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 Monday, December 13, 2010 at 4:30 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
Teresa van Ellekom Supervisor
Joyce Cornell Supervisor

Also present were:

Jim Oliver District Manager
Jennifer O’Brian District Counsel
Ryan Stillwell District Engineer
Louis Cowling GMS, LLC

FIRST ORDER OF BUSINESS Roll Call
Mr. Oliver called the meeting to order at 4:30 p.m.

SECOND ORDER OF BUSINESS Organizational Matters
A. Oath of Office for Newly Elected Supervisors
Mr. Oliver administered an oath of office to Mr. Masley and Ms. Cornell.

B. General Information for Supervisors
Ms. O’Brian stated as a supervisor you are now sitting on the governing board of a unit of government in the State of Florida; therefore, you are subject to certain ethical laws, as well as the Sunshine Law and Public Record Laws. The Sunshine Law prohibits the discussion between any board members about something that may come before the board outside of a publicly noticed meeting and that would include verbal discussion, email discussion, etc. You are under no obligation to maintain any of the documents you get from the meetings but if you do I strongly suggest that you keep a separate file for them and the same thing for emails.
C. Consideration of Resolution 2011-02, Canvassing and Certifying the Results of the Landowners Election
Mr. Oliver stated included in your agenda package is Resolution 2011-02. It shows that Joyce Cornell received 69 votes at the landowner’s election. She was the only nominee. It was unanimous, so Joyce was elected to a four year term.

On MOTION by Ms. van Ellekom seconded by Mr. Masley with all in favor Resolution 2011-01 Canvassing and Certifying the Results of the Landowners Election was approved.

D. Consideration of Resolution 2011-02, Election of Officers
Mr. Oliver stated included in your agenda package is Resolution 2011-02 an election of officer’s resolution. Previously, Amy Krulish served as Chair and Ken Kinnecom served as Vice Chairman. The remainder of the board served as Assistant Secretaries.

On MOTION by Ms. van Ellekom seconded by Ms. Cornell with all in favor Resolution 2011-02 Election of Officers Appointing Ken Kinnecom as Chairman, Mark Masley as Vice Chairman, the Three Remaining Board Members as Assistant Secretaries, Jim Oliver as Secretary, Jim Perry as Treasurer, Dave deNagy, Patti Powers and Ariel Lovera will serve as Assistant Treasurers was approved.

THIRD ORDER OF BUSINESS Approval of the Minutes of the October 11, 2010 Meeting
Mr. Oliver stated included in your agenda package is a copy of the minutes of the October 11, 2010 meeting. Are there any additions, corrections or deletions?

On MOTION by Ms. Cornell seconded by Mr. Kinnecom with all in favor the Minutes of the October 11, 2010 Meeting were approved.

FOURTH ORDER OF BUSINESS Acceptance of the Minutes of the November 8, 2010 Landowners Meeting
Mr. Oliver stated included in your agenda package is a copy of the minutes of the November 8, 2020 landowners meeting?

Mr. Kinnecom responded I was present at the meeting but I was not listed.
December 13, 2010

FIFTH ORDER OF BUSINESS

Consideration of Requisition No. 43 and No. 44

Mr. Oliver stated included in your agenda package is requisition number 43 for Prosser Hallock in the amount of $643.52. Also included is requisition number 44 for Hopping Green & Sams in the amount of $1,039.18.

On MOTION by Mr. Kinnecom seconded by Ms. van Ellekom with all in favor Requisition Nos. 43 and 44 were approved.

SIXTH ORDER OF BUSINESS

Ratification of Requisition No. 41 and No. 42

Mr. Oliver stated included in your agenda package for ratification are requisition numbers 41 and 42. Requisition number 41 is for Prosser Hallock in the amount of $492.34. Requisition number 42 is to Hopping Green & Sams in the amount of $568.33.

On MOTION by Ms. van Ellekom seconded by Ms. Cornell with all in favor Requisition Nos. 41 and 42 were ratified.

SEVENTH ORDER OF BUSINESS

Update on Lake Bank Repairs

Mr. Cowling stated I got with Luke Brothers about pond 1700 to see what we could do there. The option that we came up with there was to install a surface water pump and irrigate out of that and install heads along the perimeter of the pond on CDD property to shoot back in. This will allow us to hydro-seed and not have to move the pump all around the place.

Ms. van Ellekom asked this is the one that is next to Wooden Hamlet?

Mr. Cowling responded correct. The proposal to install the pump and the irrigation lines will all be underground. There will be a pump and pad and 19 heads surrounding the pond. The total cost would be $4,375. You would have to hire an electrician to bring power to that pump and I got a rough estimate of $1,000 to do that work. When I measured the first time around I measured three lots on one side and two lots on the other. I gave Luke Brothers the direction and since then, Stephan has taken over for the guy who was previously here. Their numbers were way off from what I measured. I measured about 9,000 square foot that needs to be hydro-seeded back there. Their number was somewhere in the 40,000 square foot range. The total cost
would be $6,725.

Mr. Stillwell stated there is the concern that the water is low already to begin with and that is why a lot of these problems have occurred, so if we were to install an irrigation system that withdraws water out of the pond it could draw it down more and make the problem worse. It is tough to call because the water level is so low already whether that option is a good option or not.

Mr. Kinnecom asked would it be secured?

Mr. Cowling responded it would be on a poured pad and in a box.

Ms. van Ellekom asked when you had the cost of $6,725 that is the total?

Mr. Cowling responded that is the total for the pump, the electric to the pump and the hydro-seed.

Ms. van Ellekom asked if that goes forward when would that be completed?

Mr. Cowling responded it would take a little bit of time to get the electric run. I would think that 60 days would be a good possibility to get that done.

Ms. van Ellekom asked what is the plan if we go forward and it starts draining the pond substantially? How quickly are we going to know that there is a problem and we are going to have to turn it off?

Mr. Cowling responded it will be on a timer, so we can water as needed. We can get a rain sensor on it.

Ms. van Ellekom asked define surface?

Mr. Stillwell responded surface water is water you can visibly see in a stormwater pond.

Ms. van Ellekom asked so as the stormwater pond drains is the intake into the pump far enough down?

Mr. Cowling responded it will be put in the deepest section of the pond.

Ms. van Ellekom stated given the state that it is in I don’t know that we really have any other options.

Mr. Oliver asked and there is no main line to tap into?

Mr. Cowling responded no. We could drill a well or we could get a water meter installed from St. Johns County and that would be around $3,000.

Ms. van Ellekom asked how much would it cost for the well?

Mr. Cowling responded the well would be about $8,000 to $10,000.
Ms. van Ellekom asked so then we have give or take $6,700, which then does not have additional irrigation charges because it is irrigating out of itself?

Mr. Cowling responded correct.

Ms. van Ellekom asked versus tapping into a main line, which would have less of an initial charge?

Mr. Cowling responded the $3,000 would be to tap off City water.

Ms. van Ellekom asked so that would be $3,000 in addition to running the irrigation and everything else?

Mr. Cowling responded correct

Ms. van Ellekom stated I think we have to move forward. This has been a long standing problem. It is going start rapidly becoming a substantial safety issue.

Mr. Oliver asked at some point will that seeding take so eventually we will not need to use the irrigation system?

Mr. Cowling stated the goal is to not have the same problem years down the road because you do have irrigation in there. This would keep it watered to keep it alive.

Ms. van Ellekom stated and now that we have homes built all the way around the perimeter hopefully that will assist in putting more water and muck into the bottom of the pond to help seal it organically and maybe help it retain water better.

Mr. Cowling stated I don’t think we have had substantial rain since the homes have been completed in that section.

Ms. van Ellekom asked so with the amended approximate cost of $6,725?

Mr. Cowling responded correct.

On MOTION by Ms. van Ellekom seconded by Mr. Kinnecom with all in favor Lake Repairs totaling $6,725 was approved.

Mr. Stillwell stated we do need to also check with the St. Johns River Water Management District, as well as St. Johns County to verify there are no necessary permits for the pump.

Mr. Cowling stated I have done some preliminary checking and my sources have told me we don’t need any permits.

Mr. Stillwell stated we just want to verify that before we spend any money.

Mr. Cowling stated I spoke to the irrigation supervisor about this one and he had a very
good solution, which I told him to get me a proposal on and that was there is an HOA pump station right down the side of the parkway. We would have to go through the HOA but all we would do is tap into their line and we would put in our valve box and then a timer battery operated control valve and that proposal was for $2,000. We would be using minimal power and water do it. The hydro-seeding would be $8,000.

Ms. van Ellekom asked so tapping into the HOA main line then has ongoing irrigation paid by whom?

Mr. Cowling responded there is only a little bit of power, since it is a well. There is no charge for water. It is just an electric charge. I don’t know how we can determine how much cost that would be.

Ms. van Ellekom stated I think that would just be one of those averages. I suspect that the HOA would be reasonable, as long as it is not over the average.

Mr. Cowling asked do you want me to give you the proposal?

Ms. van Ellekom responded yes. From a timing perspective how soon would you need?

Mr. Cowling responded I would rather do it coming into the warmer season. We can probably wait until late February or early March to do any kind of hydro-seeding.

Ms. van Ellekom stated sounds good.

EIGHTH ORDER OF BUSINESS Update on Parking Lot

Ms. van Ellekom stated this did go forward to the HOA. The determination at that time we ran into a small issue from an HOA perspective, in that we did have quorum but two of the members of that quorum were Joyce and I, so that left only one HOA director. Given that perspective the determination was made to have it quickly sent over to the HOA attorney in order to be able to evaluate the impacts and the options. It was not seen as an issue, as much as which is the better option from the HOA perspective. It does push us out till the end of January.

Ms. O’Brien stated I can prepare another notice, unless you want to use the one I sent as a template.

Ms. van Ellekom stated I think we can probably use the one that we have as a template because it was made generic enough. We need to get word to Michele.

NINTH ORDER OF BUSINESS Consideration of Prosser Hallock Updated Rate Schedule

Mr. Oliver stated included in your agenda package is a letter from Prosser Hallock. It
shows on the two attachments the rate schedule, under which they have been operating for this District since 2004. You will also find the October 2006 rate schedule. I have reviewed this and compared this to other engineering firms we represent. The October 1, 2006 rate schedule is very reasonable. What Prosser Hallock is asking to have their 2006 rate schedule approved moving forward.

On MOTION by Mr. Kinnecom seconded by Ms. van Ellekom with all in favor the Prosser Hallock Updated Rate Schedule was approved.

TENTH ORDER OF BUSINESS Other Business
There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS Staff Reports
A. Attorney

Ms. O’Brian stated the first thing I wanted to discuss is the issue of the permit transfer from the Developer into the permit governing all the stormwater ponds. If you remember Harbco had agreed to pay for those permit transfers and then to apply for the permit transfer. However, shortly after the last meeting they had advised us they got a letter from the water management district saying that they have several issues that had to be resolved before the permit transfer could be completed. I will summarize them for you. On pond 1100 there was inadequate vegetative stabilization. There was excessive vegetation on pond 1400. There was inadequate vegetative stabilization and sediment erosion at pond 200. There were a couple of control structures that were not accessible and parcels D1 and D2 have a decorative fence encroaching on the easement, so we have to deal with that. I spoke with Louis and Ryan and we think that the proposal for pond 1,100 will resolve that issue. The excessive vegetation Louis said we could just weed eat that.

Mr. Cowling stated yes. It is just at the weir on pond 1,400. We could take care of that very easily.

Ms. O’Brien asked and the vegetation on pond 200?

Mr. Cowling responded that is very minor erosion.

Ms. O’Brian stated Ryan had contacted Harbco several times to see if they intended to fix these things.
Mr. Stillwell stated the engineer that was handling the transfer has been nonresponsive to us in regards to that.

Ms. O’Brian stated in light of the fact that the District is going to have maintenance responsibilities for these ponds anyway and we want to get the permit transferred, we wanted to get the boards direction and see if you would authorize staff to go ahead and fix these issues.

Ms. van Ellekom stated yes.

Mr. O’Brian stated Ryan prepared the maps in front of you in response to the board’s request at the last meeting that we let everyone know what still needs to be conveyed and to whom. This map outlines the parcels that each Developer still owns. We pulled all the deeds we could find on the County’s website to determine where a title had actually been transferred. When we couldn’t confirm title transfer we colored those in blue. You will note that some of the things in blue include this amenity center, as well as the soccer fields and the parking lot. We have several deeds rather then using tracts designations as legal descriptions they actually use metes and bounds descriptions and that is something that requires a surveyor. The orange areas are designated on the County websites as being owned by Heritage Park of St. Augustine and Heritage Park HOA, which means that we wouldn’t know from whom to request a deed. Ryan knows the surveyor who originally platted all of this District. We had previously talked about the CDD not taking over the amenity areas. I don’t think the CDD can pay for that work because it is not something the CDD will ultimately own but any other areas the CDD is going to take ownership I think we can justify paying for that survey out of construction funds.

Mr. Stillwell stated what we are talking about are the areas in blue that are not the amenity center and the soccer field. Everywhere else we will look to establish ownership. I think we can probably do that in one meeting with the surveyor because he has done all the plats on this property. I would estimate for under $1,000 we would have that meeting where those deeds are referring to and who the ownership is.

Mr. Kinnecom asked so we have the blue and the orange but not the purple?

Ms. O’Brian responded Lennar owns the purple we know.

On MOTION by Ms. van Ellekom seconded by Mr. Kinnecom with all in favor to Authorize Survey Work to Establish Ownership of Various Parcels in the CDD was approved.
Ms. Cornell asked what is the yellow for?
Ms. O’Brian responded yellow is the Heritage Park of St. Augustine, LLC.

Mr. Kinnecom asked that little stretch of land between the Villas and East Red House Road that runs through approximately 18 lots, is there a way that we could deed that certain land to each individual lot?

Mr. Stillwell responded it is a drainage swale. It drains the back of all those lots. There were some issues with it not draining correctly and it wasn’t graded properly initially. I know we have looked at it a couple of times from the CDD’s perspective and I think we are maintaining it now. Since we are maintaining it and it is part of the stormwater system it could be that we want that tract in the future.

Ms. Cornell asked who owns the fence at the drainage easement?

Mr. Cowling responded there is a vinyl fence there that was put in by the Villas. We have done maintenance to it on our side, even though the HOA has accepted responsibility for pressure washing the fence but the CDD did not pay for that pressure washing.

B. Engineer
There being none, the next item followed.

C. Manager
There being none, the next item followed

D. Operations Manager
Mr. Cowling stated the ponds are in great shape. We did replace the fountain in pond 900. We will replace a power cord on pond 1300. What is happening is the ends were spliced. I can’t tell you exactly why there spliced but they were moved around a little bit and so additional cord would have to be placed out there. It is just water intrusion. We went back to the manufacturer and the cost for a cord for that fountain is actually higher than if we buy a new cord and splice the end piece. We did change the run times on all the fountains.

TWELFTH ORDER OF BUSINESS Audience Comments
There being none, the next item followed.
THIRTEENTH ORDER OF BUSINESS   Supervisors Requests

Ms. van Ellekom stated there was discussion back in September about moving this meeting to be later in the day because there were people who wanted to be able to attend from the community but they were unable to when it was at 4:30 p.m.

Mr. Kinnecom asked would it increase costs on the legal or the engineering side for overtime?

Ms. O’Brian responded from my perspective, no.

Mr. Stillwell stated it doesn’t affect anything from our end either.

Ms. van Ellekom stated I think if we move it out an hour it may make it better.

Mr. Kinnecom stated I suggest we move it to 5:30 p.m.

On MOTION by Mr. Kinnecom seconded by Mr. Masley with all in favor the Change the Meeting Time to 5:30 p.m. for Future Meetings was approved.

FOURTEENTH ORDER OF BUSINESS   Financial Reports

A. Balance Sheet as of September 30 2010 and Statement of Revenues & Expenditures for the Period Ending September 30, 2010

Mr. Oliver stated included in your agenda package is the balance sheet and income statement as of September 30, 2010.

B. Approval of Check Register with Invoices

Mr. Oliver stated included in your agenda package is the check register with invoices.

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

C. Assessments Receipts Schedule

Mr. Oliver stated included in your agenda package are the assessment receipts schedule. You can see on the on roll assessments that we assessed $255,000 and we have collected $253,000, so we will still get a couple more thousand dollars from tax certificates.

FIFTEENTH ORDER OF BUSINESS   Next Scheduled Meeting – February 14, 2011

at Heritage Park Amenities Center
Mr. Oliver stated the next scheduled meeting is on February 14, 2011 at 5:30 p.m. at this same location.

**SIXTEENTH ORDER OF BUSINESS  Adjournment**

On MOTION by Ms. van Ellekom seconded by Mr. Masley with all in favor the meeting was adjourned.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman