

MINUTES OF MEETING  
HERITAGE PARK COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Heritage Park Community Development District was held on Thursday, March 17, 2016 at 1:00 p.m. at the Heritage Park Amenities Center, 225 Hefferon Drive, St. Augustine, Florida 32084.

Present and constituting a quorum were:

Ken Kinnecom	Chairman
Mark Masley	Vice Chairman
Joanne Wharton	Supervisor
Ralph Pennington	Supervisor
Rodney Philbrick	Supervisor

Also present were:

Jim Oliver	District Manager
Mike Eckert	District Counsel
Louis Cowling	GMS Operations
Jenny Urcan	District Engineer (by phone)

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Oliver called the meeting to order at 1:00 p.m.

**SECOND ORDER OF BUSINESS**

**Public Comment**

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the January 21,  
2016 Meeting**

On MOTION by Mr. Kinnecom seconded by Mr. Masley with all in favor the Minutes of the January 21, 2016 Meeting were approved.
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**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2016-02  
Confirming the Use of the St. Johns County  
Supervisor of Elections to Conduct the  
District's Election of Supervisors in  
Conjunction with the General Election**

Mr. Eckert stated because the District has registered electors, each general election year we have to adopt a resolution and ask the St. Johns County Supervisor of Elections to go ahead and conduct the elections for us. When people are voting for President, they will also be voting for their CDD supervisor. Included in Section 2 is the term of each office, and it shows that Seat 2 and Seat 4 are scheduled for the general election in November. They are 4-year terms. There is a qualifying period, noon on June 20, 2016 till noon on June 24, 2016, that we will have to advertise in the local newspaper.

Mr. Kinnecom stated Mark, you need to update your address.

Mr. Masley responded he has already mentioned it to Mr. Oliver.

On MOTION by Mr. Pennington seconded by Mr. Philbrick with all in favor Resolution 2016-02 confirming the use of St. Johns County Supervisor of Elections to conduct the District's election of supervisors in conjunction with the general election was approved.

**FIFTH ORDER OF BUSINESS**

**Acceptance of Series 2013 Arbitrage Report**

Mr. Oliver stated there is a copy of the report in your agenda package. This is to ensure that Districts don't issue bonds and then take the construction funds and make investments with them. The purpose of construction funds is for construction projects. You will see on Page 4 at the bottom of the rebate computations, it says "based on our computations, no rebate liability exists." On the next page, you will see that they have reviewed the principle and interest accounts and determined the funds deposited have functioned as a bona fide debt service fund and are not subject to the rebate requirement.

On MOTION by Mr. Kinnecom seconded by Mr. Pennington with all in favor to accept the Series 2013 arbitrage report was approved.

**SIXTH ORDER OF BUSINESS****Discussion of Lake Policies**

Mr. Eckert stated there was a situation where there was a question of whether or not residents can tap into the ponds for irrigation. What we wanted to do is clarify the policies to show that is not permitted. Along those same lines, I take the view that the District as a property owner has property rights including no trespassing, no digging on our ground and no taking of the assets that are on our land. I think in that situation we have, I want to go ahead and do a little bit more research but then write a letter saying you don't have permission to be on this land, and we have a policy against it. I know we have talked to the District Engineer just preliminarily about permit issues, but I would think if everybody was drawing all the water out of the lakes for irrigation, the water management district may have a concern about that. We are going to try to rectify the situation with a letter after this meeting. We also wanted to clarify in our policies that that is not permitted even though you actually have to come on our property to access it.

Mr. Kinnecom stated if we let one person do it, it sets precedent. We are dealing with a person who violated this maybe two years ago. I think a policy established by the board should have him notified that in the event it continues, we would take action in the courts and sue him for all expenses and time involved for legal and management. Make it real clear to this individual it has to stop.

Mr. Eckert stated there is some restoration work that is going to have to be done on the lake bank. There is a pipe that has gone in, but there is some restoration that has to be done, and there is going to be some expense associated with that. In terms of the legal fees, that is a different issue, and we will have to look at whether or not we have that leverage. We will probably get a letter out next week. I want to talk to Jenny a little bit further and to Jim.

Ms. Wharton asked do we need to be posting any type of No Trespassing sign? Some of the lakes have it and some do not.

Mr. Kinnecom stated there is No Fishing, No Recreation.

Mr. Eckert stated the trespassing in terms of someone walking around to me is a different issue than somebody installing equipment and tearing up the actual physical environment, but you can. The District can always put up No Trespassing signs if you want to. I think it has to be within 500 feet of each other for a particular area.

Ms. Wharton asked so if you do one, you must do multiple?

Mr. Eckert responded if you have a portion of the lake here, and you just put No Trespassing signs here, then somebody approaches the lake from this area, it is kind of hard for the Sheriff's Department to enforce if the signs were improperly posted.

Ms. Wharton stated I know most of the lakes are surrounded by homes, private property, so it would be trespassing on somebody else's property to get there if they weren't the homeowner, but there are a couple of accesses, particularly on Lake 1,000 where FLP, I think, owns most of the lot, and you can just access down there, and it looks like you are allowed to access. I didn't know if there needed to be something down there. All of the lot but the lift station site is part of the CDD. I would rather not put anything up than to have to have this every 500 feet.

Mr. Eckert stated we can monitor it, and if things get worse and the board is concerned, you can always put up the signs.

Ms. Wharton stated fishing is definitely an everyday occurrence. I don't think they are doing any harm, but I just wanted to make that notation.

Mr. Eckert stated so what we would be asking the board to do is adopt the amended policy that you have in your agenda package. It shows no pipes, pumps, or other devices used for irrigation or withdrawal of water shall be placed in or around the District lakes.

Mr. Cowling stated we do have some irrigation pumps on District property that we are using to maintain ponds 1700 and 1800. We do have those. Can we modify it for no residential irrigation?

Mr. Eckert responded we probably should put something at the end that says, "with the exception of equipment owned by the CDD." You can add that to the policy too.

On MOTION by Mr. Masley seconded by Mr. Pennington with all in favor to amend lake policies to say "no pipes, pumps or other devices for irrigation or withdrawal of water shall be placed in or around District lakes except by District" was approved.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Eckert stated the 2016 legislative session is now over. They came up with a budget. There was one bill that affected Chapter 190 of the Florida Statutes that really was designed to give Districts a little bit more authority in terms of being able to hire a towing company without going through a competitive bid process. That is something we need to look at if we have issues where we need to tow cars from District-owned property. I don't know if that has been a big issue for this particular District, but we have others where it has been. The bill also clarified for boundary amendments, enlarged to amount of acreage you could add to or subtract from a District and go through what we call the short process, which is a little bit more streamlined process. We also had the threshold limits for when you have to go the Governor or cabinet for certain boundary amendments modified. That hasn't been signed by the Governor yet. It has been presented to the Governor. So once actually things are signed by the Governor or they become effective because he didn't sign them, we want to bring that list back to you and talk to you about how that will affect us, if at all. The second thing is that I know Carl is working on looking at a couple of pieces of real estate that are conservation lands that are still owned by the HOA, and looking at whether or not that makes sense for the CDD to be the ultimate eventual owner of that. He asked me to update the board that he intends to send something out to the board next week on that just by email. I don't know where the properties are located. I know Carl was working on those and Ken, if you know which ones you were talking about.

Mr. Kinnecom responded my first guess would be an area that borders onto Heritage Park property. It is coupled with a narrow strip of land on the pond at Quail Bridge. It is a little strip of land, and that is where my thought was. If we could just get this strip of land by the pond because it is the natural mitigation from rain but it is also from sewerage going from across the street, some of those mobile homes. It get to the one by the pond, if we have to take the other one too, so be it.

**B. Engineer**

Ms. Urcan stated I have talked with the Water Management District. It sounds like that individual doesn't need a permit to withdraw as long as their pipe is less than 6", and it is only for the one by it, however, what it couldn't confirm yet is if they are allowed to do it, then everyone else should be allowed to do it. That then turned into a requirement for a permit. So that is what I am waiting to hear back from the District.

**C. Manager**

Mr. Oliver stated we will start the budget process at our next meeting.

**D. Operations Manager**

Mr. Cowling stated the pond treatments are still in off-season. As it gets warmer, it will be more frequent. Ponds treatments were on March 9<sup>th</sup>. They are in pretty good shape. Timers were changed. I did hear that there was one that was coming on late. We did pressure wash the drainages easement fence. That is completed. I got two "No Trespassing" signs and will place those today.

**EIGHTH ORDER OF BUSINESS                      Audience Comments**

An audience member stated I live in the Villas at 394, and we can the fountain running and running and running. It hasn't turned off. I don't know if the timer is messed up. I have a question on the trees around the pond. They are growing too big. They need to be trimmed. Is that the CDD? I have asked the HOA, and they said it is the CDD.

Mr. Cowling stated a lot of those are willow trees.

The audience member stated and the oak trees. The dirt is on a hill, and the dirt behind the tree is washing away, so the roots are exposed.

Mr. Cowling stated it is up to the board as to whether you want to trim those up. They are on District property. We don't have any tree trimming in our scope. There are really not a whole lot of trees on ponds. That is probably the most treed area in the whole property.

Mr. Kinnecom stated this has come up before, maybe 5 years ago, but Louis, would you take a look at it and make arrangements and to put in any fill dirt, if necessary, that is washed out?

Another audience member asked do we have access to the past minutes? How would I obtain those?

Mr. Oliver responded the minutes of CDD meetings are at [heritageparkcdd.com](http://heritageparkcdd.com).

**NINTH ORDER OF BUSINESS                      Supervisors Requests**

Mr. Kinnecom stated I had asked for an update this morning from the traffic evaluation specialist engineer. The last postmarked date for ballots was on the 15<sup>th</sup>, so I was hoping to get a indication to see if we met the minimum of 105 ballots. That is all I want to know today, but he

did not get the answer back from the various people at St. Johns County engineering. When we do get information, I will ask Jim to send out a status report to the BOS.

**TENTH ORDER OF BUSINESS**

**Financial Reports**

**A. Balance Sheet and Statement of Revenues & Expenditures**

Mr. Oliver stated the unaudited financials are through February 29, 2016. At the end of the fiscal year, we will have our annual audit by an independent CPA firm. No unusual variances in the financials.

**B. Approval of Check Register**

Mr. Oliver stated included in your agenda package is a check register.

Mr. Kinnecom stated on the disbursement for Joanne, is that doubled?

Mr. Oliver stated it was. Once she was sworn in, it took a while for the W4 and I9 to catch up. It was for two meetings.

On MOTION by Mr. Kinnecom seconded by Mr. Masley with all in favor the Check Register was approved.

**C. Assessment Receipts Schedule**

Mr. Oliver stated assessment collections are strong; you are at 95.31% collected.

**ELEVENTH ORDER OF BUSINESS**

**Next Scheduled Meeting**

Mr. Oliver stated the next scheduled meeting is May 19, 2016 at 1:00 p.m. We will bring the proposed budget.

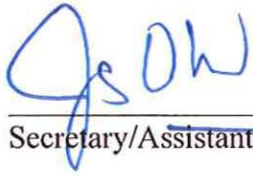
**TWELFTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Pennington seconded by Mr. Masley with all in favor the meeting was adjourned.

March 17, 2016

Heritage Park CDD



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Secretary/~~Assistant Secretary~~



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Chairman/~~Vice Chairman~~