

**MINUTES OF MEETING  
HERITAGE OAK PARK  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Heritage Oak Park Community Development District was held on Thursday, June 18, 2009 at 10:00 a.m. at the Heritage Oak Park Lodge, 19520 Heritage Oak Boulevard, Port Charlotte, Florida.

Present and constituting a quorum were:

Olin Earl Bell	Chairman
David C. Davis	Vice Chairman
Julia McIntyre	Assistant Secretary
Douglas P. Blake	Assistant Secretary
Betty Keller	Assistant Secretary

Also present were:

Cal Teague	District Manager
Kim Ueding	Property Manager
Several Residents	

*The following is a summary of the minutes and actions taken at the June 18, 2009 meeting of the Heritage Oak Park Community Development District Board of Supervisors.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Chairman Bell called the meeting to order and Mr. Teague called the roll.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**THIRD ORDER OF BUSINESS**

**Audience Comments**

- R. J. Cusack suggested moving the guardhouse to create needed office space and believed the building can easily be moved. Some trees would need to be trimmed; streetlights may need to be moved temporarily and then returned.
- Joan Loche wanted the Board to consider the addition of two offices with a toilet to be built simultaneously with the maintenance building. She spoke with the Architect, Mr. Huff. She proposed \$60,000 to be taken as a loan at 5% interest

over a five year period. The annual repayment would be \$13,587 or about \$20 per year per resident.

**FOURTH ORDER OF BUSINESS**

**Approval of Agenda and Consent Agenda**

**Consent Agenda Items:**

- The Chairman requested two items be added to the agenda: Repair the Walkway around the Lake and Employee Pay Raises.
- Mr. Teague requested adding under New Business: Setting a Public Hearing Date for Amendment of the Rules for the Lodge Use Policy and Report on the Property Manager’s Performance Evaluation. He wanted Report on the Property Manager’s Performance Evaluation before Employee Pay Raises.

On MOTION by Mr. Davis seconded by Mr. Blake with all in favor the agenda and consent agenda items were approved as Amended.

**A. Approval of the Minutes of the May 21, 2009 Meeting**

- The Chairman stated each Board member received a copy of the minutes of the May 21, 2009 meeting and requested any corrections, additions or deletions.
- Minor corrections were made to the minutes and will be incorporated into those minutes.

On MOTION by Mr. Blake seconded by Ms. McIntyre with all in favor the minutes of the May 21, 2009 meeting were approved as amended.

**FIFTH ORDER OF BUSINESS**

**Old Business**

**A. Maintenance Garage Discussion**

- Mr. Blake spoke with the Architect by telephone a few days ago who stated he is on schedule. He will have finished drawings and a bid by the July meeting.
- Ms. McIntyre was surprised and disturbed when she heard a resident in the park called Mr. Huff who was hired by the CDD on behalf of the residents and asked him to prepare a quote. The Board already discussed the option which would have cost over \$60,000. She is not happy a resident would take it upon herself to contact the Architect the CDD hired. She thought those kinds of requests should

go through a Board member who would then contact the liaison, in this case is Doug Blake, in order to proceed in the proper manner.

- Mr. Blake noted Ms. Loche identified herself this morning as the person who contacted the Architect. At first, he was taken aback. He discussed it with Ms. Loche and told her she is a free citizen and free to do what she wants. Whatever she does between herself and Mr. Huff is between them.
- Mr. Huff contacted Mr. Blake to inform him he is putting together rough estimates he will send to Ms. Loche. Mr. Blake explained to him that his charge from the Board stands and the Board is not obligated for anything other than what is within the contract and that is how it was left.
- Ms. McIntyre hoped Mr. Huff understands that any billing for that work should go directly to the requester and not to this Board since it was not requested by this Board.

**B. Drainage Improvements**

- Mr. Blake noted the engineers are on track; getting bids for the various areas discussed at the Board's previous meeting and he fully expects to have those by the July Board meeting.

**C. Change of Office Location**

- Mr. Blake noted following the June 11<sup>th</sup> continued meeting, two residents approached him and asked why the Board did not consider exchanging the manager's office with the storage room.
- He measured both places and made a scale drawing. There appears to be adequate space.
- The rest of the Board discussed Mr. Blake's idea.
- Mr. Blake will look into this further including cost and report back at the July Board meeting.

**D. Telephone System Update**

- The Chairman noted he and the Property Manager were having a lot of trouble getting telephone companies to respond to requests on the new telephone system and service.

- The Board agreed to wait to make a decision on the above until they decide what to do regarding the office space.
- The Property Manager will see if Ms. Bitgood, a resident and former consultant, will volunteer in assisting in designing a system for the community.

**SIXTH ORDER OF BUSINESS****New Business****A. Property Manager's Performance Evaluation**

- Mr. Teague noted each supervisor completed an evaluation of the Property Manager's performance to date. He assembled all comments and tabulated them.
- Ms. Ueding received a very good evaluation. On a scale of 1 to 5, she received 3.87 which is high. Nothing was lower than a 3.67 and the highest was 4.17.
- There were constructive comments by Board members on how to improve her performance. Goals for 2010 were established and reviewed with Ms. Ueding.
- After more discussion, the Board authorized the Property Manager to give up to 3% pay increase to employees based on satisfactory performance when she conducts their annual evaluations.

On MOTION by Mr. Blake seconded by Ms. McIntyre with all in favor the Board authorized the Property Manager to increase the annual wage for employees based on a satisfactory performance measured by a written performance evaluation up to 3% with the increase to be given after the performance evaluation and effective upon the employees anniversary date of employment.

- Mr. Blake agreed with Mr. Teague's summary that in general any performance increase for the Property Manager should be in line with what has been authorized for the other employees. Considering the circumstances of Ms. Ueding's anniversary of her first year and recognizing she had a good performance, he recommends a 2-1/2% increase.

Mr. Blake MOVED to increase the Property Manager's annual pay by 2-1/2% and Ms. McIntyre seconded the motion.

On VOICE vote with all in favor the prior motion was approved.

**B. Employee Pay Raises**

- The Chairman noted Tony Miller, Maintenance Technician, has successfully completed his 90-day probationary period per the Property Manager's report and is requesting a \$1 per hour increase, bringing his salary to \$12 per hour.
- The Chairman noted this pay increase would be retroactive to his anniversary of 90-days which is Tuesday, June 16, 2009

On MOTION by Ms. McIntyre seconded by Ms. Keller with all in favor the Board approved increasing the Maintenance Technician, Tony Miller's salary by \$1 per hour to a total of \$12 per hour effective on the anniversary of his 90 day probationary period.

**C. Setting a Public Hearing Date for the Amendment of the Rules for the Lodge Use Policy**

- Mr. Teague noted the Board does not have enough time to advertise in the required time frame for the July meeting. He recommended August 20, 2009 at 10:00 a.m. which is the date of the budget public hearing.

On MOTION by Ms. McIntyre seconded by Mr. Blake with all in favor the Board approved setting the public hearing for establishing the rules for third party Lodge Use Policy on August 20, 2009 at 10:00 a.m. at the Heritage Oak Park Lodge, 19520 Heritage Oak Boulevard, Port Charlotte, Florida.

**D. Repair Sidewalk / Lake Bank Area**

- Mr. Teague noted the Property Manager received a proposal from CMR to remove and replace the sidewalk at a cost of \$1,860 and to install rip rap from the sidewalk to the waters edge at a cost of \$1,800. They would need to find someone locally to do the concrete. At a cost of \$1,500 piping can be installed to address the roof drain issues. The Board asked if this is a total fix or a patch.
- Ms. McIntyre thought the Board should go with a temporary solution today. We have a reconstructing the sidewalk solution; we have some rip rap, but we do not

have a quote for burying the drains. She is not sure if the Board is ready to vote on this issue.

- Chairman Bell wanted the sidewalk repaired. The area is in dire need of repair in order to reopen to the public.
- Ms. Keller felt we need to immediately look at the whole situation so it does not continue happening and keep spending money on this down the road.

Ms. Keller MOVED to fix the area that is deteriorating now and look at all the problems around the lake and then bring it back to the Board for final repairs on everything so we do not have to keep returning to this problem and Ms. McIntyre seconded the motion.

- Ms. McIntyre noted it is unfortunate we do not have a quote for the burying issue today.
- Mr. Teague noted this contractor can put in a yard drain to the lake for \$425.
- Mr. Blake noted if we are connecting the downspouts of the condos, then the HOA is involved. We need their participation to do this. The CDD cannot spend money on private property.
- Ms. McIntyre noted the HOA would not be involved; the Condo Association would be involved. When we did this in the past when Bob Fernandez was here before Mr. Teague, we ended up deciding the CDD would pay for it. They said then it was a drainage issue and the CDD ended up paying for it. Where the downspouts are buried we do not have a problem; it is where they are not buried there is a problem.
- Mr. Blake noted if we proceed with the immediate proposal and then connect the drains later we can do that. For an immediate solution we can approve the proposal before us and then proceed to work on the permanent solution connecting all of the drains down the road. However, something must be done now, the sooner we get this accomplished the better.
- Ms. McIntyre noted we are not fixing the cause; we are fixing the affect of the problem, not the cause. She is surprised Mainscape in a month could not get a quote.

Ms. Keller MOVED to fix the lake bank area that is deteriorating per the proposal from CMR now and look at all the problems around the lake and then bring it back to the Board for final repairs on everything so we do not have to keep returning to this problem and Ms. McIntyre seconded the motion.

- Mr. Davis suggested we bury those one or two drains underneath the concrete along with the patch job we are discussing and then pursue doing any remaining drains as soon as possible.

Ms. McIntyre MOVED to amend the prior motion by authorizing the Property Manager to spend up to \$1,500 for burying the drains and if more money is needed, the Board can discuss it at the next Board Meeting and Mr. Blake seconded the amended motion.

- Mr. Blake noted we approved an amendment to the motion, but we still have to vote on the original motion.
- Ms. McIntyre noted Ms. Keller in her motion did not specify a contractor; she made a motion we proceed to fix this, but it was generic enough that it would allow us to use a different subcontractor. She proposed we vote down the original motion and start with a new motion.

On VOICE vote with Mr. Bell, Mr. Davis, Mr. Blake, Ms. Keller and Ms. McIntyre voting nay, the original motion failed.

On MOTION by Ms. McIntyre seconded by Mr. Blake with all in favor the proposal from CMR was approved to appropriate \$3,660 for repair of the sidewalk and installation of rip rap and appropriate \$1,500 for burying downspouts and for the Property Manager to use this money to accomplish this goal and if it costs more than that amount, then she will return to the Board next month to tell the Board the amount.

**SEVENTH ORDER OF BUSINESS**

**Engineer's Report**

- There not being any, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Community Development District  
Planning Committee**

- Ms. McIntyre had no report and reminded everyone there is no meeting in July. The next meeting is the first Tuesday in August.

**NINTH ORDER OF BUSINESS**

**Supervisor/Committee Reports**

- The Chairman noted we received correspondence from the two-story condominium regarding the back wall. The Property Manager received quotes from vendors. The proposed cost for the CDD portion to repair the back wall is estimated at \$700 from one contractor and the two-story was \$270, or an estimated total of \$1,000. We entered into discussions with vendors.
- We received a request from the Community Disaster Committee for purchasing plywood shutters to secure the windows in the sports bar. If the Board has no objections, we will put it on the agenda next month.
- Ms. McIntyre wanted to discuss the issue now. It will cost approximately \$200 to purchase plywood before a storm and be removed after a storm. She would like to see the Property Manager purchase the plywood.
- The question was where to store the 12 sheets of plywood.
- The Board decided to delay making a decision until the Property Manager can identify storage space.

**TENTH ORDER OF BUSINESS**

**Manager's Report**

- A. Acceptance of Revised Audit with Grau & Associates for Fiscal Year 2008**
- Mr. Teague noted his first item is the revised audit. It was suggested at the last meeting the language on page 16 was incorrect and, therefore, the auditors revised the language.

On MOTION by Mr. Blake seconded by Mr. Davis with all in favor the revised audit performed by Grau & Associates for Fiscal Year Ended September 30, 2008 was accepted.

**B. Questions and Comments on the Proposed Budget**

- Mr. Teague noted this is an opportunity for the Board to give any additional feedback or comment.
- Mr. Teague pointed out the budget can always be changed, but the assessment rates cannot be increased.

**C. Approval of Financial Statements and Check Register**

- Mr. Teague asked for questions or comments on the financial statements and the check register.
- Mr. Blake noted it was anticipated we were going to paint the exterior of the Lodge in this year’s budget. The amount of the quotes for the interior and the exterior exceed the budget so he assumes the difference will come out of the General Fund.
- It was pointed out the interior was scheduled to be painted next year and the exterior this year.

On MOTION by Mr. Blake seconded by Ms. McIntyre with all in favor the financial statements and check register for the period ending May 31, 2009 were accepted.

**ELEVENTH ORDER OF BUSINESS**

**Attorney’s Report**

There being no report, the next item followed.

**TWELFTH ORDER OF BUSINESS**

**Property Manager’s Report**

**A. Update on Miscellaneous Activities**

- The Property Manager noted she has a quote from Mazzoni for pressure cleaning for both sides of the Peachland Boulevard wall for \$1,400.

Mr. McIntyre MOVED to accept Mazzoni’s quote in the amount of \$1,400 to pressure clean both sides of the Peachland Boulevard wall as soon as possible and Mr. Blake seconded the motion.

- The Chairman noted 234 feet of that wall does not belong to the CDD. For us to clean it, means doing work on private property at public expense. He is concerned about that.

- Mr. Blake noted can we ask Ms. Ueding to contact the Garage Condo Association and whatever other entities may have a garage common to the fence and explain we are having the fence cleaned; will figure out the linear foot cost based on that charge of \$1,400.
- The Chairman noted it is 234 linear feet and according to the quote it is \$1.41 per foot or roughly \$330 cost to the garage owners. We are talking about 18 units.

On VOICE vote with Mr. Davis, Mr. Blake, Ms. McIntyre and Ms. Keller voting aye and Mr. Bell voting nay, the prior motion passed.

- Ms. Ueding requested the Architectural Committee approve installing a seamless gutter along the back side of the Lodge, the part facing the swimming pool. They gave their approval. She received a quote from Brigon Construction at a cost of \$1,375. She received a quote for downspouts at a cost of an additional \$300.
- Because there were many questions by the Supervisors about the gutters, Ms. Ueding noted there is another option to consider. Instead of putting up a gutter, we can put rock in the grass areas where the rains come down. The concrete people she spoke to suggested rather than put this type of concrete in and patch it, the Board may consider doing pavers or something more solid that can take the rainfall. She will check and bring back information to the next meeting.

On MOTION by Ms. McIntyre seconded by Ms. Keller with Ms. McIntyre, Ms. Keller and Mr. Bell voting aye and Mr. Davis and Mr. Blake voting nay the Board approved Brigon Construction installing the gutter on the Lodge at pool side at a cost of \$1,375 with an additional \$300 for down spouts.

- The Property Manager noted her next item is asphalt repair. She contacted eleven companies and received only one proposal from Asphalt Repair Service at a cost of \$6,528 and recommended accepting this proposal, but she can still try to get another asphalt company to give a proposal at a lesser cost. It has been very difficult to get asphalt or concrete firms to come to the park for a small job.

- Mr. Teague noted he knows a couple of contractors who can give an alternate proposal. But if the Board has an interest in approving this, he suggests approving the project at a cost not-to-exceed \$6,528.

On MOTION by Ms. McIntyre seconded by Mr. Davis with Ms. McIntyre, Mr. Davis, Ms. Keller and Mr. Bell voting aye and Mr. Blake voting nay, the Board authorized the Property Manager to proceed with asphalt repairs at a cost not-to-exceed \$6,528 with the best contractor she can find.

- Ms. Ueding spoke about flooring in the exercise room at the same time the equipment will be replaced. She received two quotes; one from FitRev to put a solid piece of rubber which would be glued at a cost of \$1,827.48. She received a price from Happy Home to put interlocking pieces at a cost of \$3,480.36.
- There was a discussion on purchasing the equipment.
- Ms. Ueding noted she does not recommend the Maintenance Technician do the work itself because he does not have the knowledge of lifting the tile floor up and putting this type of product down. She suggested having an outside source do it.
- If we are putting in new exercise equipment and the floor is in bad condition and needs to be replaced; now would be a good time to replace the tiling.
- Mr. Blake suggested the Board accept FitRev's proposal for \$17,156.01 which includes \$1,109.27 sales tax and \$200 for shipping.

Mr. Blake MOVED to approve the proposal from FitRev for exercise equipment at a cost of \$17,156.01 which includes \$1,109.27 sales tax and \$200 shipping on exercise equipment and approval of the proposal from Happy Home for interlocking rubber flooring at a cost of \$3,480 and Mr. Davis seconded the motion.

- Mr. Davis noted he would like some input from the residents whether the equipment they are considering purchasing is what they want.
- The Property Manager noted she spoke to residents who agreed to purchase three treadmills and one elliptical exerciser.

On VOICE vote with all in favor the prior motion was approved.

- Ms. Ueding has received comments on how bad the pond looks. We have had an issue with the pond water escaping the pond somehow. We now have the water on a timer going into two sections of the pond for 20 minutes four times per day. We are working on this problem, but if water keeps flowing out we may have to stop the waterfall part of it. Another option is to completely redo the pond, which she does not think anyone wants to spend that kind of money to redo.
- Ms. Ueding wanted to inform everyone the Lodge will be closed June 23<sup>rd</sup> all day and all night for carpet cleaning.
- Ms. Ueding noted residents' complaints of horseplay, rough housing, screaming and yelling at the swimming pool. She plans to add two additional rules to the pool and redoing the sign. Those include: *"No running, jumping or horse playing in or around the pool area"* and *"No unnecessary, loud noise or yelling permitted at any time around the pool"*.
- Ms. Keller has heard many complaints as well and believes we are the only community that does not have an identification system. She proposes starting an identification tag program. The tag should be carried at all times if they use the pool or other facilities showing they live in the park. If they bring a guest, a guest pass should be required for each guest. No one knows who is who anymore, whether they are guests, people off the street or whoever.
- The Property Manager noted the Disaster Readiness Committee talked about making passes and they were going to get volunteers to get pictures and getting people to sign up. We would probably have to charge a minimal fee to cover this.
- The Property Manager noted she had nothing against children, but the pool is basically for older people who want the peace and quiet of the pool.
- Ms. Keller would like to see ID passes put into effect.
- The Chairman requested Ms. Keller work together with Ms. Ueding to implement some kind of program and bring it back to the Board.

- Ms. McIntyre requested Mr. Teague's opinion on what recourse the Board can take.
- Mr. Teague noted having a program in place will give the Board an opportunity to monitor. Legally, you cannot have anyone arrested, but can call the police department.
- It was suggested getting a resident volunteer to monitor the pool.

**THIRTEENTH ORDER OF BUSINESS                      HOP Community Association Report**

There not being any, the next item followed.

**FOURTEENTH ORDER OF BUSINESS                      Supervisor Requests**

- Ms. McIntyre noted the poor appearance of the Lodge as you walk inside; the paint needs to be touched up, plants need some attention, it looks barren and wanted a little attention to this.
- Ms. Keller noted the red awning in the fitness room is getting very faded and not nice looking anymore.
- Mr. Blake wanted the issue of getting the Lodge painted settled at the next meeting.
- The Property Manager noted she is looking into the landscape issue and knows some areas need to be beautified.

**FIFTEENTH ORDER OF BUSINESS                      Audience Comments**

- Marge Biclawski voiced concern regarding the real estate in the park, foreclosures, low rentals and feels this presents problems even though she knows it is a sign of the times. She was to an area recently that offered Sunday Afternoon Open Houses and thought that was a good idea. This suggestion will be passed on to the Homeowners Association.
- Gloria Grace spoke about her concern for the bocce court. There are 12 to 16 residents who would like to play bocce once or twice a week, but are unable to because of the condition of the court. What procedures are being made for repairs? She sees no positive progress being made. It is in such disrepair it is almost impossible to play.

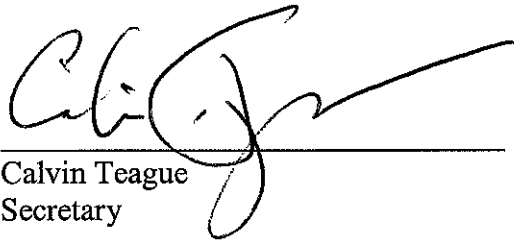
- The Chairman noted the Property Manager has inquired about costs to repair the bocce courts. Quotes from vendors were between \$18,000 and \$30,000.
- Joyce Kraft spoke about the bocce courts and the budget.
- Jess Blanton spoke about the sports bar and plywood.

**SIXTEENTH ORDER OF BUSINESS**


**Adjournment**

There being no further business,

On MOTION by Mr. Blake seconded by Mr. Bell with all in favor the meeting adjourned at 12:52 p.m.



Calvin Teague  
Secretary



Olin Earl Bell  
Chairman