

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

The Board of Supervisors of the Harmony West Community Development District held multiple Public Hearings and a Regular Meeting on August 19, 2021 at 3:00 p.m., at Johnston’s Surveying, Inc., 900 Cross Prairie Parkway (formerly 900 Shady Lane), Kissimmee, Florida 34744.

**Present were:**

John “Chris” Tyree	Chair
Alex Madison	Vice Chair
Courtney Potter	Assistant Secretary

**Also present were:**

Cindy Cerbone	District Manager
Daniel Rom	Wrathell, Hunt and Associates, LLC
Jamie Sanchez (via telephone)	Wrathell, Hunt and Associates, LLC
Jere Earlywine	District Counsel
Bill Fife	Forestar
Unidentified Attendees (via telephone)	

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 3:00 p.m.

The CDD website was updated and a notice was posted on the door prior to the originally scheduled 1:30 p.m., start time indicating that the meeting was delayed until 3:00 p.m., in order to establish a quorum.

Supervisors Tyree, Madison and Potter were present. Supervisors Van Auker and Bronson were not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Ratification of Engagement with KE Law Group, PLLC, for General Counsel Services**

- **Consideration of Fee Agreement**

Ms. Cerbone presented the KE Law Group, PLLC (KE) Engagement Letter and Fee Agreement. Mr. Earlywine stated KE has provided a 10% rate discount. KE is fully staffed and is specializing in representing Community Development Districts.

**On MOTION by Mr. Tyree and seconded by Mr. Madison, with all in favor, engagement of KE Law Group, PLLC, for General Counsel Services and the KE Fee Agreement, were ratified.**

**FOURTH ORDER OF BUSINESS**

**Discussion/Consideration: Buck Lake Related Items**

**A. Approval of Minutes**

Ms. Cerbone reported that two Buck Lake Committee Meetings, comprised of Mr. Tyree from Harmony West CDD (HWCCDD) and Ms. Kramer from Harmony CDD (HCDD) were held; however, they were unable to hold another today to discuss Buck Lake matters and were in the process of scheduling the next Committee meeting.

As recommended by District Counsel, the July Committee meeting minutes would be deferred to the next meeting to allow time to review them with the Committee.

**I. April 6, 2021 Buck Lake Committee Meeting Minutes**

Ms. Cerbone presented the April 6, 2021 Meeting Minutes, which included the edits Ms. Kramer representing HCDD, submitted to Management.

**On MOTION by Mr. Tyree and seconded by Ms. Potter, with all in favor, the April 6, 2021 Buck Lake Committee Meeting Minutes, as amended, were approved.**

**II. July 15, 2021 Buck Lake Committee Meeting Minutes**

This item was deferred to the next meeting.

**B. Buck Lake Maintenance Cost Information from Harmony CDD**

**I. Cost Details**

**II. Inspection/Treatment Dates**

**C. Discussion: Review of Harmony CDD Costs Incurred for Buck Lake Maintenance Services**

Ms. Cerbone asked for the Board to keep the summarized list of costs HCDD incurred to maintain Buck Lake, in mind during the HWCDD Fiscal Year 2022 budget adoption process later in the meeting. It was noted that Ms. Kramer prepared the information and it was reviewed at the last Committee meeting.

Ms. Cerbone noted that Mr. Jay Baker, of Bio-Tech Consulting (Bio-Tech), incorporated billing modifications to ensure Buck Lake Services would pertain to all areas of the lake, not just the HWCDD side of Buck Lake, which Ms. Kramer requested.

Mr. Tyree stated that the canals were not maintained until they acquired the site and he had difficult determining what was spent. The inability to provide detailed records, field technician applied materials and supplies that were purchased not just for Buck Lake and were used for other treatment areas as well, were discussed.

**FIFTH ORDER OF BUSINESS**

**Discussion: Status of Landscape & Irrigation Maintenance Services RFP**

Mr. Earlywine stated he and Mr. Rom reviewed the few responses to the Request for Proposals (RFP) and they felt that there was possibly some confusion about the RFP package, as one bid varied significantly from another. The Chair was notified and agreed with their recommendation to reject all bids, modify the RFP and re-advertise. A notice of rejecting all bids was already sent to each respondent.

**On MOTION by Mr. Madison and seconded by Mr. Tyree, with all in favor, the Chair and Staff's decision to reject all responses to the Request for Proposals for Landscape & Irrigation Maintenance Services and re-advertise and their actions taken to notify all respondents, were ratified and authorizing Staff to re-advertise, was approved.**

SIXTH ORDER OF BUSINESS

Consideration of Environmental Services Agreement

**A. Agreement for Environmental Monitoring and Maintenance Services [Wetland/Upland Buffer Preservation Areas W-2, W-3, W-5, W-6, and W-7] with Bio-Tech Consulting Inc.**

Ms. Cerbone presented the Bio-Tech Agreement prepared by KE Law.

**On MOTION by Mr. Tyree and seconded by Mr. Madison, with all in favor, the Bio-Tech Consulting Inc., Agreement for Environmental Monitoring and Maintenance Services for Wetland and Upland Buffer Preservation Areas, identified as W-2, W-3, W-5, W-6, and W-7, and authorizing the Chair to execute, was approved.**

**B. Agreement for Environmental Maintenance Services [Buck Lake] with Bio-Tech Consulting Inc. for Initial and Monthly Lake Maintenance**

Ms. Cerbone presented the Bio-Tech Agreement. Mr. Earlywine incorporated revisions from Ms. Kramer to ensure that service pertains to all areas of the lake, not just the HWCDD side of Buck Lake; however, the HCDD Board has not approved the Agreement yet, as they have not met. Discussion ensued regarding a Committee Member’s request for a credit, requests to defer costs for two years, Staff reviewing the HWCDD proposed Fiscal Year 2022 budget associated line items, cost-share revenue, preparing a Developer Funding Agreement in case of a deficit, permitting and staff applying the supplied materials. It was confirmed that HWCDD will not perform work on the lake until the Committee meeting is held.

This item was deferred until the next Committee Meeting is held, possibly on September 16, 2021, in place of the scheduled HWCDD meeting, or in October.

**C. Agreement for Environmental Maintenance Services [Buck Lake] with Bio-Tech Consulting Inc. for Aquatic Management Consulting and General Project Coordination**

Ms. Cerbone stated the HCDD Board approved the original quote; however, the request from Ms. Kramer to include water quality testing, which they had not approved, was included in this Agreement in error, instead of in the Maintenance Services Agreement. Discussion ensued

regarding whether water quality testing is necessary, types of testing available and HCDD being able to decide to do independent services at its own expense.

Ms. Cerbone stated she would submit an invoice to HCDD to cover cost-share expenses, once the parties execute this Agreement.

**On MOTION by Mr. Madison and seconded by Mr. Tyree, with all in favor, the Bio-Tech Consulting Inc., Agreement for Environmental Maintenance Services for Buck Lake, for Aquatic Management Consulting and General Project Coordination, without water quality testing, as already agreed to in writing by Harmony CDD for the cost share, and authorizing the Chair to execute, was approved.**

**SEVENTH ORDER OF BUSINESS**

**Discussion: Maintenance of Billy’s Trail**

Board Members noted that Billy’s Trail is not long and, as there are plans to install a water main along the path, restoration work related to construction would be done. Funds for maintenance would be allocated in the Fiscal Year 2023 budget.

**EIGHTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2021/2022 Budget**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2021-08, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Cerbone reviewed the proposed Fiscal Year 2022 budget, highlighting any line item increases, decreases, new line items and adjustments, compared to the Fiscal Year 2021 budget and explained the reasons for any adjustments. Ms. Cerbone, Mr. Rom and Mr. Hills worked on certain field operations and maintenance budget line items. Discussion ensued regarding the change in Developer and their plans to enhance the playground and sign at the Amenity Center,

wall related budget line items, transfer of certain unused funds to fund balance, removing items in the Fiscal Year 2023 budget and lot sales.

**On MOTION by Mr. Madison and seconded by Ms. Potter, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

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

Ms. Cerbone presented Resolution 2021-08.

**On MOTION by Mr. Tyree and seconded by Mr. Madison, with all in favor, Resolution 2021-08, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**NINTH 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 2021/2022, Pursuant to Florida Law**

**A. Proof/Affidavit of Publication**

**B. Mailed Notice(s) to Property Owner(s)**

These items were included for informational purposes.

Ms. Cerbone reported that one homeowner contacted her upon receipt of the Mailed Notice letter.

**C. Consideration of Resolution 2021-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; 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**

It was noted that portions of the Resolution indicate that properties within the boundaries of the CDD receive benefit from the budgets.

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

No members of the public spoke.

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

Ms. Cerbone presented Resolution 2021-09.

**On MOTION by Mr. Tyree and seconded by Ms. Potter, with all in favor, Consideration of Resolution 2021-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; 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.**

**TENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of June 30, 2021**

Ms. Cerbone presented the Unaudited Financial Statements as of June 30, 2021. She felt that the overall budget amount will be able to absorb line item expenses that may exceed their individual budget line item amounts. Discussion ensued regarding the amount budgeted for Fiscal Year 2022 for landscaping services since property in Phase 1 of the RFP was redefined.

Mr. Rom stated that, based on the map from Mr. Hills, the RFP is to service Phases 1A, 1B, 1C1, 1C2 and 1D. It was noted the RFP is for services on only property identified as CDD

owned. Discussion ensued regarding what entity maintains the preserves. Mr. Rom would review the map this Friday with Ms. Madison, Mr. Fife and Mr. Hills for accuracy since it will be part of the new RFP. The Board decided that the RFP should include a mandatory requirement to attend an on-site meeting.

The following correction will be made to Unaudited Financial Statements as of June 30, 2021 and future statements.

Page 3: Change “Wetland monitoring & maintenance” to “Wetland monitoring & maintenance”

**On MOTION by Mr. Madison and seconded by Mr. Tyree, with all in favor, the Unaudited Financial Statements as of June 30, 2021, as amended, were accepted.**

**ELEVENTH ORDER OF BUSINESS**

**Approval of May 20, 2021 Regular Meeting Minutes**

Ms. Cerbone presented the May 20, 2021 Regular Meeting Minutes.

**On MOTION by Mr. Tyree and seconded by Ms. Potter, with all in favor, May 20, 2021 Regular Meeting Minutes, as presented, were approved.**

**TWELFTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *KE Law Group, PLLC***

There was nothing further to report.

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

There was no report.

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

There was no report.

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

**I. Discussion Hardcopy versus Electronic**

The Board preferred to receive hardcopy agenda packages.



**II. NEXT MEETING DATE: September 16, 2021 at 1:30 P.M.**

**• QUORUM CHECK**

The next meeting will be held on September 16, 2021, unless cancelled. Ms. Cerbone would contact the HCDD to discuss scheduling the next Buck Lake Committee meeting to coincide with the October 21, 2021 HWCDD regular meeting.

**THIRTEENTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

**FOURTEENTH ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Tyree and seconded by Ms. Potter with all in favor, the meeting adjourned at 4:02 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



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Secretary/Assistant Secretary



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Chair/Vice Chair