

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

The Board of Supervisors of the Harmony West Community Development District held Public Hearings and a Regular Meeting on July 18, 2024 at 10:30 a.m., at Johnston’s Surveying, Inc., 900 Cross Prairie Parkway, Kissimmee, Florida 34744.

Present were:

Shelley Kaercher	Chair
Chris Tyree	Vice Chair
Ayden Williams	Assistant Secretary

Also present:

Daniel Rom	District Manager
Kristen Thomas	Wrathell, Hunt and Associates, LLC
Jere Earlywine	District Counsel
Mark Hills	Field Operations Manager
Robyn Bronson	Forestar
Lauren Reindl	Resident
John L. Stevens	Resident
Kathy Myers	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Rom called the meeting to order at 10:37 a.m. Supervisors Kaercher, Tyree and Williams were present. Supervisor Van Auker was not present. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments

Several residents expressed concern about individuals, including unsupervised teenagers, who are fishing, trespassing, cursing and behaving confrontationally on the lake bank easement and on private property behind homes. Intruders made derogatory comments on resident security cameras and were observed fishing, harassing wildlife and catching alligators in the pond, despite warning signs. Cars have parked illegally on grass.

It was noted that law enforcement has not been responsive.

The Sheriff’s misconception that the CDD will not enforce trespassing arose from an email stating the Board took no action, and how best to address the matter, were discussed.

Mr. Tyree stated, while the main HOA Amenity Center and future amenities will be private and maintained by the HOA, the ponds are public infrastructure. While fishing is permitted, destruction of personal property and harassment of wildlife are not. The Florida Fish and Wildlife Commission (FWC) is the appropriate agency to address wildlife concerns and to apply consequences to violators.

Mr. Rom stated the email advised that, in the past, the Board chose not to enforce rules against fishing.

Mr. Earlywine discussed the rulemaking process and noted that CDD designees can be the CDD's point of contact when law enforcement is issuing a trespass violation to trespassers on CDD property.

Mr. Tyree noted that the FWC is strict; in the past FWC Officials installed cameras, collected evidence and instituted patrols in order to build a case against violators.

Discussion ensued regarding enforcement of rules broken by members of the public and the CDD's right to establish fines and collect attorney's fees from violators.

Mr. Tyree stated that the FWC is the most appropriate entity to contact first regarding enforcement on public waterways. If problems continue, the CDD will have no choice but to shut down fishing and/or hunting in the area.

Mr. Earlywine stated the CDD can implement rules on its property. It was noted that shutting down use of the stormwater ponds will not affect the public waterway.

It was noted that signs were installed for public safety and insurance reasons and that trespassers were observed parking on County property. A resident stated that trespassers cut a path down to Buck Lake in the vicinity of a path to a storm drain area.

Mr. Tyree will meet with affected residents and inspect the area after the meeting.

Discussion ensued regarding enforcing the prohibition against trespassing. It was noted that a "No Trespassing" sign is posted in the area.

On MOTION by Mr. Tyree and seconded by Ms. Kaercher, with all in favor, the meeting recessed at 11:09 a.m.

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, the meeting reconvened at 11:27 a.m.

- **Discussion: Gate Installation on Harmony West Trails**

This item, previously the Seventh Order of Business, was presented out of order.

The Board and Staff discussed two areas of concern where members of the public access a pedestrian walkway into the preserve area, and made the following comments and observations:

- Access points on Alder Road and Botanic Boulevard are used by pedestrians, e-bicycles, four wheelers, golf carts and four-wheel drive trucks hauling canoes and boats seeking access to Buck Lake.
- Trash is left by those using the lake.
- Two signs in the area contradict each other; as one advises the public to use the area at their own risk and the other advises the public that trespassers will be prosecuted. I
- Pedestrian trails are not being used for pedestrian purposes.
- Trespassers entered Buck Lake from Botanic Boulevard and remained at the lake, partying as late as 4:00 a.m.
- The area in question includes jurisdictional wetlands.
- Vehicles park illegally at the mailboxes in the middle of the night to access the area.

The consensus was to install gates and other measures to prevent vehicular access; Staff access will be provided for maintenance.

On MOTION by Mr. Tyree and seconded by Ms. Kaercher, with all in favor, installing lockable gates and providing for Staff access, in a not-to-exceed amount of \$6,000, was approved.

Discussion ensued regarding the prohibition of motorized boats on canals; kayaks, canoes and electric trolling motors are permitted.

Mr. Tyree stated the Buck Lake Management Agreement governs Buck Lake and the waterways leading to Buck Lake. Rules are very strict and mandate that fishing is prohibited in Buck Lake on Tuesdays, which is a rest day for the lake, but not the retention ponds.

Mr. Rom will make sure the Agreement is transmitted to homeowners.

Mr. Earlywine stated Harmony CDD manages Buck Lake under the Agreement; he will email the Agreement to Mr. Rom, and the Agreement is likely also on their website. He believes that they have more elaborate policies and procedures, as the lake is actively managed.

THIRD ORDER OF BUSINESS

Public Hearing to Consider the Adoption of the Fiscal Year 2024/2025 Budget

Mr. Tyree left the meeting briefly at 11:35 a.m., and quorum was temporarily lost.

The consensus was for Mr. Rom to review the budget but to delay the Public Hearing until Mr. Tyree returns.

A. Proof/Affidavit of Publication

B. Consideration of Resolution 2024-07, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Rom reviewed the changes to the proposed Fiscal Year 2025 budget, as discussed at the last meeting, highlighting any line item increases, decreases and adjustments, and explained the reasons for any changes. The Chair worked with Staff to break down a general line item to the appropriate "Field operations" line items. Because only \$310,000 of the \$400,000 line item needed to be expended, assessments previously noticed to Landowners will be less than noticed.

Mr. Tyree rejoined the meeting at 11:39 a.m., and a quorum was restored.

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, the Public Hearing was opened.

No affected property owners or members of the public spoke.

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, the Public Hearing was closed.

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, Resolution 2024-07, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2024/2025, Pursuant to Florida Law

A. Proof/Affidavit of Publication

B. Mailed Notice(s) to Property Owners

These items were included for informational purposes.

C. Consideration of Resolution 2024-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2024/2025; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Mr. Rom presented Resolution 2024-08, which allows the CDD to utilize the services of the Property Appraiser and Tax Collector.

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, the Public Hearing was opened.

No affected property owners or members of the public spoke.

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, the Public Hearing was closed.

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, Resolution 2024-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2024/2025; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of CFL Landscape Services Inc., Invoice #2185 [Irrigation T&M]

Mr. Rom presented CFL Landscape Services Inc., Invoice #2185 for irrigation work related to a median repair on May 31, 2024, which was already performed.

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, CFL Landscape Services Inc., Invoice #2185, in the amount of \$3,200, was approved.

SIXTH ORDER OF BUSINESS

Ratification Items

A. United Land Services Proposals

- I. #95220 [Installation of 90 Yards of Playground Mulch]**
- II. #101525 [2024 May MI Repairs]**

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, United Land Services Proposal #95220, in the amount of \$6,750, and United Land Services Proposal #101525, in the amount of \$1,784.07, were ratified.

B. Allsmiths Services Estimates

- I. No. 2259 [Main Entrance Wall and Columns Painting \$4,985]**
- II. No. 2260 [Painting of Seven Inside Columns \$2,595]**
- III. No. 2261 [Repainting Black Fence Areas \$1,380]**

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, Allsmiths Services Estimates No. 2259, No. 2260 and No. 2261, as presented, were ratified.

C. Lake Pros, LLC Amendments to Agreement for Aquatic Maintenance Services

- I. Third Amendment [Ponds 14 and 16]**
- II. Fourth Amendment [Pond 17]**

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, the Lake Pros, LLC Third Amendment for Ponds 14 and 16 and Fourth Amendment for Pond 17 to the Agreement for Aquatic Maintenance Services, were ratified.

- D. **Cascade Fountains Div. Fountain Design Group, Inc., Fountain Maintenance Proposal #7027 [Quarterly Cleaning on Seven (7) Lake Fountains]**

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, Cascade Fountains Div. Fountain Design Group, Inc., Fountain Maintenance Proposal #7027 for Quarterly Cleaning on Seven (7) Lake Fountains, at a quarterly cost of \$665, was ratified.

SEVENTH ORDER OF BUSINESS

Discussion: Gate Installation on Harmony West Trails

This item was discussed during the Second Order of Business.

EIGHTH ORDER OF BUSINESS

Discussion: Fishing and Hunting Activity in CDD-Owned Stormwater Ponds

This item was discussed during the Second Order of Business.

NINTH ORDER OF BUSINESS

Discussion: Florida Gas Transmission Company, LLC, 5-day FERC

Ms. Thomas stated she received a call last week advising that a notice should have been received from Florida Gas Transmission Company, LLC (FGT) to provide five-day notice of construction in the existing easement related to the natural gas pipeline regulated by the Florida Energy Regulatory Commission (FERC). The District Engineer, Staff and Mr. Tyree reviewed the letter and everything seems to be in order. FGT understands that it will replace anything that it breaks. A water test will be done and when additional piping is installed or original piping is upgraded, a 73,000-gallon water test will be performed. The Agreement states that FGT will fix, maintain and restore the original structure to its original condition. The Agreement was sent to Mr. Earlywine for review.

Mr. Earlywine suggested adding an insurance requirement, a provision for attorney's fees and a right to inspect. He stated that FGT already has a Gas Easement Agreement, so it has a right to access and perform the work.

Mr. Rom stated that Mr. Hills was asked to take photographs before work begins.

Staff will work with Mr. Hills to have the HOA send an e-blast to inform homeowners.

On MOTION by Mr. Tyree and seconded by Ms. Kaercher, with all in favor, the Florida Gas Transmission Company, LLC Agreement, in substantial form and to be amended as discussed, and authorizing the Chair or Vice Chair to execute, was approved.

TENTH ORDER OF BUSINESS

Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2023, Prepared by Berger, Toombs, Elam, Gaines & Frank

This item was deferred.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-09, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2023

This item was deferred.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of May 31, 2024

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, the Unaudited Financial Statements as of May 31, 2024, were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of April 18, 2024 Regular Meeting Minutes

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, the April 18, 2024 Regular Meeting Minutes, as presented, were approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

B. District Engineer: Poulos & Bennett, LLC

There were no District Counsel or District Engineer reports.

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

Mr. Hills reported the following:

- The front wall was painted. The columns and black fencing look really good.
- There are no problems at the playgrounds or the parks.
- A few areas of dead sod were caused by irrigation problems. A proposal for replacement was requested from United. Irrigation issues are being addressed.

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

- **818 Registered Voters in District as of April 15, 2024**

Mr. Rom stated that one candidate qualified to run in the General Election. The Board and Staff look forward to welcoming a resident to the Board.

- **NEXT MEETING DATE: August 15, 2024 at 10:30 AM**

- **QUORUM CHECK**

The next meeting will be held on August 15, 2024; it is unlikely to be canceled.

FIFTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

SIXTEENTH ORDER OF BUSINESS

Public Comment

A resident stated that one of the trees behind the mail station is missing and two are dead. Mr. Hills will inspect the area where live oak trees should be present.

Discussion ensued regarding damaged trees by the lake and possible causes of the damage, including deer rutting and trespasser vandalism. The area will be inspected.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Kaercher and seconded by Mr. Tyree, with all in favor, the meeting adjourned at 11:54 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair