

**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, March 26, 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:

Stan Switzer	Chair
Larry Harvey	Vice Chair
Al O'Brien	Assistant Secretary
Paul Schafer	Assistant Secretary – Not present
Fred DeCotis	Assistant Secretary

Also present were:

Calvin Teague	District Manager
Gregory Urbancic	District Attorney
Sam Marshall	Engineer

***The following is a summary of the minutes and actions taken at the March 26, 2018 Heritage Palms CDD Board of Supervisors meeting.***

**FIRST ORDER OF BUSINESS**

**Call to Order and Roll Call**

The Chair called the meeting to order and District Manager Teague called the roll. All Board members were present except Supervisor Schafer. Engineer Sam Marshall and Attorney Greg Urbancic were also present for today's meeting.

**SECOND ORDER OF BUSINESS**

**Approval of the Agenda**

The Agenda was presented.

On MOTION by Mr. Harvey seconded by Mr. O'Brien with all in favor, the March 26, 2018 Agenda was approved as presented.
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**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 January 22, 2018 were presented.

On MOTION by Mr. Harvey seconded by Mr. O'Brien with all in favor, the Regular Meeting Minutes of January 22, 2018 were approved as presented.

**FIFTH ORDER OF BUSINESS**

**Attorney's Report**

Attorney Urbancic updated the Board of Supervisors with regard to the Pickard lawsuit as well as the Crimaldi letter which was received. The direction of the Board is as follows: With regard to the Pickard matter, it was called to the Boards' attention that this gentleman's name is Pickard instead of Pritchard. Chair Switzer suggested that Attorney Urbancic correspond with the insurance carrier's attorney and keep the Board updated as to the status of this case ongoing.

- With regard to the Crimaldi issue, the Board of Supervisors agreed that the letter sent was good and that this is not a CDD issue. After extensive discussion, the Board of Supervisors also asked that Engineer Marshall survey the property line to see if the sidewalk is in the public right of way.
- Chair Switzer will coordinate with the HOA's ARC and staff will obtain a copy of the CDD's policy for improvements in the Lake Maintenance Easement (LME) which was sent out to all the Neighborhood Associations.
- Attorney Urbancic commented that there are no new bills that are going to be introduced before the State legislature.

**SIXTH ORDER OF BUSINESS**

**Engineer's Report**

Engineer Marshall reported that he only had three (3) things on his list with two (2) of them being elsewhere on the Agenda. Suggestion was made to take care of his other items now as follows:

- The Annual Report for the NPDES Permit is being worked on at this time and should be coming out soon.

- With regard to the overflow from Lake 14 to Lake 30, Engineer Marshall reported that all was reviewed and the elevation is good and everything looks good. He stated that hopefully we will never have to see this in action but did reiterate again to the Board that this does not solve the problem, however will be available for that catastrophic event that could take place for any emergency overflow there may be.
- He also reported that we are still waiting to close out the micro-surfacing project, which has been delayed for the contractor to get the permit closed out.

**SEVENTH ORDER OF BUSINESS** **Old Business**

**A. Lake and Wetland Maintenance Performance Update**

- Discussion was held with Mr. Gonzalo Ayres. The Board of Supervisors requested that a memo be sent to Mr. Greg Kriesch as a reminder not spray grass clippings into the water.
- Suggestion was made to look at creating “landscape rules” creating a requirement that “blockers” be used to prevent any leaves blowing into gutters.
- Staff will ascertain that the Board of Supervisors and Mr. Ayres are receiving the Pond Watch Report which is being presented by Supervisor Schafer.
  - i. **Littoral Maintenance**  
After extensive discussion, Mr. Ayres was urged to stay on top of the weeds in the littorals.
  - ii. **Littoral Planting Update**  
Mr. Ayres will select the best date for installing the plants and review with Supervisor Harvey prior to any planting being done.

**B. Bathymetric Study Update**

The coring has been completed with the report stating that the ponds are still in relatively good shape and provided several recommendations on how to reduce future sediment buildup, however, no dredging is needed at this time. Supervisor Harvey reiterated that he and Mr. Ayres will work together and asked that Mr. Ayres just let him know which lake(s) he wishes to work on and the plants that he is planning to use and Supervisor Harvey will assess the areas.

**C. FY 2017 Micro-surfacing Project Update**

As above, this project has been successfully completed and final payment has been made, however, as of 03/23/2018 Jake is still working with the City to close out the permit. As soon as there is any progress, he will let us know.

**D. Insurance and Reimbursement from Storm Damage**

District Manager Teague reported that this has been submitted to FEMA but to date, no update has been received.

**E. Lake 14 Outflow to Lake 30 Update**

This was addressed in the 6th Order of Business above as part of the Engineer's Report.

**F. 2108 Concrete Repair Update**

All of the moderate to severe issues at hand have been repaired. District Manager Teague reported that there are still a few that Field Services Manager Pepin will have staff grind down, but these are minimal. Chair Switzer reported with regard to the paint marks on the sidewalks that the City came and looked at this. The inspector acknowledged the City's liability and said that this will be taken care of by the City, however, he has not heard from her again since she left. Please see Tenth Order of Business, Item F below for further information.

**EIGHTH ORDER OF BUSINESS                      New Business**

**A. Lake Erosion Repair Behind Building 10361**

Supervisor Harvey wanted to address this Order of Business before Mr. Ayres left the meeting, Supervisor Harvey stated there is about 300' on Lake 8 by Royal 17. He further stated that he met with Mr. Ayres as well as the President of the NA and all were in agreement to go ahead and have Mr. Ayres connect directly with the Geo-Filter tubing that is already on Lake 8 at the 17th Tee-box, connect with that, blend it in and then extend it out 300' with the feeling that this will cover all of the building there. Supervisor Harvey stated that he is going to use the Dredgesox technique. The other condition expressed by the NA was that the sprinkler heads associated with the irrigation be redirected once the sod is placed at least for a couple weeks prior to the rainy season, thus all the conditions have been met. Therefore, the Board of

Supervisors awarded the bid for the bank repair to Lake and Wetlands in the amount of \$15,000. This does include the sod.

On MOTION by Mr. Harvey seconded by Mr. O'Brien with all in favor, the Proposal from Lake & Wetlands for repair of the Lake 8 bank for the amount of \$15,000 was approved.

**B. Thermoplastic Estimate for Roadway Stop Bars, Crosswalk & Arrows**

District Manager Teague reported that the Proposal from D & G in the amount of \$5,250 for restriping was available in the packet for the Boards' review.

On MOTION by Mr. O'Brien seconded by Mr. DeCotis with all in favor, Proposal from D & G for the amount of 5,250 was approved.

**C. Perimeter Fence Repair Quotes**

District Manager Teague reported that seven (7) contractors were contacted to provide Proposals for the fence repairs/replacement. One (1) bid being received, District Manager Teague stated that we are awaiting another. There were eight (8) locations at a price of \$14,940.32 but the Board expressed their uncertainty about awarding this bid without at least one (1) more Proposal. This was, therefore, placed on hold until more bids are received. It was also noted that the fence at the top of the irrigation pond could not be repaired because of some dirt blocking access to the area. Since this has been removed, Mr. Pepin will get them back to complete the job and be certain that neither of the two (2) work orders are paid until this work is completed correctly.

**NINTH ORDER OF BUSINESS**

**Field Manager's Report**

**A. Field Report for February 2018**

The Board chose to go through the March 2018 Field Report.

**B. Field Report for March 2018**

The March report was reviewed with the following comments:

- District Manager reported that both reports found the lakes in fairly good condition.
- He further reported that the Spike Rush is coming back on Lake 15.

- With regard to the lakes, it was reported that priority areas which will need to be addressed in the future are Lakes 2, 4 and 15.
- With regard to additional fencing, the Board of Supervisors did not wish for any additional fence installation at this time.
- The Board of Supervisors questioned whether some maintenance tasks had been completed and further requested that target dates for completion be included as part of the report.
- The Board of Supervisors further requested that target dates be placed on all future Proposals in an attempt to render better communication with regard to project status.
- Chair Switzer asked about a past “oil spill” and what the final resolution was. District Manager Teague reported that no one could find out what this was, but Chair Switzer reiterated that this is a good reason to have target dates indicated on projects and/or requests, etc., which will be done going forward.

**TENTH ORDER OF BUSINESS**

**Manager’s Report**

**A. Discussion of General Election**

**i. Qualifying Information**

Discussion ensued regarding this matter with Supervisor Harvey announcing that he would not be running for re-election. He advised of a candidate that he had been discussing the seat with. Chair Switzer stated if there are no interested parties, that someone can be appointed. District Manager Teague went on to explain the two (2) options for qualifying, one being through Petition and the other by paying \$25.00. If Petition is chosen, the Petition must be submitted before May 21, 2018. Other than that, the qualifying period is June 18 – June 22, 2018 but can be done before these dates.

**ii. Resolution 2018-01 Confirming the District’s Use of the Lee County Supervisor of Elections to continue Conducting the District’s Election of Supervisors in Conjunction with the General Election.**

Resolution 2018-01 was approved with Supervisor Harvey reiterating that he would not be running.

On MOTION by Mr. Switzer seconded by Mr. O'Brien with all in favor, Resolution 2018-01 was approved.

**B. Discussion of Fiscal Year 2019 Budget Schedule**

District Manager Teague reported that he has tried to set up the Budget Schedule based on existing meetings, however reported that an extra meeting may be needed, being the Boards' choice. He further reported that June 15, 2018 is the deadline date if assessments are going to increased. A tentative budget can be adopted at the next meeting in May and make changes throughout the period before the actual Public Hearing when it is adopted in July. District Manager Teague reported that the Budget has to be to the City 60 days prior to the Public Hearing and must be adopted by September 10, 2018. Therefore, if it is not approved in July, then another meeting will be required. This was reviewed and accepted.

**C. Distribution of Draft Fiscal Year 2019 Budget**

Extensive discussion and review ensued and was accepted with minor changes as follows:

- In the Reserves section, request was made to relabel Reserve-Bulkheads to include Shoreline Restoration.
- In Field, change R&M – Lake by adding & Aerators.
- Also in Field, switch the 2019 budget numbers for R&M – Lake Erosion to \$12,000 and R&M – Lake & Aerators to \$5,000.
- Supervisor Harvey discussed the areas in need for rip-rap going forward, L4, L15 and L2.

**D. Financials for January 2018**

Financials for period ending January 31, 2018 were presented.

**E. Financials for February 2018**

Financials for period ending February 28, 2018 were presented.

On MOTION by Mr. O'Brien seconded by Mr. DeCotis O'Brien with all in favor, the Financials for period ending January 31, 2018 and February 28, 2018 were accepted as presented.

**F. Follow-up**

As discussed prior, paint on sidewalk update – staff has been in touch with the City of Fort Myers Engineering Department leaving messages for the Engineer Nicole as well as her assistant, Carrie. This was addressed with Carrie on Thursday, 03/02/2018. They are aware of the issue and are trying to figure out what to do to remove the paint. They stressed that they have not forgotten or otherwise, but instead just do not know what to do. Thus, the Board of Supervisors requested that they be contacted again and ask that some LIGHT sandblasting be done in an attempt to remove this paint, however, the goal was set that if this paint is not removed within two (2) weeks, the complaint will be escalated to the Mayor.

**ELEVENTH ORDER OF BUSINESS                      HOA Report**

There being nothing, the next Order of Business followed.

**TWELFTH ORDER OF BUSINESS                      Supervisor’s Reports, Requests and Comments**

Supervisor Harvey commented on the following:

- Discussion ensued regarding Vertex’s performance on the aerators, etc. with the Board of Supervisors expressing dissatisfaction in their performance. Therefore, District Manager Teague will discuss the situation with Mr. Chris Byrne. He can attend next month’s meeting if he should so desire, but the District Manager will express the Boards’ concerns and if there is no satisfactory outcome from Vertex, request for bids will be sent out.
- Chair Switzer expressed his thoughts about obtaining a contractor for fencing and presented some ideas to move forward with. Discussion ensued but no action was taken at this time.
- The Maintenance Tech was requested to do the brush removal on Lake 28.
- The fountain on Lake 22 has been down for a few months and is still not working. Supervisor O’Brien commented that if Supervisor Harvey is not rerunning for his seat, what will be done since he is so active with taking care of issues? Staff will prepare a plan to handle such issues, which will be on next month’s Agenda.

**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 Mr. O'Brien seconded by Mr. DeCotis with all in favor, the meeting was adjourned at 11:01 a.m.

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Secretary/Assistant Secretary

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Chair/Vice Chair