

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, May 19, 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
Carl Eldred	District Counsel (by phone)
Louis Cowling	Riverside Operations
Staff from HOA	

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 March 17, 2016 Meeting

On MOTION by Mr. Philbrick seconded by Mr. Masley with all in favor the Minutes of the March 17, 2016 Meeting were approved.
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FOURTH ORDER OF BUSINESS

Consideration of Resolution 2016-03 Approving the Proposed Budget for Fiscal Year 2017 and Setting a Public Hearing Date for Adoption

Mr. Oliver stated this is the beginning of the budget process, and Florida Statutes require that we approve a budget by June 15 and provide to the local government, set a public hearing no sooner than 60 days, that would be our July meeting, and over the next two plus months, refine that budget. The good news is the budget you see before you is essentially a continuation of the budget from last year. It is going to be the same budget with no change in assessments. This year's budget projects to have a surplus of about \$23,000. At the end of the fiscal year, we would ask the board for direction. You would likely want to roll that into Capital Reserves for future repairs and replacement of capital assets. The recommended date for your budget hearing would July 21, 2016.

Ms. Wharton asked during that time, if anything changes on this current budget, can we get that a little bit in advance?

Mr. Oliver responded yes.

On MOTION by Mr. Kinnecom seconded by Mr. Philbrick with all in favor to adopt Resolution 2016-03 approving the proposed FY17 budget and setting a budget hearing to be held July 21, 2016 at 1:00 p.m. was approved.

FIFTH ORDER OF BUSINESS

Update on Trespass Litigation

Mr. Eldred stated as was discussed at the last meeting, there was an issue with a resident who had an irrigation pipe that had been constructed on their property and across the District's property into the District-owned retention pond, and the irrigation pipe was drawing water from the pond and was being used for irrigation. At the Board's direction, we prepared a trespass complaint that was alleging trespass on the District's property by virtue that the pipe is across the District property. That was filed two weeks ago in Circuit Court, and we obtained the Sheriff's office to serve Mr. Desai. At this time service has not yet been effectuated. The Sheriff has tried on a number of occasions and had a conversation yesterday where he indicated he would waive service of the process and allow us to mail the complaint to him, however, he did not respond to and did not execute our waivers. We are moving forward again and directing the Sheriff's office to serve the complaint. At this stage it has been filed, waiting to be served, as soon as it has been served then he will have 30 days in which to answer the complaint or file a motion to dismiss the complaint.

Mr. Kinnecom asked is there a reason why he could not be served at his office in Jacksonville?

Mr. Eldred responded I will say this, the Sheriff's office has attempted to serve him on multiple occasions, and there have been issues, and the Sheriff has not been able to physically serve him. Again, there was discussion about waiver of it, but we are hopeful that the Sheriff's office will be able to effectuate service today.

Mr. Oliver stated Carl, the discussion that you and I had by phone earlier in the week was to bring this to the board and ask for the board direction that on the CDD property, we would like to go ahead and cap that pipe and return that area to its normal state so it is not an eyesore for the other residents that are on the lake – realizing the legal process still needs to work through to ultimately resolve this. This could take a while.

Mr. Kinnecom stated let's designate that as a priority to work to remove that illegal pipe, pump, any other apparatus and put the bank back to its original condition as best we can. Keep track of the added expenses so that can be added to the lawsuit.

Mr. Oliver stated I think we are only going to be removing any related equipment from District property. I don't think we are entering into this resident's property.

Mr. Kinnecom stated only from the property line forward. Can we take the material that we remove from the bank and the pond and just throw it in his back yard or do we haul it away?

Mr. Eldred stated I don't think we want to take any of that action. I think we need to be judicious in how we approach that. I still want to look into one more thing before we go ahead and cap that pipe. We don't want to take any action that prejudices the District in action. There is one thing I want to check and then get back with Jim to give staff the green light to proceed with capping the pipe. Certainly as far as any removal of any materials, I believe we should manage it as we would typically and not dispose of them or place them on their property that is not owned by the District.

Mr. Oliver stated assuming we get the green light from you, what I would do is confer with the chairman, and once we get his okay, we will proceed.

Mr. Philbrick asked since that equipment is on CDD property, can we confiscate it?

Mr. Eldred responded again, I just want to make sure we are not prejudicing ourselves in the future litigation. I will just leave it at that.

Ms. Wharton stated so my understanding is you want to leave everything as is until we hear from you, correct?

Mr. Eldred responded correct. I apologize for being somewhat circumspect in my comments here. I am just being conscious of the fact that we have litigation obviously, and we are at a public meeting.

Mr. Oliver stated we would be looking for a motion that upon recommendations from counsel, and confirming with the chairman, we would move forward with his recommended action.

On MOTION by Mr. Masley seconded by Mr. Pennington with all in favor that upon recommendations from counsel and confirming with the chairman, staff may move forward with recommended actions was approved.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Eldred stated he had nothing further.

Mr. Kinnecom stated there was one matter about a utility parcel of land still in the developer's name that should be in the City of St. Augustine. Was that matter referred to counsel for the City of St. Augustine?

Mr. Eldred stated I don't believe so. What is it that you are referring to?

Mr. Oliver stated this was an email that Ken sent to me where there was a parcel that was in the name of the developer. I forwarded the email to you and the engineer, but I will forward it again.

Mr. Eldred stated please do that. I apologize, I've not seen that and acted on it but I will do so accordingly.

Mr. Kinnecom stated the parcel I am talking about is for the water and sewer that adjoins the big pond next to Quail Ridge facing a narrow opening on Hefferon Drive.

B. Engineer

There is no Engineer's report.

C. Manager

Mr. Oliver stated in your agenda package is a letter from the Supervisor of Elections stating there are 1,303 registered voters living in the District. We are required on an annual basis to put that information on the record. We talked about the General Election at our last meeting. There are two seats that will be filled by General Election, Seat #2 held by the Chairman and Seat #4 held by Ms. Wharton. The General Election process works such that a registered voter in the District that wishes to run would coordinate to qualify with the Supervisor of Elections. The qualifying period is June 20 at noon to June 24 at noon. You can pre-qualify, and I noticed on the website that both Ken and Joanne intend to run for re-election to their current seats. Once the qualification period is over, the General Election will be held on November 8. If you two are the only two that qualify for those seats, your names won't be on the ballot. You will simply have a new term starting in November.

D. Operations Manager

Mr. Cowling stated everything is going well landscape wise. Ponds are still low. We repaired an electrical cord on Pond 400, some quick disconnects had to be replaced. A timer went bad on Pond 800, and that has been ordered. It should be installed in the next week or so. There was a request to trim the trees on Pond 800. Property boundaries are pretty close. The plats will have to be looked at to see if it is our property before the trees are trimmed.

Ms. Wharton asked did you do anything on Pond 1000? I know the fountain was not running for weeks.

Mr. Cowling responded we come through about once a month with the maintenance guys and check all of them. I come through pretty much every week or every weekend and check and make sure they are running. If they are off, it is usually because of lighting or some other surge, which can happen. If it ever goes off, just give me a call, and we can do a reset within 24 hours.

SEVENTH ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

EIGHTH ORDER OF BUSINESS

Supervisors Requests

A member of the HOA spoke and asked permission for a pet waste disposal unit. The property that has FPL on it now is across from Wild Cedar Court. Just wanted permission to see if the HOA could go ahead and put a pet waste station on CDD property. The HOA won't do it

because they don't own the property. They have to have permission from the property owner. They were misinformed and thought it was FPL's property, but in fact it is the CDD's property.

The board was agreeable with allowing the installation of the pet waste station. No vote is needed.

NINTH ORDER OF BUSINESS

Financial Reports

A. Balance Sheet and Statement of Revenues & Expenditures

Mr. Oliver stated the unaudited financials in the agenda package are through April 30, 2016. No unusual variances in the financials.

B. Approval of Check Register

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

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

C. Assessment Receipts Schedule

Mr. Oliver stated assessment collections are strong; you are at 99.46% collected.

TENTH ORDER OF BUSINESS

Next Scheduled Meeting

Mr. Oliver stated the next scheduled meeting is July 21, 2016 at 1:00 p.m. This will be the budget hearing.

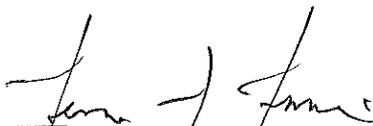
ELEVENTH ORDER OF BUSINESS

Adjournment

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



Secretary ~~Assistant Secretary~~



Chairman ~~Vice Chairman~~