

**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, November 16, 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
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

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Public Comment**

A resident stated I am new to Heritage Park. I am living at the south entrance. We have some trees, I supposed from Hurricane Matthew, and they look horrible. The branches are low to my property. The rest is not in my maintenance area, not in my easement. It is on Heritage Park property. I cannot touch, and I don't want to touch. My address is 1409 Tall Pine Court.

Mr. Stephens responded Yellowstone has that on the proposal they gave us. I spoke with them this morning. They said they will be complete by the week after Thanksgiving. They should be gone in no more than two weeks from now.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the September 21, 2017 Meeting**

On MOTION by Ms. Wharton seconded by Mr. Philbrick with all in favor the Minutes of the September 21, 2017 meeting were approved.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-01  
Designating a Registered Agent**

Mr. Eldred stated this is a simple resolution updating the registered agent from prior District Counsel, Mike Eckert, to myself.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor to adopt Resolution 2018-01 designating Carl Eldred as registered agent was approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Amendment to Yellowstone  
Agreement for Fiscal Year 2018**

Mr. Oliver stated there are no changes to the agreement. It is the same price and scope as before.

Mr. Eldred stated the last document I brought to your attention was simply an extension through the end of FY2016-2017. That hadn't been done so we filled that gap as it were, but now we enter a new contract for FY2017-2018. I will note that we did previously go out to bid on this contract, is that correct?

Mr. Oliver responded yes.

Mr. Eldred stated given the amount we are not specifically required to go out to bid each year obviously. I think two or three years ago we went out and went through the bidding process and selected Yellowstone. This would be an extension of that prior contract by a year, and I would recommend to the board that some time in the new year we prepare a bid package to solicit bids from other contractors for the services 2018-2019.

Mr. Kinnecom stated as I understand it, this agreement also corrects it to the new corporate name, which accommodates the various mergers or acquisitions of the past year or two.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor the amendment to Yellowstone Landscape Inc. maintenance agreement for FY18 was approved.

**SIXTH ORDER OF BUSINESS****Update Regarding Streetlights**

Mr. Kinnecom stated the update is very limited. You all know about the hurricane and the significant impact of resources – people, equipment, inventories, and supplies. We are looking probably toward the middle of February before installation of the 147 LED streetlights. The two lights for the new speed humps is a different issue, and I don't have an update on that. That is considered under the new construction avenue rather than the replacement and maintenance. That is a different operation. I haven't heard back from that department. One thing about the new lights, they will automatically communicate with FPL as to outage or downage.

**SEVENTH ORDER OF BUSINESS****Public Facilities Report**

Mr. Oliver stated I know at the last meeting we authorized the proposal to have their report done. Jenny, I don't recall if you completed the report, and my office just didn't put it in the agenda packet or if that is still in progress.

Ms. Urcan responded it is complete. I sent it toward the end of September.

Mr. Oliver stated if you can describe what is in it, and I can circulate to the board afterwards.

Ms. Urcan stated it is good news – I didn't expect otherwise. We did a report as a requirement of Florida statutes, and basically we describe and summarize the public facilities that are owned by the District. In this case, the CDD essentially only owns the stormwater ponds, and the control structures are part of the stormwater ponds. I did a visual inspection, and everything appeared to be in compliance and functioning as permitted. The report also describes where your water and sewer goes, and those are all owned by the public agencies. Those that are District owned we do address them. Everything appeared to be in compliance and functioning. Also within the report are some maps and some pictures of each of the ponds.

Ms. Wharton asked about Pond 600 where the banks were possibly starting to erode a little bit. We had discussed about seeding, do you remember this conversation Ken? I thought

since the Engineer is here, what did she feel was the condition of those banks? I think we are starting to get an erosion pattern started.

Mr. Oliver asked Ms. Urcan, did you see any erosion problems on Pond 600?

Ms. Urcan responded no I didn't. Not on Pond 600. There were some ponds where the water levels were low, but in September, I am not sure where the ponds should have been at that time based on seasonally high groundwater. I didn't note any unusual erosion on Pond 600. If you want to point out an exact location of where you are talking about, I can definitely go and inspect it just to make sure. It is not something I noted at the time as being a concern, however, if you want me to go back out there, I am more than glad to do that.

Ms. Wharton stated it is the one area where I think we have some irrigation issues, so there is really no grass and a lot of dust and stuff that comes up, and because there is no seeding and no grass and no other kind of growths, we do get a little bit more erosion there. I know you have looked into either seeding it or putting something else. I think sod is silly.

Mr. Stephens stated that actually is the only thing we can do. The Hydra Seed company won't even do it because of where it is on an incline. They said it would not last, therefore, they actually refused to even bid it. Sod or plant material would be the only solution. Sod is typically stapled with long sod staples. With plant material, they typically do not.

Ms. Wharton asked what in your opinion is needed and what is cost effective?

Mr. Stephens responded sod is substantially cheaper, probably a fifth the cost of plant material.

Ms. Wharton asked what about maintaining it and changing irrigation, etc.

Mr. Stephens responded sod would be cheaper there as well.

Ms. Wharton asked in your opinion what is the necessity for it?

Mr. Stephens responded I do see a little bit of the wash-boarding like you are talking about with the dirt washing out a little, but I honestly don't think it is that bad. I would say monitor it. I brought the proposal for sod to the board, but due to the cost they tabled it. That actually would be cheaper than plant material. Also, with plants you have to worry about snakes, especially that close to a lake bank.

Ms. Wharton stated I don't think everything needs to be replaced, but where it is really starting, I just want to nip it in the bud before something happens.

Mr. Oliver stated on the Public Facilities Report, we have that on file now. We can do one of two things. I will circulate it to you when I get back to my office, but do you want to put this back on the January agenda.

Mr. Kinnecom stated I think we can take that and accept it and place it in the file as reported by Jenny.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor to accept the Public Facilities Report prepared by Prosser, Inc. was approved.

## **EIGHTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Mr. Eldred stated we did file the Notice of Dismissal of the case after the pipe had been cut off and terminated. That issue is behind us and resolved. Also, we are preparing for the 2018 legislative session. There have been a couple of committee meetings held already. Bills are being filed, and we will continue to monitor those for general impact to the District. As you know, it is a long process, and there are many bills that are filed that never see the light of day. We will keep tracking them, and I will bring to the board's attention those bills that may impact the District and look like they have some legs.

#### **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 most of the lake bank trees that were damaged during Hurricane Irma have been removed. The remainder will be done by the end of November. The trees that fell on the trails have been removed as well.

Ms. Wharton stated no – they have been cut, and the wood has been thrown into the woods.

Mr. Stephens stated they are going to be back at the end of November with the chipper. I confirmed that today.

Ms. Wharton stated as a request I would like for someone to review it before final payment is issued, and I would be happy to be that person.

Mr. Stephens stated new pump motors have been installed in Ponds 900 and 800. A new timer was installed for one of the fountains in Pond 800. One of the No Fishing, No Trespassing signs was replaced on Pond 200. The draw down pipe in the lake with the irrigation system has been capped. That's all I have.

Ms. Wharton asked do we keep a spare motor?

Mr. Stephens responded no we do not.

Ms. Wharton asked how often do we need new motors?

Mr. Stephens responded if it is not one of the old systems where the company is out of business now, they are typically repairing them. With 900, it was one of the original motors. That company is not in business and parts weren't available. They ordered a new pump. There is an easement issue on that pond, they can't get the fountain unless they get a vehicle with a boat back to the lake. That was where the holdup was.

Mr. Kinnecom stated if you would take a little tour around all the properties on that 900, there are so many fences, many of which were not approved. There are many areas loaded with trees and bushes in the easement areas prohibiting access for the people doing pond maintenance. It is a problem. I did an address by address listing maybe two months ago with all of these properties with trees and bushes on easements. If we need to, we can go in and cut down the bushes and trees and not replace them.

Ms. Wharton asked is it feasible to approach a specific home that we think has decent access, the easiest home to get to, approach them about putting a gate in so that we don't have this again. Is that something we should be thinking about?

Mr. Oliver asked is there a designated access easement?

Mr. Stephens responded there used to be, but there is now a home on that site. It wasn't the designated site, but it was the easiest access point.

Mr. Oliver stated it seems as though there would be a designated access point even if someone has subsequently constructed on it, which they shouldn't have.

Mr. Stephens stated there are multiple easements on that lake that could be chosen to get to the water, however, they have all been blocked to one degree or another – either with plant material, fence, or a tree.

Mr. Oliver stated we need to research to determine what originally was supposed to be the access easement.

Ms. Wharton stated what is the easiest easement, and I think we need to do something now of a permanent nature.

Mr. Kinnecom stated at one house a guy came out and talked to me. The house next door has a fence that goes onto the easement area. The adjoining house is a rental, but the occupant is more than willing to tear down the tree and the bushes to permit access to the pond.

Mr. Stephens stated that is on an easement, so that would be perfect.

Mr. Kinnecom stated I will get the address for you and let you know what it is. They would be delighted to remove it.

Ms. Wharton stated I think we need to have a permanent solution. We have to have a permanent access to all the ponds. I would rather not get into any legal issues with somebody filing suit, etc. I would like to do this proactively. Come up with what we did have easements on, it might be two or three, look at them to determine which are the best, and maybe then we can talk about offering these three homeowners some options or something so that we can get this settled.

Mr. Oliver stated what I can do is review it with Brian, Carl, and Jenny.

Mr. Kinnecom stated which leads to this question. I obtained from the county a full list of all easements within Heritage Park. Where we ever able to find someone who could open those? I don't know if they are on pdf or what. Do you remember?

Mr. Stephens responded I do, and I wasn't able to open them on mine.

Mr. Eldred stated Jenny probably has some type of software that her company has available.

Ms. Urcan stated she is looking up information on Pond 900 now. What she has found so far is some old permitted plans that showed the easement. I would want to confirm those easement, but there is one easement between two lots that appears to have room to bring in equipment. So I want to confirm the size of the equipment and also confirm that still is where that easement was recorded. Is that something I could coordinate with someone?

Mr. Kinnecom stated we will let staff continue to work on this, and as the lady told me over in the building department for St. John's County, they can make available visuals of all

easements for the entire Heritage Park subdivision. She only gave me what they could provide at no cost. Anything else we would have to pay for, and how much that would be I don't know.

Ms. Urcan stated I want to keep searching our files. We might have some actual surveys in here that could confirm it other than looking at permitted plans. You wouldn't have to pay for those, obviously, if they are already completed for you. Access is one thing but whether you fully have access to that easement without taking something down is another question.

Mr. Kinnecom stated that keep in mind that two or three years ago, I gave Louie Cowling a big assortment of site plans of Heritage Park. It was not complete, but it was some blueprints that showed up in a mysterious way. He may have some of those in his office that could be a big help.

Mr. Oliver stated staff will work on this to develop some options.

Mr. Stephens gave an update for sod installation in select areas. The proposal from Yellowstone was to install 34 pallets of sod at a price of \$12,054.72. That was also to irrigate it, which was \$1,984.25. That sod would only be along Heritage Park Drive and East Red House Branch.

Mr. Kinnecom stated through the minutes of the board of supervisors, I think you may find that we had approved that.

Mr. Oliver will check on that.

Mr. Stephens asked if it hasn't been approved, do you want to re-approve it?

Mr. Kinnecom stated we need to do something.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor the Yellowstone proposal for sod installation and irrigation on selected bank areas was approved.
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Mr. Kinnecom stated the Capital Reserves we have created over a number of years are more than adequate to meet such a need. We are very financially sound.

## **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 in the agenda package are through October 31, 2017. No unusual variances. The FY17 audit is underway.

**B. Assessment Receipts Schedule**

Mr. Oliver stated we received a distribution yesterday from the St. John's county tax collector, so we are now at 8.84% 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. Philbrick with all in favor the Check Register was approved.

**TWELFTH ORDER OF BUSINESS**

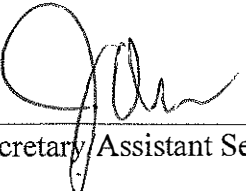
**Next Scheduled Meeting**

Mr. Oliver stated the next scheduled meeting is January 18, 2018 at 1:00 p.m.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

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

  
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Secretary/Assistant Secretary

  
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Chairman/Vice Chairman