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LOST RECORDING

Spv. Leet:
There we are.

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

Spv. Leet:
And we've got a few people joined back in already.

Madam Chair:
Okay. Ready to go?

Spv. Leet:
It's up to you when to proceed.

Madam Chair:
All right. The next item on the agenda is new business. We have the first item under new business is a discussion regarding Tract B 1. This is a parcel of land on the front area of Harmony between the Town Center and the condo and town homes in Ashley Park. At this point in time, we have Mr. Pratt who's the representative for the adjoining landowner who has a proposal for us. It's in the packet. Hopefully, all of the Supervisors have read it, but now is your time to give your presentation Mr. Pratt.

FOURTH ORDER OF BUSINESS

NEW BUSINESS

Discussion Regarding Tract B - 1

Jim Pratt:
Thank you. Appreciate your time Board. We recognize that your time is valuable. We're grateful for the time that you've made for us. Those of you who have had the chance to speak with us over the phone, we appreciate that as well. My name is Jim Pratt. I'm an attorney with Burr & Forman in Orlando, 100 South Orange Avenue, eighth floor. I represent Harmony Retail, which is the owner, as you say, chairperson, the owner of the parcel immediately East of the entrance road. Then west of that parcel is Tract B 1 and then West of Tract B 1 is the parcel owned by Compass. I represent Harmony, which is Harmony Retail, the owner of the tract that adjoins the entrance. The property that my client owns has been, well there's a contract to sell that property. I don't represent the buyer. The buyer is the company that's proposing to develop the property. And so as much as I'd like to answer questions for you about the development, I don't have authority and, frankly, I lack a lot of the information. As our presentation explained that Tract B 1 is a linear track that this board addressed, two or three months ago for the location of a drainage easement. At that time, the belief was that the property was owned by Harmony.

CARBON

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

CARBON

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

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

153
154 Madam Chair:
155 I don't know that we need.

156
157 Jim Pratt:
158 No.

159
160 Madam Chair:
161 If, anybody has any questions then..

162
163 Jim Pratt:
164 Perfect.

165
166 Madam Chair:
167 ... we'll do that.

168
169 Jim Pratt:
170 Then if, you have questions, I'm happy to answer the questions.

171
172 Madam Chair:
173 Okay.

174
175 Jim Pratt:
176 And, hopefully that's an adequate explanation of what our purposes are.

177
178 Madam Chair:

179 What you're asking.

180

181 Jim Pratt:

182 Thank you.

183

184 Madam Chair:

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

187

188 Tim Qualls:

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

190

191 Madam Chair:

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

193

194 Tim Qualls:

195 Sure.

196

197 Madam Chair:

198 And this is Tim Qualls, District Legal Counsel for Harmony COD.

199

200 Tim Qualls:

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

216

217 Madam Chair:

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

220

221 Spv. Berube:

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

224

CARBON

225 Madam Chair:

226 Okay.

227

228 Mr. Berube:

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

230

231 Madam Chair:

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

233

234 Spv. Scarborough:

235 No.

236

237 Madam Chair:

238 Spv. Leet?

239

240 Spv. Leet:

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

242

243 Madam Chair:

244 Spv. Kassel?

245

246 Spv. Kassel:

247 None at the moment.

248

249 Madam Chair:

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

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

252

253 Tim Qualls:

254 LLC.

255

256 Madam Chair:

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

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

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

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

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

262

263 Jim Pratt:

264 Correct.

265

266 Madam Chair:

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

268 Compass Trading's parcel?

269

270 Jim Pratt:

CARBON

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

274

275 Madam Chair:

276 Okay. But the grantor of the deed was neither Compass Trading nor-

277

278 Jim Pratt:

279 No, ma'am.

280

281 Madam Chair:

282 Right. So, the granter of the deed was Birchwood Acres. So, wouldn't this be more of an
283 easement in gross and ride to the benefit of Birchwood Acres, LLC?

284

285 Jim Pratt:

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

288

289 Madam Chair:

290 Correct.

291

292 Jim Pratt:

293 It's benefiting an individual-

294

295 Madam Chair:

296 Correct.

297

298 Jim Pratt:

299 or a company.

300

301 Madam Chair:

302 Mm-hmm (affirmative).

303

304 Jim Pratt:

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

308

309 Madam Chair:

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

312

313 Jim Pratt:

314 And the plat contains that language as well.

315

316 Madam Chair:

CARBON

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

321
322 Jim Pratt:
323 I'm not able to answer that. I'm not familiar with those other properties. So, I'm afraid, I don't
324 know the answer to that.

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

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

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

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

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

345
346 Tim Qualls:
347 All right.

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

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

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

360
361 Jim Pratt:
362 That's right.

CARBON

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

CARBON

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

CARBON

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

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

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

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

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

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

497
498 Madam Chair:
499 Steve, if you'll come up here so that the mic will pick it up.
500

CARBON

501 Steve Boyd:

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

507
508 Madam Chair:

509 Okay, and the, the location that they have for it in the PD is directly on this parcel B 1?

510
511 Steve Boyd:

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

513
514 Madam Chair:

515 Mm-hmm (affirmative).

516
517 Steve Boyd:

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

521
522 Madam Chair:

523 That Sebastian Bridge?

524
525 Steve Boyd:

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

530
531 Madam Chair:

532 Mm-hmm (affirmative).

533
534 Steve Boyd:

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

537
538 Madam Chair:

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

541
542 Steve Boyd:

543 Okay.

544
545 Madam Chair:

546 About that.

CARBON

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

CARBON

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

595
596 Jim Pratt:
597 And, I can't say when the confusion started. I do know that anyone reviewing title or title
598 companies reviewing the title have been concerned because of how the property appraiser
599 reflects ownership and then previous title insurance policies reflect ownership. And clarity is
600 provided by what we're proposing. If, it's more essential from a transactional perspective than it
601 is from a usage perspective.

602
603 Madam Chair:
604 I don't think there really is. For some reason, they don't have it on the property appraiser's
605 database, I don't know where that slipped through. I followed the chain of title and, for those of
606 you that are familiar with the history of Harmony, there was Birchwood Acres, LLC that was
607 owned by The Lentzs and started the whole CDD off. Eventually, correct me if I'm wrong, and
608 somewhere around in about 2011, they sold the entire Birchwood Acres and all their holdings to
609 Starwood.

610
611 Spv. Kassel:
612 2005.

613
614 Spv. Berube:
615 2005.

616
617 Madam Chair:
618 2005? Okay. To Starwood.

619
620 Spv. Berube:
621 To Starwood Capital.

622
623 Madam Chair:
624 Okay. So, Starwood capital then owned it. And again, this is a 2008 map. So, it still was shown
625 under COD ownership. So, Starwood Capital, evidently knew that this was owned by the COD.

626
627 Spv. Berube:
628 Or they thought so anyway.

629
630 Madam Chair:
631 Or they thought. So, at some time between when they took ownership of Birchwood Acres, LLC,
632 and I presume they probably did not. I don't know whether they did or not do any title searches,
633 but then they assumed later on down the road in 2017, when Starwood then conveyed to
634 Harmony Florida Lands

635
636 Spv. Berube:
637 There was a conveyance in between, from-

638

639 Spv. Leet::
640 Land Ventures.
641
642 Spv. Berube:
643 Starwood Land Ventures.
644
645 Spv. Leet::
646 Ventures.
647
648 Spv. Berube:
649 Starwood Capitol to Land Ventures around 2012.
650
651 Madam Chair:
652 All Starwood?
653
654 Spv. Berube:
655 Yeah.
656
657 Spv. Berube:
658 But two separate entities.
659
660 Madam Chair:
661 Right.
662
663 Spv. Berube:
664 And then to your point-
665
666 Madam Chair:
667 And then so it's probably-
668
669 Spv. Berube:
670 ... in September in '17 then it went to Sunterra.
671
672 Madam Chair:
673 ... the Starwood that then made the mistake and then created their own deed on land that they did
674 not have title to and sold it. So luckily, you are protected by title insurance policies, that you can
675 go back upon.
676
677 Jim Pratt:
678 Yes, ma'am.
679
680 Madam Chair:
681 Okay. So that's good in that accord. So those are the issues that I think that we need to have
682 investigated further to flesh out, again who these-
683
684 Spv. Berube:

CARBON

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

687

688 Madam Chair:

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

690

691 Spv. Berube:

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

693

694 Madam Chair:

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

697

698 Spv. Kassel:

699 Harmony. Harmony.

700

701 Madam Chair:

702 Florida Harmony Lands.

703

704 Spv. Kassel:

705 Harmony Florida Land.

706

707 Spv. Berube:

708 AKA Sunterra.

709

710 Spv. Leet:

711 Sunterra.

712

713 Madam Chair:

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

717

718 Spv. Berube:

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

720

721 Madam Chair:

722 It's B1 and U2 and U1.

723

724 Spv. Berube:

725 That utility tract that's...

726

727 Madam Chair:

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

CARBON

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

CARBON

777 That's correct.

778

779 Jim Pratt:

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

782

783 Madam Chair:

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

787

788 Jim Pratt:

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

791

792 Madam Chair:

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

794

795 Jim Pratt:

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

798

799 Madam Chair:

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

801

802 Jim Pratt:

803 The easement rights.

804

805 Madam Chair:

806 ... the easement rights-

807

808 Jim Pratt:

809 Okay

810

811 Madam Chair:

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

813

814 Jim Pratt:

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

818

819 Madam Chair:

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

821

822 Jim Pratt:

CARBON

823 But I'm asking everyone.

824
825 Madam Chair:
826 What we're going to do now is see if there's any public that would like to have some input. And
827 then we'll draw the discussion all the way back to the Board and the Board Members will discuss
828 where they want to go from here.

829
830 Jim Pratt:
831 Thank you. Okay.

832
833 Madam Chair:
834 You'll have some direction before we leave, I hope. Okay. If there's no other questions of the
835 presenter or of legal counsel from the Board, I'll open it up to, comments from the public. If there
836 are any public comments.

837
838 Spv. Berube:
839 I think we're in a quandary here because of the specific questions that you asked

840
841 Madam Chair:
842 Let's wait and see if there's anybody from Zoom first. And then I'll pull it back to the Board for
843 that type of discussion.

844
845 Spv. Leet:
846 Nothing indicated.

847
848 Spv. Kassel:
849 Everybody's muted.

850
851 Spv. Leet::
852 Yeah. If anyone that's on the meeting wants to,

853
854 Spv. Kassel:
855 Unmute.

856
857 Spv. Leet::
858 ... and speak to this.

859
860 Madam Chair:
861 Raise a hand and unmute?

862
863 Madam Chair:
864 And speak. Okay, hearing none the Chair calls the discussion back to the Board. At this point in
865 time, any comments, or?

866
867 Spv. Berube:
868 I think we're, from my view, I thought I knew where I wanted to go with this, but you raised a

CARBON

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

877
878 Madam Chair:
879 You need that answered.

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

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

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

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

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

898
899 Madam Chair:
900 and from legal on.

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

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

908
909 Spv. Berube:
910 Yes.

911
912 Spv. Leet:
913 Second.

914

CARBON

915 Madam Chair:

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

917

918 Spv. Kassel:

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

921

922 Spv. Berube:

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

932

933 Madam Chair:

934 Do you have any comment?

935

936 Spv. Leet:

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

941

942 Madam Chair:

943 Okay.

944

945 Spv. Berube:

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

949

950 Madam Chair:

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

953

954 Spv. Kassel:

955 Walkway.

956

957 Madam Chair:

958 ... walkway that separated.

959

960 Spv. Kassel:

CARBON

961 Promenade.

962
963 Madam Chair:
964 Promenade. Yes, that's the word I was looking for. Promenade that would separate the, the mixed
965 use commercial residential from the, the pure residential. I thought that was what was intended
966 for that piece of land. I would like to delve further into that. So, at this point we have a motion
967 and a second to table until our next meeting in order to get further information from the County
968 and legal advice.

969
970 Jim Pratt:
971 Sorry to interrupt. Could you tell us which provision of the PUD requires those be owned by the
972 COD or the County?

973
974 Jim Pratt:
975 We're looking at one section of the PUD that doesn't seem to say that with respect to this
976 property. I mean, it seems to say that it applies to properties adjoining private streets but doesn't
977 say it applies to the properties adjoining-

978
979 Madam Chair:
980 There we go. Thank you.

981
982 Jim Pratt:
983 ... to other properties.

984
985 Madam Chair:
986 I'm sorry, I don't. It's currently on the November 30th, 2020, it was the excerpt from PD 19-
987 00035 final approval. It says landscape, section 6.2.

988
989 Jim Pratt:
990 Yes, that's what we're looking at.

991
992 Madam Chair:
993 "Landscape and utility tracts shall be owned by the Community Development District or Osceola
994 County."

995
996 Jim Pratt:
997 But the next paragraph. It says-

998
999 Madam Chair:
1000 Oh, it says, "Landscaping utility tracts associated with-

1001
1002 Jim Pratt:
1003 Private streets.

1004
1005 Madam Chair:
1006 ... private streets or within gated neighborhoods, such as the Enclaves or The Lakes, will be

CARBON

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

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

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

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

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

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

1025
1026 Spv. Berube:
1027 I.

1028
1029 Spv. Kassel:
1030 I.

1031
1032 Madam Chair:
1033 I.

1034
1035 Spv. Leet:
1036 I.

1037
1038 Spv. Scarborough:
1039 I.

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

1043

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

1049

1050

1051

1052

CARBON

1053 District Manager:
1054 Slate that for the February agenda?
1055
1056 Madam Chair:
1057 Yes, please.
1058
1059 Jim Pratt:
1060 Thank you for your time.
1061
1062 Madam Chair:
1063 Thank you for your presentation and information. We'll diligently work, and again, I tried to get
1064 a response from the county, But have not received one yet.
1065
1066 Jim Pratt:
1067 Well, we'll help you look into some of these issues as well. We have good reason to also.
1068
1069 Madam Chair:
1070 Okay. Well, yes, I imagine you do. But we do need to look into also the question of the, the type
1071 of reservation of rights, because that's going to affect not only this parcel, but other parcels,
1072 numerous other parcels that we have been deeded-
1073
1074 Jim Pratt:
1075 Yes, ma'am.
1076
1077 Madam Chair:
1078 ... given to us in this fashion.
1079
1080 Jim Pratt:
1081 And that's what I've been looking at while I listened. And I did find some of the assignments
1082 recorded in the public record of development rights. So, and I knew that I'd seen them before. So,
1083 I'll gather those and forward them to you.
1084
1085 Madam Chair:
1086 Wonderful. All right. Thank you so much. All right.
1087
1088 Jim Pratt:
1089 Thanks everyone.
1090
1091 Spv. Kassel:
1092 Nice to see you Mr. Boyd.
1093
1094 Madam Chair:
1095 Along that same general issue not with this parcel but with other parcels I would like to point
1096 out, this same deed also deeded us, the land along the frontage east of our east entrance. That
1097 was the land that we, the infamous land we cut off irrigation to.
1098

CARBON

1099 Spv. Leet:
1100 Would explain why it was irrigated in the first place.
1101
1102 Spv. Kassel:
1103 That's right.
1104
1105 Madam Chair:
1106 Right.
1107
1108 Spv. Berube:
1109 Well, it was always ours.
1110
1111 Madam Chair:
1112 Well, it's all-
1113
1114 Spv. Kassel:
1115 But-
1116
1117 Madam Chair:
1118 It's been ours since 2003, but we did-
1119
1120 Spv. Kassel:
1121 But because the property appraiser showed as theirs.
1122
1123 Spv. Berube:
1124 I understand that. That all happened. And that's why I asked about 2017 because myself and Mr.
1125 Jerman some years back had a conversation regarding all of that. And he said, we made some...
1126 transactional detail errors when we sold that off to the current owner, meaning, Mr. Fusilier.' And
1127 basically, what happened is they weren't paying attention. He thought they were selling just
1128 basically the town square. And because those areas kind of adjoin on the maps, it all got included
1129 in the sale. And that wasn't his intent because of the maintenance issues.
1130
1131 Spv. Kramer:
1132 Well, he didn't... He never owned them.
1133
1134 Spv. Berube:
1135 Well, I understand.
1136
1137 Madam Chair:
1138 So-
1139
1140 Spv. Berube:
1141 But somehow those same kinds of-
1142
1143 Madam Chair:
1144 That's correct. The same errors.

CARBON

1145
1146 Spv. Kassel:
1147 So a question then about the front dog park. Is that-
1148
1149 Spv. Berube:
1150 The what dog park?
1151
1152 Spv. Kassel:
1153 The, the Central Bark?
1154
1155 Madam Chair:
1156 Yeah, that leads to, a bigger question as to the-
1157
1158 Spv. Berube:
1159 Well, that's Compass. That's a different parcel.
1160
1161 Madam Chair:
1162 As to the fact that we evidently cannot rely on the property appraiser's database and we don't
1163 know what we own. I've queried Mr. Qualls. His firm has been representing Harmony since
1164 inception. I anticipated that he would say, well, we have a database that, you know, logs all the
1165 properties that have been deeded over, but he does not.
1166
1167 Spv. Berube:
1168 Why would the law firm? Wouldn't that be an engineering?
1169
1170 Madam Chair:
1171 No,it-
1172
1173 Spv. Berube:
1174 Because whenever we want to know about maps, it always comes from engineering.
1175
1176 Madam Chair:
1177 But the deeds are legal documents and should also be had. So, we should have checks and
1178 balances. It should be with the district manager should have a whole log. The attorney should
1179 have a whole set of deeds of everything that's been deeded to Harmony.
1180
1181 Tim Qualls:
1182 And we do have those deeds.
1183
1184 Madam Chair:
1185 And you okay. But I inquired of you, if you had an inventory of everything that's been deeded to
1186 Harmony, and you said, no.
1187
1188 Tim Qualls:
1189 So when you said inventory, what I pictured in my head was like a spreadsheet saying this was
1190 transferred at this time. But, but when, when deeds were transferred, and I spent the afternoon

CARBON

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

1200

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

1203

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

1219

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

1225

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

1229

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

1232

1233 Madam Chair:

1234 Yes.

1235 District Manager:

1236 I think it was a combination of a lot of things. So, they found it. I think, the chairwoman found it.

CARBON

1237 Elizabeth in our office researched and found... So, it was kind of like a mixture

1238

1239 Madam Chair:

1240 And, and the thing is, is we don't know how many other errors like that are out there.

1241

1242 Tim Qualls:

1243 With the property appraiser's office?

1244

1245 Madam Chair:

1246 Well, or, or with our records or with anything. We've got two parcels right now. One is the G-A

1247 that's across the street from the community school. And I've mentioned to you this to you before

1248 Tim, that we don't assess a COD fee on. And why is that? Why isn't there debt service, CDD

1249 debt service on that? Why isn't there an O&M? And those are the questions I'm asking, but I'm

1250 not getting answers. Elizabeth is investigating these. The other one is the Cat Lake access parcel

1251 um, is the one where they do the weddings on for the, the clubhouse right now. And that has no

1252 COD fee, either debt service or O&M, and both should unless they're owned by COD. So, the

1253 question is, is there something back in the record where those were deeded to us?

1254

1255 Tim Qualls:

1256 Not that I found. And I think that the, the important... Your question is certainly very important,

1257 Madam Chair, but what's happened in the past when the roll was prepared and sent over the tax

1258 collector and the property appraiser, you, you're not going to be able most likely to go back and

1259 collect anything. So the idea is for future-

1260

1261 Madam Chair:

1262 I'm not saying collect it. I'm saying we need to do due diligence. We don't know what we own

1263 and we don't own. That is a serious concern to me, serious concern.

1264

1265 Spv. Kassel:

1266 Yeah, very.

1267

1268 Madam Chair:

1269 And it's something we should have well in hand. So that's my point is that, that we need to get

1270 there. I mean, because not knowing about that property to the east of the entrance got us into a

1271 lawsuit. If we didn't feel it was privately owned and didn't cut off the water, we wouldn't have

1272 spent \$47,000 in legal fees to defend that lawsuit. So, it has a direct impact to us. We need to be

1273 responsible stewards.

1274

1275 Spv. Berube:

1276 To that point, is it both sides or just the one on the east?

1277

1278 Madame Chair:

1279 Both.

1280

1281 Madam Chair:

1282 So that's why I think we need to, as a Board, look and do our due diligence and make proper
1283 arrangements to do some legal searches to have, to find someone.

1284
1285 **LOST RECORDING**

1286

1287 Spv. Leet:
1288 I apologize everybody. There, are we good?

1289

1290 Madame Chair:
1291 Got it?

1292

1293 Spv. Leet:
1294 If anyone is on the meeting are you able to hear us, raise your hand or just unmute and say that
1295 you're able to hear us? I apologize for that. We should be. Thank you very much. Sorry about
1296 that.

1297

1298 **LEGAL COUNSEL RFQ**

1299

1300 Madame Chair:
1301 At, at this point, it's a difficult issue, but I need to bring to the Board's attention, for the past year
1302 we tried different fee structures and, since we've gone to a flat fee I don't feel confident that we're
1303 getting the legal advice, even reflecting back, I have concerns about legal advice and as is
1304 exhibited by this, this property question. I had asked the District Manager to get information
1305 about law firms that are available. We had two that were going to be present, and we do have one
1306 representative here from KUTAK ROCK, who is here, in case you have any questions of him.
1307 Competent legal counsel for COD, there are lots of CDDs that are coming online. They are
1308 becoming, more and more scarce. So, at this point in time, I would like to ask the Board to
1309 consider going out and requesting qualification packages, unless, there's a further decision
1310 tonight, to further consider our options for legal counsel.

1311

1312 Spv. Berube:
1313 I would not entertain changing legal counsel. It's pretty clear that the Chairwoman and current
1314 counsel don't get along very well, seems like two opposing lawyers in the courtroom at almost
1315 every single meeting. I think current counsel has been here for most of 20 years. And until
1316 recently, we haven't had the opposition towards counsel's opinions and advice, and I would move
1317 that we retained current legal counsel, and that's a motion.

1318

1319 Spv. Scarborough:
1320 I second.

1321

1322 Madame Chair:
1323 I have a motion and a second, any further discussion? I would like to bring several items to the
1324 attention of the Board during this discussion period. Again, ever since we've gone to the flat fee,
1325 our legal representation has been lacking. For instance, our contracts have been primarily

1326 handled by Sylvia, cutting and pasting the documents together. We found significant problems
1327 with the contracts.

1328
1329 We've been having difficulties with policies. Our tree trimming policy, although all we wanted
1330 was a very simple policy, it took numerous months to finally get out of the gate and that was
1331 only after Matthew Pippin helped us out with it and Brett assisted.

1332
1333 We had a problem with our towing contract. It was sent before I was able to review it, to the
1334 provider and the provider went forward with it because he was provided it. It did not include any
1335 of the statutory language that was necessary to be in it or any of the indicators of when and how
1336 they could tow. It resulted in two of our residents' cars being towed inappropriately that we then
1337 had to work to get their cost refunded. I just have not seen a performance, even before the flat
1338 fee,

1339
1340 when we wanted a policy, there was the No Solicitation Policy. We paid our legal firm time for
1341 their efforts in putting that together, and what it ended up was that Mr. Farnsworth pulled
1342 something off the internet, and my understanding is you went ahead and tweaked it, Spv. Kassel,
1343 and that's what we ended up adopting. It wasn't a product from the legal research or writing of
1344 our attorney's office. Same thing happened with the Procurement Policy. It's been quite
1345 frustrating and luckily, there is some legal background available, but it just can't continue on
1346 with.

1347
1348 For instance, this particular issue with the property. I asked for a full review of it and there were
1349 no questions answered. The flat-out statement was, "Well, just turn it over to the developer.
1350 Don't worry about it, just turn it over to the developer." And there were so many other issues,
1351 that instead I, as Chairman should not have to go out and do all this research, but I ended up
1352 doing all the research instead of our legal counsel doing it.

1353
1354 We have the COVID issue. The thing is, when we employ an attorney who covers a number of
1355 districts, they spread the cost of a new issue, such as COVID, out over a number of CDDs that
1356 they represent. In this case, I went back and looked at the billings and we were billed over
1357 \$7,400 for research and advice on the COVID issues. Another community development district
1358 that Mr. Qualls firm represents, their bill for COVID issues was \$3,500. So that's about \$11,000
1359 between two districts. The largest bills for research, I know there will be some billings that will
1360 be unique to the particular district, but the majority of them should be split between all the
1361 districts. I don't know the exact circumstances but, that's a high cost to pay for advice about the
1362 COVID issue, even though it was a unique and a very difficult issue to deal with. I am not
1363 minimizing it at all.

1364
1365 The other issue is, I really would like to see the District move forward on different possibilities
1366 of recouping some of the money that was spent in legal fees for the Harmony Retail versus
1367 Steve Berube personally lawsuit. The legal advice that was given during that period of time, I
1368 don't think was in the best interest of the District. I feel that the advice should have, and this was
1369 before my time on the Board, should have come out and clearly stated, "You have insurance for
1370 that." But instead, we ended up paying Mr. Qualls's law firm over \$47,000 in legal fees for
1371 something that our insurance company should have footed the bill on. I truly don't think, well

CARBON

1372 there might be one individual that understood that issue well, but I don't think the other
1373 Supervisors really truly were given the advice to fully understand the issue and why it would be
1374 important for it to go straight to the insurance company. So that's my position on this. Anybody
1375 else have any questions or comments on this issue?

1376
1377 Spv. Berube:
1378 To your last point, a dually authorized Board took a dually authorized vote to provide a defense
1379 to that lawsuit against me. You can call it personal if you want, it was all related to District
1380 business.

1381
1382 Madame Chair:
1383 That's correct. and I have no argument with providing you legal representation.

1384
1385 Spv. Berube: And counsel was asked, "Should we, send this to the insurance company?" And
1386 during that meeting, he said, "There is no reason to send it to company." I mean, "There is no
1387 reason to not send it to the insurance company." Spv. Kassel made a motion to turn it over to
1388 insurance, that same Board at that time said, "No, we're going to provide a defense."
1389 We have a duty to defend." Insurance is not a defense, end of story. And it's well known, and
1390 counsel has rebutted many of your concerns that you just brought up in meeting after meeting,
1391 his version of what you asked for versus your version are two different things. And it's you two
1392 go like this. So, he's on edge when he's dealing with you, you are on edge when you're dealing
1393 with him, and you have this problem. I made my motion to retain counsel. We have a second.

1394
1395 Madame Chair:
1396 Okay. It sounds like we can call it.

1397
1398 Spv. Kassel:
1399 You brought up the point that Mr. Qualls knows that I was upset with regarding the issue that
1400 you just raised. My sense was that Mr. Qualls should have covered more of the advantages of
1401 providing legal representation through our insurance at the time. I want to say that it is wonderful
1402 that we have a Chair who has a legal background and can be evaluating things in a way that the
1403 rest of us who do not have that background or experience would not understand or be aware of in
1404 any way. I do appreciate that. I think the Board should appreciate that.
1405 Clearly, there is a level of discomfort or a level of lack of trust, or a level of, I'm not sure how to
1406 put it into words, but, some questioning perhaps on both sides, on the Chairwoman's side and our
1407 legal representation. I am not ready to decide on other legal representation tonight. I'm not ready
1408 to say whether we should go forward with that. I do understand where you're coming from, and I
1409 do understand the issues that you've raised. I did review the proposals and I think perhaps we just
1410 maybe need a little more information and time before we make that decision. I'll just leave it
1411 there.

1412
1413 Spv. Leet:
1414 My thoughts, having gone back and reviewed the meetings that took place regarding the
1415 representation of the Chair at the time, Mr. Berube and that's an accurate telling of events. There
1416 was the separate question of, should there be representation? Was the suit stemming from actions
1417 taken as their position on the Board? And then the separate question of, should we refer to

CARBON

1418 insurance? I was pretty sure I was at both those meetings. I disagreed with the decision that was
1419 made at the time to not pursue insurance that we're paying for and could be covered, but,
1420 District Counsel serves at the pleasure of the Board and that was the direction that was given at
1421 the time. I'm absolutely cognizant of there being some friction and maybe some opportunities to
1422 make sure we're getting the best of the best possible coverage, but, I, along with Spv. Kassel, I'm
1423 not ready to make any changes, especially based on if it was action that was taken at the
1424 direction of the Board, as much as I might've disagreed with it at the time.

1425
1426 Madame Chair:
1427 At this time, I'll call a question. All in favor-

1428
1429 Spv. Kassel:
1430 Can you repeat the, the motion please?

1431
1432 District Manager:
1433 Motion to retain current legal counsel.

1434
1435 Spv. Berube:
1436 I moved that we retain current legal counsel.

1437
1438 Spv. Scarborough:
1439 I seconded it.

1440
1441 Madame Chair:
1442 All right.

1443
1444 Madame Chair:
1445 Okay.

1446
1447 Spv. Kassel:
1448 I will say, just to go back to a little discussion, that doesn't mean that's a permanent continuance.

1449
1450 Madame Chair:
1451 So my understanding, the motion is to retain current counsel, and not to look at any other legal
1452 counsel at this time.

1453
1454 Spv. Berube:
1455 Correct. That was my intent in the motion.

1456
1457 Madame Chair:
1458 Okay. All in favor?

1459
1460 Spv. Kassel, Berube, Leet and Scarborough:
1461 Aye.

1462

CARBON

1463 Madame Chair:
1464 All opposed? I'm opposed.
1465

On MOTION by Spv. Berube, SECOND by Spv. Scarborough, with four Supervisors in favor and Supervisor Kramer opposing, the Board approved to retain current Legal Counsel.

1466
1467
1468
1469
1470
1471
1472
1473
1474
1475 Spv. Berube:
1476 Madam Chairwoman, if I may. I understand how difficult it is to sit in that chair and make those
1477 statements. I get it. I sat in that chair. I appreciate the fact that you have the tailbone to sit there
1478 and say it. It's tough, I get it. But if I may, I think, and I'm sure you are anticipating what I'm
1479 going to say, I think you and counsel really need to, not necessarily shake hands and make up,
1480 but there needs to be more of a less frictional type relationship. I think everybody sees it, and
1481 that's not a criticism to you. You have your ways of doing things and I've dealt with counsel for a
1482 long time, he happens to be my friend as well, and I know that there are times when he's not
1483 getting what you are putting out. And sometimes you have to be a little bit more decisive in what
1484 you want from counsel, because he's thinking over here and you're thinking over here. I get it.
1485 I've dealt with him for a long time, and we were always able to work it out. So just my
1486 suggestion. And again, I appreciate the fact that you stood up and said what you believe. It's
1487 commendable, but the rest of us have a slightly different view, and I think, I'm sure you're an
1488 intelligent woman, he's an intelligent man, I think you can come together in the middle and we
1489 can probably get better performance out of counsel.

1490
1491 Madame Chair:
1492 I definitely hope that that's forthcoming.
1493

1494 Spv. Berube:
1495 We will see.
1496

1497 Madame Chair:
1498 All right. And my apologies.
1499

1500 Mike Eckert:
1501 Oh, no. It's all good. Keep going about the business
1502

1503 Madame Chair:
1504 Are you enjoying yourself
1505

1506 Mike Eckert:
1507 Yeah, it's interesting. Keep going.
1508

1509 Spv. Berube:
1510 He's an attorney. He loves watching this back and forth, right? We got a room full of attorneys
1511 here tonight.

1512
1513 Madame Chair:
1514 There we go. There we go.

1515
1516 Spv. Berube:
1517 And we even got some amateur attorneys sitting around this table, or so we think. And again,
1518 Madam Chairwoman, thanks for bringing it up. I can't say it enough, I know how hard it is to
1519 bring certain issues up and many times you avoid them because it's going to be tough. And not
1520 everything is cut and d_ry and easy to throw out there.

1521
1522

1523 **FIFTH ORDER OF BUSINESS**

1523 **CONSENT AGENDA**

1524
1525
1526 Madame Chair:
1527 All right. We'll continue moving forward so we can hopefully get to everything on our agenda.
1528 Consent agenda, it includes the approval of four December 16th, 2021 regular meeting minutes,
1529 the approval of four December workshop minutes, financial statements for December 31st of
1530 2021, and the approval of number 261 invoices and check registers.

1531
1532 Spv. Berube:
1533 Those bloody water bills keep coming in high.

1534
1535 Spv. Kassel:
1536 Move to approve, save for a requested amendment to the minutes where a vote was missing.

1537
1538 District Manager:
1539 And I revised that, Mrs. Kassel sent it to me prior to, so I revised it.

1540
1541 Spv. Kassel:
1542 That was my mother, Mrs. Kassel. Use Ms. Kassel or Dr. Kassel.

1543
1544 Madame Chair:
1545 We have a motion.

1546
1547 Spv. Berube:
1548 Oh.

1549
1550 Madame Chair:
1551 Do I hear a second?

1552
1553 Spv. Berube:

CARBON

1554 Second.

1555

1556 Madame Chair:

1557 So we have a motion and a second to approve with the amendment as, already been made. Any
1558 discussion other than that? Hearing none, approved.

1559

1560

On MOTION by Spv. Kassel, SECOND by Spv. Berube,
with all in favor, the Board approved the consent
agenda with the amendment to the December 16th
minutes

1561

1562

1563

1564

1565

1566

1567

1568

1569

1570 Spv. Berube:

1571 Madam Chairwoman

1572

1573 Madame Chair:

1574 Yes.

1575

1576 Spv. Berube:

1577 I commented about the water bill, and it's serious. They continue to be high.

1578

1579 Spv. Kassel:

1580 Did we take a vote? Did we take a vote?

1581

1582 Spv. Kassel:

1583 I don't think we took a vote

1584

1585 Madame Chair:

1586 No, I'm sorry. Thank you. All in favor?

1587

1588 Spv. Berube:

1589 Everybody vote aye.

1590

1591 Spv. Kassel, Scarborough, Leet, Berube, Kramer:

1592 Aye.

1593

1594

1595 Spv. Kassel:

1596 Thank you.

1597

1598 Madame Chair:

CARBON

1599 So we're done.

1600

1601 Spv. Berube:

1602 The, the consent agenda. About the water bill, it's high again, which is typical, does not include
1603 the filling of the pool, I checked that.

1604

1605 Madame Chair:

1606 No, I made sure of that.

1607

1608 Spv. Berube:

1609 But the key, and where I'm going with this is, the sprinklers have been running the last several
1610 nights-

1611

1612 Madame Chair:

1613 I have questioned-

1614

1615 Spv. Berube:

1616 ... in the rain.

1617

1618 Madame Chair:

1619 I have questioned both, I wanted to make sure and Brett, I don't know if you've had the time to
1620 check since I asked. Have we switched over to the winter watering schedule? I know it's been
1621 really warm, and I don't even know the advocacy of having moved over to the winter watering
1622 schedule, being that it's been so warm and so dry. In fact, during that billing period, I went back,
1623 I've been tracking the rainfall, we had less than three quarters of an inch during that 30-day
1624 period.

1625

1626 Spv. Berube:

1627 I get that, but we've had a lot of rain over the last several days and I've seen multiple zones
1628 running-

1629

1630 Madame Chair:

1631 Right

1632

1633 Spv. Berube:

1634 ... in the rain.

1635

1636 Madame Chair:

1637 Okay. And actually, we have not had a lot of rain-

1638

1639 Spv. Kassel:

1640 No, we haven't.

1641

1642 Madame Chair:

1643 I think, correct me if I am wrong

1644

CARBON

1645 Spv. Berube:
1646 I know it takes a certain amount to trip it off, but I get it.

1647
1648 Madame Chair:
1649 Vincent, it's got to continue watering to get up to, what, a full inch? So, turn it over for a quick
1650 summary on that one. And stepping up to the microphone is Brett Perez

1651
1652 Area Field Director:
1653 Yeah. So, I did reach out to Servello pertaining to the irrigation system and got response back.
1654 They do have a current issue with Maxicomm and found there's a malfunction going on. Every
1655 controller is in standby mode right now, so they're actually having to basically go and manually
1656 water from controllers, or they're running from the timer and the actual station versus the
1657 computer running it. They're working through that. The question that you had regarding a high
1658 water bill further down, I think Pete discussed that today. They did find that leak. So that's a part
1659 of it. They should be, even though the weather's warmer, you have shorter days and longer nights
1660 and you have less, typically less humidity. So, there's more in-

1661
1662 Spv. Kassel:
1663 Evaporation?

1664
1665 Area Field Director:
1666 There's less of evaporation right now because you don't-

1667
1668 Madame Chair:
1669 Right.

1670
1671 Area Field Director:
1672 ... have as much sunlight.

1673
1674
1675 Area Field Director:
1676 And it's, it's still a cooler temp and your nighttime temps are lower. So, they should be reducing
1677 their run times. They should be, because if they're not, they're going to be pushing a lot of fungus
1678 on top of wasting water. What we have had a lot of issues with as of late, is a lot of sprinklers
1679 that are broken. So even during a normal cycle or run time, you may have five, six, seven heads
1680 that are just blasting out water and instead of having a three gallon per minute nozzle on it, it's
1681 got no nozzle on it.

1682
1683 Spv. Kassel:
1684 Yeah.

1685
1686 Area Field Director:
1687 And now you're blasting-

1688
1689 Spv. Kassel:
1690 60 gallons a minute.

CARBON

1691
1692 Area Field Director:
1693 60 gallons a minute, potentially.
1694
1695 Madame Chair:
1696 I want a check of that, because there have been a couple that have been brought to my attention. I
1697 go out and it appears... It doesn't appear, the nozzle heads have been unscrewed. In fact, in one
1698 case, the nozzle head was unscrewed, the sprinkler was taken apart, and the spring inside of it,
1699 because it was a popup, had actually been removed. So, I'm not sure if we have someone
1700 harvesting sprinkler parts for their own property.
1701
1702 Spv. Berube:
1703 Well, if, if the head pops off, the spring comes out.
1704
1705 Area Field Director:
1706 Well, she's saying the head was actually repaired. There was a new nozzle put on, you could see
1707 the new top on it, but there was no spring. Now, I can follow up with them, maybe when in haste
1708 of making the repair, they forgot. It doesn't make sense, but, Madame Chair:
1709 The ring was still on and the spring should've remained in there because it... The spring comes
1710 up under tension, the riser's up, then when the pressure comes off, the spring pops it back down.
1711 So, it shouldn't have, the, ring should've held the spring in, the nozzle came off the riser, the riser
1712 wasn't out. So, but the spring was missing and the nozzle, all I did was pick it up and screw it
1713 back on to fix it.
1714
1715 Spv. Berube:
1716 So the nozzle was off?
1717
1718 Madame Chair:
1719 Somebody had unscrewed the nozzle.
1720
1721 Spv. Berube:
1722 Well, they'll come off sometimes. And when they come off, the spring is gone.
1723
1724 Area Field Director:
1725 No, the nozzle coming off shouldn't impact the spring coming off.
1726
1727 Madame Chair:
1728 Right.
1729
1730 Area Field Director:
1731 The spring should stay in place because the spring is under the riser When you screw the top of
1732 the head on where the nozzle seats.
1733
1734 Spv. Berube:
1735 That's what I'm talking about, the threaded piece.
1736

CARBON

1737 Area Field Director:
1738 No, no. She's talking about the physical nozzle. When the head pops off that nozzle popped off.
1739
1740 Madame Chair:
1741 The little spray thing.
1742
1743 Spv. Berube:
1744 Just the little spray thing under the head?
1745
1746 Madame Chair:
1747 Just the little spray thing had been unscrewed.
1748
1749 Spv. Berube:
1750 Well, the only reason that somebody would put it all back together without the spring is because
1751 they lost it or because it might be easier to manipulate without the spring in it. You don't have to
1752 hold it up with the pliers. Leave the spring out, thing will still work.
1753
1754 Madame Chair:
1755 Well, the nozzle was still on.
1756
1757 Spv. Berube:
1758 I know. The thing will still work without the spring.
1759
1760 Area Field Director:
1761 Can I ask this question just so I get a better understanding? Teresa, were you able to see the
1762 spring or did you unscrew the top to see if the spring was in it, or you're just saying that the, that
1763 the actual stem of the nozzle's... it was still up and you just pushed it back down?
1764
1765 Madame Chair:
1766 No, the nozzle was off, the stem was there, I could see the stem. I put my finger down into the
1767 stem, brought it up without any resistance whatsoever. So, I had to unscrew the top-
1768
1769 Area Field Director:
1770 Okay, so you had to unscrew the top, okay. Sometimes the seal will actually hold the stem from
1771 sliding back down-
1772
1773 Madame Chair:
1774 It'll keep it up.
1775
1776 Area Field Director:
1777 So it will think that it's
1778
1779 Madame Chair:
1780 But anyway, so we've got a situation where, for whatever reason, a lot of our sprinklers... But
1781 basically, from last year to this year, last year was 7,000, this year is 12,500 for this time period.
1782 Now, it's been extremely dry, I understand that.

CARBON

1783
1784 Area Field Director:
1785 It was warmer this December than last December.
1786
1787 Madame Chair:
1788 And a lot warmer. So, um, but we just need to stay on top of that.
1789
1790 Area Field Director:
1791 I did note too, speaking of the irrigation, some of the pictures that have come in, there was one
1792 that came in today, a rotor that looks like maybe a lawnmower hit it.
1793
1794 Madame Chair:
1795 Yeah. I sent that one.
1796
1797 Area Field Director:
1798 Yeah, I know. My point to it is normally if a lawnmower is hitting and the blades spinning,
1799 you're going to see pretty significant damage to the plastic piece. That's the head, the, the actual
1800 rotor part was popped off.
1801
1802 Madame Chair:
1803 But it wasn't, it was actually cut on the underside
1804
1805 Area Field Director:
1806 Which makes me believe potentially that people are vandalizing them, meaning when it's on-
1807
1808 Madame Chair:
1809 Yes, that's what I thought as well
1810
1811 Area Field Director:
1812 They're running by and they'll kick them. And if they kick them, that piece will snap off, it'll fly
1813 off, and then the water just shoots straight in the air. We've seen, I've seen in my tenure in the
1814 landscape industry too, where bike riders, or I don't want to say kids because it can even be golf
1815 carts, whatever, sprinklers are on while they're driving down, there's... you know, the wind's
1816 blowing this way, so instead of staying on the cart path, they'll ride directly over all the heads.
1817 Then you can have them break that way too. Unfortunately, that's part of the game. I hate to say
1818 that.
1819
1820 Spv. Berube:
1821 And depending where the mow wheels go, they may be right on the sprinkler line.
1822
1823 Madame Chair:
1824 Or the golfcart wheel.
1825
1826 Area Field Director:
1827 Or golf, or they're just people vandalizing them riding bikes, or they've got their foot out on the

1828 golf cart and they're kicking heads as they go by. I mean, I've seen a number of those.
1829

1830 Madame Chair:

1831 That's something for you to work with Servello on, if you would, please. All right. District
1832 Managers report.

1833

1834 **SIXTH ORDER OF BUSINESS**

DISTRICT MANAGER REPORT

1835

1836 District Manager:

1837 I have a few things and I'll go quickly. I need to know from the Board, usually Kristen would get
1838 approval to bill the \$26,600.07 for VC1. I need to see if the Board would like to approve that.

1839

1840 Spv. Kassel:

1841 In other words, the bond payment?

1842

1843 Spv. Berube:

1844 Yes, the debt payment.

1845

1846 Spv. Kramewr:

1847 Yes. Let's, deal with that first. So, I would ask, is there a motion to transfer \$26,600.07, from our
1848 general fund to the debt service fund, 2015?

1849

1850 Spv. Berube:

1851 Motion

1852

1853 Spv. Kassel:

1854 Second it.

1855

1856 Madame Chair:

1857 I have a motion and second and all in favor?

1858

1859 All Spv:

1860 Aye.

1861

1862 Madame Chair:

1863 Aye. Hearing no opposition, motion passes unanimously. All right, next.

1864

1865 On MOTION by Spv. Berube, SECOND by Spv. Kassel,
1866 with all in favor, the Board approved a transfer of
1867 \$26,600.07 from the general fund to make the payment
1868 for VC-1
1869

1870

1871

1872

1873

1874 District Manager:

1875 Next is the electric and water spreadsheet for the last two years, comparable, that'll be in your
1876 February agenda. We pulled all the data, they're just entering it into a spreadsheet. So that'll be
1877 in, I'll send it out actually before that, but moving forward, you'll start seeing that in your agenda
1878 every month. Microsoft email should be complete. I'm going to tell you in seven days, but it's
1879 probably more like three, and you'll get an email and you'll get a pre-email from me, but you'll
1880 get an email from Microsoft telling you what to do, which is basically go in and, and set a
1881 password, is basically what it is. It's going to give you a temporary password, then you're going
1882 to go in, reset it to your permanent. So, you should get that. I'm going to tell you seven, but it's
1883 probably more like three.

1884

1885 Spv. Berube:

1886 Is this Outlook?

1887

1888 District Manager:

1889 Microsoft

1890

1891 Spv. Kassel:

1892 Microsoft Exchange, probably.

1893

1894 District Manager:

1895 Microsoft Office 365.

1896

1897 Spv. Berube:

1898 Okay.

1899

1900 District Manager:

1901 Invoices, we don't need to talk about that. I think Paula has reached out. Some people are in the
1902 middle of training, some haven't had it yet, some haven't scheduled. So once everybody is up to
1903 speed on Avid, then we can address that thing again, and, and how you want to move forward
1904 with that. And there's no urgency if you're still getting the invoices as you have been.

1905

1906 Spv. Kassel:

1907 She is going to send me a report that has an invoice summary and copies of the invoices to see if
1908 that is an alternative to what we're getting now, which apparently takes three hours to put
1909 together.

1910

1911 Spv. Leet:

1912 And I was able to get set up with Avid, which is fine.

1913

1914 District Manager:

1915 The last thing I have, unless you have something for me, is the employees. So, in the contract
1916 that was approved for Field, basically you had positions in there which ended up being five
1917 positions, including the manager, right? So, I guess there was some discussion about if a position

CARBON

1918 becomes available, we want it filled in 14 days. That is not in the contract, however it was
1919 discussed. Chris did acknowledge that that was discussed. So, a couple things here. One is, if that
1920 is the way the Board wants it, I'm going to tell you, 14 days is not feasible. It's not reasonable, it's
1921 not going to happen because Inframark vets all their employees, and just to get through the
1922 background check and the drug screening and all of that, it takes... I mean, it could-

1923

1924 Spv. Scarborough:

1925 A couple of weeks.

1926

1927 District Manager:

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

1952

1953 Spv. Scarborough:

1954 Well, I can comment on that.

1955

1956 District Manager:

1957 Sure.

1958

1959 Spv. Scarborough:

1960 I mean, you're ultimately in charge of Field Services, in fact, it's only in your best interest to try
1961 and hire somebody as quickly until that's filed as quickly as possible. So-

1962

1963 District Manager:

CARBON

1964 Correct.

1965

1966 Spv. Scarborough:

1967 I personally don't know that the Board needs to define timeframe for positions to be filled.

1968

1969 District Manager:

1970 Agree.

1971

1972 Spv. Scarborough:

1973 It just doesn't make sense.

1974

1975 District Manager:

1976 Right.

1977

1978 Spv. Berube:

1979 I brought it up-

1980

1981 Spv. Berube:

1982 because we, when we entered to the contract, it was body based. So, you had this amount of
1983 people for this amount of dollars.

1984

1985 Spv. Scarborough:

1986 Sure.

1987

1988 Spv. Berube:

1989 I could foresee that people would be coming and going, and if they're getting paid for a body-
1990 based service and they could leave the position open for six months, because people would
1991 squeal about it, but they would still be collecting from the District for that person's salary, right?
1992 And when I asked, Chris said, "Yeah, a couple weeks would be okay." And I thought, well, that's
1993 pretty quick. So, but I wasn't going to argue with it. I would go with a month without any
1994 hesitation here for an open timeframe, because if you don't define it, there's no impetus to hire
1995 somebody, right? You've got to put a little bit of oomph behind it. Now, is Inframark going to,
1996 delay things on purpose? No, it doesn't do them any good, because they're going to catch a lot of
1997 flak because the job's not getting done. I still think it's a question and you can either just say,
1998 "No, don't worry about it," or you can say, "We'd like to have people here in 30 days. 30 days
1999 seems reasonable, and I think that's what you just said.

2000

2001 District Manager:

2002 Yeah. I mean, currently, there's nothing in the contract.

2003

2004 Spv. Berube:

2005 Right. We know.

2006

2007 District Manager:

2008 It doesn't say anything. But if you are going to hold us to that, I want to make sure we're very
2009 clear on what the Board's expectations are because it needs to be clear.

2010
2011 Madame Chair:
2012 I'm fine with as long as the scope is getting done, I don't care if you hire two super dynamo
2013 employees that work,
2014
2015 Spv. Scarborough:
2016 Exactly.
2017
2018 Madame Chair:
2019 40 hours overtime every week.
2020
2021 District Manager:
2022 Right.
2023
2024 Madame Chair:
2025 It doesn't matter. I don't need to count bodies.
2026
2027 District Manager:
2028 And that's my point to the Board, because I want it to be very clear before we leave here. Is this a
2029 body-based contract of what you're viewing it, or is it a scope based? Because if it's scope based,
2030 like you just said, I can hire 50 people to come in and do this job and that's on me, or I can hire
2031 two people to do it. If the scope's not being met, clearly, it's going to show through and that's
2032 going to be an issue. So that's kind of what I want to clear up too because I don't want there to be
2033 misunderstanding of, oh my gosh, you only have two people, or you have five or whatever it is.
2034
2035 Spv. Kassel:
2036 Well, doesn't the contract enumerate the-
2037
2038 Spv. Berube:
2039 It states five people.
2040
2041 District Manager:
2042 It doesn't call out five people.
2043
2044 Spv. Berube:
2045 Yes, it does. Five positions.
2046
2047 District Manger:
2048 Provides, it provides five-
2049
2050 Spv. Kassel:
2051 I think we need to-
2052
2053 District Manager:
2054 five job descriptions is what it calls for.
2055

CARBON

2056 Spv. Kassel:
2057 Right.
2058
2059 Spv. Kassel:
2060 Right. I think it's not clear. I think the contract is what designates whether it's a scope based, or a
2061 person based. And because the contract isn't clear, because it sort of does both, I think what
2062 you're asking is, can we please have 30 days to fill a spot? Is that what you're asking?
2063
2064 District Manager:
2065 All I'm asking, it was brought up. The current number of days is not in the contract and I wasn't
2066 actually too concerned with it, myself. It was brought up that, hey, it's been X number of days
2067 and this position hasn't been filled, and you're supposed to fill it within two weeks. And I was
2068 like, "Huh? It's not in the contract." So, I reached out to Chris, and Chris did acknowledge that
2069 that conversation took place.
2070
2071 Madame Chair:
2072 And I recall the conversation
2073
2074 Spv. Kassel:
2075 I do too.
2076
2077 District Manager:
2078 So I just want to be clear I want to do whatever the Board wants to do. And I'm saying, if you do
2079 want it to be a timeframe, that's fine. Totally fine. But I'm telling you, 14 days, it's not
2080 reasonable-
2081
2082 Spv. Berube:
2083 We agree.
2084
2085 District Manager:
2086 and it's not feasible. That's all.
2087
2088 Spv. Berube:
2089 We agree.
2090
2091 District Manager:
2092 That's all.
2093
2094 Spv. Berube:
2095 I thought it was too short when Chris agreed to it.
2096
2097 District Manager:
2098 So it's whatever you all would like. I just want clarity and make sure we're all on the same page.
2099 That's all.
2100
2101 Spv. Berube:

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2102 I think that we've developed a good integral relationship with Inframark, if they screw up, they
2103 fix it, that we generally get the truth. I don't want to hold anybody's feet to the fire. I'm the one to
2104 say, I'm fine with revising the original agreement of Chris for two weeks out to 30 days. And if
2105 that means 32 days to get somebody in here, so what? It's, not a big deal. That's just my point at
2106 the moment, because I think it's a body-based contract. We have a set number of people.

2107
2108 Madame Chair:

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

2111
2112 District Manager:

2113 Okay.

2114
2115 Madame Chair:

2116 And then if there's another issue, then we'll address it.

2117
2118 Spv. Berube:

2119 We do need CPOs.

2120
2121 Madame Chair:

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

2124
2125 District Manager:

2126 Yes.

2127
2128 Spv. Berube:

2129 Right.

2130
2131 District Manager:

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

2135
2136 Madame Chair:

2137 And we've got somebody coming on Board.

2138
2139 Spv. Scarborough:

2140 Was the body-based question answered?

2141
2142 Spv. Kassel:

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

2145
2146 Spv. Scarborough:

2147 There is more than that component, it's not really mutually exclusive to one or the other. It's

2148 performance too.
2149
2150 Madame Chair:
2151 Right.
2152
2153 Spv. Berube:
2154 Right.
2155
2156 Spv. Scarborough:
2157 Just because you meet the scope doesn't mean that the performance is there.
2158
2159 District Manager:
2160 Correct.
2161
2162 Madame Chair:
2163 Exactly. So, if we have further problems we'll go back and revisit the contract
2164
2165 District Manager:
2166 Okay.
2167
2168 Spv. Berube:
2169 But it's just a matter of protecting the District's money when you're paying people. You know?
2170 Along those lines with the CPO, we're going to end up with two CPOs?
2171
2172 District Manager:
2173 We may end up with more, we may get everybody on staff certified.
2174
2175 Spv. Berube:
2176 Well, that's okay. Well, nothing wrong with that. Along those lines with licensing, how many
2177 licensed, herbicide people do we have? Just one?
2178
2179 District Manager:
2180 Just one. We're looking into that.
2181
2182 Madame Chair:
2183 Yes. I think, I think there's been some discussion of getting more cross trained and certified.
2184
2185 Spv. Berube:
2186 Yeah, well you were thinking ahead of me here. You knew where I was going.
2187
2188 Madame Chair:
2189 All right. Any further business from the District Manager?
2190
2191 Spv. Berube:
2192 Yes, I do. The landscape RFP. What are we doing?
2193

CARBON

2194 District Manager:
2195 So that is going to be on your agenda next month. I had it in the agenda for this month, in-
2196 inadvertently, by me, was left off. So, it is prepared, correct, right? It's ready to go with all the
2197 Spv.'s comments and discussion.
2198
2199 Spv. Berube:
2200 Of course he's going to say yes.
2201
2202 District Manager:
2203 Well, it is. He's looking at me like it was supposed to be an agenda this time and, and he's right,
2204 it was. So that will be in your February agenda.
2205
2206 Madame Chair:
2207 But you will have it next month?
2208
2209 District Manager:
2210 Yes.
2211
2212 Spv. Berube:
2213 You mean those people down Coral Springs blew it?
2214
2215 Madame Chair:
2216 All right.
2217
2218 District Manager:
2219 No, I did.
2220
2221 Spv. Berube:
2222 My last one for you is conditions at the pool.
2223
2224 District Manager:
2225 What is your question?
2226
2227 Spv. Scarborough:
2228 Conditions.
2229
2230 Spv. Berube:
2231 Have we accepted the pool? It's not finished. No, okay.
2232
2233 Area Field Director:
2234 We have a final walkthrough scheduled.
2235
2236 Spv. Berube:
2237 Enough said. Okay.
2238
2239 Madame Chair:

2240 Until I can get it into the water and down on the bottom and check everything out.

2241

2242 Spv. Berube:

2243 I've been there.

2244

2245 Madame Chair:

2246 It's not ready? Okay. So, I'll let him go in the cold.

2247

2248 Spv. Berube:

2249 The water is warm.

2250

2251 Madame Chair:

2252 The water is warm!

2253

2254 Spv. Berube:

2255 The water's gorgeous.

2256

2257 Madame Chair:

2258 Oh, it's gorgeous. Let me tell you, I'll have to educate everybody on Facebook about thermal
2259 mass and the amount of time and energy it takes to get a full pool up to 85 degrees.

2260

2261 Madame Chair:

2262 We need to move on. Anybody else have anything for our District Manager?

2263

2264

2265 SEVENTH ORDER OF BUSINESS

STAFF REPORTS

2266 DISTRICT ENGINEER

2267

2268 Spv. Berbue:

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

2271

2272 Madame Chair:

2273 Unfortunately.

2274

2275 Spv. Berube:

2276 Say no. We didn't, no.

2277

2278 Spv. Kassel:

2279 He's going to be here so long, he's putting a chair in front of himself.

2280

2281 District Engineer:

2282 All right, your body-based engineer is here. So even though there's 12 items on my report, I'm
2283 only going to go over six that are worthy of discussion. The first one involving Bowman and
2284 Blair who are going to talk about their environmental assessment, the results of that. And also,
2285 then after that, the proposal that's in front of you for discussion. And then I'll take over on all the

CARBON

2286 geeky engineering stuff.
2287
2288 Spv. Berube:
2289 Whenever you bring a guest like this, perhaps we can move those guests to the beginning.
2290
2291 Madame Chair:
2292 We had a lot of guests today.
2293
2294 Spv. Berube:
2295 Well, I understand that, but these folks have been sitting here for an hour and three quarters.
2296
2297 Madame Chair:
2298 I understand.
2299
2300 Spv. Berube:
2301 You know where I'm going here. So, whenever you bring a guest, just let somebody know and
2302 we can at least get them done and we'll let you wait till later, but we don't want your guests to
2303 keep waiting.
2304
2305 District Engineer:
2306 All right. Okay.
2307
2308 Spv. Berube:
2309 How's that?
2310
2311 District Engineer:
2312 Sounds fair. Let me introduce Catherine Bowman, she's going to talk about the assessment and
2313 the proposal. And then I'll step in for remainder of the Engineering stuff.
2314
2315 Madame Chair:
2316 Spv. Leet:, can you put the pictures up?
2317
2318 Spv. Leet:
2319 Give me a moment here.
2320
2321 Madame Chair:
2322 They are in the packet.
2323
2324 Spv. Berube:
2325 Thanks for coming.
2326
2327 Spv. Berube:
2328 Take care.
2329
2330 Spv. Kassel:
2331 Ms. Bowman, can I call you our environmental services consultant?

2332
2333 Catherine Bowman:
2334 Catherine.
2335
2336 Spv. Kassel:
2337 Catherine.
2338
2339 Catherine Bowman:
2340 Ecological Consultant?
2341
2342 Spv. Kassel:
2343 Okay. Ecological Services Consultant.
2344
2345 Catherine Bowman:
2346 Right, as opposed to environmental, which has to do more often with hazardous materials and
2347 those sorts of things, non-ecological things, non-plants and animals. Do I need exhibits? Do I
2348 need to point to anything?
2349
2350 District Engineer:
2351 No. You can just talk about your assessment and your proposal.
2352
2353 Catherine Bowman:
2354 Okay.
2355
2356 District Engineer:
2357 It is there if you need to flip through it.
2358
2359 Catherine Bowman:
2360 I do.
2361
2362 District Engineer:
2363 And your proposal.
2364
2365 Catherine Bowman:
2366 And where is your map that we looked at?
2367
2368 District Engineer:
2369 It should be in here.
2370
2371 Catherine Bowman:
2372 On December 28th, we, my, partner, Ron Blair and our assistant, field assistant, came down and
2373 toured the COD owned and controlled wetland areas that are part of what is being monitored, or
2374 has been monitored as to comply with the South Florida Water Management District permitting
2375 requirements. And specifically, what was being monitored and needs to continue to be monitored
2376 are the invasive exotic plants that have invaded most of the wetlands, pretty significantly. We
2377 toured, I think all but wetlands 13 and 14, and, we were able to walk into a lot of it, we spent the

CARBON

2378 day out here. Teresa and her staff hosted us and showed us all the areas that they thought were
2379 problems, areas that the Water Management District's compliance staff had pointed out as
2380 specific areas that they wanted to track intensively and have better reporting on. We looked at
2381 where there had been monitoring.

2382

2383 Spv. Berube:

2384 The transects that were previously monitored by Austin Environmental?

2385

2386 Madame Chair: Yes.

2387

2388 Spv. Berube:

2389 And prior to that, by Bio-Tech.

2390

2391 Madame Chair:

2392 Biotech established it.

2393

2394 Spv. Berube:

2395 And then we figured out that these weren't in the right places.

2396

2397 Madame Chair:

2398 We don't own them, right.

2399

2400 Madame Chair:

2401 We can't do anything about them.

2402

2403 Spv. Berube:

2404 All right.

2405

2406 Madame Chair:

2407 So, what Catherine is going to do is reestablish, proposing to do is reestablish new, and not really
2408 transacts, but -

2409

2410 Spv. Kassel:

2411 monitoring sites.

2412

2413 Catherine Bowman:

2414 And, and protocol for that. I have talked to, the compliance reviewer for south Florida, Steffan
2415 and he said he would like to have, a written proposal of the new protocol so that he could just
2416 have it on file and know exactly what it was that we were proposing to do. Yes?

2417

2418 Spv. Kassel:

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

2421

2422 Madame Chair:

2423 There are 10 wetlands that we have control.

CARBON

2424
2425 Catherine Bowman:
2426 There are 10 wetlands, but there are multiple, locations for monitoring based on the invasive,
2427 species that we've observed occurring in those areas that we felt needed to be tracked, and some
2428 of those were pointed out specifically by District staff, where they noted some areas in Wetland
2429 Four that were particularly densely invaded by the climbing fem, and that those track, although
2430 in conversation with Steffan it was clear that of course the District is also concerned with other
2431 highly invasive species that would jeopardize the health of, health in the long term of, wellbeing
2432 and diversity of the various wetlands that have to be monitored. And so, we, based on what we
2433 toured and what we looked at, and walked into, we could see areas that had been treated, areas
2434 where there was dense, climbing fem, dense Cogon grass, and, bands around the outside of
2435 Brazilian Pepper, pretty densely, sections of Brazilian Pepper around there; those being the most
2436 invasive of the species that occur here.
2437
2438 Spv. Berube:
2439 Brazilian pepper is a new arrival here? I hadn't heard that one before.
2440
2441 Catherine Bowman:
2442 No, it's not new.
2443
2444 Spv. Kassel:
2445 No, Brazilian, it is not new.
2446
2447 Catherine Bowman:
2448 Brazilian pepper has clearly been here for a long time.
2449
2450 Spv. Berube:
2451 I know what Brazilian Pepper is, but it's the first time I hear of it being in the Harmony.
2452
2453 Catherine Bowman:
2454 From the amount that there is, it's probably been there for a while. Same with the Cogon grass.
2455
2456 Spv. Kassel:
2457 Oh yeah.
2458
2459 Spv. Berube:
2460 And now we're looking at new areas and finding it.
2461
2462 Catherine Bowman:
2463 Yes, we are, and it's also spreading, as will the Climbing Fem. Fortunately, yes, they do spread
2464 very rapidly, and fortunately the Climbing Fem has been able to be treated more thoroughly this
2465 year, since about July, I think, and you can tell that there is some big difference having been
2466 made, but still, there are many areas within the wetlands where the Climbing Fem is up toward
2467 the canopy, threatening to top the canopy and then kill the trees.
2468
2469 Spv. Kassel:

CARBON

2470 I have a question, based on your report. Maybe I'm getting ahead of things, but just in case I'm
2471 not, one of the issues mentioned several times in your report was that there are areas that the
2472 COD does not own, that are heavily, affected by some of these exotic invasives, and that creates
2473 a problem for the COD, because we're constantly going to have to battle the incursion of those.
2474 And so, I want to know what, if anything, can we do about that aside from just having to beat it
2475 back constantly?

2476
2477 Catherine Bowman:

2478 Establishing a perimeter where you can, and treating what you've got, of course. But the big
2479 problem with Climbing Fern is that it spreads by spores, so any time there's a hurricane, or a
2480 significant wind event, it can spread around. And if you clean yours all up, you're in good shape,
2481 but the surrounding areas where it still occurs are going to be a contributing problem. I don't
2482 know how to tell you to deal with that except, you know, maybe cooperation. Seek some of the
2483 other landowners, property owners, managers can participate in a larger-scale treatment.

2484
2485 Madame Chair:

2486 Um, also I spoke with Steffan Pierre, who is investigating, again, why our conservation areas are
2487 still privately held and trying to put pressure on the private owners to also do a concerted effort
2488 with us.

2489
2490 Spv. Kassel:

2491 And are they, are they obligated to

2492
2493 Madame Chair:

2494 The bulk of them is strictly Florida Harmony Land.

2495
2496 Spv. Kassel:

2497 Harmony, Florida Land.

2498
2499 Spv. Berube:

2500 Harmony Florida Land.

2501
2502 Madame Chair:

2503 Harmony Florida Land.

2504
2505 Spv. Berube:

2506 Largely around the lake area, probably.

2507
2508 Madame Chair:

2509 They're the ones to the far Northeast end of the lake.

2510
2511 Spv. Berube:

2512 To that point, don't they get cited by South Florida Water Management District?

2513
2514 Spv. Leet:

2515 Yeah, they're, they're an enforcement authority, right?

CARBON

2516
2517 Madame Chair:
2518 Again, we're the responsible entity, but because they have not turned over ownership, again,
2519 Steffan is looking into enforcement action against the actual landowner.
2520
2521 Spv. Leet:
2522 Literally what we need.
2523
2524 Madame Chair:
2525 Yes.
2526
2527 Catherine Bowman:
2528 Then maybe there can become some cooperative effort.
2529
2530 Madame Chair:
2531 Yes.
2532
2533 Catherine Bowman:
2534 So, with regard to the Climbing Fern, the lyonium, we have targeted areas where those are the
2535 most dense. Some of the areas where they were clearly being fairly well-treated, as much as staff
2536 could handle that so far. I have spoken to a couple of different vegetation management
2537 contractors that we work with, about: how it's best controlled, what the protocol is, and it looks
2538 like that is being followed as far as cutting a swath, a wide swath, and spraying what's at the
2539 bottom, and the rest will die. But there's only so much you can do, and once you get into rainy
2540 season, then it becomes even more difficult, because you have the storms blowing the spores and
2541 seeds around; you have scheduling issues with getting people on the ground when it's the
2542 wetlands are flooded, when the rains prevent you from working in Spring, when it's windy and
2543 you can't spray. So, this time of year is a really important time to get some additional treatment
2544 done for these areas. So, that is the lygodium, and that is a big problem. The other one is the
2545 Brazilian Pepper, and we did notice that not all of the outer edges have the Brazilian Pepper. It
2546 tends to come in where there's disturbance, and then invade from the edges into the natural
2547 communities, and once it's established it's a network, a maze-like mangrove roots: branching,
2548 rubbery, irritating to skin. It's allelopathic, so it's killing and shading out whatever's under it, and
2549 it just becomes a wider and wider problem as it invades into the natural community and displaces
2550 whatever is there. Cogon grass is probably as much of a problem. So, the Brazilian Pepper can be
2551 managed. It's typical we, hack and squirt, control, where you cut the bases and then you
2552 herbicide the trunks, and then it kills the plant and you have the dead standing biomass, which is
2553 really unsightly if you want to have an attractive-looking edge to the golf course and near
2554 wetlands that are really important, elements within the whole development.
2555
2556 Spv. Berube:
2557 Well, we're used to the unsightly aftereffect throughout the property, because when you cut the
2558 Climbing Fern and spray it, it just turns into this brown mass. It's, it's a mess. To the point of the
2559 Brazilian, it's going to be more brown mess.
2560
2561 Catherine Bowman:

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2562 Well you, there are other ways to deal with the Brazilian Pepper. You could, have someone
2563 mulch it. Mulch it and end up with a wide band of mulch around the edges of the wetlands, and
2564 then as the new ones emerge those could be sprayed when they're lower. And so, that standing
2565 dead biomass is, really minimal. But of course, there's the whole mulching process to start with.
2566 The Cogon grass comes in on contaminated fill or contaminated equipment, and with the amount
2567 of fill that was, you know, around the edges of these wetlands, it's not surprising that it's
2568 invading into the edge of it. It will spread down. It's kind of slowed when there's a lot of shade,
2569 or when the ground is inundated, but it doesn't stop it completely and the rhizomes will continue
2570 to spread.

2571
2572 Catherine Bowman:
2573 It's spreads mostly rhizomatously, a little bit by seeds, but where it is in areas where it can spread
2574 rhizomatously, even if you're mowing the top, even if you're spraying the top, it still required
2575 repeated application. So, repeated monitoring and continuous monitoring, and we saw that much
2576 of it is, of course, along the edges where the fill has been related to the development, the
2577 construction of the golf course, but it is not limited to the boundaries. It actually, is, runs under
2578 the cart paths and under the fairways, and, while it's being mowed there so it's not very
2579 noticeable, it is either spreading from where there's landscaped areas within the golf course,
2580 where it is among the dwindling number, apparently, of ornamental grasses and other plants, and
2581 is spreading from there under areas that are being mowed, and out into the edge of the natural
2582 communities. So, it seems like some effort is necessary there along the edges of the natural
2583 communities, to cut that back, bring it back... It's, usually repeated applications that when, on
2584 properties that we have dealt with where they've had Cogon grass, maybe not to this, extent. The
2585 most, effective route has been to herbicide it at the right time of year, which is usually the best
2586 time is September, but not that you shouldn't treat it the rest of the year, and then let that die back
2587 where it's obviously apparently dead, cut it down, remove that dead biomass, and then wait for it
2588 to regenerate to 10 or 12 inches, then spray that again. And that, repeated over a period of time,
2589 does at least appear to slow the growth o, limit the rhizome spread some. I don't think that I have
2590 the information on exactly, you know, the comparison of how that works, but still, it's a big
2591 problem and it's not only in your natural areas; it's coming, and then it continues to come, from
2592 the golf course areas, it appears.

2593
2594 Spv. Kassel:
2595 But we can't require the golf course to treat, can we?

2596
2597 Madame Chair:
2598 We can treat along the conservation areas that we control, and we do control the two,
2599 conservation areas within the golf course.

2600
2601 Spv. Berube:
2602 Is that the only areas you see that is that along the golf course?

2603
2604 Madame Chair:
2605 It's also along a lot of other conservation areas-

2606
2607 Catherine Bowman:

CARBON

2608 No-
2609
2610 Mr. Blair:
2611 It's along the right of way with the highway.
2612
2613 Madame Chair:
2614 And on the right of way of the highway and around the Buttonbush pond.
2615
2616 Catherine Bowman:
2617 Right. It's widespread in Florida, and a huge problem. It's along the roads, it's tall stuff that has
2618 the-
2619
2620 Madame Chair:
2621 And it's leaves cover the whole area.
2622
2623 Catherine Bowman:
2624 all the leaves come up from the bottom.
2625
2626 Madame Chair:
2627 It's, it's just blanketing the old right of ways.
2628
2629 Spv. Kassel:
2630 It becomes, when it goes to seed, it has white, the fluffy seed heads.
2631
2632 Madame Chair:
2633 Yeah, the seed heads, right. And, the mid ridge is off-
2634
2635 Spv. Kassel:
2636 Off-center.
2637
2638 Catherine Bowman:
2639 It's very sharp on the side, like saw grass. So it's a big problem, and it will displace native
2640 vegetation, it will crowd out, herbaceous vegetation, and eventually shrubs. Even trees at some
2641 point, so that's all there is. So, you have the Climbing Fern threatening the canopy, the Brazilian
2642 Pepper, you know, spreading in from the edges, and the Cogon grass surrounding things, and
2643 seems like the previous protocol for monitoring wasn't really, occurring in enough places such
2644 that was maybe observed frequently enough and coordinated with maintenance staff so that it
2645 could be controlled before it got to this extent. This is really pretty bad.
2646
2647 Madame Chair:
2648 I was noticing in your proposal was that it even goes further than just the monitoring, where
2649 you're going to coordinate with our staff-
2650
2651 Catherine Boloman:
2652 Yeah.
2653

CARBON

2654 Madame Chair:

2655 ... at least quarterly-

2656

2657 Catherine Bowman:

2658 True.

2659

2660 Madame Chair:

2661 ... to advise them and to work with them on the treatment.

2662

2663 Catherine Bowman:

2664 Yes.

2665

2666 Madame Chair:

2667 ... and also following their treatment progress, um-

2668

2669 Catherine Bowman:

2670 And then, meeting with District (SFWMD) staff after the reports are submitted, to go over areas

2671 that they still had concerns about, or areas that they had questions about, and look at the

2672 treatment that's being done and what the progress has been, what the diversity is doing, and if

2673 things are coming back in areas where there's been successful treatment, or, if more is necessary.

2674 So then twice a year onsite traversing the area, taking pictures, correcting data, and then, once a

2675 year the report, and then in between those monitoring visits, coordinating with the maintenance

2676 people, whoever's doing maintenance, internal, external, and getting records of when they

2677 maintained, and what areas, and what chemicals they were using. Just a kind of a full report of

2678 what maintenance is being done. It wasn't clear to me in previous reports that that had been done,

2679 but it seems like it's a useful thing in knowing what they see, what they're encountering in the

2680 field, and what we might want to look at more closely or monitor more frequently. Usually twice

2681 a year is adequate to collect enough data to satisfy the district criteria, and certainly your overall,

2682 cover is- There's been no quantitative measurement, and it would take a lot of effort to GPS all

2683 the edges of the polygons where these are occurring. And your permit requires 10% or less cover

2684 of invasive exotic species, primarily class one and class two species, as the state describes them.

2685 And, without the quantification, I don't know what, where you are, but from visually estimating,

2686 it looks like it's way out of control in the areas where they occur, and those species are

2687 particularly threatening to the native habitats.

2688

2689 Madame Chair:

2690 And they do cause a fire hazard.

2691

2692 Spv. Kassel:

2693 In the interest of time, since it's already after 8:00 pm, would it be useful to make a motion to

2694 approve the addendum to the agreement with-

2695

2696 Madame Chair:

2697 Yes.

2698

2699 Spv. Kassel:

CARBON

2700 Bowman and Blair, which is for a four-year total for, setting up, monitoring transects, conducting
2701 new baseline monitoring reporting, and annual monitoring for a four-year total of \$20,200.

2702
2703 Madame Chair:
2704 That would be for the years. It'll be another \$6,000 to set up the stations and everything, so it's a
2705 total of 26,740-

2706
2707 Catherine Bowman:
2708 I think, yeah.

2709
2710 Madame Chair:
2711 for full five years.

2712
2713 Catherine Bowman:
2714 The first year was more because we had to set up the areas and do some early coordination with
2715 Steffan, and then the years subsequent to that are reduced because we don't have

2716
2717 Spv. Berube:
2718 6000 per year, or-

2719
2720 Speaker 2:
2721 No, that's for the five years

2722
2723 Spv. Kassel:
2724 So moved.

2725
2726 Madame Chair:
2727 I have a motion. Do I have a second?

2728
2729 Spv. Leet:
2730 Second.

2731
2732 Madame Chair:
2733 I have a motion and a second to approve. Any further discussion? Hearing none, all in favor?

2734
2735 All Spv.s:

2736
2737 Aye.

2738
2739 Madame Chair:
2740 Aye. All opposed? No opposition.

2741

2742
2743
2744
2745

On MOTION **by** Spv. Kassel, SECOND **by** Spv. Leet, with all in favor the Board approved the proposal from Bowman and Blair for the Wetlands monitoring for five years (2022-2026) in the amount of \$26,740.00

2746

2747

2748

2749

2750

2751 Catherine Bowman:

2752 Thank you very much, and I would just like to urge you to look at your maintenance and at your
2753 vegetation management, protocol, teams, external/internal people, because this is a very
2754 important time of year to get something in there, get started on,

2755

2756 Madame Chair:

2757 Really hitting it and everything.

2758

2759 Catherine Bowman:

2760 you could get some of that done before the rainy season.

2761

2762 Spv. Kassel:

2763 There was somebody that you work with, and perhaps you can be in touch with them about
2764 providing a proposal?

2765

2766 Catherine Bowman:

2767 That's right. Bill Snively from Aquatic Lead Management did come along on the site visit with
2768 us, and I understand that, he can have a proposal, maybe by next week. I do know that it
2769 addresses these invasive, in some of the ways that we've talked about tonight, and I don't know
2770 the details of that. I'm not seen a proposal-

2771

2772 Spv. Kassel:

2773 I will wait to see what the-

2774

2775 Catherine Bowman:

2776 but I know that mulching of the Brazilian Pepper was his idea. Many companies who do
2777 vegetation management. I don't know if you want to solicit advice from some others, and there
2778 are a number that we've worked with that, we don't necessarily choose to work with now. Bill's
2779 company is one that we have worked with on larger projects a number of times, so we'd be happy
2780 with them. But there's others out there that we may not have experience with, or might, also do a
2781 good job.

2782

2783 Madame Chair:

2784 Great. Thank you so much-

2785

2786 Spv. Kassel:

2787 One last, quick question.

2788

2789 Madame Chair:

2790 Oh, sorry. Yes.

2791

CARBON

- 2792 Spv. Kassel:
2793 This new invasion of tropical chickweed, is it on the radar of the state, or?
2794
2795 Catherine Bowman:
2796 Not yet. I think it's probably one of those still being looked at to see if it'll be classified as a class
2797 two invasive exotic, where they suspect it could threaten native ecosystems, before the bigger
2798 classification of class one. There are a number of plants that are in that same period of scrutiny.
2799
2800 Spv. Kassel:
2801 Right. Adriatic False Hawksbeard is probably amongst them.
2802
2803 Catherine Bowman:
2804 I don't know about that one, but I know that there are other... You have some here: you have
2805 some class two's. Caesar Weed, I know there's some of the-
2806
2807 Spv. Kassel:
2808 The grapevine?
2809
2810 Catherine Bowman:
2811 larger. The native grapevine is,
2812
2813 Spv. Kassel:
2814 It's native?
2815
2816 Catherine Bowman:
2817 It's really, it is native, and it comes in where there's new edges and takes advantage of the light
2818 and new edge. So, it's not something that would be required to be treated. It's something that
2819 some people feel like they don't like the aesthetics of it.
2820
2821 Spv. Kassel:
2822 Thank you. I just asked about the tropical chickweed because it seems to be taking over a lot of
2823 the Bahia areas in our communities, and it is, the seed issue is just, mind-boggling, especially if
2824 you have a pet.
2825
2826 Spv. Berube:
2827 If only we could get our sod to grow as well as the invasives.
2828
2829 Catherine Bowman:
2830 Okay, but you want, might want to look at a different sod, because your ground elevations are
2831 such that in some areas your soil is pretty dry, and you might want to look at Centipede instead
2832 of Bahia, or, Bermuda, because it does really well with very little irrigation, and very little
2833 treatment, and it only goes about that tall and you don't have to mow it. Like, maybe once a year.
2834
2835 Spv. Kassel:
2836 Wow.
2837

CARBON

2838 Catherine Bowman:
2839 It's not native, but it's not invasive.
2840
2841 Madame Chair:
2842 It is. It's sweet, it's wonderful. It's great. Thank you so much.
2843
2844 Spv. Berube:
2845 Thank you, you did well.
2846
2847 Madame Chair:
2848 District Engineer. Thank you so much.
2849
2850 District Engineer:
2851 All right. Real quick on the last five topics. Garden Road: The County approved it. South Florida
2852 gave us a permit exemption, Florida Gas Transmission approved the plans, they gave us an
2853 Encroachment Agreement. Tim and I have looked at it. I've looked at it from an engineering
2854 point of view, Tim has looked at it from a, I guess we want to call it an exposure to the COD
2855 point of view. We both feel it's a document that's typical of Florida Gas Transmission. Plans are
2856 done, cost estimate's done, so depending on the direction of the Board, whether to execute it with
2857 FGT, we can then advertise for bids and get that Garden Road finally repaired with the 18 inches
2858 of recycled concrete.
2859
2860 Spv. Berube:
2861 You've seen the mess that's going on there with the water pipe and all that. What's the
2862 timeframe? Do you know?
2863
2864 District Engineer:
2865 Well, assuming that you approve to sign the agreement or have the Chairman sign the agreement
2866 and give it back to FGT, we could start advertising, soliciting bids, and hopefully get you bids
2867 back next month to entertain.
2868
2869 Spv. Berube:
2870 Do we necessarily want to do our road while they're right there with that mess going on?
2871
2872 District Engineer:
2873 I prefer to get them out of there before then. I don't want their heavy equipment busting up the
2874 new road.
2875
2876 Spv. Berube:
2877 We got to watch that timeframe.
2878
2879 District Engineer:
2880 Tim, I'm sorry.
2881
2882 Tim Qualls:
2883 No, and I'm sorry to you, because I remembered something after we talked. There's an attorney's

CARBON

2884 fee provision in the Encroachment Agreement that I am thinking about. I have reached out to,
2885 her name is Amy.

2886
2887 Madame Chair:
2888 Amy Powell.

2889
2890 Tim Qualls:
2891 I want to talk to her about that. I doubt they're going to budge on it, but I don't see how it hurts to
2892 ask.

2893
2894 Spv. Kassel:
2895 So we're tabling voting on the encroachment agreement?

2896
2897 Spv, Kramer:
2898 Actually, if you would, approve,

2899
2900 Spv. Kassel:
2901 Subject to?

2902
2903 Madame Chair:
2904 the execution but allowing Tim Qualls to try and negotiate something different. But, if it's a
2905 sticking point and we have to leave it in, I would recommend going ahead forward with it,
2906 because they can shut us down on that road any minute they want to.

2907
2908 Tim Qualls:
2909 Yeah, so if I may, Madam Chair? What I'm concerned about is that the language says you guys
2910 are responsible if anything happens with the pipe for constructing it. That makes sense. But it
2911 goes so far to say that if anything happens to those pipes while the road is being used, you guys
2912 are liable, unless they're grossly negligent. So, I want to talk to them about gross negligence, and
2913 then I want to try to get the attorney fees provision out. They're probably not going to budge.
2914 You all might not would budge if the tables were turned, but I'm going to at least ask all that.

2915
2916 Madame Chair:
2917 Okay.

2918
2919 Spv. Kassel:
2920 So moved.

2921
2922 Madame Chair:
2923 I have a motion to authorize a Chairman to execute the FGT agreement-

2924
2925 Spv. Kassel:
2926 Encroachment Agreement.

2927
2928 Madame Chair:
2929 Encroachment Agreement, with the proviso that there will be some discussion, but accept it.

2930

2931 Spv. Leet:

2932 Seconded.

2933

2934 Spv. Berube:

2935 Aye.

2936

2937 Madame Chair:

2938 I have a motion to second. All in favor.

2939

2940 All Spv.s:

2941 Aye.

2942

2943 Madame Chair:

2944 All opposed? Hearing none, motion passes unanimously.

2945

2946

2947

2948

2949

2950

2951

2952

2953 District Engineer:

2954 Then we'll concurrently start soliciting for bids to get you back some bids for next Board
2955 meeting. It was the more expensive version, and so we scaled it back. It was, like, \$330,000. I
2956 think Steve had a slight heart attack. So, we decided on using the recycled concrete, the estimate
2957 is \$160,000, so not cheap but it's half the cost of what was originally proposed, and everybody
2958 approved it, so that was good.

2959

2960 District Manager:

2961 Will the bids be in the February agenda?

2962

2963 District Engineer:

2964 We'll we are going to request and get those, yes. We'll make it a point that I get them in time to
2965 review them, to put them in my report so you guys can approve it on the next Board meeting. So,
2966 next big-ticket item is milling and resurfacing of neighborhood's C1 and C2. We have also
2967 finished the construction plans. We got 1.25 miles of alleyways to be milled and resurfaced. We
2968 also have some minor drainage to hit the hot spots. I've been out there several times after it rains,
2969 and the water's not getting to the inlet like it should. The total ticket, don't shoot the messenger,
2970 is roughly \$550,000 for the milling and resurfacing of C1, C2.

2971

2972 Spv. Kassel:

2973 I have a question, very quickly. I was reviewing the reserve study that has been revised, and for

CARBON

2974 some reason it gives the C1, C2 alleyways, like, the longest life of any of the alleyways-

2975

2976 Madame Chair:

2977 Oh, that's because it anticipates it being done this year.

2978

2979 Spv. Kassel:

2980 Oh, okay.

2981

2982 District Engineer:

2983 Yeah, I told them it would be happening this year, that's why.

2984

2985 Spv. Kassel:

2986 Thank you.

2987

2988 District Engineer:

2989 Sorry for the misunderstanding

2990

2991 Spv. Kassel:

2992 I was like, "Oh my god, why?"

2993

2994 Madame Chair:

2995 No, it's not 15 years off.

2996

2997 District Engineer:

2998 Yeah, we met with Steve, we told him this was the District's next project.

2999

3000 Spv. Kassel:

3001 Okay. And then to the same point, Mr. Berube's having a hard time accepting that that needs to
3002 be done because he feels that it may not be warranted, so I would like your professional opinion
3003 on whether C1 and C2 alleyways actually do need resurfacing at this point.

3004

3005 District Engineer:

3006 There are really bad sections, and there are sections you can spare it a little bit longer. How we
3007 slice and dice it in the long run may be more expensive. If you're going to stop in milling
3008 surfaces and jump a couple hundred feet to continue, I'll tell you, I have to think about best to
3009 tackle that.

3010

3011 Spv. Kassel:

3012 And the other question brings up a question of our reserve study because they anticipated that it
3013 would be, less than half of what the cost that you brought to us for resurfacing and re-milling.

3014

3015 Spv. Kassel:

3016 \$136,000

3017

3018 Spv. Berube:

3019 That's not surprising. When you start getting into the drainage and all that, that adds quickly,

CARBON

3020 because that's real straight-up labor work. You're going to be raising structures, having to regrade
3021 all around them.

3022
3023 District Engineer:
3024 We have slotted drains to take the water to the inlets. We have some sections have to be restored
3025 from sub-base in the asphalt. There are a couple really bad areas. We're putting some ribbon
3026 curbs along the curb, so the garbage trucks don't keep driving up the edge of your asphalt. I'm
3027 going to ask Greg to put certain elements as a separate line item so when the bids come in I can
3028 see portion for milling and resurfacing, and then the, what I call the add-ons, to make it better
3029 understandable.

3030
3031 District Engineer:
3032 ... and we can make a decision in a couple months, when it gets back with the bids, whether those
3033 add-ons are worth it or we just simply want to do milling and resurfacing only.

3034
3035 Spv. Kassel:
3036 Okay, thank you.

3037
3038 Spv. Berube:
3039 Do you suspect that the bidders on this will be IGC, and he'll hire several subs for doing the
3040 drainage work and whatnot in a different paving contract?

3041
3042 District Engineer:
3043 Yeah, there's about three or four paving contractors that he uses. PNS Paving's a good example,
3044 Massey. You may hire a general contractor to do some of the other stuff, but they'll set up the
3045 paving work, and they just don't have the equipment, the heavy equipment to do milling,
3046 resurfacing-type work.

3047
3048 Spv. Berube:
3049 I'm all for fixing the drainage. I still think that the pavement is usable for a long time, but that's
3050 just my opinion. I understand there's a number of drains that need to be fixed, and they need
3051 special attention, and it shouldn't be the paving contractor, probably, doing the drainage work,
3052 for obvious reasons.

3053
3054 Madame Chair:
3055 Now, we had discussed having someone, not an expensive engineer, but, having basically a
3056 contract manager from our perspective, overseeing the work.

3057
3058 District Engineer: So, once you start construction, whether or not you guys want to hire an
3059 inspector, I'm not sure if Inframark has construction inspectors or not, or you can sub them out.
3060 And they're not engineer fees. They're typically on the order between \$65-\$85 an hour to have an
3061 inspector out there to make sure that the contractor doesn't go unattended or unobserved, because
3062 that's a lot of money to be spending.

3063
3064 Spv. Berube:
3065 Based on prior experience, Perfect idea.

CARBON

3066
3067 Madame Chair:
3068 Thank you.
3069
3070 District Engineer:
3071 So, when the bids come in you can make a decision at that point whether to retain a construction
3072 inspector to oversee construction, make sure it's done right so you're not revisiting this two year
3073 instead of 15 years. All right. Dark Sky Drive swale, the plans are done in that one, as well. I was
3074 going to give it to Angel and Brett and see if they can hire a contractor to properly regrade that
3075 swale based on Greg's maneuvering around the fence, but still keeping within COD property.
3076
3077 Madame Chair:
3078 So, none of the fence and the pool is on our property-
3079
3080 District Engineer:
3081 Right. If you look at the survey, it's swalw, swale, swale, then it hits the fence, and then
3082 continues to the other side. So, we're literally going to have to go... We're just going to go around
3083 it, because ripping up the fence on that stuff, it'll just cause... We're going to have a room full of
3084 angry family members and everything else. We're just going to go around it, on COD property,
3085 and get out of there. So, those plans are done. Then I'll get to Brett and Angel.
3086
3087 Madame Chair:
3088 And we're going to try and do that before the rainy season, right?
3089
3090 District Engineer:
3091 Yes. Last set of plans I brought with me is the RV and boat and storage area. Steve, they are at
3092 60% level. I'll give you a full-size set of plans with a bunch of questions and have you look at it,
3093 since it involves a fencing guy, and I think Greg has put on everything that the County's
3094 expecting versus what we were hoping to achieve for security.
3095
3096 Spv. Berube:
3097 Okay.
3098
3099 District Engineer:
3100 What I brought with me for you guys is half-size set of plans for all the four things we talked
3101 about, because I know in the agenda package, it's really hard to see them, and they got full sizes
3102 of each that we talked about tonight. Last thing and I'm out of here: the dog park, Toho Water
3103 Authority has changed their position. They will not do the tap in to the water line and that we
3104 have to hire a contractor to-do it, of course, yes So, we are going to find out exactly what they
3105 need and I'll bring it back next Board meeting.
3106
3107 Spv. Berube:
3108 That was their position the last time we tried to do one of these, too. First, they said yes, then
3109 they said no.
3110
3111 District Engineer:

CARBON

3112 Then they changed. Anyways, here's my Christmas gifts early.
3113

3114 Madame Chair:
3115 All right. Cattails in the stormwater pond, you did an excellent review in that, and maybe we can
3116 get with Catherine, too, on the best way to handle those, if we need to. I saw the Atlantic Pipe,
3117

3118 District Engineer:
3119 Yeah, they started this several days ago, yeah.
3120

3121 Madame Chair:
3122 So they've been out here.
3123

3124 District Engineer:
3125 I told them to call me if there's anything extraordinary happening. I heard the broken irrigation
3126 heads; and hoped it wasn't because of them. They should be wrapping up this week, for sure.
3127

3128 Madame Chair:
3129 Wonderful, wonderful.
3130

3131 Spv. Berube:
3132 Compared to what they're going to charge a broken irrigation head, it's nothing.
3133

3134 Madame Chair:
3135 All right, thank you so much. Any further questions of our engineer?
3136

3137 Resident:
3138 Spv. Leet:, the zoom audio is not working.
3139

3140 Spv. Leet:
3141 Okay, thank you.
3142

3143 Spv. Berube:
3144 How many times I got to tell you, pay that bill, come on.
3145

3146 Madame Chair:
3147 Do I need to pause, Spv. Leet, or I'm showing that ...
3148

3149 Madame Chair:
3150 Are we on mute?
3151

3152 Spv. Leet:
3153 I believe we're on mute. Let me go ahead and... I am so glad we have this stuff here.
3154

3155 Spv. Kassel:
3156 David. The additional work-
3157

CARBON

3158 Madame Chair:
3159 Okay. You want to move forward.
3160
3161 Spv. Kassel:
3162 on the resurfacing, what were the add-ons for the resurfacing and milling?
3163
3164 Madame Chair:
3165 We need to talk about the real property inventory that you had mentioned.
3166
3167 Spv.
3168 Okay.
3169
3170 Spv. Berube:
3171 Do whatever you got to do first. I almost felt fatigued.
3172
3173 Madame Chair:
3174 That we will get to on the record, Tim.
3175
3176 Spv. Leet:
3177 It says it's recording.
3178
3179 Spv. Berube:
3180 It says, "unmute my audio or press and hold the space bar to temporarily unmute".
3181 Spv. Leet:
3182 Right, but if you look at the little thing in the bottom left, it says it's not muted.
3183
3184 Spv. Berube:
3185 Okay. So we're good to go?
3186
3187 Spv. Leet:
3188 I sure hope so.
3189
3190 Madame Chair:
3191 It's now our district council's time to talk?
3192
3193 **DISTRICT COUNSEL**
3194
3195 Tim Qualls:
3196 You all have my report. The contracts are done. Madam Chair wanted to discuss the real
3197 property inventory.
3198
3199 Madame Chair:
3200 Do we know what that's going on? ... I mean, if it's just a summary, I guess I need to know more
3201 about what it's going to tell us. Is it a run of the property appraiser's database, which won't help
3202 us? Is it a run, is it going to tell us what's in the deed, or what parcels are what?
3203

CARBON

3204 Tim Qualls:
3205 The title company, I spent the morning talking to, a gal who's been doing this forever, since
3206 when you had to go to the courthouse to get this done, which I learned you still have to do in
3207 some counties, but not Osceola. But she said the property appraiser, like, the website is accurate
3208 about 90% of the time, and, and not just for Harmony, in general. They only do a partial legal,
3209 and so while they might start there, they're really going to look into the deeds and look at the
3210 Osceola County. The only record that matters, because it's a statute of fraud issue, is the deed.
3211 So, because the land transfer has to be in writing, witnessed by two parties, executed and
3212 recorded. So that is going to be the Osceola County clerk. That's going to be where the records
3213 are, and you're going to want to look at the deeds.
3214
3215 Madame Chair:
3216 This report that you're going to give us actually looks at the deeds. So, it, like, each of these
3217 different deeds... And I was looking at a couple of other ones for this neighborhood C1 and C2. It
3218 covers a lot of different parcels again, so it will pull all of that information about all those parcels
3219 and not let one slip through the crack, right?
3220
3221 Tim Qualls:
3222 No title company is infallible. Uh, no attorney is infallible.
3223
3224 Madame Chair:
3225 I understand, but I want it to be an independent, not based on the tax collector, or the property
3226 appraiser.
3227
3228 Tim Qualls:
3229 You know, so, again, they don't rely on the property appraiser records because they're only
3230 accurate roughly 90% of the time.
3231
3232 Spv. Berube:
3233 So we got to do a Clerk of the Court search.
3234
3235 Tim Qualls:
3236 Correct. And they're having to get into the title. They start with the plat, but then they have to get
3237 into the deed. And this is what they do.
3238
3239 Madame Chair:
3240 And it's \$600?
3241
3242 Tim Qualls:
3243 Well, that was what I was quoted whenever this was brought up last time. But, put it all on hold.
3244
3245 Madame Chair:
3246 Okay, that was just two weeks ago, right?
3247
3248 Tim Qualls:
3249 No, that was at the last meeting, last year is when I first mentioned it to you. I had called Percette

CARBON

3250 at that time. All, all I'm saying is I don't know that the, the price is still \$600, but that is what
3251 they quoted me the first time I asked.

3252

3253 Madame Chair:

3254 Okay. It was less than a month ago?

3255

3256 Spv. Berube:

3257 Six weeks.

3258

3259 Tim Qualls:

3260 I don't remember.

3261

3262 Spv. Leet:

3263 Yeah, this is where we have the extra gap, because of the -

3264

3265 Spv. Berube:

3266 I mean, last meeting, last year, was six weeks. I'll move to approve, not to exceed \$1000, to

3267 allow for some play here, and let the Chairwoman execute the deal once we understand the price.

3268 Move.

3269

3270 Spv. Kassel:

3271 Second.

3272

3273 Spv. Berube:

3274 Move to... you get it.

3275

3276 District Manager:

3277 For a real property search?

3278

3279 Spv. Berube:

3280 Real property, title search, entitlement, what are we calling this?

3281

3282 Tim Qualls:

3283 There, yeah, I think it's correct.

3284

3285 Madame Chair:

3286 A real property title search.

3287

3288 Tim Qualls:

3289 To identify what is owned by the District.

3290

3291 Madame Chair:

3292 To identify what is owned by Harmony.

3293

3294 Spv. Berube:

3295 Not to exceed \$1000 and let the Chairwoman execute.

3296
3297 Madame Chair:
3298 I have a motion
3299
3300 Spv. Kassel:
3301 Second.
3302
3303 Madame Chair:
3304 All in favor?
3305
3306 All Spv.s:
3307 Aye.
3308
3309
3310 Madame Chair:
3311 Aye. All opposed? Carries. I will look forward, getting started on that.
3312
3313
3314
3315

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

3316
3317
3318
3319
3320
3321
3322
3323
3324

3325 Tim Qualls:
3326 I'll call Stewart.
3327

3328 **FIELD MANAGER REPORT**

3329
3330 Madame Chair:
3331 Field manager's report.
3332
3333 Area Field Director:
3334 All right.
3335
3336 Spv. Berube:
3337 Nice to know where you fall on the pecking order, huh?
3338
3339 Madame Chair:
3340 It's okay. Another meeting, he'll be right up top.

CARBON

3341
3342 Area Field Director:
3343 It's pretty basic. B&B's going to... They finally executed the contract. It took a little while. Their
3344 lawyer was looking at stuff, making sure language was good on their end. They should be
3345 starting the project February one. He's ready to go. Vincent will be out really making sure we're
3346 good there. I'll be out, inspecting, as well. UMAX followed up today with them and said it's on
3347 order. And then told me six to seven months. It could be six to seven months.
3348
3349 Spv. Kassel:
3350 Im sorry, for what?
3351
3352 Spv. Berube:
3353 It more than likely will be. That wasn't the deal that they originally presented, was it?
3354
3355 Area Field Director:
3356 No. So, I think I said at the last meeting. So, I got the quote from them. But as the year ended,
3357 the dealer in Miami with Advantage Golf Carts actually sold or broke apart from Advantage Golf
3358 Carts. So, they're still advertising on Advantage Golf Cart's website as a distributor or a location,
3359 but they're no longer affiliated with them, so they can't go pull that inventory from Miami and
3360 bring it to Orlando. Not explained to me at all when I, when I provided that. So, he said he's
3361 going to update me as soon as possible. The price obviously hasn't changed. It's just a delay. I
3362 think we're still okay. We, as Inframark provided Vincent a work truck, so we still have the
3363 Harmony CDD truck, too, that somebody can use for the time being. You're still fine with some
3364 of the carts right now, correct?
3365
3366 Spv. Berube:
3367 How many do we have down?
3368
3369 Area Field Director:
3370 Just the Mule, right? We have to get tires on the Mule, correct?
3371
3372 Field Manager: I will be getting the tires tomorrow.
3373
3374 Area Field Director:
3375 Tomorrow. His, credit card finally came in.
3376
3377 Spv. Berube:
3378 Oh, so Bobcat and the land max are out of service.
3379
3380 Area Field Director:
3381 Correct. His credit card is in, he's good now. There's an update that's not in here. The tree
3382 inventory, we talked about it, we tabled it, for the time being, at the last meeting. From what I
3383 recall, B&B can provide this, based on the pricing that was presented at the last meeting, but at
3384 the, this point, I don't necessarily know if the tree inventory is needed for any specific reason.
3385 Unless you all have a question.
3386

CARBON

- 3387 Madame Chair:
3388 Yeah, and maybe we can get with him, but the biggest part of the problem I had with the tree
3389 inventory was that we'd be obligated to take \$2500 a year for the software alone.
3390
- 3391 Area Field Director:
3392 Correct.
3393
- 3394 Madame Chair:
3395 I'm looking into other possibilities,
3396
- 3397 Area Field Director:
3398 Yeah, and there are a lot of other things. I mean, I know he wanted to use it more to mark trees,
3399 like, green, red, yellow. Where green was good, yellow was watch for next trim, red was needs
3400 to be trimmed, and I think that's what he was trying to use that for on top of giving you quantity
3401 and types of, of trees.
3402
- 3403 Madame Chair:
3404 I may have another solution
3405
- 3406 Spv. Berube:
3407 He's going to be out here trimming just about every tree we have, right?
3408
- 3409 Area Field Director:
3410 No, not right away, no.
3411
- 3412 Spv. Berube:
3413 Well, no, but over a period of time.
3414
- 3415 Area Field Director:
3416 If you decide that you need-
3417
- 3418 Spv. Berube:
3419 While he's out here trimming them, let's inventory them.
3420
- 3421 Madame Chair:
3422 Right, but he has to log them onto some sort of system, and that was what the \$2500=
3423
- 3424 Area Field Director:
3425 I understand what you're saying. Like, just right now "this street has this many oaks, this street
3426 has this many sycamores."
3427
- 3428 Tim Qualls:
3429 Check out Google Earth.
3430
- 3431 Madame Chair:
3432 We're going to... that's what I was going to try and work with him on, and see if Google Earth-

CARBON

3433
3434 Spv. Berube:
3435 Got to be a better way.
3436
3437 Madame Chair:
3438 With pins and, and... there's a way to do that.
3439
3440 Area Field Director:
3441 So, the swim club pool, the sewer line was repaired this week.
3442
3443 Madame Chair:
3444 For how much?
3445
3446 Area Field Director:
3447 \$850.
3448
3449 Madame Chair:
3450 Much better than the \$4800.
3451
3452 Area Field Director:
3453 Correct. I've been out today because they were working on the restroom there. There were some
3454 issues going on with when they flushed the toilet. There was water backing up... Im not a
3455 plumber, so bear with me, but just the pipe coming from the toilet up to where the handles at.
3456 Not the input water, the water coming into the flusher handle. So, we think maybe the seals are
3457 bad.
3458
3459 Spv. Berube:
3460 What, the where?
3461
3462 Area Field Director:
3463 So, you know how they have the-
3464
3465 Spv. Berube:
3466 Oh, the chrome. Yeah, yeah, yeah.
3467
3468 Area Field Director:
3469 The chrome fixture, right.
3470
3471 Spv. Berube:
3472 Yep.
3473
3474 Area Field Director:
3475 You have the water coming out and you have the pipe that's going down to the toilet, right?
3476 Well, when they let go of the handle there's back-
3477
3478 Spv. Berube:

CARBON

3479 Water sprays... yeah, it comes back out of that little vent.

3480

3481 Area Field Director:

3482 Exactly.

3483

3484 Spv. Berube:

3485 We've had that problem before. The internal-

3486

3487 Area Field Director:

3488 Guts.

3489

3490 Spv. Berube:

3491 Yeah, get all corroded from the acidic water, and in the past we just bought, like, 10 or 12 of
3492 them on Amazon, and replace all those units.

3493

3494 Area Field Director:

3495 Vincent is going to take a look at it, but that's what I kind of thought was probably the gaskets
3496 inside, have gotten corroded, you know, hard water or whatever, acidic water or whichever one
3497 you want to go with.

3498

3499 Spv. Berube:

3500 When, when you take one apart, all the metal will be eaten up, it will be all green, the rubber is
3501 all going, it's a mess.

3502

3503 Madame Chair:

3504 And then, this is at lakefront?

3505

3506 Spv. Kassel:

3507 No, swim club.

3508

3509 Madame Chair:

3510 Okay. So, we just need to do a replace of the internal parts.

3511

3512 Area Field Director:

3513 Yeah, just basically rebuild them. Which we can do in-house, I believe, internally. We're fine
3514 with that. The last item on here, and then I'll talk about tow boat repairs. I also got an update
3515 today from Jim. He's working on the bow and going to do some final touches on the bow. Then
3516 the flooring's going to go in and should be... we're getting pretty darn close. I will say, Jim has
3517 been very communicative. Every time you guys see an update from me, he's sending it to me
3518 proactively. I'm not asking for it. He has been honest, as well. He has some FDLE contracts, Fish
3519 and Game contracts that are, kind of were already on his plate when this boat came in, that he's
3520 got timelines for as well. Not that he's pushing the towboat to the side, but obviously economy of
3521 scale doesn't make sense when you're dealing with hundreds of thousands of dollars of state
3522 boats versus-

3523

3524 Area Field Director:

CARBON

3525 Lakefront Park. There was a Facebook post yesterday, this is caution tape put on a urinal. That
3526 caution tape was placed yesterday. We found that issue yesterday. The field staff did try to snake
3527 that toilet or that urinal to get it unclogged did not work. We did get a quote today from Parish,
3528 Tom Parish plumbing, for \$350 to get a better snake in there. I've already moved forward
3529 with it, and hopefully we'll have that up and going. But, there is now an out-of-order sign on
3530 there that was placed by in-house staff, not outsource staff.

3531
3532 Spv. Kassel:
3533 What does that mean?

3534
3535 District Manager:
3536 That was the Facebook post

3537
3538 Spv. Kassel:
3539 Oh

3540
3541 District Manager:
3542 That the district outsources staff.

3543
3544 Area Field Department:
3545 It was just a light joke, that's all. I'm sorry.

3546
3547 Madame Chair:
3548 Oh, on the plumbing issue, since we do have roots that are starting to invade some of our pipes,
3549 should we look at something like Rootex for an annual treatment for all of our bath houses?
3550 Basically, it's a foam treatment. It will kill the roots that are in it, not the tree outside of it, and
3551 then it lays down a protective coating inside the pipe-

3552
3553 Area Field Director:
3554 To seal it?

3555
3556 Madame Chair:
3557 To deter the roots.

3558
3559 Area Field Director:
3560 I've never heard of it, but we can absolutely look into it.

3561
3562 Madame Chair:
3563 Okay. If you could look into it.

3564
3565 Area field Director:
3566 Is it something that we can buy, or is it something that somebody else can supply?

3567
3568 Madame Chair:
3569 It's something you can buy. Our staff can go ahead and apply it-

3570

CARBON

3571 Area Field Director:

3572 So, it's like a Drain-O, but it's more... okay.

3573

3574 Madame Chair:

3575 Well, it also coats the inside of the pipe and provides protection. It deters roots from coming into
3576 the pipes for a year, so. Do you know anything about it?

3577

3578 Spv. Berube:

3579 Sounds like miracle in a can

3580

3581 Madame Chair:

3582 It sure beats the repair costs.

3583

3584 Area Field Director:

3585 We did have one work order, from a resident. There was a resident that were not here tonight
3586 asking about removing two oak trees by their home. They didn't bring it up in resident comments
3587 today, but I told them that is probably not going to be accepted.

3588

3589 Madame Chair:

3590 Two living oak trees?

3591

3592 District Manager:

3593 I heard this. A little bit of b'ackstory on that please.

3594

3595 Spv. Kassel:

3596 Between the curb and the sidewalk?

3597

3598 Area Field Director:

3599 So, the issue was, that we were made aware of, that their lawn provider had mentioned that they
3600 have jasmine minima growing underneath, in between the sidewalks and the curb. They have a
3601 lot of stepping stones there. Their lawncare provider mentioned that the oak leaves are very
3602 acidic, which is causing issues; and, and that they can't get the jasmine to fill in. There were
3603 some tree limbs that were closer to their home. I don't know who removed them, necessarily, but
3604 those have been since removed.

3605

3606 District Manager:

3607 Contractor.

3608

3609 Area Field Director:

3610 They have since been removed.

3611

3612 District Manager:

3613 Is this the same resident who has so many oak trees, and she's saying the developer planted way
3614 too many oak trees?

3615

CARBON

3616 Area Field Director:
3617 Well, there are two ... There's one definitely in her yard, one
3618
3619 Madame Chair:
3620 On the comer.
3621
3622 Area Field Director:
3623 Kind of borders her property line and her neighbors.
3624
3625 Madame Chair:
3626 Every 20 feet we had to plant them.
3627
3628 Area Field Director:
3629 Yeah, this one's, this one's pretty close.
3630
3631 Madame Chair:
3632 Okay.
3633
3634 Area Field Director:
3635 It's on Butterfly Drive.
3636
3637 Resident:
3638 Butterfly drive.
3639
3640
3641 Area Field Director:
3642 Yeah. So, they want to replace them with a different type of tree, if possible, and I, again, I
3643 mentioned to them that I don't think it's going to be ... I didn't say accepted or declined, but I said
3644 that would be a Board decision. So, I'm making you aware of it as more of a heads-up if it does
3645 happen.
3646
3647 Spv. Kassel:
3648 Uh, question about the tree that was cut down, probably a sycamore, on-
3649
3650 Area Field Director:
3651 Being replaced.
3652
3653 Spv. Kassel:
3654 Bluestem. Yeah, but I was told that weeks and weeks ago, and it's been that way for weeks and
3655 weeks.
3656
3657 Area Field Director:
3658 I followed up with Servello, and they said it should be within the next two weeks. They had-
3659
3660 Spv. Kassel:
3661 So, are they going to dig out the existing-

CARBON

3662
3663 Area Field Director:
3664 I actually had to get a competitive bid. Because it was over \$500.
3665
3666 Spv. Kassel:
3667 And who authorized the... And who removed it? The homeowner?
3668
3669 Madame Chair:
3670 No, we removed it. A previous homeowner, several ownerships before, had built up a planter bed
3671 around it and filled in over the roots and everything. We don't know that that was the total
3672 demise. It could have been part of the waxy scale problem. But anyway, that tree was almost
3673 dead, and large limbs were falling on the sidewalk.
3674
3675 Spv. Kassel:
3676 I see, okay.
3677
3678 Madame Chair:
3679 It was a real hazard.
3680
3681 Area Field Director:
3682 I want to say it was removed in, like, July, August. around that timeframe.
3683
3684 Madame Chair:
3685 And then, they delayed the replacement of it because they, I told them we're not going to replace
3686 it until they get all of that stuff out of there and clean that up. They got it all out, and it's been,
3687 like, six weeks.
3688
3689 Spv. Kassel:
3690 The homeowner, you mean? To, to take everything out?
3691
3692 Madame Chair:
3693 Yes.
3694
3695 Area Field Director:
3696 Correct.
3697
3698 Spv. Kassel:
3699 Because they had put it in.
3700
3701 Madame Chair:
3702 To clean it all out, take the paper, you know, the little blocks out and everything.
3703
3704 Area Field Director:
3705 It was unsafe to stump grind, too.
3706
3707 Madame Chair:

CARBON

3708 Right.

3709

3710 Area Field Director:

3711 So there was a delay in getting that out before they could stump grind, so that way they could
3712 then replant.

3713

3714 Spv. Kassel:

3715 Okay. Thank you

3716

3717 Area Field Director:

3718 Yes, it is on the, the docket to be done. Not to go too much off the agenda, but the discussion
3719 today on the, the invasive plant species control and mitigation, we need to really dig in on that,
3720 because with the staff currently, even when we bring on to get five folks, you're talking about a
3721 lot of work.

3722

3723 District Manager:

3724 With the current staff, it, we can't do it.

3725

3726 Madame Chair:

3727 Well, we can't keep up with the growth, I mean, Brad is doing a stellar job attempting to take on
3728 a monster that grows faster than he can take on.

3729

3730 Area Field Director:

3731 There should be more control in the summer, but when you have standing water and you have,
3732 it's a safety issue there, because now you have gators that do nest in those areas; you have
3733 moccasin increases; and there are snakeroots and all that stuff, but there are companies that we
3734 should, we, being the board, should consider looking into more on that control. The only caution
3735 I will have on the Brazilian Pepper, and I think we need to find this out, is when it goes to seed.

3736

3737 Madame Chair:

3738 It's seeding right now.

3739

3740 Area Field Director:

3741 So do not grind it now.

3742

3743 Madame Chair:

3744 It's bright red seed.

3745

3746 Area Field Director:

3747 If you grind it now, you're dropping it, all those seeds off the trees, into the-

3748

3749 Madame Chair:

3750 No, we want the birds to eat them and fly somewhere else.

3751

3752 Area Field Director:

. 3753 Well, that's another problem. You want to grind them when they're not seeding.

CARBON

3754
3755 Madame Chair:
3756 Right.
3757
3758 Area Field Director:
3759 So, just an FYI on that. Okay. That's all I have-
3760
3761 Madame Chair:
3762 Anything else, any questions? Okay. Hearing no questions, we'll relieve Brett of his position.
3763 Old business. Supervisor. requests. Anything from the Board? Hearing none, I would entertain a
3764 motion to adjourn.
3765
3766 Spv. Berube:
3767 So moved.
3768
3769 Spv. Scarborough:
3770 Second it.
3771
3772 Madame Chair:
3773 Motion and second. All in favor?
3774
3775 All Spv.s:
3776 Aye.
3777
3778
3779
3780 Madame Chair:
3781 All opposed? No opposition whatsoever. We're ready to get out of here. Thank you, everybody.
3782 You were wonderful.
3783
3784
3785
3786 On MOTION by Spv. Berube, SECOND by Spv.
3787 Scarborough, with all in favor the Board adjourned.
3788
3789
3790
3791
3792
3793
3794



Teresa Kramer, Chairperson