

MINUTES OF MEETING
HERITAGE PARK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Heritage Park Community Development District was held on Thursday, January 21, 2021 at 1:00 p.m. at the Heritage Park Amenity Center, 225 Hefferon Drive, St. Augustine, Florida 32084

Present and constituting a quorum were:

Ken Kinnecom	Chairman
Robert Curran	Vice Chairman
Mark Masley	Supervisor
Joanne Wharton	Supervisor
Thomas Ferry	Supervisor

Also present were:

Jim Oliver	District Manager
Carl Eldred <i>(via phone)</i>	District Counsel
Jenny Urcan <i>(via phone)</i>	District Engineer
Brian Stephens <i>(via phone)</i>	Riverside Management

The following is a summary of the actions taken at the January 21, 2021 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Oliver called the meeting to order at 1:05 p.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comment

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the November 19, 2020 Meeting

On MOTION by Mr. Kinnecom seconded by Mr. Masley with all in favor the Minutes of the November 19, 2020 Meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Acceptance of Audit Report for Fiscal Year 2020

Mr. Oliver presented the Fiscal Year 2020 audit, which was a clean audit. It was provided to the Department of Financial Services and the Auditor General. Mr. Kinnecom noted the auditing firm did an excellent job.

On MOTION by Mr. Kinnecom seconded by Mr. Ferry with all in favor the Fiscal Year 2020 Audit Report was accepted.

FIFTH ORDER OF BUSINESS

Update Regarding Encroachment Matters

Mr. Eldred prepared a letter to the HOA asking that they include the District in the approval of any encroachment request, such as installing a fence or any other type of structure in an easement that is owned by the CDD, consistent with the Board's direction at the last meeting and further direction by the Chairman. The District has a number of drainage easements throughout the District, such as one leading to the District's pump, to maintain access to the pond and allow for the presence of piping from the road to the pond and maintaining those pipes. A letter was sent to the HOA to actively include the District moving forward in their approval process, but there was no response. Mr. Eldred will follow up with the HOA in the next few weeks.

Ms. Wharton who was resigning from the ARB, but not until next month, questioned the timeframe for the Board to get a response from the ARB or if the ARB should approve it pending CDD approval. The ARB only met once a month. In her opinion, it made the most sense for the Board to speed up the process. Mr. Eldred recommended the following:

- The Board direct staff to undertake the majority of the review.
- ARB to identify whether or not this request involved a CDD easement.
- Ms. Urcan prepare a map identifying where the easements were located.
- Identifying the easement on documents submitted to the ARB.
- Once identified that it encroached into the District's easement, the ARB would send the request to Mr. Oliver and Mr. Stephens for review to determine if it caused any issues to the District.
- If there were no issues, the ARB would proceed.

- If it caused some impediment to the District's ability to access the ponds, Mr. Stephens would oppose the issuance of the easement at that time.

Mr. Eldred felt the timing would be relatively quick, depending on how long it would take Mr. Stephens to review the requests. It should not be a time intensive process. Mr. Oliver stated the review process was in place and if the HOA notices there was an easement, it could be forwarded to the CDD; however, any resident had the right to come to a CDD meeting to declare why they should have an exception. Mr. Oliver requested direction from the Board to delineate the difference between a permanent improvement versus temporary. Ms. Wharton requested direction before she left the ARB. Mr. Oliver recommended the ARB review the document Ms. Urcan prepared to see if it affected the CDD. If not, the process could proceed. If it involved the CDD, it should come to the CDD to exercise their authority.

Ms. Wharton asked if there were specific areas of concern. Mr. Kinnecom stated in the near future, there would be a map identifying every address in the CDD that had a drainage easement. If the ARB had a specific address that did not identify an easement, the CDD did not have to be involved at all, but if there was an easement, Mr. Stephens would respond. Ms. Wharton suggested Town Square notify anyone improving property that had a drainage easement, it would be a two-month process, since the ARB only met once a month. Discussion ensued regarding types of easements. After further discussion, there was Board consensus to deny all resident requests to improve easements on CDD property and for the HOA to review the map identifying every address in the CDD that had a drainage easement before approving requests.

Mr. Oliver updated the Board on an apparent encroachment of CDD land by the prior owner of 324 Hefferon Drive, who installed a fence and basketball court without ARB/CDD approval. A letter was sent saying the District reserved the right to remove these improvements, if needed, for maintenance purposes at no cost to the District. Mr. Kinnecom stated the ARB brought this matter to his attention. Ms. Wharton explained an ARB Board member noticed it on a website showing property lines within Heritage Park and she was uncomfortable letting them keep the fence on CDD property. Mr. Kinnecom agreed.

On MOTION by Mr. Kinnecom seconded by Mr. Ferry with all in favor denying requests to have improvements made on District easements was approved.

Regarding the encroachment at 324 Hefferon Drive, Mr. Kinnecom proposed sending a letter to the owner requesting relocation of the fence and concrete on CDD property. Mr. Eldred provided the following options:

1. The Board not allow any encroachment whatsoever.
2. Notify the owner that this was an encroachment into the easement that was not authorized by the District and the District was not required to remove the encroachment until access was needed, at which time the owner would be required to remove the encroachment at its own expense.

Mr. Eldred advised there were similar encroachments into easements in the community and if this encroachment was permitted, the Board would be setting a precedent. Mr. Kinnecom explained the encroachment was on CDD property and not in an easement and the CDD area must be protected. Mr. Eldred suggested the CDD perform a survey of its property.

On MOTION by Mr. Kinnecom seconded by Mr. Curran with all in favor having the District Engineer perform a survey performed on land at 324 Hefferon Drive for the purpose of determining whether there was an encroachment was approved.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer

Mr. Kinnecom asked when the maps showing all of the easements would be completed. Ms. Urcan stated the maps should have arrived today and would verify. Mr. Kinnecom requested an alphabetical list of street names.

C. Manager

There being none, the next item followed.

D. Operations Manager - Report

Mr. Stephens presented the Operations Manager Report, which was in the agenda package. Future Horizons would evaluate ponds 1100 and 1200 this week, which were

frequently tripping the breaker. Mr. Kinnecom asked if the area of drainage between The Villas and East Red House Branch Road was inspected. Mr. Stephens walked the area three weeks ago with Yellowstone and it was mowed monthly.

SEVENTH ORDER OF BUSINESS Audience Comments

There being none, the next item followed.

EIGHTH ORDER OF BUSINESS Supervisors Requests

There being none, the next item followed.

NINTH ORDER OF BUSINESS Financial Reports

A. Balance Sheet and Statement of Revenues & Expenditures

Mr. Oliver presented the Unaudited Financial Statements through December 31, 2020. The District was in good shape with \$138,000 in capital reserves and positive variances in Admin and Maintenance of the Operations Budget.

B. Assessment Receipt Schedule

Mr. Oliver reported the District was 90% collected.

C. Approval of Check Register

On MOTION by Mr. Masley seconded by Mr. Curran with all in favor the Check Register from November 12, 2020 to January 12, 2021 in the amount of \$23,571.20 was approved.

**TENTH ORDER OF BUSINESS Next Scheduled Meeting – March 18, 2021 @
1:00 p.m.**

Mr. Oliver announced the next scheduled meeting was on March 18, 2021 at 1:00 p.m. at this location.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor the meeting was adjourned.



Secretary/Assistant Secretary



Chairman/Vice Chairman