

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 23, 2015 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
Michele Arreguin	Supervisor
Ralph Pennington	Supervisor
Rodney Philbrick	Supervisor

Also present were:

Jim Oliver	District Manager
Carl Eldred	District Council (by phone)
Louis Cowling	GMS Operations
Darrin Mossing, Jr.	GMS
Angelo Rao	BCC Engineering, Inc. on behalf of St. Johns County

**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**

**Affidavit of Publication**

Mr. Oliver stated there will be a budget hearing today, and we have noticed it in the *St. Augustine Record*.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the May 21, 2015 Meeting**

On MOTION by Mr. Kinnecom seconded by Mr. Pennington with all in favor the Minutes of the May 21, 2015 Meeting were approved.

**FIFTH ORDER OF BUSINESS**

**Update Regarding Traffic Calming Study**

Mr. Oliver stated Angelo Rao will be here later today to talk about the process for the traffic calming study. We will move through the CDD meeting, and before we adjourn, we will hear from Mr. Rao.

*Note: This item is being deferred until after Twelfth Order of Business.*

**SIXTH ORDER OF BUSINESS**

**Public Hearing to Adopt the Budget for Fiscal Year 2016**

Mr. Oliver stated you approved a proposed budget a couple of months ago, and staff has refined that over the last couple of months. The most important thing to note is there is no change in assessments. We have not increased assessments for several years in a row. The biggest impact we have had on assessments over the last few years is when you refinanced the bonds at a lower interest rate, it lowered assessments. After board discussion, we will open the public hearing and take comments from audience.

Several board members stated they had no comments.

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

Mr. Oliver stated this is a public hearing for the budget for FY16. There are no changes to the budget from last year. There is no increase in budget. As I mentioned earlier, and I know it was on the website, the District actually lowered the assessments when you refinanced the bonds. Is there any public comment?

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

**A. Consideration of Resolution 2015-04, Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2016.**

Mr. Oliver stated there are two resolutions to consider regarding the budget and asked Mr. Eldred to discuss the resolutions.

Mr. Eldred stated first is the appropriation resolution, which is 2015-04. This resolution simply adopts the budget and appropriates the funds that are set forth in the budget. It is a very simple resolution. I will be happy to answer any questions or I am looking for a motion adopting Resolution 2015-04.

On MOTION by Mr. Kinnecom seconded by Mr. Pennington with all in favor to adopt Resolution 2015-04 relating to the annual appropriations and adopting the budget for FY16 was approved.

**B. Consideration of Resolution 2015-05, Imposing Special Assessments and Certifying an Assessment Roll.**

Mr. Eldred stated the second resolution is 2015-05. This is the assessment resolution. This resolution is in a form that the board has seen before. There have been no changes in the way assessments are being collected and the assessment levels. This resolution imposes the assessments to support the budget just adopted, and it makes a finding that the items in the budget benefit the landowner and the District, and it is appropriate to levy the assessments based upon that finding. I will happy to answer questions, but we are looking for a motion to adopt Resolution 2015-05

On MOTION by Ms. Arreguin seconded by Mr. Philbrick with all in favor to adopt Resolution 2015-05 imposing special assessments and certifying an assessment roll was approved.

**SEVENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Eldred stated I don't have anything of particular note today. I believe the board did receive a memo dated June 3 from a colleague of mine. That memo provided the board with an update on the ownership issues and recommended actions related to the District common area. As we have discussed over the last few months, a number of the corrective actions have been undertaken. That memo provides a concise summary of those actions. I wanted to note that for the board's attention. Everything has been done that needed to be done to fix those issues.

Mr. Kinnecom stated I believe we have one more land description to be corrected by the developer for us, has that been achieved?

Mr. Eldred responded the legal description was corrected by way of a corrective deed.

**B. Engineer – Acceptance of Consulting Engineer's Report**

Mr. Oliver stated Jenny Urcan couldn't be here today. Located in your agenda packet is the Consulting Engineer's Report for 2015. The trust indenture for the bonds require that we give a report to the bondholders each year on the conditions of the assets that were constructed with bond funds. She has in her report that the budget is sufficient to provide for the proper operation and maintenance, and it also states that the property insurance coverage for those assets is acceptable. We have this letter to provide to the bondholders, and we are looking for board acceptance.

On MOTION by Mr. Kinnecom seconded by Ms. Arreguin with all in favor to accept the Consulting Engineer's Report was approved.

**C. Manager – Discussion of Meeting Dates for Fiscal year 2016**

Mr. Oliver stated the next item is the proposed meeting dates for FY16. You will see it is the same bimonthly schedule that we had previous years with meetings in November, January, March, May, July, and September. The board can always call a special meeting if business requires. It will be at this location at 1:00 p.m.

On MOTION by Mr. Masley seconded by Mr. Pennington with all in favor the proposed FY16 meeting schedule was approved.

**D. Operations Manager**

Mr. Cowling stated things are going relatively well. We have been adjusting timers due to the storms. We did replace one GFCI at pond 1400 and a couple of minor adjustment. Austin has been doing a good job keeping on schedule. They have to adjust us slightly sometimes due to dry conditions or wet conditions, but overall they have stayed on schedule this year. Pond levels are low in some areas. That is true for many properties around here in northeast Jacksonville. I am continuing to monitor and everything is clean as far as the outpost structures and the ponds, and the trash is really low. We are in good shape overall.

Mr. Kinnecom asked is there any report back from the alligator division about Pond 200?

Mr. Cowling responded no. The only thing I do is give them basically permission to go out there. If I see it, I can report it. I call them, give them the confirmation number, and they have full access.

Mr. Masley asked about Ponds 1700 and 1800, how are they doing?

Mr. Cowling responded doing well. The turf is in good condition. Those are the lowest ponds out here. They are basically in the highest elevation area.

Mr. Masley asked we haven't had any complaints from any of the neighbors.

Mr. Cowling responded I think everybody is very happy with what we did years ago. As long as we keep it green. There is nothing we can do about the water levels. I think they all understand what is going on back there.

**NINTH ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**Supervisors Requests**

There being none, the next item followed

**ELEVENTH ORDER OF BUSINESS**

**Financial Reports**

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

Mr. Oliver stated the unaudited financials are through June 30, 2015. There are no unusual variances.

**B. Approval of Check Register**

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

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

**C. Assessment Receipts Schedule**

Mr. Oliver stated you are fully collected.

**TWELFTH ORDER OF BUSINESS**

**Next Scheduled Meeting – September 17, 2015**

Mr. Oliver stated the next scheduled meeting is September 17, 2015.

**FIFTH ORDER OF BUSINESS**

**Update Regarding Traffic Calming Study**

*Note: This deferred item from earlier is now being addressed. Mr. Angelo Rao has arrived and will make his presentation at this time.*

Mr. Oliver stated by way of background, the board had decided that it wanted St. Johns County to take a look at the road in terms of traffic issues and have requested a traffic calming study. We worked with the chair to coordinate that with St. Johns County Engineer Andy Ames. The county, in working with the District, was successful in making that happen, and Angelo Rao is with us today. He has done other traffic calming studies in the area, including one here several years ago.

Mr. Rao stated I have been working with Andy Ames and St. Johns County since 2005 on traffic calming issues. I helped them write the book on the traffic-calming program. I will talk about it in a minute. This is quite a process in terms of dealing with traffic calming in the county. Why it is so important to the county is because it is so important to you. They are basically reflecting what is important from the neighborhood's perspective. It is very grass-root driven. It is a multi-step process. You have already asked the county to consider the neighborhood for traffic calming. It is a stepping stone approach, and Heritage Park has risen to the surface in terms of being considered. Part of the process is to have three meetings at least to deal with this. This is meeting number one. We call this affectionately the Informal Meeting. Why it is informal is because it has not been called as a formal public meeting into the public

realm. It is just a meeting for a few interested people who have made this an important element in their lives, and we will talk about the program today. Two other formal public meetings will be called as part of the program. There will be a press release, there will be a neighborhood Bill of Rights release, and there will be other communications in the public to make absolutely sure that everyone is aware that this is a public meeting, everybody is welcome. We take a very specific approach as to when a night has to be. That is how important it is. It cannot be during a county commission meeting day, it cannot be on a Monday or Friday or Wednesday. It is very restrictive. You have to be absolutely sure that everyone is generally available. School must be in session. St. John's County public school system must be in session for a formal public meeting. School must be in session for any data collection that we undertake. We only do that between Tuesdays and Thursdays. Why we do that is because we want to make it absolutely sure that at least the data that you have and at least the persona of the folks that attend these meetings, that every possible opportunity has been given to make an informed decision. The county is completely neutral on what you folks you decide for or against traffic calming. They want you to be happy so much so that the program is so restrictive in the sense that they make sure that even though we say attend that first formal public meeting, the second formal public meeting we get ideas, everybody is happy, lovely – I present a solution that I thought I heard based on the issues at hand, still have to go to a ballot, a public ballot with the entire neighborhood of all the property owners and have to receive 75% approval to move forward on a formal traffic calming installation or recommendation. The county was to be absolutely sure that you are sure. They don't want you dealing with a situation where something does get installed and four months later "Oh my gosh, what were we thinking, this is horrific, we need to undo this," they can't be in that business of doing and undoing things. They want to be sure they are working with a community that is collectively in favor of the solutions. Should something happen yea or nay, it takes three years to come back again.

Mr. Rao continued stating traffic calming is changing people's perspective or the way we drive. We could but every sign and every flashing light in the world, but people will only drive they way they feel they want to drive. If they see a big wide-open road with no obstructions, they are going to drive. So what we try to do is deal with the physical world. What can we do to assist you to be safe and slow down? An example would be a speed table or a roundabout or a chicane turn mechanism. These are physical treatments that whether or not you want to speed,

you are not going to be able to physically. I report to Andy Ames, and he has said that even if the folks choose not to install a physical feature like a speed hump or roundabout or chicane or whatever system, he is open to operational changes as well. They might be helpful in at least moderating people's behavior to some degree. For example, you may see around town a speed feedback sign where the speed you are actually traveling is reported back to you in real time. Another example would be a pavement marking change. It is considered operational because it does not need a public vote. You are not going over or around something. A public vote is needed if you go over or around something. This is quickly what the program is about.

Mr. Rao continued by stating typically what we would do at the end of this meeting, I will start talking about maybe thinking of a potential first meeting date. You don't have to be held to it. It is just an idea. Should it be at the end of August, remember school has to be in session, should it be early September? We want to make sure everybody is available and more likely to have a really good turnout. At that first meeting, I will present on a PowerPoint presentation everything I just said. I will have some crash data, I will have some speed and volume data available fresh for that meeting. We will talk about where we go from there and listen to what the citizens have to say. Is this a real problem, is it not a real problem, is it something that is temporary because of time of day, or is it I just can't be on the street anymore it is so terrible. I get everything in between. Open this up for comments or questions or thoughts.

Mr. Masley stated you mentioned 75% asked – percent of what though?

Mr. Rao responded let's say we have our first and second public meetings, and at the second public meeting I will probably present a solution, a recommended solution or maybe an option of solutions based on what I hear and the data. At that meeting, an unofficial vote will be taken. Hands up to say "yea, there are enough here, I want this to go to ballot." Everybody in the room, and there is no major number. That is just a straw poll. We get the thumbs up and Angelo gets direction to go forward with the ballot. A ballot of that solution, whatever it is, will be sent out to every homeowner in the neighborhood. It has to be the neighborhood of owners that we think are in the affected area. I will do my best to make it as fair and equitable for everyone. The affected area is "X" and there are 300 homeowners in "X". Three hundred ballots get mailed out even if the homeowner lives in Cleveland, doesn't matter, it goes to the owner's address. What the county needs is a quorum. You can't just have three respondents and 75%, and you are in. The minimum requirement of a return is 30%, so of the 300 hundred that got

mailed out, we need to get 90 back to say yes or no. And out of the 90 that came back, and hopefully there will be more, you have to have 75% of the 90. Let's say 100 come back, then 75 come back in favor, you go forward. Even if it does go forward, it still has to go by a report to the Board of County Commissioners on the Consent Agenda for final approval. What is sent out is a package with an instruction letter and the actual ballot itself (one page). I typically insert a diagram or an aerial with what it might look like. Usually you have 30 days to respond, typically. You send it back. I have been trying to see if we can do it online, but we are not there yet. It is a self-addressed postage paid envelope that you send right back. It is one ballot per household so if the ownership is in Mr. and Mrs., you have to duke it out at home and decide amongst yourselves what the vote is. You cannot have a split vote within the one property.

Mr. Kinnecom asked among the six villages and the entire population of 703, will they get this survey or would it be limited to the three villages primarily within the Heritage Park area.

Mr. Rao responded what we will do at the first meeting is you will hear me make the presentation and now those things impact the affected area. I will talk about what affected area means. For example, it means if we did something, you either live on the street that the something is on, you back it, you front it, you side it or it is the only way for you to have access and egress through that thing, whatever that thing is. Let's say we do a thing at the west side of the area, and you live at the far east side, and you have two access points over here. You don't even need to go anywhere near that thing. I might recommend that likely you are not part of the affected area.

Mr. Kinnecom stated with the six villages, there are three on the west side and three on the east, and the only direct connection without trails in between the two, otherwise you leave this group of three to come over to the other group of three by using Woodlawn Avenue.

Mr. Rao responded we will work that out. I will make the presentation, we will have a discussion, I will be taking lots of comments.

Ms. Arreguin asked could you explain exactly what you are looking at. Are you just looking at that Heritage Park crossing?

Mr. Rao responded that is great question. (He pulls out a map.) The way I see it, the way the county sees it, it is the entire, if you can imagine, Woodlawn to the north, the one that goes

east and west, and the Woodlawn that goes – it is Woodlawn/Woodlawn as I know it. (He points out on the map the area involved).

Ms. Arreguin stated you mentioned we have kind of risen to the top from the old request, is that why you are here, or is this a survey that the county would/should have done with the addition of all these new homes?

Mr. Rao responded that is a fabulous question. There is a distinction between traffic calming, which is totally and categorically a neighborhood based, grassroots based as opposed to the bigger picture of transportation, including development, like the development to the north, for example. They are distinct, however, there is no way you can have these meetings without nearing issues to the north. It would be almost foolish for me to say I don't want to hear about it, anything one millimeter north of Woodlawn is none of my business, of course I am going to hear it. I am going to listen to those comments because there will be potentially more cut-through traffic if and when that becomes connected. We need to be frank about it. Having said that, the traffic calming program is specifically about this neighborhood, this sub-area. For example, during the meeting we might find, and I am just making this up, that I hear 98% of the comments about Heritage Park Road. If I do, then I am going to go to Andy and make recommendations for the next meeting. From what I am hearing, I think we should focus on Heritage Park Road. That is where all the issues are. Or I might hear another percentage about another road. Let's just say that intents and purposes the likelihood of the conversation will be centered around this District here.

Mr. Masley stated the three communities would be The Villas, Kings Grant, and Arbor Park. They are the ones that are affected mostly because Heritage Park Drive is usually the cut-through, and there is no indication that anyone seems to realize there is a speed limit in this state, and they seem to exceed it all the time no matter what you do. I would like to see the speed limit dropped to 25 mph.

Mr. Rao stated speed limit reduction is legislative. An operational change is a change that Andy has administrative authority to do instantly. For example, you suggest and it is my recommendation that we change the crosswalk markings, that is an operational change. It would be pavement markings or a warning sign. If we hear in the meetings that there is a lot of push for a lower speed limit, for example, then Andy has something to latch on to.

Ms. Arreguin asked would this include a stop sign?

Mr. Rao responded that is a regulatory thing. The issue is that Andy would have to do a separate study on stop sign outside the traffic calming program because it is so regulatory in nature. He has to prove categorically in his opinion to the contract engineer that that stop sign is justified. Why is that so important? Because if it is not justified and someone runs through it, and there is a crash, the county could be liable for inappropriately recommending a stop sign that should not have been there. It is very difficult these days to slap up a regulatory sign. It is a lot more science and engineering judgment as well. It is a combination to get it just right.

Ms. Arreguin stated I think it would be a huge difference between doing some kind of traffic study today and doing it a year from now when all those houses are built. You are going to get entirely different traffic patterns. We have to look at the potential.

Mr. Rao stated again, technically, I am supposed to put the blinders on, but that would be foolish, and I promise that I won't do that. It is important to know that there is going to be future traffic.

Mr. Kinnecom stated you can see many trees have been cut down on Woodlawn, and then you see the cut-through from the road going back into the sidewalk at Arbor Park Village. That is the initial step in relocating the utility poles away from the road back toward the sidewalks, and that is to enable this connector road improvement from Lewis Speedway, multi-phase project all the way up to State Road 16. The connector road means the lanes have to be 12 feet wide each with a four-foot shoulder on each side. Then you have storm drain activity. I would say down the road is going to not only increase more traffic on Woodlawn but you will see more people taking benefit of the wider roads to go a little faster. I also think that the recommended capacity of vehicles would probably be increased from its current level.

Mr. Arreguin asked more than 18-wheelers?

Mr. Kinnecom responded meaning you could legally see more 18-wheelers go through. This project is multi-phase. Keep in mind the Big Bend, as I call it, is going to become a T stop at some point in time, and then going out the south entrance of Heritage Park Drive you will see some land clearing. The goal is to minimize that smaller bend so there is more visibility of oncoming traffic. What is the biggest problem with this whole plan? Money. The approval for San Salito included a need for touring lanes for their two entrances. You only see one now, and the other one will be 450' west of Hefferon Drive. D.R. Horton has made a deal with the county. They have appropriated \$500,000 from D.R. Horton to the County, and that the County would

take over these turn lanes for San Salito among other needs of other roads and the drainage. From the south entrance of Heritage Park to go to Publix, you will see in the write-up about the lack of sidewalks and the like. You see people on bicycles, others pushing carriages. It is dangerous, and some of the lanes are as little as 8.5' wide. In order for them to broaden out to the 12' to complete the connector road means land acquisition from many owners from the south entrance up to State Route 16. Lack of money. But if you read in the article the other day about the budget, ask for an increase on the road improvement maintenance on county roads for a substantial increase as compared to last year. It didn't name Woodlawn as a priority project, but I am sure it is included in that request in the budget. We will see what happens. It is multi-phase. We are going to have to deal with this for a long period of time.

Mr. Kinnecom continued stating I have a question about the formal meetings. With other developments, are they typically day time or night time meetings?

Mr. Rao responded typically in the evenings, 7:00 p.m. until 8:30. We try to get done by 8:30, it sometimes goes until 9:00. It has to be a public place or at least a place – I think we had the meetings here if I am not mistaken.

Mr. Kinnecom confirmed yes, we did.

Mr. Rao stated I thought they were comfortable and appropriate.

Mr. Kinnecom stated at that time we had very few homes completed. Mr. Kinnecom asked Ms. Arreguin would it be prudent to tie in the Public Hearing with the Board of Directors meeting where we get a larger attendance?

Ms. Arreguin responded yes, we could do that.

Mr. Rao stated the only thing I would ask is that I have to have at least 90 minutes. That would be the requirement. So I need from at least 7:00 to 8:30 devoted to this, and it would be a public meeting just for that purpose. I may have to think about that. We can't have any perception, I can't imagine this, but I am trying to be very prudent about this, but I can't take the risk that someone might say – please don't take this the wrong way – "I don't like going to those meetings, I will not go to those meetings if they pay me." So it could be that that person could think that he or she was prohibited from going to that meeting because it was a full meeting. I just can't take that risk.

Mr. Kinnecom stated so we will just do it separate.

Mr. Rao responded yes, if you don't mind.

Ms. Arreguin stated I think the only reason Ken brought that up is because when we did have a meeting about this, and the county came, we had more people at our board meeting than we have ever had at an annual meeting.

Mr. Rao stated I just want to be absolutely sure that folks can or cannot come to the meeting because they just choose not to on their own, not because they feel there is some reason why not. I can't take that risk. I can suggest two or three days to meet, and then we can make a decision on one.

Mr. Oliver asked do we think this venue will be large enough? There are 703 homes.

Mr. Rao stated so that is about 2,200 people.

Mr. Kinnecom stated we have about 1,600 registered voters.

Mr. Rao stated typically you can expect about four or five percent of the neighborhood to attend a meeting.

Mr. Kinnecom stated our maximum occupancy I believe is 359. Let's remember the problem in this building is the acoustics in that main room. When we had our first annual meeting, we used the fire training auditorium on Gaines Road, which is nearby. It is a public building, and we could make an arrangement, and that way they have adequate seating. It is easy access.

Mr. Rao responded that is a great idea. I will say with the two meetings, here is what tends to happen. The first meeting is jam-packed, and the second meeting not so much. Some folks may make the mistake of assuming that it is a done deal one way or the other, or surely Angelo is not going to proceed with this, or surely Angelo is going to recommend 15 speed humps. Don't assume anything. I encourage folks to attend both meetings if they can or least get engaged somehow. Maybe get a communication going amongst yourselves because you just never know what might happen at the second meeting. I have to go by what I get at the second meeting. Between the first meeting and second meeting, I will hear comments from the first meeting about the issues and concerns. The data will support or not support the concerns. It will be my job to make recommendations between the first meeting and second meeting. I go through Andy to make sure every suggestion is feasible and fundable. I want to make sure when you see the second meeting ideas, Andy has said I can build it, and I can fund it within a reasonable time. That is what happens in between. You still have a chance at the second

meeting to yea or nay or forget about it. You get to say yea or no to anything we propose. Thank you and it was good meeting everyone.

**THIRTEENTH ORDER OF BUSINESS      Adjournment**

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



Secretary/Assistant Secretary



Chairman/Vice Chairman