

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, January 19, 2017 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 (by phone)
Joanne Wharton	Supervisor
Ralph Pennington	Supervisor
Rodney Philbrick	Supervisor

Also present were:

Jim Oliver	District Manager
Carl Eldred	District Counsel (by phone)
Jenny Urcan	District Engineer
Louis Cowling	GMS Operations
Christina Lamoureux	Heritage Park HOA

FIRST ORDER OF BUSINESS

Roll Call

Mr. Oliver called the meeting to order at 1:05 p.m.

SECOND ORDER OF BUSINESS

Public Comment

There were no members of the public attending.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Oath of Office for Newly Elected Supervisors

The Oath of Office was administered to Joanne Wharton and Ken Kinnecom before the meeting.

B. Election of Officers, Resolution 2017-01

Mr. Oliver stated Chapter 190 of Florida statute requires the board reconstitute itself after each election. You can keep the same slate of offices in place, or you can change the officers.

The current slate has Ken Kinnecom serving as Chairman; Mark Masley serving as Vice-Chairman; and Joanne Wharton, Rodney Philbrick, and Ralph Pennington serving as Assistant Secretaries. Jim Oliver serves as Assistant Secretary, and James Perry is the Treasurer. Other staff members serve as Assistant Secretaries and Assistant Treasurers so documents can be executed on behalf of the District.

On MOTION by Ms. Wharton seconded by Mr. Philbrick with all in favor to keep the current slate of officers in their positions was approved.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the November 17, 2016 Meeting

On MOTION by Mr. Kinnecom seconded by Mr. Pennington with all in favor the Minutes of the November 17, 2016 meeting were approved.

FIFTH ORDER OF BUSINESS

Approval of Audit Criteria and Authorization for Staff to Issue an RFP

Mr. Oliver stated earlier today the Audit Selection Committee met and selected criteria. We are asking the board to approve those criteria and direct staff to issue an RFP for audit services.

On MOTION by Mr. Kinnecom seconded by Mr. Pennington with all in favor to approve the audit criteria and direct Staff to issue an RFP for audit services was approved.

SIXTH ORDER OF BUSINESS

Acceptance of Fiscal year 2016 Draft Audit Report

Mr. Oliver stated a copy of the Draft Audit Report was circulated to staff and the Chair when it became available. We are looking to approve this in substantial form pending final changes to the audit so that we can finalize it and send it to the Auditor General as required. The deadline for submission is June 30. The highlight is that it is a clean audit. You can look on the

first page after the table of contents and the opinion letter states "In our opinion, the financial statements referred to above present fairly in all material respects with respect to financial position the governmental activities in each major fund of the District as of September 30, 2016 and their respective changes of financial position for the fiscal year then ended in accordance with accounting principles generally accepted the United States of America." There are several pages of management discussion and analysis, and that is followed by the annual financial statements. Page 23 shows the independent auditor's report on internal control over financial reporting. The middle section, the 3rd paragraph on Page 23, the last sentence says "During our audit we did not identify any deficiencies in internal control, which we consider to be material weaknesses." Page 27 of the audit shows the auditor's current year findings and recommendations. He has no recommendations and no findings. Finally, No. 6 on that page, the District has not met one or more of the financial emergency conditions described in Florida statutes. This is no surprise. We knew we would have a clean audit. Everything is running smooth, and you are financially very strong.

On MOTION by Mr. Philbrick seconded by Mr. Pennington with all in favor the Draft FY16 Audit Report was approved.

SEVENTH ORDER OF BUSINESS

Update on Trespass Litigation

Mr. Eldred stated at the last meeting, I reported that the motion to dismiss has been handled, and as such, the plaintiff was to submit appropriate documentation including the establishment of affirmative defenses. Bottom line is we have a Motion to Strike the Affirmative Defenses that have been raised, and that will effectively close the pleadings so the case can proceed forward. There has been a hearing that has been scheduled to hear that Motion to Strike, and that is scheduled for March 7. Once we have that motion, hopefully there will be a favorable ruling on the District's motion. We will be able to move forward and bring this case to a successful resolution.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney –

Mr. Eldred stated I have nothing else to report.

B. Engineer

Ms. Urcan had no report.

C. Manager

Mr. Oliver stated budget season will soon be upon us. We plan to bring a proposed budget to the board at the May meeting for your approval. That will start the budget process for adoption at our July or August meeting.

D. Operations Manager

Mr. Cowling stated we still have a couple of areas where treating was done. Taylor Tree downed two dead pines in the preserve area. We had one fountain go out over the weekend. They are taking it apart to see what is wrong with it. Other than that everything else is operational and looking good.

Ms. Wharton asked if the walking trails were CDD or HOA because it is kind of a gray area.

Mr. Kinnecom stated it is HOA.

Ms. Wharton stated there are a couple of dangerous trees, and I had mentioned it to them, but I hadn't seen anything done. Also, Pond 900, I got a complaint from someone that it wasn't being weed whacked. They guys weren't getting off the mower and taking care, so he is having somebody do it.

Mr. Kinnecom stated just a note about the maintenance on Heritage Park Drive, no doubt an oversight from Yellowstone, but earlier this week they moved. All that cut grass goes into the road, so now it is about three days later, and the grass is still lying in the road, but the wind blows it around. I think it was just an oversight where they normally go through with a big air blower to keep the street clean. That is only from the point of West Red House Ranch Road to the south entrance.

Mr. Oliver stated we talked earlier about the litigation. There is another case of someone pulling water from the pond?

Ms. Urcan stated no, they are not pulling water from the pond, they just have a PVC pipe from the back of their house where they are dumping paint into the natural area.

Mr. Cowling stated I went and looked at it. It looked like their house was recently painted, and I thought they just washed their brushes out on it, but since he is a painter, I am going go ahead and stop by and talk to him about it.

NINTH ORDER OF BUSINESS

Audience Comments

An audience member asked what the litigation was about.

Mr. Oliver responded a resident has run a pipe from his house into the District's pond.

The audience member stated he wondered if that was what it was about.

Mr. Oliver stated he was just giving an update. There is no litigation with what was brought up about the paint. The pond was an update on the existing litigation.

The resident stated we are all noticing the construction that is going on, and it is changing the drainage of the area. It appears to be running under Woodlawn and across the center of the subdivision. Is this part of your jurisdiction, and has that been reviewed by the EPA, because you are getting a lot of environmentally unsafe water coming to that area back there. Several of my neighbors are complaining that there is a constant smell. A sulfur odor.

Mr. Kinnecom stated that is a mitigation area, and yes I am aware of that. On the north side of Woodlawn, there is more of a build-up of water. There is a plan that this road widening will continue from where it ends now, the bridge to be removed and replaced with a concrete steel bridge, and then open up those lanes so where you see all that water on the north side it is going to be diverted. All this is in the hands of the County of St. Johns Division of Water Management.

Ms. Urcan stated once construction is done, it will be back to similar pattern it was before. It will be the same or less than what it was. The development will have ponds that will hold the water on their site and slowly release it so that they don't increase the drainage from the pre-condition.

Mr. Kinnecom stated so that you know what is coming in the future, replacement of the bridge, widen the lanes which will go all the way east to Lewis Speedway eventually. We have heard about the Woodlawn project for 12 years, and they finally got the T stop put in down at the corner. All this takes time, engineering, and funding. In the not-too-distant future you will see, and you probably know that new utility poles have been installed from the bridge all the way out to Lewis Speedway. Pretty soon you are going to see tree demolition again from that point out to

Lewis Speedway. They have to wait for the cable company and AT&T to relocate their lines off the utility poles. One thing St. John's County has done in the past and will continue to do is they do not want to evict people from their property. When we had the expansion of the intersection at Lewis Speedway and Woodlawn, they were very careful so that they didn't have to take eminent domain and have people move somewhere else. They would have to spend a lot more money, which they probably don't have. When you look at the renderings the county has presently about this connector road to Lewis Speedway, you will see on the latest diagram that connector road where you see the mobile homes, the road will not probably be the full criteria for connector roads so they don't disrupt those people out near Lewis Speedway. We do have a couple of new commissioners, so you never know when things will change.

TENTH ORDER OF BUSINESS

Supervisors Requests

Ms. Wharton stated where the stations are that have a green and everything around it that the water district has. I notice some of them are landscaped and some of them are not. Some of them just seem to be quite an eyesore to the community. I know that we own the property around it. Is there any kind of landscaping or anything in the works to soften the look of those stations?

Mr. Kinnecom responded the CDD really doesn't have control on those utility stations.

Ms. Wharton stated but we generally own the land immediately surrounding it.

Mr. Kinnecom stated it is really not our jurisdiction, but I see no reason why the HOA board could not be approached and asked for contact from management of the HOA to the city utilities department to address the situation and see what they can do. There is nothing we can mandate.

Mr. Oliver asked Mr. Cowling is that District land immediately surrounding the lift stations?

Mr. Cowling responded yes, you have the footprint of the lift station, then you usually go five to ten feet outside of that, which is their property as well. Typically in the development phase they do landscape around it. I am not familiar with St. Augustine water what their guidelines are. I know JEA usually requires them to landscape around it. Sometimes they maintain it, sometimes the District will maintain it. It is kind of a gray area. JEA doesn't do much on maintenance of it so usually the District steps up and does the maintenance.

Ms. Wharton stated there is one by the park, the one where the kids play when you come on East Red House. It is an eyesore and something I would like to see changed if at all possible. It was suggested the HOA contact CoSA regarding landscape maintenance of site station sites.

Mr. Kinnecom asked with all the construction that has been completed, has that altered our Scope of Work with Yellowstone on the part of the CDD. Any change to what we have maintained or need to maintain?

Mr. Cowling responded I don't think there is much of a change. Our District limits basically follow that sidewalk down there. We just mow a little bit on each side. Whether we were mowing a little bit of the right-of-way or just our property, it doesn't change anything.

ELEVENTH 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 December 31, 2016. No unusual variances in the financials. Your financials are strong.

B. Assessment Receipts Schedule

Mr. Oliver stated as of the last distribution on December 16, we are about 41% collected. We probably have received other distributions in January. You are probably at the 90% mark by now. You fully collect every year.

C. Approval of Check Register

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

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

TWELFTH ORDER OF BUSINESS Next Scheduled Meeting

Mr. Oliver stated the next scheduled meeting is March 16, 2017 at 1:00 p.m.

THIRTEENTH ORDER OF BUSINESS Adjournment


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

January 19, 2017

Heritage Park CDD



Secretary/Assistant Secretary



Chairman/Vice Chairman