

**MINUTES OF MEETING
HEMINGWAY POINT
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Hemingway Point Community Development District was held on Wednesday, January 27, 2021 at 2:00 p.m. at Waterstone Bay Clubhouse, 1355 Waterstone Way, Homestead, Florida 33033.

Present and constituting a quorum were:

Anthony Pellicano
Russell Brick
Cheryll Angell
Roy Spallone
Carlos Suarez

Chairman
Vice Chairman
Assistant Secretary
Assistant Secretary
Assistant Secretary (by phone)

Also present were:

Paul Winkeljohn
Scott Cochran
Ben Quesada
Several Residents

District Manager
District Counsel (by phone)
Waterstone Clubhouse Director

FIRST ORDER OF BUSINESS

Oath of Office for Mr. Roy Spallone

(This item was inadvertently skipped over and was taken up at the end of the meeting)

SECOND ORDER OF BUSINESS

Roll Call

Mr. Winkeljohn called the meeting to order and called roll.

THIRD ORDER OF BUSINESS

**Approval of the Minutes of the
November 25, 2020 Meeting**

Mr. Winkeljohn: Your minutes from your November 25th meeting have been circulated, if those are in order a motion to approve would be appreciated.

On MOTION by Ms. Angell seconded by Mr. Brick with all in favor, the Minutes of the November 25, 2020 Meeting were approved.

FOURTH ORDER OF BUSINESS

Consideration of Resolution #2021-05 Recognizing the Contributions of Mr. Osmay Torres

Mr. Winkeljohn: We've had a draft of the resolution #2021-05 at the last meeting but we didn't take a vote authorizing it, so if there's a motion to approve resolution #2021-05 that would be in order, and we're putting it into a frame, do you have that Ben?

Mr. Quesada: I'm still working on that.

Mr. Winkeljohn: Ok, so once we get it finalized with a nice hangable mountable version of it we'll get it to him, but by motion it would be appropriate for the Board to approve that.

Ms. Angell: I thought we made a motion for that.

Mr. Pellicano: I thought we did last time.

Mr. Winkeljohn: It was a draft, so we didn't approve it by motion.

Ms. Angell: Ok.

Mr. Winkeljohn: Is there a motion?

Mr. Suarez: Paul, I can barely hear everybody else in the room, I can only hear you.

Mr. Winkeljohn: Right, we're a little bit constrained, but I'll repeat it. Cheryll had the motion to approve. Is there a second?

On MOTION by Ms. Angell seconded by Mr. Brick with all in favor, Resolution #2021-05 recognizing the contributions of Mr. Osmay Torres was approved.

Mr. Winkeljohn: And this was just approving the prior resolution draft in final form.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Cochran: Just a couple of things, one, I apologize I'm not there in person today, I know you guys are trying to limit the number of people there, and I'm feeling a little bit of a cold coming on myself, so I figured it was best to stay remote for today so sorry I can't

see you all there. I don't have a whole lot to report since the past meeting, but I prepared the old maintenance agreement per the Board's approval, so that's ready to go. That's about all I have for today, don't have anything specific to discuss. I don't know Paul, were you going to bring up the website management thing during your report?

Mr. Winkeljohn: Well, not really, that's just going to be internal, but I can announce it now. Basically, my office does all of your website maintenance and your updates and things like that, and your website is in a different format than all of our other websites, but it's a similar format as South-Dade Venture, so Ben's company, through Ben, is doing the updating, so he's going to get the money, not me basically, for that work. It's already in our contract for it, but I'm allowed to pay whoever does the work.

Mr. Pellicano: As long as it's updated, I'm good with that.

Mr. Winkeljohn: Right, and there's no change to you guys, it's invisible to you all, but I'm just letting you know he's the guy I point to when I need it done, because my office has about 200 of them, and they're all in one format and to learn two websites in a different format, it's not easy for my staff to be good at two different ones, they're really good at one. So, it's just easier and more efficient, Ben keeps up on you guys because he's able to come to your meetings and stuff, so it's more seamless, and that was all that was.

B. Engineer

Mr. Winkeljohn: I'm trying to remember if we had anything from Juan, if we had any engineer topics that were still outstanding. I don't believe so, other than our county issue, but there's been no activity on that.

Mr. Brick: The only thing I would like to see happen is, I would like to see Marco Gonzales get his sidewalk fixed, I mean it's ridiculous.

Mr. Winkeljohn: Right.

Mr. Brick: His kids are out there playing, they trip and fall, that's a problem.

Mr. Pellicano: I agree with Russ, but I have some stuff also, not on that but similar, but when we're done, when we go around, we'll do that, we'll make sure we got everybody.

Mr. Winkeljohn: Right, and basically there's no additional report from our engineer.

C. CDD Manager

Mr. Winkeljohn: Under manager, I already mentioned how we're handling the website. The pool, I'll give you guys an update on the pool credentials. We put 6 batches

January 27, 2021

Hemingway Point CDD

out, and I'm trying to keep each batch at 25 IDs just for the workload. The way that it works, just so all of you who haven't done it, once a person applies and the people who haven't figured out how to apply on the form, they just email me and that starts the process, I send them the form in another format, so both are working the online form and direct connections, but either way, once they fill out the form and we split them into 2 buckets. Either they're the resident owner or they're a renter, once they're a renter they go into the bucket where they have to submit a sworn affidavit from the actual property owner, that they are the member utilizing the property. Remember how our rules are, to use the pool you have to be a member, which means you pay the assessment. So, if you're not a property owner, you're not directly the member until the member designates you. Once they designate you, they can't also be the member, so it's a good housekeeping process, nonetheless. It's gone pretty well, it had a couple of glitches that we've been able to work out, the camera is up and working, the camera system basically notifies me when more than 20 people have gone through the gate and not exited because there's a difference. If they go through the back gate, that's an error that I sort of assume in the system, but once I get 20 clicks, I get an email, I can look at the camera as see if the numbers are real, like if it's still only 5 people, I can ignore it, but if it's 50 people, I can turn off the entry so there's no more new entrants allowed in. Obviously, we know there's human error, somebody could hold the gate open, things like that, but it's a pretty good effort at maintaining the volume that we're hoping for, I think so far so good. It's also cold, except for today maybe or this week, it warmed up a little bit, but it's been cold, so the numbers aren't so bad. As we get through the role out and everyone their credentials, I think the pool should function as normal.

Mr. Pellicano: So, I have one thing on that, and I'm not able to, by laws and codes tell you about what's going on with the pool issue, I just have to be over there. So, I didn't text Paul or call him the other day because there's been an issue the last couple of days with the front gate sensor, it's been green and not red so it's blocking. We got that fixed, that was just a timer issue with the system, because I don't want any kids pulling that open and run into the pool and drown or something, but we did get that fixed, so that's all set already, I just wanted you to know. So, we fixed it, Kevin was over there and he fixed it when he finalized the camera. I checked this morning, and I checked it earlier today, and it's been fine, so that's fixed.

Mr. Spallone: So, 20 people at a time?

Mr. Winkeljohn: That's where I get the notice and could move that around but that seems to be a good baseline for alerts, but if anybody sees anything, just shoot me a note and it's our solution to not have onsite capabilities full time, like an office, like here or some other places. So, it's a good work around that hopefully when other incidents happen the ability to remotely turn off the access to the gate is a nice capability. It won't solve all of our problems, we know that, but it certainly helps. The painters, once the holiday decorations were done the first week in January, the repair team came in and fixed the trim, they finished last week and then the painter came in and did his cleaning. He set up all of his protective flooring and all the masking that was required, he did a really nice job there, and he started painting. He's doing the accents today, and he also threw in the lettering, he repainted the lettering as a favor, that wasn't in the original price but he's doing it.

Mr. Pellicano: One thing with that, I know we spoke about the roof, was that fixed yet or no?

Mr. Winkeljohn: Well, yes that was part the repair was to repair the trim.

Mr. Pellicano: Ok, sounds good, I just wanted to make sure because they painted and when it rains again, whenever it starts raining, that black mold will come back. Ok, so we're good.

Mr. Winkeljohn: Yes, part of the painting is to change the paint on the roof so it doesn't create that color. So, that's all happening and we're pleased about that. The pool contractor, you heard our attorney mention that he finalized that agreement. They've been working, and while they were being set up, we replaced filters, replaced one or two of the chlorinator systems which were out, so that's all functioning much better. There was a lot of water loss because it hasn't rained for a long time, so the pool had to have water added to it a little more frequently. He repaired the front fountain piping that was broken, got that done, I haven't seen it lately.

Mr. Pellicano: It's still not working.

Mr. Brick: It's not working.

Mr. Winkeljohn: Ok, I'm not sure, maybe the pool guy had it turned off for the painting, but I'll check on it.

Mr. Brick: That makes sense.

Mr. Winkeljohn: But he's at least going there, he's sending me pictures of his repairs and stuff, so that's forward progress, but eventually we'll get that going. That's the general type of activities that have been going on since our last meeting.

D. Property Manager

Mr. Winkeljohn: Your HOA manager, I can't remember her name.

Mr. Pellicano: Wendy.

Mr. Winkeljohn: Yes, Wendy, I have two Wendy's.

Mr. Pellicano: Is she on the video conference, she was supposed to be?

Mr. Winkeljohn: I didn't see her but let me check.

Mr. Pellicano: If she's not, that's ok, she was going to try to make it.

Mr. Winkeljohn: Right, but I've been in pretty regular communication with her, she's been good, asking questions, and I explained to her when an FPL light is out, the best thing to do is go into their power outage system, put in the pole number, and anyone in that area is good, the more the merrier. That's how that system works, they're on a completely electronic dispatching system, phone calls don't really do it, so it's going on to their website, and putting in complaints that a light is out, or something like that.

Mr. Pellicano: I've done it physically, I'm going to go around if I get a chance maybe this weekend because this week for me is crazy.

Mr. Suarez: Paul?

Mr. Winkeljohn: Just a second, Tony is talking, I'll summarize and then I'll call on you Carlos, go ahead Tony.

Mr. Pellicano: So, I put a lot of the light pole numbers in the system already, so I know there's more out now I think, they seem to be all going out, and they seem to be all corners which makes it even worse. So, I'm going to go around if I get a chance this weekend and rewrite all the numbers down again, and see what ones I'm missing, just resubmit them all again, but I'm going to put some kind of an email or message out with the website so people can continue, and if everybody does it, they'll come and fix it.

Mr. Winkeljohn: Yes, that's the best solution.

Mr. Pellicano: But if it's just me and just one other person doing it, they just say whatever.

Mr. Spallone: We walk every day so I saw some lights out, I'm going to make a note of that. Do you want to send me the number?

Mr. Pellicano: Yes.

Mr. Winkeljohn: One of the best practices is to get like some blue masking tape and just put a little "X" on the pole so that in the daytime once you've noticed that it's out, it stays with that mark on until it comes back on, and then just pull the tape off.

Mr. Pellicano: Well, they have numbers on them, it's like 18 numbers, so I take a picture of it as I go around and what I do is later on I'll just go back and key in that number.

Mr. Winkeljohn: But during the daytime this helps the next time, and it also helps you know that it's already been reported.

Mr. Pellicano: Yes.

Mr. Winkeljohn: So, that's one of the practices, we use that here and other communities.

Mr. Pellicano: And Carlos had something from before.

Mr. Winkeljohn: Yes, go ahead Carlos.

Mr. Suarez: I was just going to say, the person that's on there says Rosanna Felder, that's actually Wendy.

Mr. Winkeljohn: Ok, alright, hi Wendy thanks for joining us.

Mr. Suarez: He needs a microphone or something.

Mr. Winkeljohn: Yes.

Mr. Suarez: She can hear us, but she mentioned she's in chat so she wanted you to know.

Mr. Winkeljohn: Ok, so if she has anything to talk about, we're happy to listen, we can hear pretty well here, it's just the microphone doesn't pick up across the room as well, but she's welcome to give any updates.

Mr. Pellicano: So, I have one more thing on the light pole before we move on.

Mr. Winkeljohn: Go ahead.

Mr. Pellicano: So, Wendy did a really good job for me this week because I've been swamped. She actually got with the county for the light poles that are behind the trees. So, Wendy got with the county, and went back and forth with the county, and one of the FPL people told her that they're not going to trim those trees where the light poles are hitting the middle of the tree and you can't see the lights. So, she got with somebody with the

county, like their manager, and they said yes, so the county is supposed to be, we don't have a date or time, trimming just the trees around the light poles that are blocking it, so they're going to come to do that, and Wendy was fantastic on that because I can't get any action on those. So, just the ones that are covered by the lights, where the tree is covering the lights, so they're going to trim those to get them away from the lights.

Mr. Winkeljohn: That's good.

Mr. Brick: But I don't want them butchering my tree.

Mr. Pellicano: They shouldn't have put a light there, I agree, but we're stuck with it, you know that.

Mr. Winkeljohn: Right, the actual solution is to take the tree it out and replant it in a better spot.

Mr. Pellicano: But that's a county tree.

Mr. Winkeljohn: Right, so they're not going to do that, they would rather just cut the tree down and live with that.

Mr. Brick: Right, and usually you put the pole in a different place, that was the solution in the first place.

Mr. Winkeljohn: Something that's actually, that could be applied and done, but they're not going to do that with the pole already there.

Mr. Brick: When the plans were originally approved, those trees, are shade trees, they're provided there to keep the sun off the eastern and western elevations of the houses. The lights should have been properly positioned, that's all.

Mr. Winkeljohn: Right, so the light plan did not get married with the landscape plan.

Mr. Brick: To be honest with you, they didn't put lights where the parking areas are, light on the CDD side of things.

Mr. Winkeljohn: Right, it wasn't designed clearly for that.

Mr. Brick: Which to me is ridiculous.

Mr. Pellicano: But again, we did get them to approve that technically.

Mr. Brick: Ok.

Mr. Pellicano: So that's something because we've been fighting that forever.

Mr. Winkeljohn: That's forward progress, yes.

Mr. Brick: Well hopefully they won't chop my tree up too bad.

Mr. Winkeljohn: Right, and if you've ever seen a powerline or a light clearly of a tree, it's atrocious, it's a big "V" cut around the light and that's what they do, and they're not supposed to do anything outside of arborist's standards so they can't cut half the tree off, so they won't do that.

Mr. Pellicano: Well, hopefully, it's progress, and she did a fantastic job of that because I'm swamped.

Mr. Winkeljohn: That's great.

SIXTH ORDER OF BUSINESS Financial Reports

A. Approval of Check Run Summary

B. Balance Sheet and Income Statement

Mr. Winkeljohn: In your packets are the financial reports, which includes the check run, balance sheet and income statement for approval by motion. Is there a motion?

On MOTION by Ms. Angell seconded by Mr. Brick with all in favor, the Check Register and the Balance Sheet and Income Statement were approved.

SEVENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

Mr. Winkeljohn: That brings us to open reports, anything else Russ that we haven't tackled for you? I know I've talked to you a couple of times in the last few weeks.

Mr. Brick: No, I think, aside from Marco, the only thing I really have is I wanted to talk to Tony about, but that concerns the HOA.

Mr. Winkeljohn: Ok.

Mr. Pellicano: Right, and we're getting there.

Mr. Winkeljohn: I'll be happy to hear about that later. Roy, everything good with you?

Mr. Spallone: Yes, and are we going to do item #1 on the agenda?

Mr. Brick: Are you going to swear Roy in?

Mr. Winkeljohn: Yes, I'll take care of it, but you can still talk at this meeting.

Mr. Spallone: Ok.

Mr. Winkeljohn: I read right over it, I think I had my pen over it when I was talking.

Mr. Spallone: No, but I'm glad we talked about the pool, because whenever I was getting mail and I saw people swimming, and just so you guys know I'm not on Facebook or whatever in the community, I'm pretty calm and mellow and just try to take it easy, so when I saw people swimming, I said to myself, we're in the pool now. So, do we have something in there that's been picked up because it was laying on the ground, you know the rules signage, that thing was knocked over. It was like an "A" frame inside, like the rules.

Mr. Winkeljohn: Yes, that's like the required notice, it got knocked over, and our custodian goes every day to check things.

Mr. Spallone: I saw him one day, the guy is there and he's great.

Mr. Winkeljohn: Yes, he's excellent, he works here also.

Mr. Suarez: Can you talk a little bit louder? What was that he was saying?

Mr. Winkeljohn: Roy was just saying that when he looked in the pool area, and the little "A" frame that we use to just announce the social distancing requirements, it got knocked over, but we know about it and we'll take care of that.

Mr. Spallone: Perfect.

Mr. Pellicano: Right, the "we care" sign was ripped down and mounted back up, so I think it's already back up.

Mr. Winkeljohn: Thank you.

Mr. Pellicano: And he screwed it to the wall this time.

Mr. Brick: He screwed it to the wall the first time.

Mr. Pellicano: So, we're good, he fixed it.

Mr. Quesada: You mean the "A" frame, just fix it up?

Mr. Winkeljohn: Yes, it got knocked down.

Mr. Brick: Yes, the HOA actually paid for those.

Mr. Spallone: The last thing I just wanted to say was thank you for inviting me to be on the team, and everybody that knows me knows, I only care about the community and want what's best for the community.

Mr. Winkeljohn: Thank you, we're glad to have you, if you sign that oath and give that back to me, I'll notarize it for you.

Mr. Spallone: Ok.

Mr. Winkeljohn: Cheryll, you have anything?

Ms. Angell: I just wanted to ask, I've never been at the pool to look in, but we talked last time about the weeds all around inside coming up around the pavers. Do we know if that was taken care of yet, and also, I had said that it needed power washing in there because everything was really filthy, so I haven't looked, but I don't know, do you know if it was taken care of?

Mr. Winkeljohn: I know our landscaper took care of those weeds, he went in and sprayed it, I don't know when it was pressure washed last off the top of my head, but I know it's on our pressure wash list.

Ms. Angell: Ok, so do you know when the pressure wash is going to get done?

Mr. Winkeljohn: I'll have to check when it's scheduled, I know it was done in October that was the last time.

Ms. Angell: Right, and with summer coming everyone's going to start going to the pool.

Mr. Winkeljohn: Ideally, we do the pressure washing once a year, and touch up if necessary a second time, so we'll look at it and if it needs it I'll order it.

Ms. Angell: Thank you.

Mr. Pellicano: I think it's mostly the floor, the floor was kind dingy, but it's not like it was.

Ms. Angell: Yes.

Mr. Winkeljohn: Ok, we can do that.

Mr. Brick: If you change the color of the pool deck that would help too, it's a white color, so every time somebody's dirty foot touches it, it gets dirty.

Mr. Pellicano: I kind of like the color tiered because it doesn't look so dirty.

Mr. Winkeljohn: Yes, this used to be two different colors over the years and when we redid the paint scheme to the grey, how is it Ben, has it been easier to maintain?

Mr. Quesada: Yes.

Mr. Winkeljohn: It's a really good quality paint, so it has a really good body to a resistance so it washes off better.

Mr. Quesada: We scratch it up here, that was when we dragged a sleigh through here so that was our fault.

Mr. Winkeljohn: Go ahead Cheryl.

Ms. Angell: Talking about the power washing, the mailboxes, the walkways into both of them, they're pretty bad looking also to get clean.

Mr. Quesada: For the pressure washing?

Ms. Angell: Yes.

Mr. Pellicano: That should be on the same contract I believe.

Mr. Winkeljohn: Yes, I have to look at that because I think we did it all last September and October, we usually wait until after the rainy season because that's when it's most advantageous, and it has the best benefit for the longest amount of time, and then the heavy areas, if you have to do them twice, this would be the right time to do a second.

Ms. Angell: Do you know if it was really done in October?

Mr. Winkeljohn: Yes, definitely.

Ms. Angell: It was?

Mr. Winkeljohn: Yes.

Ms. Angell: Ok.

Mr. Pellicano: I remember we scheduled that, we went over the contracts and stuff, and I think they did that, they do that and the playground I remember.

Mr. Winkeljohn: Yes, we did the playground also.

Ms. Angell: Ok. I'm just bringing it up because it's pretty filthy looking.

Mr. Winkeljohn: Ok. We have a custodian that's been on top of these things, so I'll have him report when it looks like it's due and we'll just make sure it happens.

Ms. Angell: Right, and like Tony said maybe twice a year we may have to do it instead of just the one time, I don't know.

Mr. Winkeljohn: Yes, that's what I'm saying, if you do once right at the end of summer, and then if it needs a second one a few months later those are the two times. If you do it four times you will have wasted those two trips, they will have no benefit.

Ms. Angell: I don't mean to be picky about things, but the lights all around the mailboxes too look pretty filthy, does anybody do that? Does the custodian person, does he ever clean those lights?

Mr. Quesada: So, what he does typically, and what we had originally discussed with him, but we can add to his scope, is basically blowing the mail area, like picking up any debris around there, cleaning the bathrooms and picking up all the doggie stations those are like his primary functions. He does a couple extra things but he's the one that fixed

your “we care” sign and reattached it for you. So, he can do other miscellaneous items but typically what we have him doing on a recurring basis is very basic, but we can expand on it if you guys want.

Ms. Angell: Well, it’s just because you want to have light there.

Mr. Quesada: Of course.

Mr. Winkeljohn: And that’s like an annual or biannual type of thing.

Ms. Angell: When it’s so filthy looking and you’re not going to get that bright light.

Mr. Quesada: Ok, so those are your lights there around the mail area, those are CDDs.

Ms. Angell: Correct.

Mr. Quesada: Got it, and I did notice one of the bulbs is out, and those things we can take care of.

Ms. Angell: Ok, thank you.

Mr. Winkeljohn: Sound good, good tip, we can do that.

Mr. Pellicano: Alright, so you brought it up, so I’m saying there’s bulbs out at the pool, there’s one on the outside wall, right as you’re walking in, and the chandelier as soon as you walk in, the bulb is out. I think there’s one on this back side of the wall, there’s another bulb, so it’s just bulbs everywhere, as far as I know, but I think that back one is that annoying LED light, and I don’t know if that’s replaceable or not.

Mr. Winkeljohn: Everything is replaceable, one way or the other.

Mr. Pellicano: So, if you need pool light, or whatever, you might have to have an electrician take a look at it.

Mr. Winkeljohn: Yes, we’ll have our onsite guy make a list of what he can do, and what he can’t do, we’ll throw to the electrician.

Mr. Pellicano: Ok, and what Russ brought up is we’re having, and I noticed these county trees that we have in our swales, these big shade trees are starting to pull up, or pushing up the sidewalks as I’m walking around here every day. So, the roots are growing out and under the sidewalks there, they’re starting to shift the sidewalks up, but what you can do is you can cut those roots and pull them out from underneath the concrete. Anyway, I just wanted to let you know to add that to our county list of things that they need to look at because the sidewalks are now a safety hazard all around because there’s a lot

of them, where the split is in the sidewalk is lifted up, and if you're not paying attention someone is going to bust their face and just fall right over.

Mr. Winkeljohn: Right, it's a tripping hazard.

Mr. Pellicano: And they're high now, they're not low. I was talking about getting some more spray paint and just spray paint where the high areas are, but then people get mad that I spray painted the sidewalk.

Mr. Winkeljohn: The standard practice is to ground them down so that they're less than, I forget maybe a quarter inch, that's the maximum for a tripping hazard legally.

Mr. Pellicano: I don't know if you'd be able to do that.

Mr. Winkeljohn: Right, so when they exceed that, the flags have to be replaced, they call it a flag, the little 4x4 or 4x2 concrete slab.

Mr. Pellicano: So, can we add to that county list because I don't want to get involved in replacing sidewalks because that's definitely not ours.

Mr. Winkeljohn: Yes, definitely and I can't believe their trees are pushing up already, that's amazing.

Mr. Pellicano: In some of the spots, yes, it's crazy.

Mr. Brick: Not at my house.

Mr. Quesada: What kind of trees are they, do you know?

Mr. Winkeljohn: There's some buttonwoods, and there's one other kind, I'm trying to remember what else there's, mahogany I think.

Mr. Brick: They're not deep roots that's the problem.

Mr. Winkeljohn: Buttonwoods are not.

Mr. Quesada: That sells houses when you put them in the swales.

Mr. Winkeljohn: They're cheap and they grow fast and they're green.

Mr. Brick: At least for the east and west elevations, they were put there to protect your house, and keep your house cool from the sunrise and the sunset.

Mr. Winkeljohn: They're put there to meet code and to get the permit to build the house that you live in.

Mr. Pellicano: Then again, we're stuck with it and we can't get the county to do anything.

Mr. Winkeljohn: Yes, and the county list of acceptable trees doesn't make sense to put something in that's going to have that soon they already have some roots coming up, that's like putting a ficus there, you're already have sidewalk problems, that's absurd.

Mr. Pellicano: I know.

Mr. Spallone: When you drive down, you'll see our trees, we didn't touch them, they're enormous, and then you see the ones in the circles, they have no root or anything.

Mr. Winkeljohn: A buttonwood is a hammock, Florida native hammock tree, which means it sits on top of coral so it's very shallow, it doesn't need to be deep, it grows until it runs into a neighbor, so it needs to be next to something. Alright, so we got that going for you. In this community they were put in as a hedge material because they grow fast and they do all these things. Well, you keep trimming them as a hedge, they eventually say I quit, and they turn into just complete wood, you see right through them and so they're no longer a hedge, they basically want to be a tree. So, they're a plant that just grows so easily and so fast, plus it's on the native list so it checks all those boxes, and it gets used and we had to tear out, we spent \$80,000 or \$90,000 removing ours and putting in something that actually was a hedge, like arboricola or whatever.

Mr. Pellicano: Cheryll has one more question, and then I have one more and that's it.

Mr. Winkeljohn: Go ahead.

Ms. Angell: I have one quick question, so the sidewalks belong to the county?

Mr. Winkeljohn: Yes.

Ms. Angell: That's what we're saying?

Mr. Winkeljohn: Sidewalks and roads.

Ms. Angell: Ok, the sidewalks and roads, but the sidewalks to get cleaned are the residents to clean them?

Mr. Winkeljohn: Yes, maintenance-wise, the residents goes all the way to the asphalt.

Ms. Angell: Ok, so the resident has to clean them.

Mr. Winkeljohn: If they want them cleaned.

Ms. Angell: But the county owns them.

Mr. Winkeljohn: Yes, the county owns them.

Ms. Angell: So, I'm just saying if my sidewalk was, which it's not, but if one of them was broken, I could have them fix it.

Mr. Winkeljohn: Yes, if you had a driveway you wanted to do, you could repair your sidewalk also.

Ms. Angell: I could repair the sidewalk?

Mr. Winkeljohn: Yes, the county has no trouble assigning the maintenance to the adjacent homeowner, and that's normal. Like a swale in front of your house it's very normal to cut your own swale, just like the sidewalk, everything is exactly like that.

Ms. Angell: Ok, but to clean, the resident has to clean the sidewalk.

Mr. Winkeljohn: Yes, I do not ever expect the county to come clean sidewalks.

Ms. Angell: Ok.

Mr. Pellicano: But they're liable to replace the sidewalks.

Mr. Winkeljohn: Yes, and what will happen is if they get enough problems that generate enough to do work, they'll send a crew out, they'll let out a contract. On a piece by piece basis I believe they have a crew that grinds them, that comes out.

Mr. Brick: That's all they're going to do, they're going to grind them.

Mr. Winkeljohn: Yes, and they'll start replacing flags when it crosses a threshold of so many and it's a deferral approach, and I don't know what the threshold is, I can probably try to find out. If we ever get to that you'll be so angry and it's too late already.

Mr. Pellicano: I just have one more thing before we go. One thing I remember a couple of meetings ago we voted on, what are we doing on the mulch and the areas around the trees, and now it's past rainy season, right?

Mr. Winkeljohn: Yes, they should go in.

Mr. Pellicano: Because they haven't been, but just to make it look better.

Mr. Winkeljohn: Yes.

Mr. Pellicano: With that, I just wanted to see when that was going to start.

Mr. Winkeljohn: I'll find out.

Mr. Pellicano: Ok, let's just get it done because rainy season is over, so let's get in and it will look better.

Mr. Winkeljohn: Yes.

Mr. Brick: It should be done on an as needed basis.

Mr. Winkeljohn: That's not how it typically works, we could add that to his contract, but typically you do mulch once a year.

Mr. Brick: Really, once a year, ok.

Mr. Winkeljohn: Yes, some areas twice, it depends. If you have a mulch that's going away within a year you need to redesign that so that the mulch stays, it should last a year.

Mr. Pellicano: Well, it depends on the rain.

Mr. Winkeljohn: Well, if it's set up where the rain can wash it out then the bed is a bad design, so you're better off for a price and enjoyment, because the mulch is going somewhere if it's washing out, if it's going and clogging your drains, there could be other problems down the road. So, you want to have your beds retain the mulch as best possible.

Mr. Pellicano: Let's just check anyway, because I know we already approved that to make it look a lot better.

Mr. Winkeljohn: Yes, I got it, I always like fresh mulch, it's good for the plants.

Mr. Pellicano: We already approved it, so I don't know why it's like that, but he might have forgotten.

Mr. Winkeljohn: Yes, I send it to him immediately I'm sure, but I'll double check, thank you.

(At this point several people were talking at one time, and no one conversation could be heard)

Mr. Brick: I'm good, I don't have anything this time.

Mr. Winkeljohn: Thank you. Carlos, it's up to you, anything for the Board?

Mr. Suarez: Yes, I got a question. I've noticed a couple of days ago, when I was coming down 248th heading towards 112th, I passed somebody in the neighborhood, right in the front rows putting in a pool, and they have a wall.

Mr. Winkeljohn: Yes, and Russ is on that, he thinks there's a wall there too, I thought there was a wall.

Mr. Brick: It's a fence.

Mr. Winkeljohn: Yes, so that's a construction project and that would have permitted through the county and any damage, and this happened on the other side of the community. They sign off, like an affidavit that they will repair anything they damage, they

don't take the time to tell people that they're going to damage their things, meaning us, or the HOA, but if they do it to a neighbor, the county requires them to notify the neighbor, but they don't require them to notify us, or ask. So, it's a reactionary requirement, they do it, and then they have to put it back. We will basically do everything we can to make sure that they put back equivalent or better material.

Mr. Suarez: I was going to say, because if it's a wall, the color is going to be different and then the bushes, they're going to have to get bushes that are higher than the bushes that are out there. It just seems like it's going to be, and if that's something they end up having to pay for, or they just won't do it, or is that something we have to follow up on to make sure it's done because it's going to change the aesthetic of this neighborhood.

Mr. Winkeljohn: Right absolutely, we'll have to ride it, I asked somebody to take a picture of their permit for me so I can get the permit number and details, and I will start entering complaints with the county that they did this without permission, they did it without asking. The one gentleman who did it a while ago, who cut a huge trail with a bobcat basically, I got his attention, and he took care of it right away.

Mr. Pellicano: Yes, we have to get that fixed.

Mr. Suarez: Ok, and then the other question I had was, I have a little bit of concern about people asking questions about maintaining, because I guess people were getting letters for trees in the swale or something, then someone had brought up, or I noticed somebody else had brought up on Facebook about the swale, and who is supposed to maintain the trees and everything, so the main thing is the ones that are on the side of people's houses, like where I live I have two neighbors on each side of me and then they have trees that go in those swales, but I noticed for the most part those trees aren't very well taken care of, and then there's also some where people pulled them out and put in palm trees.

Mr. Winkeljohn: Right.

Mr. Suarez: Now, is that something that the HOA is going to monitor, or is that something that the CDD is going to be responsible for? How are we planning on handling stuff like that?

Mr. Winkeljohn: Well, there's a separation. Some of those trees are District buffer areas and there's two or three areas in the community that are the Districts. Those, we already take care of and those will always be the District's. Anything in front of a property

owner, a private home, their maintenance responsibility goes all the way to the asphalt, to the road edge, including the sidewalk and everything, and that tree and any grass, so the individual is supposed to do that. Who monitors it is a great question, I believe the HOA has that in their rules or should and has the greatest ability to enforce it real time so that's the solution. The HOA would send notices to people that their trees are out of code, meaning not to arborists standards, etc., and I would include a nutritional observation like if they're being neglected, they need to be fertilized or watered, that should be included, poor trimming techniques or no trimming techniques that should be included, a missing tree should be included, a species alteration, meaning like you said a palm. So, the HOA can make a whole list of all these topics and enforce them, the CDD cannot.

Mr. Suarez: Ok, so then my question is there was somebody I think that just posted also about a tree that they had, it wasn't in the front yard, but it got damaged during the hurricane, so is that something that the CDD is paying for?

Mr. Winkeljohn: No, unless it's on the CDD's property, which is the buffers, the playground area, or at the pool, and the little end cap buffers, there's two or three of them in the whole community, those are the only areas the CDD is responsible for.

Mr. Suarez: So, the swale in front of people's homes if they lost the tree during the hurricane, they need to replace it at their own expense?

Mr. Winkeljohn: Yes, the county may do it at some point in time, I wouldn't hold my breath, but the resident would be the likely responsible party.

Mr. Suarez: Ok, so here's my question on that, who's responsible for issuing a letter for that, is that CDD or the HOA?

Mr. Winkeljohn: It's the HOA.

Mr. Suarez: Ok, then so Tony would do it for the HOA?

Mr. Winkeljohn: He was nodding, but you couldn't hear his nod.

Mr. Pellicano: It's the HOA, if the HOA is required for rules and regulations, those are why those people got the letters, that's what they're doing.

Mr. Suarez: Because I have people that are asking questions because we've had a lot of issues of people's cars being towed with parking in the swale or parking in the street, and there's nothing in the approved bylaws when everybody received when they bought their home, and now people are getting towed, by the HOA and I guess by the county, there's nothing in the county that says you can't park in the road unless you cause a

January 27, 2021

Hemingway Point CDD

hazard where it's more than 10' between you and the other side of the road, because some people are asking me, is it the CDD that's calling the towing company, or is that the HOA, who's calling the tow company, so I want to make sure that we understand that and have that clear.

Mr. Winkeljohn: Everyone in this room is very clear that everything you're talking about is a HOA topic and they are handling it.

Mr. Suarez: Ok. My only question is, and I thought it was even before I got on the CDD, people had asked about the tree swales and that it would be covered by the county, and that's why I brought it up again because someone was told that they had to replace that tree.

Mr. Winkeljohn: Right, so they have to have the details clearly explained. The county owns it, but the county maintenance rules and in the HOA rules are that the homeowner adjacent to those areas, swales, trees, sidewalks, are maintained by the private individual. Now the HOA can, because it has a blanket enforcement over all aesthetics in its rules can state A, B, C, D, whatever the HOA wants those rules to be, and they have the ability to lien and enforce. So, both are true at the same time yes, it is owned by the county, it is a maintenance responsibility of the county. The county delegates the maintenance on a day to day basis to the adjacent property owner, that's a very common swale in front of your house responsibility throughout everywhere in Florida. So, it's just maybe people were hoping the HOA would do it, or hoping the county, or the CDD would do it, but that's the arrangement, and the county will do certain maintenance when it becomes a large global responsibility like a Hurricane Andrew for instance, all the trees get knocked down. It's their property, they would have a tree program, and 10 years after the storm, come in a probably put a tree in. That's a really long time to wait, but that's how they would handle that large scale of a maintenance item. We were talking about sidewalks, and I don't know how much of that you could hear, but as the sidewalks start to deteriorate which apparently these trees are causing, the most the county will do on the immediate is come out with a crew to grind a high lip down from those sidewalks so that they're less of a tripping hazard. Ultimately, the cosmetic part of it, the HOA often gets in that process in most communities and demands that they get fixed, or some communities, they pull all the work together and they do it themselves, none of those are CDD. We are not allowed to perform services on property that is not owned or dedicated to the CDD, we

are limited to that. HOA and private homeowners are not, you are encouraged to participate in helping the county do its job.

Mr. Suarez: Ok, I just wanted to make sure of that. Also, I wanted to mention, I brought that up so it also goes on the record, so when people keep asking questions, we can kind of direct them back to this meeting and the understanding of it.

Mr. Winkeljohn: Yes, perfect. I'm glad you asked. Anything else?

Mr. Suarez: That's all I have.

Mr. Winkeljohn: Ok, I have one more business item, so Roy after I say the word "I" you would state your name for the record, and I'll swear you in, I didn't put this on the record before but I wanted to, so "I".

Mr. Spallone: Roy Spallone.

Mr. Winkeljohn: A resident of the State of Florida and citizen of the United States of America, being a Supervisor of the Hemingway Point Community Development District and recipient of public funds on behalf of the District, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida, and will faithfully, honestly, and impartially discharge the duties devolving upon me in the office of Supervisor of the Hemingway Point Community Development District, Miami-Dade County, Florida.

Mr. Spallone: I do.

Mr. Winkeljohn: Congratulations, and I have your signed oath of office and will formally enter it into the records, and I meant to do that at the beginning of the meeting.

NINTH ORDER OF BUSINESS

Adjournment

Mr. Winkeljohn: If there's nothing else, a motion to adjourn would be welcomed.

On MOTION by Mr. Brick seconded by Mr. Spallone with all in favor, the Meeting was adjourned.


Secretary /Assistant Secretary


Chairman / Vice Chairman