your own property... and you're going to be traveling over CDD property. I mean, it's not hard to tell where the CDD property is. I think that would be just as quick to go over... to be able to access a Property Appraisers website... as they would a map that we put out somewhere. But yeah, the bigger onus is on the contractors and typically they know when they're coming into a community and they can't access it from the street, and that... they're going to say, Hey, I either need an agreement with the adjoining property owner, or I need something with the CDD. Gerhard, have they typically been coming in to you?

**Gerhard van der Snel:** Yes, they did. Every contractor, every pool contractor, or every paving contractor, tells the owner, Hey, I need an easement agreement, that the home owner is responsible for all the damage, because it waves the liability of the contractor that the CDD or any neighbor goes after the contractor and says, Hey, you went over... the equipment... over my property, and you need to pay now, so the contractor, most of the contractors, for the pools that they did here in Harmony, has that form. Howland Pools, Season Pools, Regatta, they all have that agreement; and we work with them. Because they come to me, or to the CDD and say, Look, we need an easement agreement here. Here it is, and it says clearly that whatever damage is done, the homeowner is responsible for all damage that the contractor do... does building the home owners pool or project, and that's pretty much what the agreement says.

**Supv Kramer:** So, when they come to you with that, and you tell them, Well, we're gonna need a deposit of X number of dollars, you know, in case it does get damaged, then they won't start construction until they have proof that the home owners put up that deposit it, I presume?

**Gerhard van der Snel:** If that is a CD policy, absolutely. Right, so...

**Tim Qualls:** It sounds to me that... You have... The policy that you've had... What I just heard Gerhard say... Is that contractors know to come to Field Management and get an agreement, and Gerhard did share with me the existing agreement, and so we took that and we modified it and based on the discussion today, if it seemed the Board wanted to move in the direction of the Security Deposit, we can put that language in there. So... I guess that just leaves the issue of when people don't come and get the appropriate paperwork, and then number two, when folks don't actually access the District easement or property, but still do damage to the infrastructure, like what happened with this recent event, and then there... I think your policy is still in place. Certainly you can reduce it to writing, but your policy is, if you damage infrastructure, you are responsible to repair it, and I think that's a fair policy.

**Gerhard van der Snel:** I think if you put a deposit in, say \$250, and the repairs are higher, they might say, Okay, take the \$250, and we'll call it even.

**Tim Qualls:** I guess the trick is landing on what the number... a good number would be.

**Gerhard van der Snel:** Right, right.

**Supv Kramer:** If you've got the situation where they haven't requested permission or they thought they could do it without going on to our property and then they get on to it, as long as we continue our vigilance, and when we see these things starting to happen... Because basically, you can say, Hey, you can't encroach anymore until you put this deposit down and sign this agreement. So at least that would get us a little bit further towards satisfying this, instead of just allowing it to be wide open, and not having anything to go by. So... yeah, the

biggest question... and again, if you're putting in a \$30,000 pool, a \$1,000 deposit to... that, hopefully you'll get back, because you do it the right way... I don't think it's going to be that much skin off anybody's nose, and if not, they need to find another way to access it. I'll open the floor for any other thoughts?

**Tim Qualls:** Madam Chair, that sounded like it was a really good thought, but I had a hard time hearing it, so I'll circle back with you.

**Supv Kramer:** Any of the other board members have any thoughts about our policy? Or just... we'll wait... I think that the attorney's been given instructions and will be back. Can you hear me?

**Supv Kassel:** Yes.

**Supv Kramer:** Okay.

**Supv Kassel:** Yes, I am in agreement with what you said, Chairman Kramer, and between Mr. Hamstra and Mr. Qualls, they will work something up, and which resolves this issue, the grading issue, we will then review and decide on a policy.

**Supv Kramer:** Thank you, and... Not business, but are there any other discussion to be had at this workshop? We are over, but I'm willing to stay a little longer if we have the time on the Zoom meeting.

**Supv Leet:** Yeah, the Zoom meeting will go as long as we... As we need to do.

**Supv Kramer:** Okay. Any other topics of discussion, at this point; or on other concerns, or issues, or supervisor comments? I'll open the floor.

**Supv Leet:** Hold on, Kerul, I'm looking at something else... Just real quick, this isn't an urgent request, and Kerul and Steve and Gerhard... I know I'll... Get maybe a chuckle out of you guys. I heard from neighbors about the pool closing times, I know it's something we've discussed many times in the past, just from the framing now of... We have a slightly different staffing set and a different District Engineer, just maybe, you know, something we've... Comes up every couple of years, and no harm in at least looking at it, I think... Revisiting what our access policies and everything are for when it comes to staffing, do need to install lighting, if we need to extend their hours, just... It was brought up to me by a few different people, so... It's not urgently, you know... We have more important things we're working on, but maybe just put it now on people's radars to... in the future, to look at what... what it would take for maybe increasing our pool access.

**Supv Kramer:** I've gotten some inquiries too, being that we're coming up on the shorter days, and so I would like us to think about this in the future. What we could possibly do would be to determine what lighting requirements there are, maybe to temporarily rent some light, set them up at the Swim Club, open it a little longer, and see what you usage we get. If we don't get the usage, we turn the rental lights back in, and no harm no foul. If we do get the usage, and it's a really popular item, then we can look towards implementing it. It just makes sense to maximize our usage of our existing facilities, to allow... We have a lot more demand on our pools right now than we have had in the past, our communities are growing and they will be growing much more in the near future, so I think it's something we might want to consider and discuss in the future, so... I'll throw that out and I'd like to see it discussed in more detail later on. I'm sorry, any other comments?

## SIXTH ORDER OF BUSINESS

## Adjournment

*There being no further business,*

**Supv Kramer:** Adjourned the workshop at 7:45 p.m.

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Angel Montagna  
Secretary

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Teresa Kramer  
Chairman

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