

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, December 5, 2017 at 4:03 p.m.** at the Stoneybrook Golf Club located at 8000 Stone Harbour Loop, Bradenton, Florida 34212.

Present and constituting a quorum were:

Tad Parker	Board Supervisor, Chairman
George Mosinskis	Board Supervisor, Vice Chairman
Michelle Patterson	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
Rick Schappacher	District Engineer; Schappacher Engineering
Todd Pyle	Golf Course Manager
Josh McGarry	Representative, Aquatic Systems

Audience	Present
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FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

Audience Comments

No audience comments.

THIRD ORDER OF BUSINESS

Consideration of Minutes of the Board of Supervisors' Regular Meeting held on November 7, 2017

Mr. Cox presented the minutes of the Board of Supervisors' November 7, 2017 meeting. The Board members made minor amendments to the minutes prior to approval.

On a motion from Ms. Patterson, seconded by Mr. Parker, with all in favor, the Board approved the minutes of Board of Supervisors' regular meeting held on November 7, 2017, as amended for the Heritage Harbour South Community Development District.
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FOURTH ORDER OF BUSINESS

**Consideration of Operation Maintenance
Expenditures October 2017**

Mr. Cox presented the Operations and Maintenance Expenditures for October 2017 totaling \$27,431.51.

On a motion from Mr. Parker, seconded by Mr. Eichert, with all in favor, the Board ratified the payment of the Operations and Maintenance expenditures for October 2017 totaling \$27,431.51, for the Heritage Harbour South Community Development District.

FIFTH ORDER OF BUSINESS

HOA Update

No updates were provided.

SIXTH ORDER OF BUSINESS

Lighthouse Cove Updates

No update was provided.

SEVENTH ORDER OF BUSINESS

Golf Course Updates

Mr. Todd Pyle provided an update to the Board regarding the status of the pond bank grass barriers. He noted that they now had in their possession, the cutting bar for the mowing equipment which will greatly enhance their ability to trim the barriers.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Cohen provided an update on the "extra lane" / curbing install related to the CDD owned roadways on Heritage Green Way and River Heritage Boulevard. The Board directed the District Engineer to look at traffic calming options along those roadways and to report back to the Board.

B. District Engineer

Mr. Schappacher provided an update on the signage work throughout the District and reported that all was completed except 2 end caps that need to be done. He informed the Board that the storm grate vendor stated they are waiting on the grates to be made and should be done in 2-3 weeks. He reported on a storm inlet repair which would be done by December 8, 2017. Mr. Schappacher noted that he would be following up on the offsite drainage with ICON. He reported that the guardhouse speed bumps need to be repaired and recommended building an asphalt speed bump versus other types. Ms. Patterson inquired about the report from Manatee County regarding the mandate to replace signage along the roadways. Mr. Cox noted that he had followed-up with Manatee County and had not had any response, but will follow-up again with Manatee County.

C. Aquatic Service Reports

1. Consideration of Aquatic Systems Contract Amendment Renewal

Mr. Cox presented the monthly aquatic service report to the Board. Mr. McGarry provided an update to the Board and addressed their questions.

On a motion from Ms. Patterson, seconded by Mr. Eichert, with all in favor, the Board authorized the Chairman to execute the Aquatic Systems Amendment Renewal, for the Heritage Harbour South Community Development District.

D. District Manager

Mr. Cox reminded the Board that the next regularly scheduled meeting was scheduled for Tuesday, February 6, 2018 at 4:00 p.m.

Mr. Cox presented the end of the fiscal year financial information to the Board.

Mr. Cox presented the security update to the Board.

Mr. Cox presented the Timeline Review.

Mr. Cox reviewed the Action Item List with the Board.

NINTH ORDER OF BUSINESS

Consideration of Investment Proposal

Mr. Cox presented a revised Investment proposal from Municipal Asset Management Group and Mr. Rob Bettini to the Board. Mr. Cohen reviewed the proposal with the Board and indicated that he would provide a resolution authorizing the investment of District funds at the February 6, 2018 CDD meeting for consideration.

TENTH ORDER OF BUSINESS

Supervisor Requests

Mr. Mosinskis requested Staff to reach out and get an update from the Heritage Harbour Market Place CDD regarding the transfer of the CDD owned pond located on their property.

Mr. Parker noted that there were 3 sidewalks slabs that have risen at 264 Fairway Isles Lane and requested that the District Engineer inspect.

ELEVENTH ORDER OF BUSINESS

Adjournment

On a motion from Ms. Patterson, seconded by Mr. Eichert, with all in favor, the Board approved to adjourn the meeting at 5:25 p.m. for the Heritage Harbour South Community Development.


Secretary / Assistant Secretary


Chairman / Vice Chairman

From: William Clague [<mailto:william.clague@mymanatee.org>]
Sent: Friday, May 05, 2017 3:48 PM
To: David Jackson - Persson & Cohen
Cc: Mitchell Palmer; Andy Cohen - Persson & Cohen
Subject: Heritage Harbour South

Dear Mr. Jackson:

I provide you with this email on behalf of County Attorney Mitchell O. Palmer in response to your letter of April 12, 2017. After receipt of your letter, we forwarded it to the County's Public Works Engineering Services Division and asked for a summary of the history of the performance bonds and improvements referenced in the letter. Set forth below is the response we received from Sia Mollanazar, Deputy Director of that Division.

Based on Mr. Mollanazar's response, it is our understanding that the lane improvements referenced in your letter were not a requirement for development of the referenced project, such that the County did not receive performance bonds for their construction, notwithstanding that the developer may have "over-bonded" the estimated cost of curb and gutter. Based on this information, we do not believe a meeting regarding this matter is necessary. I will, however, be happy to discuss it with you by phone if you are so inclined. Please feel free to give me a call at your convenience if you wish to discuss the matter further.

Thank you.

Bill Clague
Assistant County Attorney
Manatee County, Florida
ph. 941-745-3750
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william.clague@mymanatee.org

From: Sia Mollanazar
Sent: Tuesday, April 25, 2017 3:06 PM
To: William Clague
Cc: Mitchell Palmer; Ron Schulhofer; Carmen Mosley
Subject: FW: Heritage Harbour South

Bill,

We have been dealing with this for several month now; our record searched had reflected that we properly released posted bonds years back and there is no outstanding issues here.

Heritage Harbour DRI was first approved by Ordinance 00-19 , Development Order ("DO") back in March 2000

The ordinance went through series of amendments with last of which being Or. 14-37.

The DRI was a private development with private roads.

Mr. Shane C. Cooper, P.E. with Banks Engineering was the EOR for DRI and is now the Heritage Harbour North Community Development District

From the very first DO in 2000 throughout the last DO in 2014, there were no requirement for construction of 4 Lane roadway on Heritage Green Way and River Heritage Boulevard.

Another word the DRI did not require to construct lane 3 and 4 on Heritage Green Way and River Heritage Boulevard in the future.

In general, developers do not post performance bond for improvements that are not required.

Staff position here is that there were no bond for lane 3 and 4th on either of roadway in the first place.

Heritage Harbour South logic for their claim:

CDD relies on documents prepared by the original DRI Engineer of Record; one is the cover letter and two cost estimates for Bonding purposes; the documents have different dates;

The purpose of these documents were that in 2003, developer desired to move forward with platting before constructing the private roadway improvement.

The Heritage Harbour EOR submitted cost estimates for the required private improvement for the purpose of posting performance bond ahead of plat.

There are two cost Estimates, one for Heritage Green Way and the other for River Heritage Blvd private improvements.

In both instances the CDD looks at the quantity for Curb and Gutter construction on the estimates; these quantities do reflect that about ½ of curb and gutter were installed and therefore CDD concludes The bond amount covered future lane 3 and 4 which would have required curb and Gutter.

Staff agrees with CDD assertion that Curb and Gutter quantity estimate is twice as much of gutter installed but staff looked at the quantity of square yard of Asphalt, Base and sub-base for each of the roadway and found the quantities to be accurate based on the road surface today.

Regardless we believe erroneous estimate does not justify the claim.

In closing, we believe the correspondence below from the Original DRI Engineer who wrote the cover letter and estimates explains it best and it is self-explanatory.

Sincerely

Sia Mollanazar, PE, Deputy Director
Engineering Services Division
Manatee County Public Works
1022 26th Ave East
Bradenton, Fl. 34208
941-708-7487

From: Shane Cooper [<mailto:SCooper@BanksEng.com>]

Sent: Wednesday, April 19, 2017 12:11 PM

To: Sia Mollanazar

Subject: Heritage Harbour Major Roadways

Sia: Pursuant to your recent inquiry regarding the construction of future traffic lanes (lanes 3 and 4) on River Heritage Boulevard and Heritage Green Way, my recollection is that the DRI Ordinance and the Zoning Ordinance for Heritage Harbour did not specifically require that those roads shall include lanes 3 and 4. The developer (U.S. Home Corp./Lennar Homes) directed our firm to design the roadway as a 4-lane road that would be constructed with only two lanes, until such time that the HOA/CDD desired for lanes 3 and 4 to be added in the future. The Heritage Harbour South CDD Engineer asked me about this subject within the past 12 months, and I recall specifically researching the ordinances and other permitting correspondence to try to find any such requirements or stipulations, and we found nothing to support the idea that lanes 3 and 4 are required.

Additionally, I believe it is likely that we initially prepared a performance bond cost estimate to include lanes 3 and 4, and then we subsequently revised the cost estimate after we realized that lanes 3 and 4 were not required, but perhaps we erred and did not correctly reduce the quantity for the curb at that time. Regardless of any errors noted in the performance bond cost estimate, I am confident in asserting that there was/is no requirement by Manatee County to construct lanes 3 and 4. It was simply our client's desire to design the roads that way.

Please reply or call me if you have any questions or require additional information regarding this matter.

Sincerely,
Shane C. Cooper, P.E.
Project Manager

**Our office has moved. Please take note of our new address...



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Building 5, Unit 501
Port Charlotte, Florida 33952
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scooper@bankseng.com

From: William Clague
Sent: Wednesday, April 19, 2017 8:53 AM
To: Sia Mollanazar
Cc: Mitchell Palmer
Subject: Heritage Harbour South

Sia:

Last week we received the attached letter. Please look it over and let us know when you have a moment to discuss it by phone. While we understand it is a staff matter, we do need to provide a response as a courtesy to the law firm that sent it to us.

Bill Clague
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