

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, July 20, 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
Joanne Wharton	Supervisor
Rodney Philbrick	Supervisor
Robert Curran	Supervisor

Also present were:

Jim Oliver	District Manager
Carl Eldred	District Counsel
Jenny Urcan	District Engineer (by Phone)
Brian Stephens	Riverside Management

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 being none, the next item followed.

THIRD ORDER OF BUSINESS

Affidavit of Publication

This is located in the agenda package. The affidavit confirms notice of the budget hearing was published twice in the St. Augustine Record, in accordance with Florida Statutes.

FOURTH ORDER OF BUSINESS

Organizational Matters

A. Appointment of New Supervisor to fill the Unexpired Term of Office (11/20/18)

Mr. Oliver stated Ralph Pennington recently resigned from the Board and moved back to Pennsylvania. We announced on the website and by e-blast the board vacancy to be filled by a registered voter residing in Heritage Park. We received applications from three highly qualified

candidates. Their resumes are included in your agenda packets. Those candidates are Bob Curran, Geri Grasso Ferry, and Richard Martin. Following Board discussion, you can have any candidates that are here today introduce themselves to the Board. The vacancy will be filled by majority vote of the current four-member Board. The process begins with a motion for a candidate. If a motion is not seconded, the motion fails. If the motion gets a second, it goes to a vote. With a 4-member board, a majority vote would require at least three votes. If a candidate receives two or fewer votes, the motion fails. Two candidates are here today – Bob Curran and Richard Martin.

Mr. Martin stated he just want to be a part of the Board.

Mr. Curran stated he felt the same way and has been a resident since the beginning. I have had numerous conversations over those years with people at the County as far as what we are dealing with now. Usually if I see something that I don't particularly think is correct, I can usually get somebody at the County level to answer my questions.

Mr. Kinnecom stated we do have three very well qualified people that have submitted resumes. In particular I would like to recognize the fact that Bob Curran has been a kind of silent partner with endeavors within the community. He served on an ad hoc committee with me and others years ago on how to improve the management of the HOA. He has also been active with observations in the community and has knocked on my door more than once. It shows some real good active interest in the community, so I would like to recommend that we appoint Bob Curran to the supervisor position.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor to elect Robert Curran as Assistant Secretary was approved.

B. Oath of Office for Newly Appointed Supervisor

Mr. Oliver administered the Oath of Office to Mr. Curran. Mr. Curran responded he will faithfully perform the duties of Supervisor of Heritage Park CDD.

Mr. Oliver stated he will have documents for Mr. Curran to sign after the meeting. He briefly reviewed other items provided to Mr. Curran and discussed the Sunshine Law and public records requirements.

C. Election of Officers, Resolution 2017-04.

Mr. Oliver stated this is for the new supervisor to be elected as an Assistant Secretary so he can also execute documents on behalf of the District.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor Resolution 2017-04 appointing Mr. Curran as Assistant Secretary was approved.

FIFTH ORDER OF BUSINESS

Approval of the Minutes of the May 18, 2017 Meeting

On MOTION by Mr. Masley seconded by Mr. Philbrick with all in favor the Minutes of the May 18, 2017 meeting were approved.

SIXTH ORDER OF BUSINESS

Public Hearing to Adopt the Budget for Fiscal Year 2018

Mr. Oliver stated I will go over the budget briefly, and then we will open the Public Hearing. Once we conduct the Public Hearing, District Counsel will walk us through the two resolutions. The budget is a no-increase budget and is very similar to what we had last year. The only wild card is this year's budget for 2017 is the legal cost we have because of the ongoing litigation. We do have an increase in that line item for FY18. Assessments will stay the same. I want to remind you that the board can amend the budget at any time through the fiscal year. You also have the flexibility to move funds among the line items.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor the Public Hearing is Open.

There were no comments on the budget.

On MOTION by Mr. Philbrick seconded by Mr. Masley with all in favor the Public Hearing is Closed.

A. Consideration of Resolution 2017-05, Relating to Annual Appropriations and Adopting the Budget for Fiscal Year 2018

Mr. Eldred stated we have Resolution 2017-05, which is the appropriation resolution that essentially adopts the budget. It establishes that the budget was approved by the board and sent to the county 60 days prior to today's public hearing. It establishes that the public hearing was properly noticed and appropriates the funds that are set forth to defray the costs that are outlined in the budget. It is in the form that the board has seen year after year.

On MOTION by Mr. Kinnecom seconded by Mr. Masley with all in favor Resolution 2017-05 adopting the FY18 budget was approved.

B. Consideration of Resolution 2017-06, Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2018

Mr. Eldred stated this is the resolution imposing the assessments. It makes the finding that the landowners within the District are being benefited from the items in the budget, and it also levies the assessments.

Mr. Kinnecom stated we have done this before, and I would like to see it refreshed. By proper notice to the owners of the parcel next door for the would-be childcare center, to let them again know that on transfer of title, there will be a new assessment on that property for the CDD. The people there have been showing the property again to would-be buyers, but the answer is always it is not economically reasonable to build a childcare center. They do want to get rid of the property, and at the last annual meeting of the HOA, I did suggest that we make an offer to get it off their hands, but there has been no action on behalf of the board. We will look for a CDD assessment upon transfer of any title, just a reminder or refresher letter.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor Resolution 2017-06 imposing special assessments and certifying an assessment roll for FY18 was approved.

SEVENTH ORDER OF BUSINESS

Renewal Agreements

- A. Consideration of Agreement with Future Horizons, Inc. for Fiscal Year 2018**
- B. Consideration of Agreement with Yellowstone Landscape for Fiscal Year 2018**

Mr. Stephens had no comments about these agreements other than to say both companies have been doing an exceptional job. Neither company had an increase in price.

On MOTION by Mr. Kinnecom seconded by Mr. Masley with all in favor to renew the agreements with Future Horizons and Yellowstone Landscape for FY18 was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Landscape Proposals

This item was put on the agenda in error.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Eldred stated we will have the shade session in a little bit, but otherwise I do not have any specific updates.

Mr. Kinnecom asked Mr. Eldred clarify about the shade session.

Mr. Eldred stated the District has been involved in litigation concerning a trespass on a pond bank where a particular resident has an irrigation line that is reaching into the pond and withdrawing water. The District is in litigation. We are at a point where I, as District Counsel, need to get direction from the board. When talking to the board about the requirement that business be conducted in the Sunshine in a publicly noticed meeting, there is an exception to that requirement where counsel requires direction from the board on matters involving litigation. We do have a shade session scheduled for later in the agenda. That will be a closed session. We will open it on the record. We will then have a closed shade session where everybody will have to leave the room apart from the board. I think Bob will need to leave the room as well because he wasn't mentioned in the notice. Because Florida's sunshine laws are very strong, there is a statute requirement for this process, and we need to notify in advance who is going to be present in that meeting. Once we have held the meeting, we will close the meeting, and if there is any action established by the board, we will have the board vote on that action at that time.

Mr. Oliver stated a copy of that notice is in the agenda package. Each supervisor is listed by name.

B. Engineer

Ms. Urcan stated we completed the Consulting Engineer's Report. It is required as part of the master trust indenture for the District. It was our opinion that the budget and insurance are sufficient for proper operation and maintenance of the District property and items. I have nothing else to add.

C. Manager

Mr. Oliver stated in your agenda package is the proposed FY18 meeting schedule. This would be to continue having bimonthly meetings on the third Thursday at 1:00 p.m. If the board is comfortable with that schedule, I look for a motion for approval.

On MOTION by Mr. Masley seconded by Mr. Philbrick with all in favor the FY18 meeting schedule was approved.

D. Operations Manager

Brian Stephens stated Future Horizons has repaired the fountain in ponds 1300 and 1200. They have replaced the fountain timer in pond 1800. Riverside Management has replaced three of the water resistant covers over the receptacles for various fountains. Taylor Tree is scheduled to remove a leaning tree from the preserve off of Heritage Creek Way. This should be done within the next week or so.

Mr. Kinnecom stated we continually have the problem about people violating and going fishing. We have had fountains jam up again and burn out because of fishing line. Obviously people are trespassing with their fishing poles. There are certain spots at various times that these people like to pick. They are not going right through somebody's back yard, but they will look for the wide easement areas and then find their way around. I think we are going to need about 12 additional signs to go in strategic locations. These signs will be on 4 x 4 posts. It would be a total cost of about \$1,200 for signs and installation. I ask for the board's concurrence to move ahead with the additional signage. Many of the current signs are up near sidewalk areas, but it is not enough. We have had a lot of damage. There is a budget item for carp. They are there for aquatic weeds so they can eat those and help keep our ponds nice and clean. Some people leave hooks in the mouth. I need the appropriation of \$1,200 for us to move ahead with signage at different locations.

Ms. Wharton asked that the signs be lower on the banks so the homeowners aren't looking at them.

Mr. Kinnecom responded yes, I wanted to ask about having them at water's edge.

Mr. Stephens stated we typically put them half way between the crown of the hill and the water, that way water can fluctuate. The bottom of the sign is normally 1.5 feet off the ground.

On MOTION by Mr. Masley seconded by Ms. Wharton with all in favor to purchase and install 12 "No Fishing" signs NTE \$1,200 was approved.

TENTH ORDER OF BUSINESS

Attorney-Client Session Regarding Matters Related to Trespass Litigation

Mr. Oliver suggested going through the rest of the agenda and then holding the shade session.

ELEVENTH ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS

Supervisors Requests

Mr. Kinnecom stated we do want to put in some lighting. I do recall the light that we put in at East Grandhouse Branch Road at Heritage Park Drive was something like \$4,300. There is a lot of labor involved in that they have to run the wire and dig a hole 6' deep. We would need to research the lighting, and the county has offered to help us with the proper lighting and make its recommendation. We should anticipate maybe a cost for lighting for the two medians, which I could only estimate would be \$8,000. Rather than wait for winter to do this, I would like to get started with Operations Department with electricians to get estimates on the prices and also to communicate with a specific person as to what is the best lighting, number of LEDs, and the pitch of the lights so it does not shine into the windows of people bordering Heritage Park Drive. We have it in the reserves. It may be \$8,000.

Ms. Wharton asked so they don't put any lighting in when they do the medians?

Mr. Kinnecom responded no, there is nothing in the budget for that.

Ms. Wharton stated I know when we asked for this to be done and everything, I specifically asked about landscaping, etc. being part of it to soften the hardness of the concrete, and they said that was part of it. I understand about not having things that are an obstruction to line of site, but I still think things like annuals that are low growing and would soften the mass of concrete is still appropriate. Depending on where it is, I wouldn't mind having a couple of palms or something. I thought that was part of it. I kind of assumed that our lighting would cover that, so I was wrong on that aspect.

Mr. Kinnecom stated the CDD is not in the beautification plant business. That is a decision for the HOA if they want to do flowers and things like that.

Ms. Wharton stated I am still talking about the medians.

Mr. Kinnecom responded in the median, in terms of safety, anything that can grow can grow too big if neglected. The big underlying factor that came from engineering is safety and visibility. People are still going to go faster as compared to those medians that have those bushes downtown. We can't make a change now. If we ask for any change in design, you may as well as kiss the project goodbye for the next decade. It is not going to happen. If the HOA later wants to put in a flower box out there, maybe that is an option, but irrigation for any landscaping would be required, and it is going to cost more money, and there is no money for that purpose. We got there on a shoestring with a great deal of luck. I don't want to see this project go away, and there are going to be a lot of unhappy people if there is a deferment.

Ms. Wharton stated I understand that, but at the public meeting, I thought that was part of it when they approved it. So it changed outside the public meeting?

Mr. Curran stated the way I understand it, they approved it, but they never really approved any actual funding for it. They approved the project, but they never put a dollar amount on it so when they said that \$70,000, that's when I wrote that email back saying we have been waiting years and years and years for this to take place. The other thing is there are school kids out there, and I am surprised nobody has ever gotten hit out there because they are elementary school, and they fool around, and they go flying through there. I wouldn't want to mess around with it.

Ms. Wharton stated I am not talking about messing around with it, I am trying to find out what happened because my understanding is that was part of the package. My understanding is

that what we told people when the ballot went out. I am trying to see when it changed because I didn't know anything about the change.

Mr. Kinnecom responded it was not incorporated in the actual designs. When the County engaged Matthew Design Group, it wasn't there. If we want to change it, it is going to increase costs tremendously. We are not going back to redesign, we can't. Otherwise it is completely dead in the water, and everything would expire on traffic calming that was done and all the costs and all the balloting. It would be dead.

Ms. Wharton asked so there was only one actual plan submitted?

Mr. Kinnecom responded one final design. Here is the final design that was submitted to the various contractors for bidding. Here is what we can do. If you like it and you want it, here is what it is. If you want something different, it all goes on the shelf. Nobody is at fault for not putting in bushes, trees, or daffodils. We are dealing with what is available.

Ms. Wharton asked so was the county the one that came up with the plan, that we have no input that I am aware of?

Mr. Kinnecom responded we had input from the community, input from the travel consultant, input from all the county engineering staff, roads and bridges, you had outside contractors giving their input on ways to do this. You have had many surveyors as well as several contractors who have the experience as to the best way for what you should do in terms of safety. Nobody is going to be driving down Heritage Park Drive to see what kind of Nasturtium is growing in the middle of the road. So we are going to hear tonight in a brief presentation from the county details, which I have already shared. They are going to talk about the traffic calming solution and the construction on Woodlawn Road. It is going to be inconvenient for a few days as they close half of Heritage Park Drive, and then they will close the other half. Before they can do certain portions of the work, the asphalt has to cure. It has to be left idle for a period of time before cement or anybody driving over it. They figure within 30 days or less, Heritage Park Drive projects will be done. The Woodlawn projects are going to be five months. Eventually this whole Woodlawn is going to be a connector road.

Mr. Masley stated to get back what you were saying on the lighting, is it going to fall under the CDD budget and not the homeowner's?

Mr. Kinnecom responded the lighting in the community is the responsibility of the District. We do have the power nearby, and that will help us.

Mr. Curran stated the original thing we talked about, the bumps, are we going to be able to see how fast we are going?

Mr. Kinnecom responded the bumps, from what I understand, will remain. I asked if it is possible to have the speed limit reduced to 25, and I did not get an answer. All design of the crosswalks will be done to meet all the required codes. One of the bigger solutions could have been, and could absolutely not in the whole wide world occur, is to make that a 4-way stop.

Mr. Curran stated I was told they couldn't do that because of the turn lanes going in.

Mr. Kinnecom stated we are in good shape. I think the County needs to be commended for the job they have done for us. I feel it is going to be an \$8,000 expenditure, and we should make a motion that we have approved to go out and get the bids.

Mr. Oliver stated it will come out of the Capital Reserve budget. Do you want to establish a cost not to exceed \$10,000?

Mr. Kinnecom responded yes.

On MOTION by Mr. Masley seconded by Mr. Philbrick with all in favor for installation of streetlights at medians on Heritage Park Drive NTE cost of \$10,000 was approved.

THIRTEENTH 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 June 30, 2017. The only significant variance is the attorney line item. You have some other line items that more than balance that out, so right now you have a projected \$3,500 positive variance.

B. Assessment Receipts Schedule

Mr. Oliver stated you are 100.34% collected.

C. Approval of Check Register

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

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

FOURTEENTH ORDER OF BUSINESS Next Scheduled Meeting

Mr. Oliver stated the next scheduled meeting is September 21, 2017 at 1:00 p.m.

**TENTH ORDER OF BUSINESS Attorney-Client Session Regarding Matters
Related to Trespass Litigation**

On MOTION by Mr. Masley seconded by Mr. Philbrick with all in favor the Shade Session was Opened.

At this point, the meeting transitioned into the Shade Session. The four supervisors mentioned in the ad as well as Mr. Eldred and Mr. Oliver were present for the Shade Session. A court reporter was also present.

On MOTION by Ms. Wharton seconded by Mr. Masley with all in favor the Shade Session was Closed.

The board meeting returned to Open Session.

The result of the shade session was that the board determined parameters of settlement points.

On MOTION by Mr. Kinnecom seconded by Mr. Masley with all in favor to delegate Supervisor Wharton to work with counsel to review settlement agreement of consideration by other party was approved.

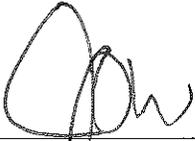
If the agreement is executed by both parties, actions will be ratified at the next meeting.

FIFTEENTH ORDER OF BUSINESS Adjournment

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

July 20, 2017

Heritage Park CDD



Secretary/Assistant Secretary



Chairman/Vice Chairman