

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 20, 2018 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
Brian Stephens	Operations Manager

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Public Comment**

Brooke Cantu, a member of the HOA board of directors, stated she went to the CDD website, and it says that the CDD does the maintenance of the mixed use trail, turf, trees and ponds, shrubs and annuals, irrigation system, trash pick-up, and entrance monuments.

Mr. Oliver stated the CDD maintains all improvements owned by the CDD. Any facilities and common areas that are owned by the HOA are maintained by the HOA.

Ms. Cantu stated if I am community shopping, and I read this, I am not going to assume that my HOA dues are going to pay for that.

Mr. Kinnecom stated the monuments within the common areas are the HOA.

Mr. Bob Grimaldi, also a member of the HOA board of directors, stated the question has come up with our landscapers, we are paying them to do those trails, to mulch them and clean them and all that, so are we supposed to be doing that or is that your responsibility?

Mr. Kinnecom responded that is all for the HOA. That is deemed the common areas for the enjoyment and benefit of all residents.

Ms. Wharton stated it is mostly marked as easement where the trails and everything are.

Mr. Grimaldi stated so the trails are our responsibility?

Mr. Kinnecom responded yes.

Mr. Grimaldi stated the other question I have is the landscaping. We have been happy and not happy with our landscaper. I understand you guys got a new landscaping company.

Mr. Kinnecom stated we have not awarded any new agreement. We will be reviewing that later here today.

Mr. Grimaldi stated at some point in time maybe you can give me the name of that company. We are not saying we are going to change, but it makes sense to have one company do everything.

Mr. Kinnecom stated we have three proposals for our review later in the meeting.

Mr. Grimaldi asked about the water and dam along side Lewis Park. Where they dammed it, there seems to be a lot of bugs, and the people are complaining that they are getting bugs in their houses.

Mr. Kinnecom stated the first thing I would do is get on the phone and call either Roads and Bridges under St. John's County or the mosquito control. That is outside of our jurisdiction. I have limited information, but the answer from roads and bridges is that the pond was built as designed, and there is nothing that Heritage Park CDD or HOA can do about it.

### **THIRD ORDER OF BUSINESS**

### **Approval of the Minutes of the July 19, 2018 Meeting**

On MOTION by Ms. Wharton seconded by Mr. Curran with all in favor the Minutes of the July 19, 2018 meeting were approved.
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### **FOURTH ORDER OF BUSINESS**

### **Consideration of Landscape Maintenance Proposals**

Mr. Oliver stated Brian Stephens prepared a scope and sought bids from three landscape maintenance companies, including the incumbent. Copies of the proposals were provided to the supervisors.

Mr. Stephens stated Yellowstone is the incumbent, and I reached out to Green Earth and Trimac Outdoors. Trimac did not show what their scope of services was. Under General Services on the front page, it says that the performed work is described in Schedule A, and Schedule A was the scope that I developed. From a monetary standpoint, Yellowstone came in annually at \$35,324.00, which is \$2,943.74 monthly. Trimac was second at \$45,336.00 annually, which is \$3,778.00 monthly. Green Earth came in at \$87,000 annually, which is \$7,250.00 monthly. I worked with all three separately, and we went over the exact same stuff and over the same map.

Mr. Kinnecom stated with Yellowstone, because all that manpower is here, and they have the agreement for services with the CDD as well as the HOA, we both benefit from a better price. Seeing those other numbers, it only makes sense that we continue with Yellowstone.

Ms. Wharton stated I have been happy with Yellowstone.

Mr. Kinnecom stated I do not like the CDD to be paying any money out for services not being received as defined. It has been four times this year that I have had to call attention to the fact that Pond 100 had not been mowed, and that is to be mowed on a weekly basis. I also heard from Kris with Green Earth that he, in preparation to make his proposal, looked at all 18 ponds, and he said to me it looked like 4 of the 18 had not been mowed that week. He made that tour on Friday. I would ask, and I would recommend that we stay with Yellowstone but to delicate Brian to have a heart-to-heart talk with them that we cannot accept any excuses other than 12" downpour where they can't mow. There have been times when it has been satisfactory, but it hasn't been done.

Ms. Wharton stated on the positive side, Yellowstone has also done things for us like trimming the trees. There is some of that going on too that we have to acknowledge.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor award Yellowstone Landscape the landscaping contract was approved.
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Brian Stephens will meet with Blaine Peterson of Yellowstone to ensure improvement in mowing the banks.

Mr. Eldred will go ahead with the appropriate contracts.

**FIFTH ORDER OF BUSINESS**

**Discussion of Encroachment of Fences onto District Property**

Mr. Oliver stated chairman has been working with staff and identified a number of properties that had improvements that went onto District property. Some are close calls, and some are beyond borderline.. The list has been reduced down to eight properties that significantly encroach upon District property. That has been verified by the District Engineer. For each of the eight properties, we will send a letter to those property owners and let them know it is our contention they are exceeding their property line onto District property. If they do not agree with that assessment, they should provide credible evidence of why that is not true. Otherwise we would either ask them to remove those improvements or make them aware the improvements could be removed by the District if it hampers our maintenance issues. I have also discussed this issue with District Counsel.

Mr. Kinnecom stated I examined every property. This all came about because a fence had been approved by the ARB, and the surveyor went out to find where the fence would go, and somehow it all came back to the office of the HOA that the fence next to them looks like it is out too far on the bank. One led to another and to another. The letter is ready. I have read it, and it is a good one.

Ms. Urcan and Mr. Kinnecom looked at a photo of one of the properties and determined it was a shadow and not a fence, so that property is being removed from the list.

Mr. Oliver will send the board members a copy of the letter and a list of the addresses of who will be getting the letter.

**SIXTH ORDER OF BUSINESS**

**Ratification of Audit Engagement Letter with Grau & Associates for Fiscal year 2018**

Mr. Oliver stated we are required to have an independent audit performed each year. Those auditors are selected through the RFP process in according with Chapter 218 of Florida

statutes. You went through the process and selected Grau and Associates to perform the audit. There is an engagement letter in the agenda package for \$3,300, which is as budgeted for FY19. The fiscal year ends September 30, so we will start the audit process shortly thereafter.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor to ratify the engagement letter from Grau & Associates in the amount of \$3,300 was approved.

## **SEVENTH ORDER OF BUSINESS**

### **Consideration of Proposal for Website Compliance**

Mr. Oliver stated as a CDD there are certain documents that we are required to have on our website, and we tend to go toward more transparency than less. Unfortunately, within the last six months or so, there have been lawsuits filed against Districts in south and central Florida on behalf of compliance with ADA guidance for the visually impaired.

Ms. Wharton asked was this mostly regarding photographs not having a description?

Mr. Oliver responded that is one part of it. For photos, there should to be a caption so the visually impaired have access to that information. It also has to do with making pdf documents readable. We have a year to become compliant, and we are moving in that direction right now. Staff is working on it to protect the District's interest. We need to make the website compliant and then continue to maintain it.

Ms. Wharton stated I thought the annual maintenance bid was a little high.

Mr. Oliver stated we are still in the early stages of this.

Ms. Wharton stated I notice on the website we also have a link to the HOA. If that something we need to have on there, and is that going to affect their site also? I saw we have about 4 links. Are we talking about doing this to all our links or just the one that says CDD?

Mr. Oliver responded right now our concern is the District, but I understand both governmental and non-governmental sites are subject to these lawsuits. Other types of organizations may have different requirements. We will continue to move on this and bring more information in November.

## **EIGHTH ORDER OF BUSINESS**

### **Staff Reports**

**A. Attorney**

Mr. Eldred had no report.

**B. Engineer**

Ms. Urcan had no report.

**C. Manager**

Mr. Oliver stated you adopted the budget at the last meeting, and the assessment roll has been provided to St. John's County tax collectors, and those assessments will be included on the tax bills on November 1.

**D. Operations Manager**

Mr. Stephens stated we replaced two GFCI outlets on ponds 800 and 1000 for fountains. A new fountain timer was installed in pond 100, and new fountain was installed in pond 1000 to replace one of the original powerhouse units that failed.

**NINTH ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**Supervisors Requests**

Ms. Wharton stated the pond maintenance for the aquatic weed control, is that 12 months a year? (Yes). In your expertise, is there a possibility to lower it in any way – are we overdoing it? I know our ponds have zero algae, zero growth, also very little aquatic material in the ponds, and I didn't know if we were overdoing it.

Mr. Stephens responded that is actually the reason why you don't have any if because Future Horizons is doing an excellent job and the fact that it is 12 months a year.

Mr. Kinnecom stated we did a study about the electric costs for the 147 LED lights that we replaced in the community. What I see is an 8% reduction in the electric cost, and the other benefit is we have more illumination from the LEDs. Also they communicate directly to FPL in the event of a light being burned out or knocked down. Keep in mind each year the charge per KWH varies. There are variations in the time that they come on and go off because they are all controlled by some factor to do with lighting.

**ELEVENTH ORDER OF BUSINESS**

**Financial Reports**

- A. Balance Sheet and Statement of Revenues & Expenditures**
- B. Assessment Receipts Schedule**
- C. Approval of Check Register**

This reporting is as of August 31, 2018. The Assessment Receipt Schedule is fully collected. Mr. Kinnecom stated he has reviewed all the financial documents.

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

**TWELFTH ORDER OF BUSINESS**

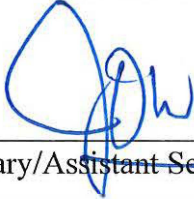
**Next Scheduled Meeting**

Mr. Oliver stated the next scheduled meeting is November 15, 2018 at 1:00 p.m. at this location.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

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



Secretary/Assistant Secretary



Chairman/Vice Chairman