

**MINUTES OF MEETING  
HARMONY WEST  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Harmony West Community Development District held a Regular Meeting on April 20, 2023 at 10:30 a.m., at Johnston’s Surveying, Inc., 900 Cross Prairie Parkway, Kissimmee, Florida 34744.

**Present were:**

Chris Tyree (via telephone)	Chair
Bill Fife	Vice Chair
Robyn Bronson	Assistant Secretary
Roger Van Auker	Assistant Secretary

**Also present were:**

Daniel Rom	District Manager
Jere Earlywine (via telephone)	District Counsel
Mark Stehli (via telephone)	District Engineer
Mark Hills	Field Operations Manager
Kathy Myers	Resident
Scott Turner	Public

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Rom called the meeting to order at 10:32 a.m. Supervisors Fife, Bronson and Van Auker were present in person. Supervisor Tyree attended via telephone. Supervisor Wiggins was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

No members of the public spoke.

**THIRD ORDER OF BUSINESS**

**Discussion: Private Docks in Canal**

Ms. Myers presented her dock proposal, including the Self-Certification from the Florida Department of Environmental Protection (FDEP), the response from the U.S. Army Corps of Engineers (USACE) and drawings of the proposed dock.

Mr. Tyree commended Ms. Myers’ due diligence, efforts and successful outcome and expressed support for approval.

Mr. Earlywine thanked Ms. Myers for her proactive approach in coming to the CDD first and doing extensive research. He stated that her application was used as a template for the policy being recommended in the Fourth Order of Business.

**FOURTH ORDER OF BUSINESS**

**Consideration: Canal Dock Approval  
Process/Forms of Documents**

- A. Master Dock Easement Agreement**
- B. Assignment of Dock Rights**
- C. Application**
- D. Policies/Dock Agreement**

Mr. Earlywine stated Items 4A and 4B are included for informational purposes. He noted that the Chair’s preference is for the CDD to provide an Easement Grant. He presented the Policies/Dock Agreement, which will be recommended today. The application fee will defray the engineering and inspection costs incurred by the CDD related to the dock. The policy can be revisited as necessary. District Staff will review applications for completeness and the Board will review and consider the application and the easement agreement.

Discussion ensued regarding the application fee, contractors and construction and homeowners’ insurance requirements.

Mr. Earlywine suggested approval in substantial form, subject to contractors’ insurance, general insurance for maintenance and use of the easement and subject to direction regarding the use of a professional contractor.

Mr. Fife asked if responsibility for the dock transfers if the home is sold. Mr. Earlywine replied affirmatively; the maintenance paragraph addresses the homeowner’s responsibility to maintain the dock. A notice provision can be added to address gaps in homeowners’ insurance.

Discussion ensued regarding inspections and the homeowner’s ongoing responsibility to maintain, repair and replace the dock as outlined in the agreement.

Mr. Earlywine noted that the homeowner is required to inform the CDD of any projects, such as repair or reconstruction, which would incur another application fee.

Ownership of the land on which the dock will be constructed, possible requirement for a stated land lease for docks from the FDEP and setbacks were discussed.

Ms. Myers thanked Mr. Rom for his assistance and the Board for its consideration. Mr. Rom hoped that future residents appreciate and follow Ms. Myers’ example.

**On MOTION by Mr. Van Auker and seconded by Ms. Bronson, with all in favor, the Policies/Dock Agreement, in substantial form, subject to contractors’ insurance, general insurance, private versus general contractor verbiage within the Agreement, and authorizing the Chair to discuss with Staff and to execute, was approved.**

**On MOTION by Mr. Fife and seconded by Ms. Bronson, with all in favor, Ms. Kathy Myers’ Dock Application pertaining to 2940 Hooded Crane Cove, subject to review of the application and payment of the application fee, was approved.**

**FIFTH ORDER OF BUSINESS**

**Consideration/Discussion: License Agreement for Access (Pool Construction)**

Mr. Rom stated the CDD was notified that a resident requested permission to use the CDD easement to bring in equipment for pool construction. He presented the draft Agreement for Access, noting that a \$6,000 deposit will be required for potential sidewalk, curb and landscaping repairs. An updated Scope of Work including only the portion of the project that will impact the CDD’s easement will be requested.

Mr. Earlywine stated the Agreement will be revised to reflect the updated \$6,000 deposit and schedule. CDD indemnification and insurance from contractors will be required.

**On MOTION by Mr. Van Auker and seconded by Ms. Bronson, with all in favor, the License Agreement for Access for Pool Construction, in substantial form, pending the \$6,000 deposit and updated Scope of Work and timeline, and authorizing the Chair to discuss with Staff and to execute, was approved.**

**SIXTH ORDER OF BUSINESS**

**Ratification of Engagement with Jere Earlywine at Kutak Rock LLP**

**• Consideration of Retention and Fee Agreement**

Mr. Earlywine presented the Letter Agreement to transition District Counsel Services to Kutak Rock, LLP, and the Kutak Rock LLP Retention and Fee Agreement, which is identical in terms and rates to the Agreement with KE Law Group PLLC.

**On MOTION by Mr. Van Auker and seconded by Ms. Bronson, with all in favor, engagement of Jere Earlywine/Kutak Rock LLP was ratified, and the Kutak Rock, LLP Fee Agreement for District Counsel Services, was approved.**

- A. March 17, 2022 Buck Lake Committee Meeting Minutes**
- B. Bio-Tech Consulting Inc., Proposal No. 23-093 for Environmental Services**
- C. Cost Details**

**On MOTION by Ms. Bronson and seconded by Mr. Van Auker, with all in favor, the March 17, 2022 Buck Lake Committee Meeting Minutes, as presented, and Bio-Tech Consulting Inc., Proposal No. 23-093 for Environmental Services, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Bio-Tech Consulting, Inc.,  
First Addendum to Pond Maintenance  
Agreement**

Mr. Earlywine presented the Bio-Tech Consulting, Inc., First Addendum to the Pond Maintenance Agreement.

**On MOTION by Mr. Fife and seconded by Ms. Bronson, with all in favor, the Bio-Tech Consulting, Inc., First Addendum to the Pond Maintenance Agreement, in substantial form, was approved.**

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-07,  
Amending the General Fund Portion of the  
Budget for the Fiscal Year 2023; and  
Providing for an Effective Date**

Mr. Rom presented Resolution 2023-07. This is necessary due to the issuance of a new series of bonds that closed on February 28, 2023, necessitating the addition of the Debt Service Fund to the Fiscal Year 2023 budget.

**On MOTION by Ms. Bronson and seconded by Mr. Fife, with all in favor, Resolution 2023-07, Amending the Debt Service Fund Portion of the Budget for the Fiscal Year 2023; and Providing for an Effective Date, in substantial form, was adopted.**

**TENTH ORDER OF BUSINESS**

**Consideration of Fiscal Year 2022/2023  
Deficit Funding Agreement**

Mr. Rom stated the Fiscal Year 2022/2023 Deficit Funding Agreement was approved at a previous meeting.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-08, Ratifying, Confirming, and Approving the Sale of the Harmony West Community Development District Special Assessment Revenue Bonds, Series 2023 (Assessment Area Two); Ratifying, Confirming, and Approving the Actions of the Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretaries, and All District Staff Regarding the Sale and Closing of the Harmony West Community Development District Special Assessment Revenue Bonds, Series 2023 (Assessment Area Two); Determining Such Actions as Being in Accordance with the Authorization Granted by the Board; Providing a Severability Clause; and Providing an Effective Date**

Mr. Rom presented Resolution 2023-08.

**On MOTION by Ms. Bronson and seconded by Mr. Fife, with all in favor, Resolution 2023-08, Ratifying, Confirming, and Approving the Sale of the Harmony West Community Development District Special Assessment Revenue Bonds, Series 2023 (Assessment Area Two); Ratifying, Confirming, and Approving the Actions of the Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretaries, and All District Staff Regarding the Sale and Closing of the Harmony West Community Development District Special Assessment Revenue Bonds, Series 2023 (Assessment Area Two); Determining Such Actions as Being in Accordance with the Authorization Granted by the Board; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**TWELFTH ORDER OF BUSINESS**

**Ratification: Florida ULS Operating, LLC, DBA United Land Services, Proposals**

- A. Repair of Reclaimed Water Mainline Issue at Botanic Blvd/Crispin Cir**
- B. #26963 April Annuals Rotation**
- C. Contract Addendum [Walking Trails Clean Up]**

**On MOTION by Mr. Van Auker and seconded by Ms. Bronson, with all in favor, the Florida ULS Operating, LLC, DBA United Land Services, proposals and Contract Addendum, previously executed by the Vice Chair, were ratified.**

**THIRTEENTH ORDER OF BUSINESS**

**Discussion: Fiscal Year 2024 Field Operations Budget**

Mr. Rom distributed and presented the proposed Fiscal Year 2024 Field Operations budget prepared in conjunction with Mr. Fife and Mr. Hill. Items changed from the previous year were highlighted in yellow.

**FOURTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of February 28, 2023**

Mr. Rom presented the Unaudited Financial Statements as of February 28, 2023.

**On MOTION by Mr. Fife and seconded by Ms. Bronson, with all in favor, the Unaudited Financial Statements as of February 28, 2023, were accepted.**

**FIFTEENTH ORDER OF BUSINESS**

**Approval of January 19, 2023 Regular Meeting Minutes**

Mr. Rom presented the January 19, 2023 Regular Meeting Minutes.

**On MOTION by Ms. Bronson and seconded by Mr. Van Auker, with all in favor, the January 19, 2023 Regular Meeting Minutes, as presented, were approved.**

**SIXTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *Kutak Rock LLP***

There was no report.

**B. District Engineer: *Poulos & Bennett, LLC***

Mr. Stehli reported the following:

- The Botanic Boulevard extension and the Phase 2A and Phase 2B subdivisions are all very close to completion. All utilities and storm drain systems are installed and completed, roads were paved and the projects are nearly ready to be certified as complete.

- The next phase of construction, Phase 2C/2D, recently commenced and is in the early stages.
- Three projects are approved and about to start construction, including the watermain extension from 2D through the future Phase 2 areas and looping back around to Harmony Main, the reuse main extension along US 192 extending from Botanic Boulevard South to Harmony Main and a force main extension in the southern portion of Harmony Main within the US 192 right-of-way.
- The master repump lift station in Phase 1A is about to be approved; the pumps are being upgraded to accommodate new phases coming online.
- Permit approval for the US 192 turn lane improvements and signal improvements at Botanic and US 192 are expected within the six to eight weeks.
- The design of the Phase 2E/2F residential is nearly 70% complete.

**C. Field Operations Manager: *Association Solutions of Central Florida Inc.***

Mr. Hills stated irrigation on Botanic Boulevard was interrupted. Construction at Harmony Townhomes caused the irrigation to be cut off from the entrance to the townhomes to just past the lift station. Mr. Stehli will address the issue and advise accordingly.

**D. District Manager: *Wrathell, Hunt and Associates, LLC***

- **NEXT MEETING DATE: May 18, 2023 at 10:30 A.M.**
  - **QUORUM CHECK**

**SEVENTEENTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

**EIGHTEENTH ORDER OF BUSINESS**

**Public Comments**

No members of the public spoke.

**NINETEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Ms. Bronson and seconded by Mr. Van Auker, with all in favor, the meeting adjourned at 11:37 a.m.**



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Secretary/Assistant Secretary

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Chair/Vice Chair

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