

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, November 19, 2020 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 (via phone)
Thomas Ferry	Supervisor

Also present were:

Jim Oliver	District Manager
Carl Eldred	District Counsel (via phone)
Jenny Urcan	District Engineer (via phone)
Brian Stephens	Operations Manager, Riverside Management

*The following is a summary of the actions taken at the November 19, 2020 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**

**Organizational Matters**

**A. Oath of Office for Newly Elected Supervisors**

Mr. Oliver reported Mr. Kinnecom and Ms. Wharton were re-elected to their current seats. Mr. Kinnecom received the Oath of Office, prior to the meeting.

**B. Consideration of Resolution 2021-01, Election of Officers**

Mr. Oliver noted the current officers were Mr. Ken Kinnecom as Chairman, Mr. Bob Curran as Vice Chair, with the remaining Supervisors as Assistant Secretaries and GMS staff as Secretary and Treasurer. There was Board consensus to keep the current slate of officers.

On MOTION by Mr. Ferry seconded by Mr. Masley with all in favor retaining the current slate of officers as evidenced by Resolution 2021-01 was adopted.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the September 17, 2020 Meeting**

Under the eight order of business (page 3, the minutes were corrected to show Mr. Curran exchanged emails with Mr. Stephens regarding Pond 400 algae.

On MOTION by Mr. Curran seconded by Mr. Ferry with all in favor the Minutes of the September 17, 2020 Meeting were approved as amended.

**FIFTH ORDER OF BUSINESS**

**Ratification of Audit Engagement Letter from Grau & Associates**

Mr. Oliver reported Grau & Associates was selected by the Board to conduct the FY20 financial audit. The selection was made as a result of the Request for Proposals process in accordance with Chapter 218, Florida Statutes.

On MOTION by Mr. Kinnecom seconded by Mr. Masley with all in favor the engagement letter with Grau & Associates to perform the audit for September 30, 2020 in the amount of \$3,100 was ratified.

Mr. Oliver received a draft copy of the audit this morning. It was a clean audit.

**SIXTH ORDER OF BUSINESS**

**Review of Fiscal Year 2020 Year End Financials (unaudited)**

Mr. Oliver presented the Fiscal Year 2020 year-end financials. The District was in great shape financially, with a balance of \$138,000 in the Capital Reserve Fund. The FY20 income

statement shows positive variances of \$1,395 for Revenues, \$12,000 for total administrative costs and \$31,000 for total maintenance, for a net positive variance for expenditures of \$44,000. These funds will cover operational costs for the 1<sup>st</sup> quarter of FY21 and the remainder can flow to the capital reserve fund or operating reserves.

**SEVENTH ORDER OF BUSINESS**

**Discussion of 2 Fence Encroachments  
(notification sent)**

Mr. Oliver presented two letters sent to owners regarding fence encroachments, in consultation with the Chairman. Both property owners adjusted their fence lines accordingly.

**EIGHTH ORDER OF BUSINESS**

**Action to Inform the HOA and its ARB-  
ARC Committee that No Fence  
Installations or Tree/Bushes are to be  
Placed in Any Easement Area to the CDD**

Mr. Kinnecom stated there were 10-foot easements along storm drains around Heritage Park. Since the CDD was responsible for the storm drains, he did not want to cut down trees if the District needed access and requested that the CDD request the HOA to set an ARB-ARC policy for further construction of fences or installation of trees, unless there was CDD Board approval.

Ms. Wharton addressed the following:

- Questioned whether Mr. Kinnecom did not want owners to plant trees on their property. Mr. Kinnecom was talking about putting fences or trees on land owned by the homeowner, but the easement belonged to the CDD.
- Suggested highlighting those specific areas. Mr. Kinnecom suggested the ARB and HOA submit a survey at the time the application was made. Ms. Wharton asked what happened if the owner did not have a survey. Mr. Kinnecom stated it was the responsibility of the Title Company or attorney handling the closing to provide a survey. Ms. Wharton noted some mortgage companies did not require it.
- Suggested limiting it to the 75 homes that were by a storm drain.
- Her fence may be encroaching CDD property. She will verify.
- Questioned if there was an encroachment issue, whether the CEC should be involved for fining purposes. Mr. Kinnecom referred Ms. Wharton to the HOA.

Mr. Eldred recommended the following:

- Not to rely on the Property Appraiser's website for exact identification of the property boundary. Only a survey would verify whether or not the fence was compliant.
- The District enter into an agreement with the HOA to ensure they include certain language in their approvals, such as the HOA authorizing the expense and whether the fence encroaches into the 20-foot drainage easement.
- The homeowner to understand that even though the CDD Board was allowing it, if the District needs access to the ponds and were unable to get access, the fence must be removed at the owner's cost. If not, the District would remove it and charge the owner.
- Mr. Stephens would perform an audit of all access points to the ponds, noting which ones prevented access.
- Asked the HOA to include certain language in their approvals and seek the CDD's review for encroachments into a drainage easement.

Ms. Wharton felt it was important information for the ARB and HOA to have so it could flag specific lots and then the CDD could decide whether or not to allow a permanent fence. Mr. Eldred suggested staff speak to the ARB regarding the encroachment process. Ms. Wharton, who was a member of the ARB, would inform the other members and review the last 20 applications to see if the drainage easements are noted. Mr. Eldred noted the drainage easement would be recorded on the plat. Mr. Kinnecom requested Ms. Urcan make a list of all properties that have CDD easements.

*Ms. Wharton left the meeting.*

On MOTION by Mr. Kinnecom seconded by Mr. Masley with all in favor authorizing the Chairman to work with Mr. Stephens, Mr. Oliver, Ms. Urcan and Mr. Eldred to develop measures to assist the HOA/ARC when reviewing owner submitted applications for property improvements, staff to provide a list of plats/drainage easements to assist the HOA/ARC in their review process to help them avoid approving improvements that may result in an

encroachment and the Operations Manager to audit easement areas for any obvious encroachments was approved.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being none, the next item followed.

**B. Engineer**

There being none, the next item followed.

**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. There was a large amount of fishing line and lures in the fountain in Pond 1400.

**TENTH ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Supervisors Requests**

Mr. Curran noticed the “No Fishing” sign at the south entrance was damaged. Mr. Stephens had a spare sign to replace the damaged one. Mr. Curran requested a “No Fishing” sign next to the “No Recreation” sign, so there was no confusion as to whether or not fishing was allowed. Mr. Stephens would install an additional sign.

Mr. Kinnecom reported at the south entrance monument, there was a sidewalk and fence that has been neglected for years, which was owned by The Villas. It was remedied by Yellowstone. Somehow the developer understood the CDD would pay half of the maintenance cost, but that was incorrect. The CDD never agreed nor can the CDD contribute funds towards it because it would be a use of public funds on a separate entity.

**TWELFTH ORDER OF BUSINESS**

**Financial Reports**

**A. Balance Sheet and Statement of Revenues & Expenditures**

Mr. Oliver presented the Unaudited Financial Statements through October 31, 2020.

**B. Assessment Receipt Schedule**

Mr. Oliver reported two small receipts were provided by the Tax Collector. At the beginning of December, he expects the District will be about 75% collected and fully collected by the end of April.

**C. Approval of Check Register**

On MOTION by Mr. Kinnecom seconded by Mr. Ferry with all in favor the Check Register from September 10, 2020 to November 12, 2020 in the amount of \$32,854.41 was approved.

**THIRTEENTH ORDER OF BUSINESS**

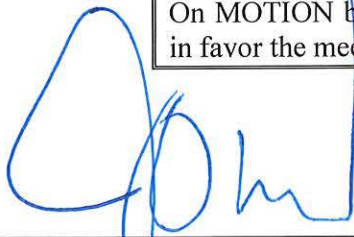
**Next Scheduled Meeting – January 21, 2021  
@ 1:00 p.m.**

Mr. Oliver announced the next scheduled meeting was on January 21, 2021 at 1:00 p.m. at this location.

**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Kinnecom seconded by Mr. Masley with all in favor the meeting was adjourned.



Secretary/Assistant Secretary



Chairman/Vice Chairman