

**DRAFT  
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, May 21, 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
Fred DeCotis	Assistant Secretary

Also present were:

Calvin Teague	District Manager
Gregory Urbancic	District Attorney
Gonzalo Ayres	Lake & Wetlands
Sam Marshall	Engineer
Daniel Chehour	Attorney, Insurance Co.

***The following is a summary of the minutes and actions taken at the May 21, 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. Engineer Sam Marshall, Gonzalo Ayres from Lake & Wetlands and Attorney Greg Urbancic and Attorney Daniel Chehour were also present for today's meeting.

**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 May 21, 2018 Agenda was approved as presented.
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**THIRD ORDER OF BUSINESS**

**Audience Comments on Agenda Items**

A resident questioned the swamp issue, which was a problem last year on Lake 13. He asked if there could be plantings on the edge in the “muck” area with the plant preference being golden canna.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes**

The Regular Meeting Minutes for March 26, 2018 were presented.

On MOTION by Supervisor Harvey seconded by Chair Switzer with all in favor, the Regular Meeting Minutes of March 26, 2018 were approved as presented.

**FIFTH ORDER OF BUSINESS**

**Attorney’s Report**

Attorney Urbancic was present to answer questions and update the Board of Supervisors on the two (2) legal matters currently at hand.

**A. Pickard Claim**

- Attorney Daniel Chehoury was present and advised that he was there to represent the CDD. He reported contacting counsel for the HOA as well as counsel for the plaintiff and is trying to push the date to October. He further advised that the case will likely be on the court docket for trial in January and that Chair Switzer and Supervisor Harvey are being prepped for each of their respective depositions today.

**B. Crimaldi Claim**

- Discussion ensued with Chair Switzer explaining what has transpired in this case to date to include receiving a Notice from The People’s Court. Attorney Urbancic went on further to explain what will transpire at the July 11 hearing stating that the Judge will recommend mediation and if no settlement at mediation, the case will be scheduled for trial. With the Board stating there would be no People’s Court, they advised that their first choice would be for Attorney Urbancic to file for Dismissal and Request for Reimbursement of Legal Fees. If this case is not solved during mediation, Attorney Urbancic advised that they should go to trial. The Board was adamant on their stance in this case.

On MOTION by Supervisor Schafer seconded by Supervisor O'Brien with all in favor, filing a Motion to Dismiss and Request for Reimbursement of Legal Fees was approved with the Attorney, District Manager and Chair attending the mediation and the Chair being authorized to make decisions based on the Attorney's and District Manager's recommendations.

**SIXTH ORDER OF BUSINESS**

**Engineer's Report**

Prior to Engineer Marshall leaving today's meeting, the Board asked that he coordinate with Field Manager Pepin to establish the fence property line, however, it was later determined that Field Manager Pepin could handle the matter going forward.

**SEVENTH ORDER OF BUSINESS**

**Old Business**

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

The District Manager advised that there were no issues. Field Manager Pepin did, however, send an email to Mr. Greg Kriesch reminding them to not blow grass clippings into the lakes.

**i. Littoral Maintenance**

No concerns at this time.

**i. Littoral Planting Update**

District Manager Teague advised that the revised planting plan was received from Mr. Ayres. This plan was discussed. An additional plan was received from Supervisor Harvey prior to the meeting and will be kept for future project needs. Field Manager Pepin will update Supervisor Harvey's plan once the plant planting is complete, which will be an ongoing process. Due to the recent heavy rains, it was decided to wait until Mr. Ayres reviews the locations to determine if planting is possible at this time. It was, therefore, concluded that a final plan for littoral plantings throughout the community is needed.

**B. FY 2017 Micro-surfacing Project Update Permit Closure**

Per the contractor's email of 05/11/2018, the permit is still not closed out and is still working on this.

**C. Insurance and Reimbursement from Storm Damage Update**

District Manager Teague reported that a letter is being sent to Congressperson, as to date, everyone has been denied. Appeal has been filed, however.

**D. Lake 8 Erosion Repair Update**

This has been completed with final inspection being completed by Field Manager Pepin and Supervisor Harvey and overall, they felt Lake and Wetlands has put down a good product.

**E. Thermoplastic Striping Update**

Field Manager Pepin reported that this project has been completed and the thermoplastic was checked during the regular field inspection with the overall feeling that they did a good job. He did report finding several places that were missed. D & G did return, however, to take care of these missed places. A few spots still remain to be checked. Due to the machine size, the thermoplastic did leave a small space between the concrete gutter and where the thermoplastic stopped.

**F. Perimeter Fence Repair Update**

All bids from Sunstate Fence were approved to be done when cleared and ready for fencing to be repaired. District Manager Teague discussed the various fence repairs needed as well as the fact that there are still numerous fallen trees needing to be cleared but right now, the only fence ready for repair is at Sugar Palm and King Palm Court.

On MOTION by Supervisor DeCotis seconded by Supervisor O'Brien with all in favor, all Proposals submitted by Sunstate Fence were approved.
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**G. City Paint Sidewalk Issue Update**

Due to the numerous conversations throughout various departments of The City of Fort Myers, with no resolution to the issue, it was decided that a letter should be sent to the City Attorney in an attempt to bring this matter to resolution. Attorney Urbancic will take care of this.

**EIGHTH ORDER OF BUSINESS**

**New Business**

**A. Lake Interconnect Cleaning Bids**

Proposal was received from Copeland for clean out of a 48-inch culvert on Wine Palm Road near its intersection with King Palm Way and after discussion, it was decided to accept bid contingent upon Supervisor Harvey’s approval to proceed forward.

On MOTION by Supervisor Schaffer seconded by Supervisor O’Brien with all in favor, the Proposal submitted by Copeland was approved contingent upon Supervisor Harvey’s approval.

**B. Sidewalk and Paver Cleaning**

This was provided for informational purposes and see if the Board wished anything additional be done for the upcoming year.

**C. Aerator Maintenance Contract**

- District Manager Teague reported receiving an additional proposal from Florida Fountains & Aeration as well as awaiting another from Lake Doctors, which is supposed to be in tomorrow. The Board of Supervisors wished to stay with Vertex.
- With regard to the 1-inch PVC that had been previously destroyed per Field Manager Pepin going from the compressor under King Palm Court into Lake 5, Supervisor Harvey asked if in fact this has been installed. The District Manager advised he would check on this.

**D. Review of Management Plan**

The cost of the Maintenance Plan going forward was reviewed. After District Manager Teague’s summarization, extensive discussion ensued. It was finally determined that all would basically remain the same unless there is a special project to be completed which would require Board approval. The Board requested that District Manager Teague put some type a contract in writing for the Boards’ review, which will be presented at the next meeting in July.

**NINTH ORDER OF BUSINESS**

**Field Manager’s Report**

**A. Field Report for April 2018**

The April report was presented with no questions or comments.

**B. Field Report for May 2018**

The May report was presented with no questions or comments.

**TENTH ORDER OF BUSINESS**

**Manager’s Report**

**A. Resolution 2018-02 Approving the Fiscal Year 2019 Budget and Setting a Public Hearing**

On MOTION by Supervisor Schafer seconded by Supervisor O’Brien with all in favor, Resolution 2018-02 was approved.

**B. Financial Statements**

**i. Financials for March 2018**

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

**ii. Financials for April 2018**

Financials for period ending April 30, 2018 were presented with no questions.

**C. Resolution 2018-03 to Change Banking Institutions**

Resolution 2018-03 to Change Banking Institutions was presented.

On MOTION by Supervisor Harvey seconded by Supervisor Schafer with all in favor, Resolution 2018-03 was approved.

**D. Follow-up**

- District Manager Teague discussed the change in the working relationship between Premier District Management and Field Manager Pepin.

**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 reiterated his desire for follow up of the PVC pipe on Lake 5.

- He also stated that the Editor of “Between the Palms” wanted a before and after picture of the Dredgesox, which he provided. This will most likely be in a part of the August 1, 2018 issue.
- Supervisor DeCotis asked about the Bathymetrics situation with the new company and what the next steps might be.
- Supervisor Schafer requested that more information be obtained regarding the enzymes/bacteria that is used to get rid of the sludge in the lake bottoms for which proposals will be obtained.
- Request was made for removal of the spike rush in front of Royal #9 interconnect.

**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

<p>On MOTION by Supervisor DeCotis seconded by Supervisor Schafer with all in favor, the meeting was adjourned at 10:44 a.m.</p>
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 Secretary/Assistant Secretary

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 Chair/Vice Chair