

**MINUTES OF MEETING
HERITAGE PALMS
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Heritage Palms Community Development District was held on Monday, September 24, 2018 at 8:00 a.m. at the Heritage Palms Golf and Country Club, 10420 Washingtonia Palm Way, Fort Myers, Florida.

Present and constituting a quorum were:

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| Stan Switzer | Chair (via telephone) |
| Larry Harvey | Vice Chair (via telephone) |
| Al O'Brien | Assistant Secretary |
| Paul Schafer | Assistant Secretary |
| Fred DeCotis | Assistant Secretary |

Also present were:

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| Calvin Teague | District Manager |
| Greg Urbancic | Attorney (via telephone) |
| Scott Wallace | HOA Master Board Liaison |
| Mike Whitten | Newly Supervisor (via telephone) |

The following is a summary of the minutes and actions taken at the September 24, 2018 Heritage Palms CDD Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

The District Manager called the meeting to order and called the roll. All Board members were present except Chair and Vice Chair participated via telephone. Scott Wallace as the Master HOA liaison, newly elected Supervisor Mike Whitten and Attorney Greg Urbancic also participated via telephone for today's meeting. The first item to be addressed was the Board's approval for the Chair and Vice Chair to participate via telephone.

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| On MOTION by Supervisor Schafer seconded by Supervisor DeCotis with all in favor, the Chair and Vice Chair's participation via telephone was approved. |
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SECOND ORDER OF BUSINESS

Approval of the Agenda

The Agenda was presented.

On MOTION by Supervisor Schafer seconded by Supervisor O'Brien with all in favor, the Agenda was approved as presented.

THIRD ORDER OF BUSINESS

Audience Comments on Agenda Items

There being none, the next order of business followed.

FOURTH ORDER OF BUSINESS

Approval of the Minutes

The Regular Meeting Minutes for July 23, 2018 were presented.

On MOTION by Supervisor DeCotis seconded by Chair Switzer with all in favor, the Regular Meeting Minutes of July 23, 2018 were approved as presented.

FIFTH ORDER OF BUSINESS

Attorney's Report

As indicated, Attorney Urbancic was present via telephone and updated the Board on the following issues.

A. Pickard Claim

Nothing new to report as they are still in the discovery phase.

B. Crimaldi Claim

Attorney Urbancic updated the Board and reported that he was prepared to present a Motion to Dismiss. This was held until September 25 along with a Motion to have the hearing on the case delayed until later in October if the Motion to Dismiss was not granted, however, the Motion to Dismiss was in fact approved by the Judge on all three (3) counts. Following this, the Board again discussed what to do with the issue of Mr. Crimaldi digging up the road right of way (ROW) in front of his house without permission from the CDD. The Board voted 3/2 in favor of authorizing Attorney Urbancic sending a Demand Letter to Mr. Crimaldi to restore the ROW back to its original state with notification that if he does not do this within the allotted time period, legal action will be taken against him.

On MOTION by Supervisor O'Brien seconded by Supervisor Schafer with Vice Chair Harvey and Chair Switzer voting Nay, the Board approved the sending a "Demand Letter" the sending of a "Demand Letter" to Mr. Crimaldi by the Attorney.

SIXTH ORDER OF BUSINESS

Engineer's Report

There being none, the next Order of Business followed, with the exception that the District Manager commented on a new development referred to as Colonial 70 which was issued a surface water management permit to discharge storm water into the Heritage Palms CDD system reporting that he and the Engineer are looking into this and will report back to the Board once more is known.

SEVENTH ORDER OF BUSINESS

Old Business

A. Lake and Wetland Performance Update

i. Littoral Planting Update

Mr. Ayres feels that November will be the best time to finish up on the warranty replanting project. The Board agreed with this suggestion.

B. FY 2017 Micro-surfacing Project Update Permit Closure

As of 09/19/2018, Engineer Marshall reports that he has still been unable to close this out. An officer of the APS Company needs to pick up the permit from the City, so this can be closed out however as of 09/20/2018, APS reported to the Field Manager that they have done everything they need to do and have no further responsibility in this matter. Field Manager Pepin again placed a call to the City Permitting Department to see what exactly still needs to be done with still no reply.

C. Insurance and Reimbursement from Storm Drainage Update

The District Manager reported that FEMA just reopened the case. This will be removed from the Agenda until further information is available to report.

D. Perimeter Fence Repair Update

The Field Manager reported that all approved fence repair areas have been completed by Sunstate Fence and that he is scheduled to complete Phase 3 vegetation cutting of the last fence areas during the week of 09/24/2018. He will log any other areas of fence, which need repair/replacement at that time.

G. City Paint Sidewalk Issue Update

Question was raised as to whether or not letter was sent by Attorney Urbancic to the City, which has not yet been done, however, calls were made to the City on 09/17 and 09/20 with no reply to either of these calls. The Attorney will proceed forward with this letter to the City.

F. Lake 8 Erosion Repair Update

The Field Manager reported that the repairs have been completed and appear to be holding up well. He further reported that there is a small area of dead sod that needs to be looked at by Lake & Wetlands and Mr. Ayres will have this checked this week.

EIGHTH ORDER OF BUSINESS**New Business****A. Fountain Maintenance Proposal by Florida Fountains**

Proposal from Florida Fountains and Equipment was received for the semi-annual maintenance of the two (2) fountains. There is currently no agreement and these fountains are only serviced if something occurs and we need them to come onsite. The Board approved the Proposal for \$250/fountain or \$1,000/year and also requested that the fountain lights be changed to green from 12/01/2018 through 01/05/2019.

On MOTION by Supervisor Schafer seconded by Supervisor O'Brien with all in favor, the Proposal from Florida Fountains and Equipment was approved in the amount of \$250/fountain or \$1,000/year with the stipulation that the fountain lights be changed to green 12/01/18 through 01/05/19.

B. Field Manager's Report**A. Field Report for September 2018**

Reviewed with the following comments/requests:

- Discussion ensued about weeds on the rip rap, which the Field Manager will take care of.
- The Board would like to see some estimates for the manual removal of algae and would also like to consider a program where this can be taken care of on an as needed basis, perhaps via contract? The two (2) things

pointed out as culprits to this algae problem are low oxygenation in the water and fertilizer.

- In line with the funding for this manual removal of algae, Supervisor Harvey suggested increasing assessments by \$25 for the FY 2020 Budget. This increase should also assist with some other projects as well. Supervisor O'Brien still felt that something should be done now with the District Manager advising he will obtain proposals for next month's meeting.

TENTH ORDER OF BUSINESS **Manager's Report**

A. Proposed Meeting Schedule for Fiscal Year 2019

The FY 2019 Meeting Schedule was presented.

On MOTION by Supervisor DeCotis seconded by Supervisor O'Brien with all in favor, the FY 2019 Meeting Schedule was approved as presented.

B. Audit Engagement Renewal

The Audit Engagement Renewal Letter was presented.

On MOTION by Supervisor O'Brien seconded by Vice Chair Harvey with all in favor, the Board accepted renewal authorizing the Chair or a representative thereof to sign this Letter of Engagement.

C. Fiscal Year 2018 Budget Amendment

Resolution 2018-07 was presented for amendment of the 2018-07 Budget.

On MOTION by Vice Chair Harvey seconded by Supervisor Schafer with all in favor, Resolution 2018-07 was adopted.

D. Establishment of a Designated Fund Balance

Delayed until next meeting.

B. Financial Statements

i. Financials for July 2018

Financials for period ending July 31, 2018 were presented with no questions.

ii. Financials for August 2018

Financials for period ending August 31, 2018 were presented with no questions. Note was made to consider budget time and to consider the \$25 increase in assessments, which will be part of budget considerations.

On MOTION by Supervisor O'Brien seconded by Supervisor Schafer with all in favor, the financials for period ending July 31, 2018 and August 31, 2018 were accepted.

C. Website Compliance

The ADA final settlement agreement to this lawsuit was presented, which requires the District to pay \$2,500 for the defendant's legal expenses as well as to make the website ADA compliant within 18 months.

On MOTION by Supervisor Schafer seconded by Supervisor DeCotis with all in favor, the Final Settlement Agreement was accepted.

D. Follow-up

There being none, the next Order of Business followed.

ELEVENTH ORDER OF BUSINESS

HOA Report

Scott Wallace, the liaison from the Master HOA Association discussed the pavers at the golf cart crossovers, however, the Board of Supervisors did not change their opinion on adjusting them.

TWELFTH ORDER OF BUSINESS

Supervisor's Reports, Requests and Comments

- Supervisor O'Brien commented that Field Manager Pepin should be given the authority to have algae removed when needed.

- Supervisor Harvey voiced his feeling that the Order of Business dividers and/or section dividers are not needed in the Agendas and that only the page numbers should remain going forward.
- On behalf of himself, the Board of Supervisors and the CDD as well as the residents of the Heritage Palms Community, Chair Switzer took this opportunity to thank Vice Chair Harvey for the time, knowledge, and dedication he has given to the community for all of the years he has served as this is his last meeting. The District Manager also commented that the staff will miss him as well as he has been one of the hardest working members and has been on this Board for over 10 years.

THIRTEENTH ORDER OF BUSINESS

Audience Comments

There being none, the next Order of Business followed.

FOURTEENTH ORDER OF BUSINESS

Adjournment

There being no further business, and

On MOTION by Vice Chair Harvey seconded by Supervisor O'Brien with all in favor, the meeting was adjourned at 10:01 a.m.

Secretary/Assistant Secretary

Chair/Vice Chair