

**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, July 23, 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 |
| Larry Harvey | Vice Chair (Via telephone) |
| Al O'Brien | Assistant Secretary |
| Paul Schafer | Assistant Secretary |
| Fred DeCotis | Assistant Secretary |

Not Present:

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| Paul Schafer | Assistant Secretary |
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Also present were:

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| Calvin Teague | District Manager |
| Scott Wallace | HOA Master Board Liaison |

The following is a summary of the minutes and actions taken at the July 23, 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. Vice Chair Harvey participated via telephone after the Boards' approval.

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

Approval of the Agenda

The Agenda was presented. There was an addition to today's Agenda to Item 8 C, speed bumps.

On MOTION by Supervisor DeCotis seconded by Supervisor O'Brien with all in favor, the July 23, 2018 Agenda was approved as amended.

THIRD ORDER OF BUSINESS

Audience Comments on Agenda Items

Liaison to the HOA Master Board, Scott Wallace was present at today's meeting. After discussion, it was decided that he will be sent the full Agenda Packet for all meetings electronically.

FOURTH ORDER OF BUSINESS

Approval of the Minutes

The Regular Meeting Minutes for May 21, 2018 were presented.

On MOTION by Supervisor O'Brien seconded by Supervisor DeCotis with all in favor, the Regular Meeting Minutes of May 21, 2018 were approved as presented.

FIFTH ORDER OF BUSINESS

Attorney's Report

A. Pickard Claim

Chair Switzer advised that he was of the opinion that the depositions of Attorney Urbancic and Dan Davis had been taken approximately two (2) months ago; however, no information has been received from the Attorney Urbancic.

B. Crimaldi Claim

Summary update was given advising that the case is set to go before a judge on August 23, 2018. After extensive discussion, the Board asked that Attorney Urbancic send a letter to Mr. Crimaldi, which advises him to restore the sidewalk/driveway to its original state due to the safety hazard created as a result of his changes with NO exceptions considered/accepted to the "original" state.

SIXTH ORDER OF BUSINESS

Engineer's Report

The District Manager reported that the NPDES Permit is now in the process of renewal.

SEVENTH ORDER OF BUSINESS

Old Business

A. Lake and Wetland Maintenance Performance Update

The District Manager reported as follows:

i. Littoral Planting Update

- As per the Field Manager's Report, the littoral plantings are approximately

50% completed. This project will be completed when the water levels recede a bit.

- Extensive discussion ensued regarding the algae in the lakes and what the Boards' expectations for maintenance of same is.

B. FY 2017 Micro-surfacing Project Update Permit Closure

The District Manager reported that after speaking to the City on July 17, it was determined that the permit was approved but it was never picked up. Engineer Marshall will work with APS to finalize everything with the City to get this permit closed out.

C. Insurance and Reimbursement from Storm Drainage Update

The District Manager updated the Board advising of the letter, which has been sent to the Congressman as well the fact that FEMA has agreed to reopen the case.

D. Perimeter Fence Repair Update

The District Manager reported that Sunstate and CFS met again to review the areas needing repair, however, the original estimator is no longer with them. Therefore, Sunstate advised that they are still a few weeks out on completion of this project but during the last walk around, they requested multiple tree branches be cut back along the fence behind Sierra Palm Court before they begin. The Board expressed disappointment in Sunstate's lack of performance and requested that they provide a definite date for the repair and if this is not completed by that date, then a different contractor should be obtained. Suggestion of court action for non-performance was even suggested.

G. City Paint Sidewalk Issue Update

After the continued attempts to contact the City remain unsuccessful, the last being on July 18 and due to the fact that the paint remains, the Board of Supervisors requested that Attorney Urbancic send a letter to the City Attorney in an attempt to get this issue resolved. Suggestion was made to perhaps go ahead and replace those portions of sidewalk which contain paint and bill the City back for this. The District Manager will follow up with Attorney Urbancic.

F. Lake 8 Erosion Repair Update

The District Manager reported that Lake and Wetlands has completed the washout repair, which occurred after the project had been completed. He further reported that the Field Manager's staff still found the area a little soggy and will work with Mr. Ayres who will be asked to take another look.

G. Amendment to Management Contract

After extensive discussion, the Board of Supervisors approved amending the Community Field Services Contract to include a rate of \$50.00 per hour for the performance of services, which are considered outside the scope of a given project. The Board did, however, ask that an actual document with the anticipated amendments to the Contract be presented at the next meeting for formal approval.

EIGHTH ORDER OF BUSINESS**New Business****A. Lake Muck Treatment Proposal**

This will be taken care below in Item C, Bacteria & Enzyme Proposal for Lakes 15 & 33.

B. Perimeter Fence Vegetation Maintenance Proposal

A Proposal was received from Community Field Services to maintain the vegetation off the perimeter fences with the recommendation that these areas be added to the maintenance plan similar to what is used for the preserve fences. After extensive discussion, Vice Chair Harvey recommended that this be done on an annual basis only. They also requested an outline of exactly what area is covered by this proposal.

On MOTION by Vice Chair Harvey seconded by Supervisor O'Brien with all in favor, the Proposal from Community Field Services as above was approved.

C. Bacteria & Enzyme Proposal for Lakes 15 and 33

A Proposal was received from Lake & Wetlands to provide bacteriological treatments on a quarterly basis to Lake 15 and 33 in the amount of \$900/quarter or \$3,600 per event.

On MOTION by Vice Chair Harvey seconded by Supervisor O'Brien with all in favor, the Lake & Wetlands Proposal as stated above was approved in the amount of \$900/quarter or \$3,600 per event.

NINTH ORDER OF BUSINESS

Field Manager’s Report

The following Field Reports were submitted and discussed as follows:

A. Field Report for June 2018

Reviewed.

B. Field Report for July 2018

Reviewed.

- The Board of Supervisors requested that the identified maintenance tasks of Work Order 1212 C, D and E be approved but that F (ram-nek application to the manhole covers) be postponed for now.
- The Board also approved the repair estimate provided by Vertex Water Features.

On MOTION by Chair Switzer seconded by Supervisor O’Brien with all in favor, the maintenance tasks identified above were approved for completion.

C. Paver Crossovers/Speed Bumps

Discussion ensued regarding the HOA’s concerns identified relating to the uneven crosswalk pavers, the sunken manhole covers and the possible “speed bumps,” which they feel creates a safety hazard. Chair Switzer felt these issues had previously been addressed and that the present state of the pavers, etc., does not constitute a safety hazard and that the cost to replace the pavers is just not warranted at this time. Therefore, the Board of Supervisors asked that the HOA Safety Committee be informed by the CDD that there would be no objection to them doing this, however, their plans would have to be submitted for review by the District’s Engineer prior to any action being taken. Chair Switzer also expressed concern that the Board has not received a list of areas/locations being considered for change.

TENTH ORDER OF BUSINESS

Manager’s Report

A. FY 2019 Budget Approval and Public Hearing

The Chair opened the Public Hearing at 10:40 a.m. and closed it at 10:42 a.m., which was for the purpose of adoption of the FY 2019 Budget and Levying and Imposing Non-Ad Valorem Special Assessment with results as follows.

Approved Minutes
Monday, 07/23/2018

i. Resolution 2018-05 for Adopting the FY 2019 Budget

Resolution 2018-05 was presented.

On MOTION by Vice Chair Harvey seconded by Supervisor O'Brien with all in favor, Resolution 2018-05 was approved.

ii. Resolution 2018-06 for Levying and Imposing Non-Ad Valorem Special Assessments

Resolution 2018-06 was presented.

On MOTION by Supervisor DeCotis seconded by Supervisor O'Brien with all in favor, Resolution 2018-06 was approved.

B. Financial Statements

i. Financials for May 2018

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

ii. Financials for June 2018

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

On MOTION by Supervisor DeCotis seconded by Supervisor O'Brien with all in favor, the financials for period ending May 31, 2018 and June 30, 2018 were accepted.

C. Website Compliance

The District Manager updated the Board of Supervisors regarding this issue as it relates to the Americans With Disabilities Act (ADA).

D. Resolution 2018-04 for Adoption of Statewide Mutual Aid Agreement

Resolution 2018-04 was presented.

On MOTION by Supervisor O'Brien seconded by Supervisor DeCotis with all in favor, Resolution 2018-04 was approved.

E. Audit for Fiscal Year 2017

The FY 2017 Audit was submitted.

On MOTION by Supervisor DeCotis seconded by Supervisor O'Brien with all in favor, the FY 2017 Audit was approved, and Chair Switzer was given authorization to sign.

F. Follow-up

Discussion ensued regarding the bulk of the Agenda packets, and it was decided that going forward all will be sent electronically. The Financial Reports and Field Reports will be printed out and mailed. Then at the actual meeting, the current month's items only will be included. Invoices will be under separate cover with only the Engineer, Legal, Field Services and large projects being included.

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

There being none, the next Order of Business followed.

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 Supervisor DeCotis seconded by Supervisor O'Brien with all in favor, the meeting was adjourned at 11:18 a.m.

Secretary/Assistant Secretary

Chair/Vice Chair