

MINUTES OF MEETING  
HERON ISLES COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Heron Isles Community Development District was held on Thursday, November 1, 2018 at 10:30 a.m. at the Compass Group Conference Room, 961687 Gateway Blvd., Suite 201M, Amelia Island, Florida.

Present and constituting a quorum were:

Ricky Rowell	Chairman
Don Lyons	Vice Chairman
Kathleen Blessing	Supervisor
Justin Blessing	Supervisor
Robert Martyn	Supervisor

Also present were:

Dave deNagy	GMS
Jason Walters	District Counsel (by phone)
Cheryl Graham	LeLand Management
Ernesto Torres	GMS

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Torres called the meeting to order at 10:30 a.m. The agenda located in the agenda package has been revised. Item XI was added, which is the Consideration of Resolution 2019-03 Designating a New Public Depository.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

There were no audience members present.

**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2019-01  
Designating Officers**

Mr. Torres stated this is no change to the board. It is to add me as an Assistant Treasurer and Ariel Lovera. He is another GMS employee. Dave is retiring, and I am assuming the duties of District Manager. Since we don't meet again until February, I went ahead and put this in the

agenda so I can sign documents and represent the District. Unless the board wants to change anything else, I will ask for a motion for approval.

On MOTION by Mr. Rowell seconded by Mr. Lyons with all in favor Resolution 2019-01 designating officers to reflect Ernesto Torres and Ariel Lovera was approved.

#### **FOURTH ORDER OF BUSINESS**

#### **Consideration of Renewal of Agreement with Lake Doctors, Inc. for FY19**

Mr. Torres stated the agreement is located in your agenda package and is within the budgeted amount for FY19. The price can range from \$983 to \$1,075 per month. If there are no issues, I would ask for a motion to approve.

On MOTION by Mr. Lyons seconded by Ms. Blessing with all in favor the renewal of the agreement with Lake Doctors, Inc. for FY19 was approved.

#### **FIFTH ORDER OF BUSINESS**

#### **Consideration of Permit Conveyances**

Mr. Walters stated this is related to the stormwater management facilities. The District constructed those when all the horizontal improvements were put in place for the District. We currently own those tracts and maintain those tracts. The sequence of events is that the permit will start with the developer under what is called a construction permit. Once those ponds are completed and inspected, the permit itself transfers from a construction permit to a maintenance permit. At that time, the general course is that it goes directly to the District for maintenance. In this case, it looks like at least a couple of them transition from the developer to the HOA instead of straight to the CDD. We are looking to get all those permits and make sure they are in the proper name of the District. From a staff perspective, we will handle that. We just want to keep the board in a loop in terms of the fact that we would be transferring those permits to the Districts. That is the action we are seeking from the board today.

Mr. Lyons stated that new development that is toward the back, closer to Blackrock Road, I think they took over one of our ponds. Is that going to affect us?

Mr. Walters responded do you mean the development outside the District? (Yes). That is news to me. If it is a pond that is within the District and owned by the District, we need to be the maintenance entity. I will make sure I look at that one particularly. The others are certainly appropriate to transfer over. I didn't know there was any sort of overlap.

Ms. Blessing stated they did expand it too. They made it larger, and they said they were going to take over responsibility when I asked Sharon about it.

Mr. Walters responded in that case, that permit may have changed. If there was any alteration to that pond, they would need a new stormwater management permit. To the extent it is now taking their stormwater, and they are the maintenance entity, that may be okay. I need to look into that.

On MOTION by Mr. Rowell seconded by Mr. Martyn with all in favor the permit conveyances from HOA to CDD for SJRWMD permits were approved.
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#### **SIXTH ORDER OF BUSINESS**

#### **Consideration of Easement for Turnaround at Commodore Point Drive**

Mr. Torres stated from discussion with staff – Cheryl, Dave, Jason, and myself I don't believe that we have an easement yet. We verified that the property does belong to the developer, and I know that the K-turnaround has been paved. We will wait to see the easement when it comes in, and then we will put it back on the agenda.

Mr. Lyons asked is this going to require us to approve a turn-about when we once get the easement?

Mr. Torres responded it is already there.

Mr. Walters stated this goes back about a year ago, and there were questions originally because K-turn is located on vacant lot, and there was discussion about whether the District wanted to purchase those lots, but we decided against that.

Mr. deNagy stated I think we will have continuing maintenance by accepting the easement, not that that is going to be a big deal because we need road maintenance reserves anyway.

Mr. Walters responded there needs to be a perpetual maintenance entity for that small little piece, and I think that makes the most sense.

Ms. Blessing stated I had asked Mr. Matovina, since it was their property, about putting signage there of No Parking and we would have people towed if they were parking there inappropriately, and he said they had plans to put up signs.

## **SEVENTH ORDER OF BUSINESS**

### **Discussion of Installation of Speed Bumps on Commodore Point Drive**

Mr. Torres stated this item came to us as an email that was sent to Cheryl and requested to be put on the agenda for discussion. Jason has some other discussions he would like to add to this. We will start with Cheryl.

Ms. Graham stated I had a lot of emails and phone calls and requests at membership meetings regarding the speeding. Commodore Point is a very long road, and I have witnessed vehicles coming right behind me quickly so I pull over, and they continue on. There has been an accident that occurred. There is a lot of concern with speeding because there are children in the area. Owners have requested speed bumps. Some have even said they will put them in themselves if the District doesn't take action to do it. Just to get an idea of pricing, there are some that can be self-installed by attaching to the asphalt. They are 6' and 9' lengths.

Mr. Lyons stated the first time this came up, Greg Matovina was still here, and he tabled it by saying that it was too costly. It just stopped at that.

Mr. deNagy stated I think cost needs to be considered. I don't know how many of these things we are looking at installing, if at all, and I don't know what the regulations are regarding traffic calming. These are private CDD roads, so I don't know how that factors into the decision that speed bumps come in or not.

Mr. Walters stated every county is a little bit different on this. In Nassau County in particular, they do not permit speed bumps on any county owned and maintained roadways. We are in a different situation because these are CDD owned roads. Over the last 10 years, there has been a dearth of turnover at Nassau County, in particular in engineering, roads and bridges, and public works. There is not a lot of cohesiveness in terms of the policy. In terms of whether we can do it, I think the answer is yes. If you can see the handout, you can see why a lot of counties and municipalities don't allow them. They do create noise issues. There are conflicting views of whether they actually work. Also, there is some exposure. If you have a speed bump that is put in the wrong spot and causes an accident or it is not properly maintained and causes an accident,

they are certainly going to point to the CDD and say the cause of this accident was the speed bump. That opens us up to a myriad of issues. There is always going to be a handful of people that want them. I have gone through the exercise five or six times, and the vast majority of people will hate them. That doesn't necessarily mean it is a bad idea. The question would be if the District wanted to look into this, what process do we go through? I can tell you St. John's County process, but generally it is a well thought out and very formal process that we wouldn't have to follow to a T, but they do traffic studies to find out if it is one car a day that is speeding or is it 100 cars a day that are speeding and at what rate. How many cars are going through this area? If there is a lot of traffic, they don't often want to put them there because it impacts so many people. They do a traffic study to determine if there is really a need, and they require a certain number of people to affirmatively be in favor of installing speed bumps. I can tell you in St. John's County, I believe it is a certain percentage of the entire community has to respond if you have a questionnaire or a poll. Of that percentage, 75% of those people have to respond affirmatively. They don't want to bend to the will of the vocal minority. If there is 90% of people that don't want them and there is a vocal 10% that does, they don't feel that will justify it. Those are the type things I think the District will be mindful of. When we went through this exercise a couple of years ago in St. John's County, the results came back with a little over 80% of the people responded that they did not want the speed bumps. We went through the traffic study, we went through all of that, we went through the formal process of soliciting input, and it was just an overwhelming no. Not to say that wouldn't be different here, but just from my experience, they are generally very unpopular. They tear up your car, they impede emergency vehicles to a certain extent, and people just don't like them.

Ms. Graham stated we have another HOA meeting coming up, and there is voting that is taking place. What if I had that added to the ballot asking owners to vote whether they are in favor or not for the speed bumps.

Several board members stated that would be great.

Mr. Walters stated I would want to make sure there is enough response.

Ms. Graham stated we have a mailout planned. We have all the candidates, and we have the ballot of who is going to be on it, so it is going to be a mail-in ballot. I can have that added on and get responses from the membership, and it will come from the entire community.

Mr. Rowell asked where are we in the process of the contract with the Sheriff's office for them to provide roadway safety and security so that the Sheriff's office can patrol that area to write tickets instead of putting up speed bumps. That would be a big deterrent. Once people know they are handing out tickets, they are going to slow down. At this point we can't do anything about it because there is no contract between Heron Isles and the Sheriff's office.

Mr. Blessing stated regarding a 6' or 9' speed bump, everybody knows that most of the time they will try to do their best to go around the side to avoid it. With the way the parking is, if somebody does that, and they hit another car or damage property, then they are saying we are responsible is what I understand.

Mr. Lyons could you modify your ballot where you also asked the question would you be willing to have one in front of your house?

Ms. Graham responded okay. You will have the results by the February meeting.

Mr. Torres stated I have added a note to add the speed bump discussion for February's agenda. Ricky, you mentioned something about an agreement with the Sheriff's office to patrol Commodore Point. Do they not do that now?

Mr. Rowell stated it is a private road. If there is an accident or something like that, yes, or a call for service, yes, they will do it. As far as doing traffic control type situation, they won't do that because it is a private road. Heron Isles has to sign an agreement with the county giving them permission to do that.

Ms. Graham stated I have had conversations with them. I haven't done up the documents, but I have to meet with them anyway on some other matters.

All the board members agreed a patrol application/agreement for Nassau County Sheriff's Office should be pursued.

## **EIGHTH ORDER OF BUSINESS**

### **Consideration of Proposal for ADA Website Accessibility**

Mr. Torres stated there is a group that is targeting small municipalities or governmental agencies to see if we are ADA compliant with our website. We have to have a website by law, and the website we currently have does not meet the ADA compliance. To avoid lawsuits, GMS has received a proposal on a bulk basis for all our Districts. The fee is \$1,750 to convert the website to be ADA compliant for the visually impaired.

Mr. Lyons asked Mr. Walters are we actually required to have that?

Mr. Walters responded we are. It is specific to the visually impaired issue, and this allows for the documents to be converted to a format the visually impaired can access. This group has sued some corporations as well. Wynn-Dixie was the notable one that launched this series of lawsuits. Several Districts have already been sued.

Mr. Rowell asked what is the \$1,250 on Page 8?

Mr. Torres responded currently GMS provides the service for the website for \$500 a year. Once we convert to the website and made it ADA compliant, we will continue to provide updates, so you will not receive the \$1,250 a year. All we are asking is to convert it one time, and it is for one year. Thereafter, GMS will continue to maintain it the way we always have. We asking to approve VGlobalTech for a one-time charge of \$1,750 to convert our website to ADA compliance.

On MOTION by Mr. Rowell seconded by Ms. Blessing with all in favor the proposal from VGlobal Tech LLC to perform a one-time conversion of the website to become ADA compliant in the amount of \$1,750 was approved.

#### **NINTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2019-02, Amending the FY18 General Fund Budget**

Mr. Torres stated each year as the budget comes to an end, some of your line items had variances and some didn't. This is a way of cleaning up the budget and making the lines whole and moving the money around. It is a change to our budget from what was adopted. You budgeted \$281,122, and you actually spent \$284,521. We had to bring in cash from our unassigned cash flow.

Mr. deNagy stated reflecting back on last year's operating expenses, the biggest issue we had was the bathrooms, and those are one-time costs hopefully. That had a big impact because it was all unbudgeted items. We had to have it done.

On MOTION by Mr. Lyons seconded by Mr. Martyn with all in favor Resolution 2019-02 amending the FY18 General Fund budget was approved.

**TENTH ORDER OF BUSINESS**

**Approval of Minutes of the August 2, 2018 Meeting**

On MOTION by Mr. Rowell seconded by Mr. Blessing with all in favor the minutes of the August 2, 2018 meeting were approved.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-03 Designating a New Public Depository**

Mr. Torres stated to give a brief synopsis, we are changing banks. We are going from Bank of America to Wells Fargo. In the recent months, we have had several fraudulent checks being "washed." There were three checks; two of them cleared, and one was caught. We made a claim through the Bank of America process to credit those fraudulent checks. As a safeguard, the bank recommends that we change accounts. At this point we prefer to use Wells Fargo. It is more convenient to our accountant.

Mr. deNagy stated you will not see a dramatic change in bank charges between the two financial institutions. They are both obviously qualified.

On MOTION by Ms. Blessing seconded by Mr. Lyons with all in favor Resolution 2019-03 designating Wells Fargo as the new public depository was approved.

**TWELFTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Walters stated I don't have any action items for the board today.

**B. District Engineer**

There was no report.

**C. District Manager**



Mr. Torres stated regarding the election, Justin Blessing did not qualify, and there are no candidates for his seat. We will send out an announcement for Justin's seat and see what public interest we have. The board will vote at February's meeting.

Mr. deNagy stated we went out for bids for District Engineering services earlier in the year. We didn't get any responses. Part of that was our fault for not sending to some of our known engineers. If the board is still interested, given our experience with the pool bond and all of that with our Engineer, very difficult to get a hold of. I would like to suggest we consider an RFP for Engineering Services. This time we will send that information to engineering firms that we deal with rather than relying on a paper ad. I don't know if you are interested in doing that, but there are limited engineering services for Heron Isles. I still would like to have somebody who is a little more engaged. The board members agreed to having an RFP for Engineering Services.

Mr. deNagy continued. For those who don't know, I am retiring. Monday is my last day as a full-time GMS employee. I will still be involved with GMS and working with Ernesto and another District Manager we have training. It has been my privilege to serve the Heron Isles community since 2006.

The board members gave their congratulations and thanked Mr. deNagy for doing such a good job for the community.

Mr. deNagy added when we were working on the pool, a gentleman came in who was an architect and who had drawn up some preliminary plans for the pool. I spoke to him after we decided not to do the pool and asked what he was going to bill the District, and he opted not to bill the District anything. Obviously if there is an interest in the future the board will keep him in mind.

#### **D. Property Manager - Report**

Ms. Graham provided an update. Regarding the landscaping, we had met with Martex about issues that were going on with them. It resulted in a change of management and some of their employees being released. They hired in two new supervisors who are very knowledgeable in landscape management and very focused on making things right in the community. They have been on task with everything they have been assigned to. Regarding Janitorial Services, All Repairs and Maintenance have been very good especially with the construction that was taken on. They did a final clean up after it was all completed to make sure it was all done in time for a community event. I have to change out the door handles on the bathroom doors because they

still have the pushbutton locks on the inside that the contractor had installed. I do have a key so I can unlock that. The magnetic locks are in place and are working so the doors automatically unlock at 7:30 a.m. and automatically lock at 7:30 p.m. There is an emergency pushbutton on the inside bathroom that works. If someone is in there after hours, it clearly identifies on a sign to press the button, and it will deactivate the magnet just so they can open the door. As soon as they close it, it automatically locks again. We will change to passage handles. There was no lock because somebody keeps pushing the buttons right now, so I will have that done quickly. We have already had one attempt where somebody has tried to kick in the walls, but they have been surprised because we reinforced the walls with 3/4" plywood that doesn't kick in so well. The Pavilion is complete, and the surveillance cameras have been reinstalled. One camera is no longer operating. So to have it replaced I have asked them to give me a quote. If the board should decide that you want additional surveillance, if you want to see something on the road, you can have a camera facing in that direction of the parking lot. Another option is to have additional cable run. I will get a quote to present to the board. SG Maintenance has provided a quote for pressure washing. Also, On-Target Renovations was asked to submit a quote to clean the crown caps for each of the masonry columns. They are meeting with me next Thursday to provide their quote and review. SG would like to submit a quote as well. Phase 3 doesn't need anything but the older areas along Heron Isles Parkway need to be repainted.

#### **FOURTEENTH ORDER OF BUSINESS      Supervisor's      Requests      and      Audience Comments**

##### **Supervisor Requests**

Mr. Lyons stated on Starfish Road there is a turn lane, and right at the very end of those markings there is a car that has been parking there. It is blocking the access. You have to go around it to get back in to the turn lane. I think we need a sign right there that says No Parking. I have seen police stop and tell people to move. Now they are parking just on the other side of the lines, and I still think we need to have a sign there saying No Parking in that area.

Mr. Rowell stated the sign that was right there on Commodore Point as soon as you turn onto Commodore Point, somebody parks right there where that sign was. There was a sign that said your junk will be towed at the owner's expense.

Mr. Lyons stated the message box in front of the bathroom has been destroyed.

Ms. Graham stated I am going to have a new door placed on that. A while back we had someone that bent it out of shape trying to get inside to put in their flyers. It was not a resident of the community but wanted to promote their business. It was a landscaping company, but he said he gave them to a friend, and he had no knowledge of where he was placing flyers.

**Audience Comments**

No audience members were in attendance.

**FIFTEENTH ORDER OF BUSINESS      Financial Reports**

**A. Balance Sheet & Income Statement**

Copies of the balance sheet and income stated are included in the agenda package.

**B. Assessment Receipt Schedule**

This item is located in the agenda package.

**C. Approval of Check Register**

Mr. Torres stated the total of the check register is \$93,613.64.

On MOTION by Mr. Rowell seconded by Ms. Blessing with all in favor the Check Register in the amount of \$93,613.64 was approved.

**SIXTEENTH ORDER OF BUSINESS      Next Scheduled Meeting**

Mr. Torres stated our next scheduled meeting is February 7, 2019 at 10:30 a.m. at the Compass Group Conference Room, 961687 Gateway Blvd., Suite 201M, Amelia Island, Florida.

**SEVENTEENTH ORDER OF BUSINESS      Adjournment**

On MOTION by Mr. Rowell seconded by Mr. Lyons with all in favor the Meeting was adjourned.

  
Secretary/Assistant Secretary

 2-7-19  
Chairman/Vice Chairman