

**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, November 1, 2022, at 4:00 p.m.** at the **Heritage Harbour South Stoneybrook Golf Club located 8000 Golden Stone Harbour Loop, Bradenton, FL 34214.** The following is the agenda for this meeting.

Present and constituting a quorum were:

Mike Neville	<b>Board Supervisor, Chairman</b>
Tad Parker	<b>Board Supervisor, Asst. Secretary</b>
Philip Frankel	<b>Board Supervisor, Asst. Secretary (via Phone)</b>
Tom Bakalar	<b>Board Supervisor, Asst. Secretary</b>
Robin Spencer	<b>Board Supervisor, Asst. Secretary</b>

Also present were:

Christina Newsome	<b>District Manager; Rizzetta &amp; Company</b>
Matthew Huber	<b>Regional District Manager; Rizzetta &amp; Company</b>
Andy Cohen	<b>District Counsel; Persson, Cohen Mooney, Fernandez &amp; Jackson P.A.</b>
Rick Schappacher	<b>District Engineer; Schappacher Engineering</b>
Gene Ziener	<b>Representative; MHOA</b>

Audience	<b>Present</b>
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**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Newsome called the meeting to order at 4:03 PM.

On a Motion from Mr. Neville seconded by Mr. Bakalar, with all in favor, the Board approved the participation and voting of Mr. Frankel by phone, for the Heritage Harbour South Community Development District.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

There was audience present. The Board opened the floor for comments and many residents voiced their concerns regarding a noise from SR64 and are requesting that a noise barrier be placed. Residents stated that there is a lot of

noise pollution in the area from the racetrack on 64 along with produce trucks passing by when in season. Residents also let their concerns be heard regarding the open fence along 64 and stated that there have been car thefts and break-ins because people can just walk around the gate. They stated that the noise barrier will also help to act as a deterrent for things such as this. A wall being built was one option that was mentioned by the residents in the audience. The board then thoroughly discussed the noise barrier concern and the District Engineer weighed in and gave his opinion. The question of responsibility, costs, and the effects on the residents not as directly affected by the noise were also discussed. Residents were instructed to begin to call the county code enforcement to make them aware. The District Engineer will investigate the possibility of setting up a noise meter to measure the noise levels at that location and report the findings.

**THIRD ORDER OF BUSINESS**

**Plaque Presentation**

The plaque for Mr. Parker will be presented at the next meeting.

**FOURTH ORDER OF BUSINESS**

**Consideration of Minutes of Board of Supervisors Regular Meeting Held on October 4, 2022.**

On a Motion from Mr. Parker seconded by Mr. Frankel, the Board approved the minutes as amended for the October 4 meeting, for the Heritage Harbour South Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Ratification of Amended Minutes of Board of Supervisors Regular Meeting Held on September 6, 2022**

On a Motion from Mr. Neville seconded by Mr. Bakalar, with all in favor, the Board approved the ratification of the minutes from September 6, 2022, as amended, for the Heritage Harbour South Community Development District.

**SIXTH ORDER OF BUSINESS**

**HOA Updates**

**1. Heritage Harbour Master HOA**

Mr. Ziener gave the updates for the HOA, standing in for Mr. Fisher, he stated that the master is working to repair all potholes and will not be reimbursing anyone for damage to tires. He also stated that there is still storm debris that needs to be removed near Beacon Lake. Mr. Zeiner also asked to be part of the committee that will be reviewing the ponds around holes 3, 15 and 17, he also requests that Mr. Schappacher and Mr. Bruce be part of the committee as well.



84           **2.       Stoneybrook HOA**

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86           Not present, no report given at the time.

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88           **3.       Lighthouse Cove HOA**

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90           Not present; no report given at the time.

91           **4.       Golf Course Update**

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93           Mr. Bruce updated the board on the progress of the golf course renovations.  
94           He stated that the front 9 holes will be opened for residents and members on  
95           November 3<sup>rd</sup> and then November 4 it will be opened for the public to come  
96           and view. The back 9 holes are targeted to come online around Thanksgiving  
97           weekend. Lake bank repairs are still in process, and he is working with the  
98           master as well as pond pros to come up with water level plants and bank  
99           plants to help sustainability. Mr. Cohen has received comments from Mr.  
100          Bruce's lawyer regarding the easement and nothing at first glance there  
101          seems to any major issue, the exhibit is still needed to show the path. It was  
102          confirmed that the golf course would be responsible to put in the crosswalk, to  
103          include signage as needed and a speed bump in one location.

104       **SEVENTH ORDER OF BUSINESS**

**Staff Reports**

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106       **A.       District Counsel**

107           **1.       District Counsel Update**

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109           Mr. Cohen reported back on the status of the lender foreclosure where the  
110           district was improperly named. After his review of the docket, he found that  
111           nothing significant had occurred, except a couple of returns of services were  
112           posted, and the case made no forward progress, he will continue to update  
113           the board with any changes. Mr. Cohen informed the board that he has not  
114           heard anything back regarding the Lennar conveyance even after reaching  
115           out to Lennar's attorney, he has received no reply. He also reached out a  
116           couple times to the attorney for JLH regarding the easement and has heard  
117           nothing back from him as well. he also reached out to the attorney for  
118           Stoneybrook and the Master, he confirmed that the attorney had heard  
119           nothing as well.

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121       **B.       District Engineer**

122           **1.       Presentation of Radar Reports from May 30, 2022, to**  
123           **September 4, 2022**

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125           Mr. Schappacher presented the radar report to the board. There were no  
126           significant speeding issues after the information was compiled. One of the  
127           signs is malfunctioning and he is working on diagnosing the problem and  
128           having a report for the board by next meeting. Mr. Schappacher informed the

board that replacements for 2 grates that have deteriorated have been ordered, but the delivery time on those are 12- 15 weeks. The grates have been properly flagged for safety. Mr. Schappacher will be following up with the pressure washing vendor to get an updated timeline on when the work will be completed. An additional 10 to 12 places for signs for the wetlands need to be ordered and he will be contacting the same vendor to order the signs and have the vendor honor the same rates. The Board and District Engineer discussed when Manatee County will be removing the debris from the hurricane, as the pickup schedule has been erratic. Mr. Schappacher will reach out and figure out who the contact is for debris removal and report back to the board.

**C. District Manager**

**1. Review of District Manager Report**

Ms. Newsome presented the district manager report to the Board. Ms. Newsome informed the Board that the next meeting is scheduled for December 6, 2022, at the golf course. She is still working on the verbiage for inappropriate dumping in the wetlands and putting the rules together for the Board to have a reference sheet. Mr. Huber gave the Board an update on the status of financials for the District and the switch over to new accounting software which is causing a delay in financials, as the reports and presentation of information is different from one program to another. After financials are all caught up, there will be training to give Board supervisors the limited access to the accounting software to view items such as invoices in the new software. The Board each gave their opinions and concerns about the new program and the delay in financial information as they are responsible for the funds of the taxpayers in the community

**EIGHTH ORDER OF BUSINESS**

**Old Business**

There was no old business that needed to be discussed.

**NINTH ORDER OF BUSINESS**

**New Business**

**A. Vacancy Announcement Report**

The vacancy announcement for Seat #5. It was announced that all who have entered resumes are still under consideration and any additional resumes will be reviewed by the board, and a decision for Mr. Parker's successor will be made at the next meeting, as the seat cannot be declared vacant until November 22. Board heard from Eric Hallberg who has submitted a letter of interest to the Board for the upcoming vacancy

**B. Presentation of Amended Budget for Fiscal Year 2021-2022**

Ms. Newsome presented the budget amendment, and the Board expressed their reservations about signing with no updated financials or prior review by



counsel. Mr. Cohen informed the Board that the budget amendment must be submitted to the County within 60 days of the end of the fiscal year, which in this case would be November 30<sup>th</sup>.

On a Motion from Mr. Neville seconded by Mr. Bakalar, with majority in favor, the Board approved to extend the meeting to 6:30 p.m. for the November 1, 2022, Meeting, for the Heritage Harbour South Community Development District.

Discussion ensued regarding the methodology and the difficult nature of the process as it applies to the district. An example of the budget reallocation will be provided to the Board. The Board was very uncomfortable with signing the resolution and discussed the options of continuing the current meeting or moving the December meeting up a week to the end of November so the Board can fully review the amendment and get it submitted before the deadline. A request was also made for Rizzetta to cover the costs of the meeting as it would be one out of the normal schedule. Mr. Huber offered the Board a copy of accounting workbooks that show how much the Board was trending over budget or a graph/report that shows how the numbers for the amended budget was reached. The Board expressed their reservation regarding this as well.

On a Motion from Mr. Bakalar seconded by Mr. Neville, with all in favor, the Board approved to extend the meeting for 15 minutes for the November 1, 2022, Meeting, for the Heritage Harbour South Community Development District.

On a Motion from Ms. Spencer seconded by Mr. Bakalar, with all in favor, approved to change the December 6<sup>th</sup> meeting date to November 28, 2022, at 4:00 p.m., for the Heritage Harbour South Community Development District.

**TENTH ORDER OF BUSINESS**


**Supervisors Requests**

There were no supervisors' requests at the time.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Frankel, seconded by Mr. Bakalar, with all in favor, the Board of Supervisors approved to adjourn the meeting at 6:45 p.m., for the Heritage Harbour South Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman