

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, September 21, 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
Rodney Philbrick	Supervisor (by phone)
Robert Curran	Supervisor

Also present were:

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

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Public Comment

Mr. Tom O'Brien asked what he could do about some trees that are down in the Preserve.

Mr. Oliver stated Brian Stephens can consult with you after the meeting and take a look at those.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the July 20, 2017 Meeting

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor the Minutes of the July 20, 2017 meeting were approved.

FOURTH ORDER OF BUSINESS

Update Regarding Streetlights

Mr. Kinnecom stated Scott from FPL was going to be here, but he is in Miami to help restore power because of the hurricane. He previously presented a proposal to us in view of our recent requests about two new lights at the speed humps on Heritage Park Drive. We talked about setting up at \$10,000 budget for new lighting, but Brian and I found a better alternative when we were communicating with the county engineers. We could use two existing streetlights, and they can run the extensions, move the pole, and give us new lights that will shine downward. That is one issue, and the other is an opportunity for us to convert 147 streetlights to a much better energy saving fixture, which FPL would do without a direct cost associated.

Ms. Wharton stated we had this discussion at a previous meeting that I had asked someone to look into, so I am thrilled.

Mr. Kinnecom stated right now we are renting all those poles and the light, and that is part of our bill, but the goal is to reduce the electric consumption for the street lighting to the new LED type format, which has a lower wattage. We will be the first in St. John's County to share in this new program, but it will be delayed because of all the other issues with hurricane damage. Plan 1 with a 39-watt would be \$1,188.61, and the 73-watt would be \$1,311.42. These numbers are for total fixtures. There is a minor increase of about \$60 a month, but it would be tremendously offset by less consumption. I would like the board to empower me to sign the agreements and to arrange with FPL to move forward with the conversion. They will replace bulbs, exchange the fixtures, and give us two new fixtures.

On MOTION by Ms. Wharton seconded by Mr. Curran with all in favor to authorize the Chairman to negotiate with FPL and enter an agreement was approved.
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FIFTH ORDER OF BUSINESS

Ratification of Settlement Agreement

Mr. Oliver stated a copy of the settlement agreement is located in the agenda package.

Mr. Eldred stated at the last meeting we had a shade session to discuss a potential settlement of the litigation with Mr. Desai. As a result of that shade session, the board directed me to proceed with negotiations, and we outlined the terms that the board would consider settlement under. I worked with Supervisor Wharton, and ultimately we reached the settlement agreement that is set forth in your agenda package. It has been signed by Mr. Desai and is

consistent with the board's direction. It provides for the District's removal of the piping that is located in the pond bank. We can remove that and cap that piping. There is an agreement not to install any piping or other structures or materials on the stormwater retention bank or any District-owned property in the future. If he does do so, he acknowledges that the District would be able to move forward and remove the piping and structures. The District agreed to pay \$2,000 towards litigation costs, and within 30 days of the effective date of the settlement agreement the District will dismiss the pending lawsuit. There is a general release, which provides that the parties release each other of any other potential claims except for rights or claims that may arise in relation to the enforcement of the agreement. The remainder of the settlement agreement is standard and includes many of the same provisions that we include in many of the District agreements. If there are no questions, I look for a motion approving the settlement agreement.

Ms. Wharton stated before I spoke with you, this had already been signed. The only two areas of concern I had were that it was limited to the pond bank, and I had been concerned with the verbiage also including the pond itself. After discussion with you, you felt very comfortable that there is an understanding and that was a broad enough term that we were safe. Otherwise, I think this is wonderful, and it is done.

Mr. Kinnecom stated I am delighted to see it come to a closure.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor to ratify the settlement agreement was approved.
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SIXTH ORDER OF BUSINESS

Review of Lake Policies

Mr. Oliver stated a copy of the lake policies are in your agenda package. This latest version was adopted March 17, 2016. When you revised these policies, you added Item #7, which makes very specific that no pipes, pumps, or other devices for irrigation or withdrawal of water shall be placed in the District lakes except by the District. I also wanted to point out Item #2 that watercraft of any kind is prohibited in District lakes. We had a recent event where there were some folks in a kayak on a District lake. We sent a letter to the resident to advise of these policy.

Mr. Kinnecom stated he would like to see the policies included in the next newsletter from the HOA.

Ms. Wharton stated if we do that, I would like to see the last sentence of #3 be highlighted – "Fishing in the District...is prohibited."

SEVENTH ORDER OF BUSINESS

Discussion of CDD and St. Johns County Easements

Mr. Kinnecom stated we have so many people that have placed fences, trees, bushes, gardens, etc. on easements. It is becoming a problem, so for any future requests to the Architectural Review Board, a disclosure should be signed by the owner that will basically state any trees, bushes, fences, etc. if need be would be removed at owner's expense in order to provide necessary access for maintenance reasons. We should obtain a full list of all easements from the County. We have so many kinds of easements – the HOA, the CDD, St. John's County, St. John's Riverwater Management District, FPL, utilities, etc. The easements are granted, they run with the property, and if these people need access and have to remove items, the expense is born by the owner and not the CDD. It is basically a matter of information and a reminder.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2017-07 Designating Primary Administrative Office

Mr. Oliver stated the District's administrative office and headquarters is at the GMS-World Golf Village, While some of our Districts are located in counties outside of St. John's County, in this case our office will serve as both the primary records office and an office for establishing venue. We are looking for a motion to adopt this resolution.

On MOTION by Ms. Wharton seconded by Mr. Kinnecom with all in favor to adopt Resolution 2017-07 designating GMS-WGV as primary District HQ and venue of record was approved.

NINTH ORDER OF BUSINESS

Ratification of Public Facilities Report

Mr. Oliver stated this is required both by statute as well as the bond indenture. We have a proposal from Prosser. I executed that so they could go ahead and get started. The actual

report will be presented at the next meeting. The cost is \$2,750. I am looking for board ratification.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor to ratify Prosser, Inc. proposal to prepare Public Facilities Report in the amount of \$2,750 was approved.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Eldred stated I have nothing additional to add.

B. Engineer

Ms. Urcan stated she had nothing new to report.

C. Manager

Mr. Oliver stated I have no report.

D. Operations Manager

Brian Stephens stated the fountain timers have all been reset after the power outage from the hurricane. We have installed 16 No Fishing/No Trespassing signs on District lakes. One of the signs has been broken and has since been replaced.

Ms. Wharton stated I would like to request one more sign placement, and she pointed out the location to those in attendance. She stated people fish daily here.

Mr. Kinnecom asked that Ms. Wharton send him and Mr. Stephens the addresses of those properties where there is fishing. Year after year we have this problem, and we spend money stocking the ponds with carp.

The board agreed to have an additional "No Fishing" sign installed.

Mr. Stephens stated I have a proposal from Yellowstone to remove trees that were damaged or fell during the hurricane. This is primarily for the pass through the woods and trails as well as a few select addresses that people had called about. Some of our trees are down in their backyard. I asked them to give us a not-to-exceed price. They gave us a NTE of \$4,109.59.

Ms. Wharton asked did they do an approximation of the number of trees and which ones they are talking about? When Matthew was cleaned up, everything was cut and piled right there, and it was a horrible fire hazard. Nothing was removed. People think Florida is not a high fire risk, and we actually are. I was concerned that we have all of the timber and the vines and the

branches that have been sitting for over year, and now we have the new stuff on top of that. I sent to the board several pages of information discussing fire mitigation and how a lot of times there is free fire mitigation from the State. My question can we get another bid that will clean up a little bit more of some of the existing Matthew brush. My understanding is we are supposed to be maintaining these and removing vines and removing things that can become fuel for fire. There is some conflict here because the board has said emphatically no, you are not allowed to touch this area. What was published in the paper on three different occasions, and I sent copies to the board, stated exactly opposite. I wanted to toss this around a little bit and see what the board's thoughts are. Maybe we should also remove some of Matthew's mess.

Mr. Stephens stated typically with a protected woodland, we are not supposed to go in there and disturb anything. I will say with this proposal, they won't be stacking it up. We won't end up with the piles of fuel. I certainly can ask them for another proposal to clean up from Matthew. What I would recommend doing is proceeding with this first.

Mr. Kinnecom stated let's make an amendment to that and give you the authority to talk to them about the removal of the debris from Matthew and give you the authority to take care of that work with them up to a \$7,500 level to make sure we get this all done.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor to authorize Yellowstone proposal for tree removal NTE \$7,500 was approved.

Mr. Stephens will have the discretion on which trees will require removal.

ELEVENTH ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS

Supervisors Requests

Mr. Curran stated at the HOA meeting, my wife brought up a concern with individuals from across the street coming over here and using the kids parks, tennis courts, and basketball courts and asked about putting up signs that basically indicate those facilities are for Heritage Park residents only. I think the board was going to move forward on that, but I didn't know if that fell here or not.

Mr. Kinnecom responded it is for the HOA.

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 August 31, 2017. The audit will begin at the end of this month. No unusual variances.

B. Assessment Receipts Schedule

Mr. Oliver stated you are 100% collected.

C. Approval of Check Register

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

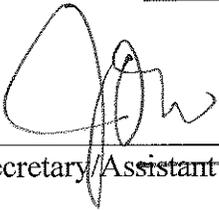
On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor the Check Register was approved.

FOURTEENTH ORDER OF BUSINESS Next Scheduled Meeting

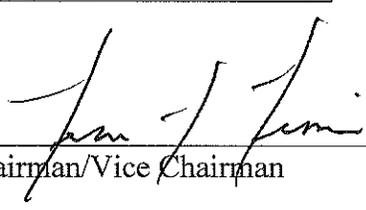
Mr. Oliver stated the next scheduled meeting is November 16, 2017 at 1:00 p.m.

FIFTEENTH ORDER OF BUSINESS Adjournment

On MOTION by Ms. Wharton seconded by Mr. Curran with all in favor the meeting was adjourned.



Secretary/Assistant Secretary



Chairman/Vice Chairman