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 Monday, August 29, 2011 at 5:30 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 (by phone)
Teresa van Ellekom Supervisor
Ralph Pennington Supervisor

Also present were:

Jim Oliver District Manager
Darby Scott Hopping Green & Sams
Ryan Stilwell District Engineer
Louis Cowling GMS, LLC

FIRST ORDER OF BUSINESS Roll Call
Mr. Oliver called the meeting to order at 5:30 p.m.

SECOND ORDER OF BUSINESS Affidavit of Publication of Notice of Public Hearing
Mr. Oliver stated included in your agenda package is an affidavit of publication for notice of the public hearing on the budget.

THIRD ORDER OF BUSINESS Approval of the Minutes of the June 27, 2011 Meeting
FOURTH ORDER OF BUSINESS Approval of the Minutes of the July 18, 2011 Continued Meeting

Mr. Oliver stated included in your agenda package are the minutes of the June 27, 2011 meeting and the July 18, 2011 continued meeting. Are there any additions, corrections or deletions?

Mr. Pennington responded on page seven “van” is missing from Teresa’s name.
Mr. Stilwell stated on page two second line the words “mitered in” should be “mitered end.”

On MOTION by Mr. Kinnecom seconded by Mr. Pennington with all in favor the Minutes of the June 27, 2011 Meeting & the Minutes of the July 18, 2011 Continued Meeting were approved as revised.

Mr. Oliver stated at the meeting in June Teresa did not vote on some of these issues because of potential conflicts with the HOA and she has provided a conflict of interest form, which will be filed with those minutes.

FIFTH ORDER OF BUSINESS Update on Lake Bank Repairs

Mr. Cowling stated Cornerstone did a fabulous job. They did it very professionally and very quickly. Everything is done to the specs. We probably have an hour of punch work to do on one of the mitered end sections and then we will be complete with it. I do have to get the rock in place. I found that Irrigation Supply has one. It was not included in the specs, so it will be a minimal purchase to the District.

Mr. Stilwell stated we did go ahead and issue a substantial completion letter to Cornerstone. We are holding 5% of their payment for the 60 day warranty period. Upon completion of that, we will release the final 5%.

Mr. Larry Ritter stated we have fertilized it twice. Our irrigation tech is going to stop by once a week throughout the 60 day period.

Mr. Kinnecom stated I have made periodic visits up to ponds 1700 and 1800 and then after making a visit up there today I was very pleased. It has never been so good.

Mr. Pennington stated I was there on Sunday and I thought I was at the wrong ponds because it was an awesome job.

Ms. van Ellekom asked does the irrigation have a rainfall?

Mr. Larry Ritter responded it is not needed because of the pond being pumped out.

Mr. Cowling stated if we get enough rain we will turn those off. There is no sense of putting a lot of water on Bahia.

Mr. Larry Ritter stated and once it is established it is not to go anywhere.
SIXTH ORDER OF BUSINESS

Public Hearing to Adopt the Budget for Fiscal Year 2012

A. Consideration of Resolution 2011-04, Relating to Annual Appropriations and Adopting Budget for FY12

Mr. Oliver stated the budget included in your agenda package is substantially the same as the budget that you saw when you approved it in June. There is no increase in assessments. We expect to have room for growth with this budget. This budget shows some excess revenue projected; however, those will help fund the lake bank project. If you look at exhibit A I want to point out allocation of funds available. That shows for the first quarter operating fund, we set aside $60,000 to operate the District until the assessments come in. We have a reserve of $152,000 and that reserve will be reduced by approximately $60,000 with the pond banks project, but you will still have a pretty healthy reserve of $92,000. The last two pages of the budget are your debt service funds for the series 2004 bonds. The last page is the amortization schedule.

On MOTION by Mr. Kinnecom seconded by Ms. van Ellekom with all in favor the Public Hearing to Adopt the Budget for Fiscal Year 2012 was opened.

Ms. Diane Bittner asked we noted the addition of the fountain in pond 100 and we are curious if there are plans to balance the entryway with a fountain in pond 300?

Mr. Oliver responded the board certainly has the latitude to do that and that could be funded with the series 2004 bond proceeds. We would just need direction from the board.

On MOTION by Mr. Kinnecom seconded by Ms. van Ellekom with all in favor the Public Hearing to Adopt the Budget for Fiscal Year 2012 was closed.

Ms. Scott stated Resolution 2011-04 is your annual budget resolution. This is a standard form resolution. We will fill in the amounts based on the budget that the board approves.

On MOTION by Ms. van Ellekom seconded by Mr. Kinnecom with all in favor Resolution 2011-04 Relating to Annual
Appropriations and Adopting Budget for FY12 was approved.

B. Consideration of Resolution 2011-05, Imposing Special Assessments and Certifying an Assessment Roll

Ms. Scott stated Resolution 2011-05 is a resolution imposing special assessments and certifying an assessment roll.

On MOTION by Ms. van Ellekom seconded by Mr. Kinnecom with all in favor Resolution 2011-05, Imposing Special Assessments and Certifying an Assessment Roll was approved.

SEVENTH ORDER OF BUSINESS Ratification of Requisitions

A. No. 61, Payable to Bradshaw-Niles & Associates in the Amount of $1,000.00
B. No. 62, Payable to Hopping Green & Sams in the Amount of $525.00
C. No. 63, Payable to Prosser Hallock in the Amount of $525.00
D. No. 64, Payable to Prosser Hallock in the Amount of $350.00

Mr. Oliver stated requisition numbers 61 through 64 were processed between meetings.

Ms. van Ellekom asked so who was Bradshaw-Niles?

Mr. Oliver responded they did some survey work.

Mr. Stilwell stated they were the surveyor, who did the survey work for the ponds in the Villas in the ninth order of business.

On MOTION by Mr. Kinnecom seconded by Mr. Pennington with all in favor Requisition Nos. 61, 62, 63 & 64 were ratified.

EIGHTH ORDER OF BUSINESS Consideration of Requisition No. 65, Payable to Hopping Green & Sams in the Amount of $1,029.56

Mr. Oliver stated requisition number 65 is payable to Hopping Green & Sams in the amount of $1,029.56.

On MOTION by Mr. Kinnecom seconded by Mr. Pennington with all in favor Requisition No. 65 Payable to Hopping Green & Sams in the Amount of $1,029.56 was approved.
NINTH ORDER OF BUSINESS

Consideration of Heritage Park Deed with Reservation of Easement (to Villas HOA)

Mr. Scott stated this would convey tracts A and I, less ponds 700 and 800, while reserving an easement for maintenance on those ponds to the CDD.

Ms. van Ellekom asked so it is all the blue area less the red areas?

Ms. Scott responded right.

Ms. van Ellekom asked what is going on with the red area around 300?

Mr. Stilwell responded pond 300 is already owned by the CDD. It is its own independent tract. Pond 700 was a part of tract A, which was everything that is blue. There was no line around the pond that separated it. Pond 800 was a part of tract I. We had to separate those two out.

On MOTION by Ms. van Ellekom seconded by Mr. Kinnecom with all in favor the Heritage Park Deed with Reservation of Easement & Authorization to Record it in the Public Records was approved.

TENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Scott stated I am handing out to you a letter I prepared based on authorization from the board at the last meeting. This is the commercial parcel that has never been assessed. The plat dedicated that parcel to the HOA and the HOA deeded it back and it is now for sale, but it has never been assessed. The letter just explains what happened and puts the owner on notice that should the Board determine at any point in the future that it is benefited and should receive a portion of assessments, then it may be subject to assessments. It asks the owner to please inform the potential purchaser of that.

Mr. Oliver stated originally the idea was for it to have been conveyed to the HOA and the developer changed his plans.

Ms. Scott stated I sent this out as certified mail with a return receipt. There is a different
address for Heritage Park of St. Augustine, LLC on the property appraiser’s website versus the address on the Sunbiz website, so that is why I sent it certified mail and return receipt requested to both of these addresses.

Ms. van Ellekom asked who is Phyllis Stingo?

Ms. Scott responded that is the contact under the Heritage Park Homeowners Association when you look it up on Sunbiz.

Ms. van Ellekom stated I have no idea who that is.

Mr. Kinnecom stated I believe that is the original HOA for the Developer.

Ms. van Ellekom stated whoever Phyllis Stingo and Heritage Park Homeowners Association, Inc. is, I have no idea.

Mr. Kinnecom stated that was someone with the Developer.

Ms. Scott stated the reason I included Heritage Park Homeowners Association Inc. is because that is the entity to whom the plat dedicates the parcel. When I looked up the deed it was from the Heritage Park of St. Augustine Homeowners Association, so that is why I included you. I also wanted to include the original HOA because that is what was named on the plat. It is probably overly cautious but I wanted to make sure that anyone that was involved at any point was included. If you know of another contact let me know.

Ms. van Ellekom stated Michelle Brown may know.

**B. Engineer**

Mr. Stilwell stated at the last meeting we were directed to determine why there were some lift stations that we received a tax bill for, so we contacted the City of St. Augustine to try and figure out why those lift stations had not been dedicated. We have been working with them trying to get them to move through the process with what they need to do. At this time we have tried to spend a limited amount of our time on it to save the District money because it seems like the City of St. Augustine should be able to do this on their own given the language on the plat. According to an email this morning, they were going to try and finalize anything they needed from us this week, so we will provide another update at the next meeting.

**C. Manager**

There being none, the next item followed.

**D. Operations Manager**
Mr. Cowling stated Luke Brothers has been doing a very good job on the ponds. They are still cutting a little bit low.

Mr. Kinnecom stated they have trouble with one mower in particular. I observe them out there every week. He has to stop and get out and try to put it together again.

Mr. Cowling stated we did install a fountain in pond 200. Altogether it was less than $3,000. I don’t know what pond 300 would entail electrical wise, but I think there is electric service nearby.

Mr. Kinnecom stated I would have to say that pond 300 is probably the next one. It is the next one in need of aeration. Is the depth of pond 300 sufficient enough to accommodate a fountain?

Mr. Stilwell responded we would have to look at it.

Mr. Cowling stated it is pretty low. You only have to have three foot but we would like to have a lot more than that.

Mr. Stilwell stated we can look at an aeration system as opposed to a fountain too.

Mr. Cowling stated I can get pricing on a fountain.

Ms. van Ellekom asked what other ponds do not yet have fountains, so we can price them all?

Mr. Cowling responded 300, 800, 600, 400 and 500. On the east side it would be 1600, 1700, 1800 and 1100.

Ms. van Ellekom asked so when looking at ponds and equipment, would it be feasible at this point to just go and look at them and just get pricing on all of them, so that way when they come up we already have some knowledge in advance?

Mr. Cowling responded we have not had a whole lot of problems on many of these ponds. I know that back on ponds 1700 and 1800, the residents are requesting them. I would say pond 1600, 1400, 1100, 800, 600, 400 and 500 have been relatively clean. I do have some numbers in here for stocking carp for next year. We have gone through and found all the outfall structures and got pricing to replace the grates on all the outfall structures.

Ms. van Ellekom stated there is a difference between necessary in the eyes of the CDD for aeration and necessary in the eyes of the residents, who are around these ponds, who then see someone else who has a fountain and wants to know why they can’t have one. There is a reality versus a perception, which is why if we could go and get the pricing then at least we can have
intelligent conversations without having to wait.

Mr. Cowling stated really the pricing is going to be dependent upon where the electric is.

Mr. Kinnecom asked can you tell me what the balance is in our construction account?

Mr. Oliver responded it is $34,000.

Mr. Kinnecom asked do we have a timeframe in which we must use those?

Mr. Oliver responded you are getting close to needing to spend that money. There is not a hard timeframe.

Mr. Kinnecom stated let’s look at pricing for all the remaining ponds and prioritize in your mind, which are the ones that are in the most need. I think it would help to know the water quality compared among ponds 200, 300 and 400. What is the timeframe for decomposing of tar paper? I got thinking the other day that there is so much tar paper that I know about in pond 100 and I am just wondering why the water is more brown this year than it was last year and the year before.

Mr. Stilwell responded I obviously do not know the details on tar paper, but the reality on why a lot of ponds that have been stressed this year, as opposed to the two previous years, is because of the drought. When these ponds do not get any flushing from storms, you end up with ground water that is catching all the contaminates. We do have the engineering plans for the whole District. We could very easily draw a line that has an arrow on it of how the ponds are connected and which way the flows go on the map.

Ms. van Ellekom stated that would be very helpful. “Louis, I do know that you have said at times when you go around you note things, like streetlamps. Do you have any idea who is responsible or can be spoken to about some sort of lighting at the bridge entrance to Chancellor’s Ridge?”

Mr. Cowling asked in the right-of-way or on the bridge itself?

Ms. van Ellekom responded I’m not sure I even care. If you are walking towards Chancellor’s Ridge, once you get past the stop light that is at the entrance to Quail it is pitch black until you manage to come enough around the bend on the bridge that you have the other streetlight. People are complaining that it is a safety hazard.

Mr. Cowling responded the street lighting is paid for by the District. St. Johns County does not require street lighting in neighborhoods, so it would fall back on the HOA or the CDD. There are two ways to go about it. You could either enter into an agreement with FP&L to put in
street lighting or you could get it metered and put your own street lighting in.

Ms. van Ellekom stated I don’t even know that I even care if it is really good solar lights attached on the bridge.

Mr. Stilwell stated FP&L has been receptive in other Districts that have street lighting concerns that if you get the system designed they will actually come put in the pole and you will pay the power price. They want you to install the wire to the pole but they will come out and set the pole.

Mr. Oliver stated that is probably the easiest way and we did that at Brandy Creek, so we can reach out to FP&L and see what we can come up with.

Ms. van Ellekom stated that would be wonderful.

Mr. Cowling stated on the next page is the agreement from Future Horizons. It is the same that it has been in the past. This is in line with the budget.

Mr. Oliver asked are you recommending renewal of the agreement?

Mr. Cowling responded yes. They are doing a very good job. They are very responsive. We only have one pond right now that is in poor shape and it just got sprayed today.

On MOTION by Ms. van Ellekom seconded by Mr. Kinnecom with all in favor the Renewal Agreement with Future Horizons was approved.

TWELFTH ORDER OF BUSINESS Audience Comments

There being none, the next item followed.

THIRTEENTH ORDER OF BUSINESS Supervisors Requests

Ms. van Ellekom stated we actually had a little bit of conversation at the last meeting, which is part of why the drainage ditch deed did not yet get signed from the HOA. Part of the confusion was because in the last meeting there was discussion about other tracts, like M and N. Where are we with those?

Ms. Scott responded the other deeds that were approved by the Board were from the CDD to the HOA, so they have been executed and recorded and ratified. It is the orange long skinny strip and that has to go from the HOA to the CDD.

Ms. van Ellekom asked was that going from the HOA to the CDD or was that the CDD to the HOA but with right of easement?
Mr. Stilwell responded that one is HOA to the CDD. It is currently owned by the HOA and we were asking for an easement permit for ownership.

Ms. Scott stated my understanding was ownership. That is how the deed was prepared.

Ms. van Ellekom stated then that makes a whole lot more sense because when we looked at it looked like it was trying to go from the CDD to the HOA at which point we all went we think it is the drainage ditch but why on earth would the HOA own that. The CDD needs that, so that is when we decided to stop.

Ms. Scott stated I looked at it earlier today and I’m almost positive it is from the HOA to the CDD, but I will double check. Once we get the pump stations transferred I think we will be getting close to project completion.

Mr. Pennington stated at the last meeting with regard to ponds 1700 and 1800 as to cutting the grass, the gullies and the lower parts of it due to erosion. Because of the fact now that it looks so good, is there a schedule for cutting those ponds? Is it to be of a certain height before it is going to be cut again?

Mr. Cowling responded the grass is scheduled to be cut this week. It is going to be cut at four to five inches. It is going to be pretty tall. They are only going to use walk behind mowers on it. It is growing fast. It is pretty much grown in. If you put a heavy machine on there, you could do some damage. I am also getting advice from Larry on the timing of it. We both talked about it and said it needed to be cut this week.

Mr. Kinnecom stated I think Lennar was very helpful and courteous to the CDD by holding off completion of landscaping for pond 1800. They kept a path open for access. I think it was very nice of them to do that. Even to the extent of not filling in the sidewalk portion either. Perhaps a nice thank you note should go out from the CDD to the project manager.

Mr. Cowling stated I have the contact information for the superintendent.

Mr. Pennington stated where they had to go through a yard and take the fence down on pond 1700 looks good. It was re-sodded. The fence was put back up and everything.

Ms. van Ellekom asked did you have any luck determining the movement of that tree trunk?

Mr. Cowling responded I did not. We could probably put it back if you want. I don’t know where it went.

Ms. van Ellekom stated if it could be put back that would be very helpful. We call it the
green gate that is over there at Chancellor’s. It is literally a green chain link fence with a gate that goes between Chancellor’s Ridge and the adjacent neighborhood. It is an ingress and egress point, so we can’t really lock it. We don’t own it. The CDD can’t do it. The HOA can’t do it. For whatever reason a tree had to be cut, so they put it in front of it. The residents were thrilled because it stops people. They don’t mind the people that ride bicycles and they don’t mind the people that walk but it stops the motorized vehicles from going through. Then all of a sudden it disappeared. I had asked Louis and I had asked the HOA folks if anyone had any idea of who moved it. If you can find it that would be helpful.

FOURTEENTH ORDER OF BUSINESS    Financial Reports:
A. Balance Sheet and Statement of Revenues & Expenditures
   Mr. Oliver stated included in your agenda package is the balance sheet and income statement.

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. Pennington seconded by Mr. Kinnecom
   with all in favor the Check Register with Invoices was approved.

C. Assessments Receipts Schedule
   Mr. Oliver stated included in your agenda package is an assessment receipt schedule. The District is 100% collected.

FIFTEENTH ORDER OF BUSINESS    Next Scheduled Meeting – October 10, 2011, at Heritage Park Amenities Center
   Mr. Oliver stated the next scheduled meeting is October 10, 2011 at this location.

SIXTEENTH ORDER OF BUSINESS    Adjournment
On MOTION by Mr. Pennington seconded by Mr. Kinnecom with all in favor the meeting was adjourned.

Secretary/Assistant Secretary

Chairman/Vice Chairman