

September 29, 2020

Board of Supervisors
Heritage Harbour South
Community Development District

AGENDA

Dear Board Members,

The Heritage Harbour South Community Development District regular meeting of the Board of Supervisors will be held on **Tuesday, October 6, 2020 at 4:00 p.m.** at the Stoneybrook Golf Club located at 8000 Stone Harbour Loop, Bradenton, Florida 34212. The following is the agenda for this meeting:

- 1. CALL TO ORDER/ROLL CALL**
- 2. PUBLIC COMMENTS**
- 3. BUSINESS ADMINISTRATION**
 - A.** Consideration of Minutes of Board of Supervisors' Regular Meeting held on September 1, 2020..... Tab 1
 - B.** Consideration of Operation & Maintenance Expenditures for August 2020 Tab 2
 - C.** HOA Updates
 1. Heritage Harbour Master HOA Tab 3
 2. Stoneybrook HOA
 3. Lighthouse Cove HOA
- 4. STAFF REPORTS**
 - A.** Aquatic Service Reports..... Tab 4
 - B.** District Counsel
 - C.** District Engineer
 1. Vegetation Removal by Solitude Update
 2. Paint Striping Update
 3. Pressure Washing Proposal for Curbs Tab 5
 4. Parcel 19 and 20 Update
 - D.** District Manager
 1. Financial Update
 2. Security Update & Traffic Monitoring Report Tab 6
 3. Timeline Review Tab 7
 4. Action Item List Review Tab 8
- 5. NEW BUSINESS**
 - A.** Consideration of Resolution 2021-01; Re-Designating Assistant Secretary Tab 9
 - B.** Discussion of Transfer of CDD Property to the Master HOA Tab 10
 - C.** Discussion of Disk Golf

6. **SUPERVISOR REQUESTS & COMMENTS**
7. **ADJOURNMENT**

We look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to contact us at (813) 933-5571.

Sincerely,

Gregory B. Cox

Greg Cox

District Manager

Tab 1

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**HERITAGE HARBOUR SOUTH
COMMUNITY DEVELOPMENT DISTRICT**

The Heritage Harbour South Community Development District regular meeting of the Board of Supervisors was held on **Tuesday, September 1, 2020 at 4:02 p.m.** using communications media technology pursuant to Executive Orders issued by Governor DeSantis pursuant to Section 120.54(5)(b)2., Florida Statutes.

Present and constituting a quorum were:

Tad Parker	Board Supervisor, Chairman
Mike Neville	Board Supervisor, Vice-Chairman
Larry Lovell	Board Supervisor, Asst. Secretary
Rick Lane	Board Supervisor, Asst. Secretary
Larry Eichert	Board Supervisor, Asst. Secretary

Also present were:

Greg Cox	District Manager; Rizzetta & Company
Andy Cohen	District Counsel; Persson, Cohen & Mooney, P.A.
Rick Schappacher	District Engineer; Schappacher Engineering
Josh McGarry	Representative, Solitude
Jason Jaszak	Representative, Solitude

Audience **Present**

FIRST ORDER OF BUSINESS

Call to Order

Mr. Cox called the meeting to order and conducted roll call.

SECOND ORDER OF BUSINESS

Audience Comments

The Board received audience comments regarding the final budget and how it impacts the transfer of the responsibility for the maintenance of the stormwater system by the Master HOA; the transfer of remaining parcels to the CDD from Lennar and the positive and negative reasons for doing so; and reasons for not approving the installation of a disc golf course on CDD common area.

49 **THIRD ORDER OF BUSINESS**

Staff Reports

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51 **A. Aquatic Service Reports - Solitude**

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53 Mr. Jaszak presented an aquatic maintenance update and addressed questions
54 from the Board. The Board discussed the issue of an agreement that had been
55 approved for Solitude to perform work but that included four areas that should not
56 have been included. Mr. Lovell presented photos of problem areas in the
57 community that he felt had not been addressed by Solitude. Mr. Lovell made a
58 motion to terminate the Solitude service agreement effective October 1, 2020
59 and have the CDD begin work with Pond Professionals as the stormwater
60 maintenance vendor for the CDD. There was no second to the motion, so the
61 motion failed.

62

63 Mr. Neville requested feedback from Mr. Josh McGarry regarding Mr. Lovell's
64 presentation of issues with the stormwater maintenance. Mr. McGarry
65 addressed meeting attendance by Solitude representatives and the question of
66 interest Solitude has in continuing service for the District. Mr. McGarry
67 expressed his intent of having his team work hard over the next few months to
68 improve the services to the District.

69

70 Mr. Neville requested that the Board discuss the proposal for aeration for pond
71 36 that was planned for discussion later in the agenda. Mr. Lovell noted that he
72 had requested it be added to the agenda following a recent fish-kill event on
73 pond 36. Mr. Lovell indicated that following his conversation with Pond
74 Professionals, he indicated that he now was removing the request to present the
75 proposal for aeration. Following a brief Board discussion, the aeration topic was
76 tabled by the Board for possible consideration later.

77

78 **FOURTH ORDER OF BUSINESS**

**Public Hearing on Fiscal Year 2020-
2021 Final Budget**

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80

81 Mr. Cox explained the budgeting process to finalize the approval of the CDD budget
82 for the next fiscal year and requested a motion from the Board to open the duly noticed
83 public hearing for the Proposed Budget for Fiscal Year 2020-2021.

84

On a motion from Mr. Lane, seconded by Mr. Parker, with all in favor, the Board opened the Public Hearing, for the Heritage Harbour South Community Development District.

85

86 No public comments were received. Mr. Cox reviewed the proposed budget
87 options with the Board. He noted that he had prepared adjustment options based on
88 Board guidance previously received regarding potential budget reductions associated
89 with moving responsibility for stormwater maintenance to the Master HOA. The Board
90 heard comments from Mark Bruce with the Golf Course regarding the reductions of the
91 Golf Course assessments in the 50% option. Of the options considered, the Board
92 approved to proceed with the 50% reduction option for adoption.

93

**HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT
September 1, 2020 - Minutes of Meeting
Page 3**

94 The Board received public comments regarding the budget and the ability of the
95 District Engineer to perform work to continue to certify the stormwater permits.
96

97 Mr. Cox asked for a motion to close the public hearing.
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On a motion from Mr. Parker, seconded by Mr. Lovell, with all in favor, the Board closed the Public Hearing, for the Heritage Harbour South Community Development District.

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100 **FIFTH ORDER OF BUSINESS** **Consideration of Resolution 2020-06;**
101 **Approving Fiscal Year 2020-2021 Final**
102 **Budget**
103

On a motion from Mr. Parker, seconded by Mr. Lovell, with all in favor, the Board approved to adopt Resolution 2020-06; Approving Fiscal Year 2020-2021 Final Budget, for the Heritage Harbour South Community Development District.

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105 **SIXTH ORDER OF BUSINESS** **Consideration of Resolution 2020-07;**
106 **Imposing Special Assessments**
107

On a motion from Mr. Lovell, seconded by Mr. Parker, with all in favor, the Board approved to adopt Resolution 2020-07; Imposing Special Assessments, for the Heritage Harbour South Community Development District.

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109 **SEVENTH ORDER OF BUSINESS** **Consideration of Minutes of the Board**
110 **of Supervisors Regular Meeting held**
111 **on August 4, 2020**
112

On a motion from Mr. Lane, seconded by Mr. Neville, with all in favor, the Board approved the minutes of the Board of Supervisors meeting held on August 4, 2020, as presented, for the Heritage Harbour South Community Development District.

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114 **EIGHTH ORDER OF BUSINESS** **Consideration of Minutes of the Audit**
115 **Committee Meeting held on August 4,**
116 **2020**
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On a motion from Mr. Parker, seconded by Mr. Neville, with all in favor, the Board approved the minutes of the Audit Committee meeting held on August 4, 2020, as presented, for the Heritage Harbour South Community Development District.

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127 **NINTH ORDER OF BUSINESS** **Consideration of Operation**
128 **Maintenance Expenditures for July**
129 **2020**
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131 Mr. Cox presented the Operations and Maintenance Expenditures for July 2020
132 totaling \$30,885.03 and addressed questions from the Board.
133

On a motion from Mr. Lane, seconded by Mr. Parker, with all in favor, the Board approved to ratify the payment of the invoices in the Operations and Maintenance expenditures report for July 2020 totaling \$30,885.03, for the Heritage Harbour South Community Development District.

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135 **TENTH ORDER OF BUSINESS** **Heritage Harbour Master HOA Update**
136

137 The Board received a Heritage Harbour Master HOA update from Mr. Gene
138 Zeiner. He discussed the vandalism that has occurred at some of the recreational
139 areas and the intent to temporarily close some of the areas and the Board members
140 concurred with their plans.
141

142 **ELEVENTH ORDER OF BUSINESS** **Stoneybrook HOA Update**
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144 Mr. Tom Bakalar of Stoneybrook HOA indicated there was no report his month.
145

146 **TWELFTH ORDER OF BUSINESS** **Lighthouse Cove HOA**
147

148 There was no Lighthouse Cove HOA update presented to the Board.
149

150 **THIRTEENTH ORDER OF BUSINESS** **Staff Reports**
151

152 **A. District Counsel**
153

154 Mr. Cohen with Persson, Cohen & Mooney, P.A. provided an update regarding
155 the transfer of property from Lennar to the CDD. He noted that on August 17,
156 2020, Lennar representatives acknowledged the request and would be
157 researching the issue. Mr. Neville questioned the number of parcels involved in
158 the potential transfer. Mr. Schappacher noted that there were several large
159 parcels and he recommended the Board consider not accepting all of them. Mr.
160 Neville discussed the Lighthouse Cove area parcel near the back entrance that
161 the CDD has agreements for work pending.
162

163 **B. District Engineer**
164

165 Mr. Schappacher provided a District Engineer update to the Board. He
166 discussed the radar speed detection signs data summary he recently collected.
167

168 **C. District Manager**
169

170 Mr. Cox reminded the Board that the next regular meeting was scheduled for
171 Tuesday, October 6, 2020 at 4:00 p.m. He provided a status of the up-coming

172 General Elections and the seats that were up for election and who had qualified
173 for various seats. Mr. Neville provided his concerns regarding the off-duty deputy
174 reports and his concerns regarding if the District was getting what was being paid
175 for. Mr. Cox provided the Board with a quick review of the CDD financials, the
176 timeline and the action item list.

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178 **FOURTEENTH ORDER OF BUSINESS** **Discussion Regarding Aquaterra**
179

180 Mr. Cohen opened the discussion of the irrigation water agreement's with
181 Aquaterra Utilities, Inc. Heritage Harbour South CDD owns the irrigation system. He
182 discussed the agreement with the Master HOA as well. Mr. Cohen confirmed that as of
183 April 21, 2021, the agreement with the CDD could be terminated but that would leave
184 the Master HOA still with their agreement. Mr. Lovell requested that Mr. Cohen's
185 following comments be included in the meeting verbatim. Those transcribed comments
186 are as follows:

187
188 *"As the Board can see, it is complicated and Lennar complicated it even more with*
189 *some of the documents that exist out there. Just to run through it real quick, you have*
190 *the agreement discussed at the beginning that was dropped on the Master when*
191 *turnover occurred. The immediate issues that were talked about there are that the*
192 *Master does not have a distribution system like it is talked about in there. The*
193 *distribution system belongs to the District. That was one of the main things that was*
194 *accomplished through the clarification agreement that the prior counsel, Mr. Van*
195 *Assenderp negotiated. And to get into the clarification agreement, I think that, and I*
196 *think that is the reason we included the memo that your prior counsel had put together*
197 *at the time, back in 2011, is because it went over pretty good what the highlights were*
198 *of what they were trying to accomplish with that agreement which it basically*
199 *acknowledged the ownership of the irrigation system by the District, which I just said, to*
200 *reduce the limits of the duration, which it did as we know as April 21, 2021; limits the*
201 *authority for the lands for which they could use the distribution for in terms of other*
202 *communities outside the District along those lines; provided for different things in Exhibit*
203 *B that would no longer apply; gave us a little bit of a voice, not much, in terms of asking*
204 *questions on rates, even though we do not control the rates and gives a little bit of input*
205 *on agreements with the County and SWFWMD and things along those lines. So those*
206 *are the high points. As I said, there is a lot of paperwork out there and a lot of it does*
207 *not mesh, especially about all of the talk in the latest master agreement about the*
208 *Master owning the distribution system when it is pretty clear that the CDD does and that*
209 *was the main goal of the clarification agreement so you know it's pretty much clear as*
210 *mud and it leaves us with what we already knew that we can pull the plug on April 21,*
211 *2021, but it leaves the Master with their agreement that they have. The Master has*
212 *already talked with their counsel, expressed to us, which I said I don't agree with, but it's*
213 *their decision, that they don't want to challenge their agreement so that leaves us where*
214 *we are."*

215
216 Mr. Cohen also noted that if the District does not enter into a new agreement, the
217 current status would likely continue. Mr. Cohen noted that it would be a very difficult
218 process to have the County take over the irrigation system infrastructure but it may be
219 possible. Mr. Lovell suggested that work was needed to be done between now and
220 April. Mr. Lane suggested that there should be some room for negotiation regarding the

221 Aquaterra agreement to protect the CDD.

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On a motion from Mr. Neville, seconded by Mr. Parker, with all in favor, the Board approved to extend the meeting for 30 minutes, for the Heritage Harbour South Community Development District.

223

224 Mr. Schappacher provided some information regarding the process regarding having
225 the County agree to accept ownership of the system and how it would be expensive to
226 bring the system up to current standards. He suggested the better course of action
227 would be to have Aquaterra, Inc. agree to take responsibility for infrastructure. Mr.
228 Cohen indicated that he would begin contacting Lennar on this issue.

229

On a motion from Mr. Neville, seconded by Mr. Lane, with all in favor, the Board authorized District Counsel to begin discussions with Aquaterra Inc., regarding renegotiating the current Aquaterra agreement, for the Heritage Harbour South Community Development District.

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231 **FIFTEENTH ORDER OF BUSINESS**

**Discussion of Master HOA
Maintenance Agreement**

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234 Mr. Cox explained that there have been several exchanges with the Master HOA
235 representatives regarding changes to the maintenance agreement. The Board
236 requested that all desired changes to agreement be sent to the Board members and
237 added to the October CDD agenda for consideration. Mr. Cohen noted that he is of the
238 opinion that the current agreement automatically renews upon reaching its expiration
239 date.

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241 **SIXTEENTH ORDER OF BUSINESS**

**Consideration of Pond 36 Aeration
Installation**

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244 This item was discussed earlier in the meeting and the Board tabled the topic.

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246 **SEVENTEENTH ORDER OF BUSINESS**

**Consideration of Irrigation Timers &
Switches**

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249 Mr. Cox introduced a proposal from the Master HOA for the CDD to fund the
250 acquisition of irrigation timers and switches for locations throughout the Master HOA
251 common areas totaling \$21,581.16 if 8 items are funded all at once. Mr. Zeiner
252 explained that there are 11 of these items and that the Master HOA had already funded
253 replacement of 3 of them. Mr. Cox noted that if approved, the items would be
254 expensed to the current reserve budget. Mr. Lovell presented information regarding the
255 sources of funds for the Master HOA and some of the difficulty the Master HOA has
256 completing their tasks. Mr. Cohen suggested that for these items, the invoices be sent
257 directly to the CDD for processing versus having them processed through the Master
258 HOA.

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On a motion from Mr. Lovell, seconded by Mr. Parker, with four in favor, and Mr. Lane opposed, the Board approved the TruScapes proposal for funding for 8 timers funded all at one time for \$21,581.16, for the Heritage Harbour South Community Development District.

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EIGHTEENTH ORDER OF BUSINESS Discussion of Disc Golf Course

Mr. Lovell requested District Counsel to opine if there would be additional liability to the District for approving this amenity on CDD property. The Board requested that Mr. Cox check with the District's insurance company to determine if there would be additional insurance costs and liability for the District from the insurance provider's perspective. Mr. Parker noted that the intent would be of a recreational nature versus an attempt to make a professional course. Ms. Lane described a review she had held with the designer, Mr. Gene Varano, and identified ways to avoid potential issues. She explained the value in setting up T-boxes on the existing sidewalks.

On a motion from Mr. Eichert, seconded by Mr. Parker, with all in favor, the Board approved to extend the meeting for 15 minutes, for the Heritage Harbour South Community Development District.

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The Board received comments from Mr. Zeiner regarding the Master HOA's concerns regarding insurance coverage and vandalism. Mr. Neville discussed his concern that the course was being designed to run over areas that do not drain well. Mr. Lovell noted that there were comments made at the last Master HOA meeting that indicated that some key individuals were not fully aware of the proposal.

On a motion from Mr. Parker, seconded by Mr. Eichert, with two in favor, and Mr. Neville, Mr. Lovell and Mr. Eichert, opposed, the Board did not approve a not-to-exceed amount of \$8,000.00 for the 18 hole disc golf installation, for the Heritage Harbour South Community Development District.

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Mr. Neville suggested that the course proposal be re-submitted to the Board for review at the next agenda for additional discussion and consideration.

**NINETEENTH ORDER OF BUSINESS Consideration of Resolution 2020-05;
Setting Fiscal Year 2020-2021 Meeting
Schedule**

The Board reviewed the proposed meeting schedule and requested to change the November 3, 2020 meeting to November 10, 2020.

On a motion from Mr. Lovell, seconded by Mr. Parker, with all in favor, the Board approved to adopt Resolution 2020-05; Setting Fiscal Year 2020-2021 Meeting Schedule, as amended, for the Heritage Harbour South Community Development District.

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295 **TWENTIETH ORDER OF BUSINESS** **Supervisor Requests**

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297 Mr. Lane noted that Pam Eubanks, with the Observer, is leaving the area and
298 requested that Mr. Cox prepare a thank you letter to her for the Chairman's signature.

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300 **TWENTY-FIRST ORDER OF BUSINESS** **Adjournment**

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302 On a motion from Mr. Lane, seconded by Mr. Neville, with all in favor, the Board
303 approved to adjourn the meeting at 6:52 p.m. for the Heritage Harbour South
304 Community Development.

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Secretary / Assistant Secretary

Chairman / Vice Chairman

DRAFT

Tab 2

HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · 9428 CAMDEN FIELD PARKWAY · RIVERVIEW, FLORIDA 33578

Operation and Maintenance Expenditures August 2020 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from August 1, 2020 through August 31, 2020. This does not include expenditures previously approved by the Board.

The total items being presented: **\$18,648.67**

Approval of Expenditures:

____ Chairperson

____ Vice Chairperson

____ Assistant Secretary

Heritage Harbour South Community Development District

Paid Operation & Maintenance Expenditures

August 1, 2020 Through August 31, 2020

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
A N J Excavation LLC	001332	Invoice#9	Install New Asphalt 07/20	\$ 750.00
Bradenton Herald	001343	0004674934 08/12/20	Legal Advertising 08/12/20	\$ 339.30
Bradenton Herald	001333	0004708785 07/26/20	Legal Advertising 07/26/20	\$ 170.82
Larry G. Lovell	001336	LL080420	Board of Supervisor Meeting 08/04/20	\$ 200.00
Lawrence R. Eichert	001334	LE080420	Board of Supervisor Meeting 08/04/20	\$ 200.00
LLS Tax Solutions Inc.	001344	002056	Refunding Bond Series 2015 07/20/20	\$ 500.00
Manatee County Sheriff's Office	001341	39313	Deputy & Equip/Admin 06/20	\$ 1,440.00
Manatee County Sheriff's Office	001341	39314	Deputy & Equip/Admin 07/20	\$ 1,260.00
Michael Joseph Neville	001337	MN080420	Board of Supervisor Meeting 08/04/20	\$ 200.00
Office Dynamics	001342	00031475	5 Book Copied 07/20	\$ 244.05
Persson, Cohen & Mooney, P.A	001338	25017	Professional Services 07/20	\$ 458.50
Richard D. Lane	001335	RL080420	Board of Supervisor Meeting 08/04/20	\$ 200.00
Rizzetta & Company, Inc.	001330	INV0000051734	District Management Fees 08/20	\$ 5,031.50
Rizzetta Technology Services	001331	INV0000006070	Email & Website Hosting Services 08/20	\$ 175.00

Heritage Harbour South Community Development District

Paid Operation & Maintenance Expenditures

August 1, 2020 Through August 31, 2020

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Schappacher Engineering LLC	001345	1684	Engineering Services 07/20	\$ 1,492.50
Solitude Lake Management	001346	PI-A00455054	Monthly Lake Maintenance 08/20	\$ 2,355.00
Solitude Lake Management	001346	PI-A00455055	Monthly Wetland Maintenance 08/20	\$ 2,712.00
Tad Parker	001339	TP080420	Board of Supervisor Meeting 08/04/20	\$ 200.00
The Beautiful Mailbox Company	001340	162283	Installation of Signs 07/20	\$ 720.00
Report Total				<u>\$ 18,648.67</u>

Tab 9

RESOLUTION 2021-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT REDESIGNATING AN ASSISTANT SECRETARY OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Heritage Harbour South Community Development District (hereinafter the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within Manatee County, Florida; and

WHEREAS, the Board now desires to re-designate the Assistant Secretary.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT:

Section 1. Greg Cox & Gary Moore is appointed as Assistant Secretaries.

Section 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 6th DAY OF OCTOBER 2020.

ATTEST:

**HERITAGE HARBOUR SOUTH
COMMUNITY DEVELOPMENT
DISTRICT**

SECRETARY

CHAIRMAN