

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, May 20, 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>by phone</i>	District Counsel
Michelle Otts	District Engineer
Jenny Urcan <i>by phone</i>	Prosser
Brian Stephens	Riverside Management Services
Chris Railing	Future Horizons

The following is a summary of the actions taken at the May 20, 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 1:00 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 March 18, 2021 Meeting

On MOTION by Mr. Kinnecom, seconded by Mr. Ferry, with all in favor, the Minutes of the March 18, 2021 Meeting, were approved as presented.

• **Review of Proposals for Replacement of Pond Fountains (Item 6)**

Mr. Chris Railing of Future Horizons presented the following:

- From January 2020 through year-to-date, Heritage Park spent \$5,940.08 in repairs on the existing fountains in Ponds 600, 1100, 1200, 1600, 1700 and 1800, which were the most troublesome.
- The following options were provided along with prices:
 - Option 1: Identical to current fountains. **Pros**: More efficient as far as oxygen production per hour and running time. Electrical was affordable with lower air flow. Warranty was identical to the current fountains.
 - Option 2: Same fountain pattern as existing fountains.
 - Option 3: Three head system run off compressed air. **Pros**: Requires less long-term repairs, most efficient to run and all electrical and moving parts were on the lake bank. **Cons**: Most expensive option and not aesthetically pleasing.

Mr. Kinnecom questioned the warranty for new fountains. Mr. Railing noted a two-year warranty for all options. If the horsepower was increased, the warranty time would increase; however, it required substantial electrical work. Ms. Wharton asked what the worst pond was. Mr. Railing would verify. Mr. Kinnecom wondered if alligators disrupted the fountains. Mr. Railing stated it was a rare occurrence. Mr. Kinnecom questioned the solar option. Mr. Railing stated solar was extremely expensive, approximately \$83,000. Mr. Oliver noted many outages in this community and asked whether the new fountains and electrical work would cure that. Mr. Railing stated there would be a significant reduction with issues and repairs with the new units, but no guarantee on the electrical side as GFI tripping was common. Option 3 would eliminate the GFI tripping, but they would lose the aesthetic aspect.

Mr. Kinnecom proposed installing the Option 3 fountain in a pond where there were no homes. Ms. Wharton suggested surveying residents to see if they wanted the aesthetics. Mr.

Kinnecom noted the purpose of the fountains was to improve oxygen in the ponds and not to make the property more appealing. Ms. Wharton suggested installing a bubbler in one pond to see how residents responded. Mr. Kinnecom felt they needed time to digest the information and proposed tabling this matter. Depending on the budget, Mr. Railing may be able to offer discounts of 5% to 10%. Ms. Wharton questioned how the equipment on the lake bank for Option 3 would be protected from vandalism. Mr. Railing stated there would be a lock box.

On MOTION by Mr. Kinnecom, seconded by Ms. Wharton, with all in favor, tabling the replacement of the pond fountains was approved.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-02, Approving the Proposed Budget for Fiscal Year 2022 and Setting a Public Hearing Date to Adult

Mr. Oliver presented Resolution 2021-02 approving the Proposed Budget and setting the public hearing for July 22, 2021. The District was required by the Florida Statutes to approve a Proposed Budget by June 15th of each year and set a public hearing 60 days after approval. It was essentially the same budget as the current fiscal year, with no increase in assessments. The District has \$32,000 in excess revenues and \$25,000 budgeted for Capital Outlay in the Capital Reserve Fund, which could be used for the fountain project.

On MOTION by Ms. Wharton, seconded by Mr. Curran, with all in favor, Resolution 2021-02 Approving the Proposed Budget for Fiscal Year 2022 and Setting the Public Hearing for July 22, 2021 at 1:00 p.m., at this location, was adopted.

FIFTH ORDER OF BUSINESS

Update Regarding Encroachment Matters

Mr. Kinnecom recalled at the last meeting, the Board authorized the District Engineer to survey behind 324 Hefferon Drive, which uncovered a major encroachment onto CDD property from 6 feet in the northeast corner to 18 feet in the southeast corner. Mr. Eldred stated the encroachment was fence next to neighboring property and a concrete area that encroached not only CDD property but the drainage easement, which may impede access to the lake. The Board had the following options:

1. Allowing the owner to keep the encroachments in place by signing a License Agreement, authorizing maintenance of the encroachments and removal if requested by the District at owners' cost.
2. Follow up to the District Manager's letter with a letter from District Counsel requiring the owner to remove the encroachments from District property. If they refuse, the Board could file a lawsuit.
3. Recording a document in the chain of title, making the encroachment known.

Discussion ensued. Ms. Wharton preferred to file a lien versus a lawsuit or having the District remove the encroachment. Mr. Eldred stated the District did not have the ability to place a lien on property and removing the encroachment in his opinion, was a last resort. It was clear they were encroaching on CDD property, unless they could demonstrate that the encroachment was authorized through the developer. Mr. Kinnecom asked if there were future impacts on the drainage if it was interrupted by the encroachment. Ms. Otts reported the drainage easement was for a pipe, but the encroachment was inside of an area that was supposed to be non-impervious, which increased stormwater runoff on the property. Ms. Wharton wanted to ensure that the neighbor of the adjoining fence was not encroaching. Mr. Eldred did not see a survey, but in his opinion, the neighbor's fence was encroaching on CDD property.

On MOTION by Ms. Wharton, seconded by Mr. Kinnecom, with all in favor, authorization for Ms. Wharton to work with District Counsel on a demand letter to be sent to the owner of 324 Hefferon Drive and the adjoining neighbor for removal of all permanent encroachments on CDD property, was approved.

SIXTH ORDER OF BUSINESS

Review of Proposals for Replacement of Pond Fountains

This item was discussed earlier in the meeting.

SEVENTH ORDER OF BUSINESS

Ratification of Memorandum of Understanding with St. Johns County Property Appraiser

Mr. Oliver presented a Memorandum of Understanding with St. Johns County Property Appraiser to provide an Assessment Roll to the District with the District's agreement to not release confidential and exempt information.

On MOTION by Ms. Wharton, seconded by Mr. Masley, with all in favor, the Memorandum of Understanding with the St. Johns County Property Appraiser, was ratified.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Eldred reported on legislation passed in the recent legislative session. Hopping, Green & Sams sends out a newsletter each month with an executive summary on Bills that have the potential to affect the District. One Bill allowed for electronic publication of notices. Mr. Eldred would provide a resolution to the Board. Another Bill imposes additional reporting requirements for District employees, independent contractors, budget variances and information related to the bond and assessment tables. Mr. Eldred would work with the GMS and the District's auditor to comply with statutory requirements. The Governor issued two executive orders regarding COVID-19 and the local restrictions that were put into place. A COVID Liability Protection Bill was passed, but this would not affect this District because it does not own any amenity facilities.

B. Engineer

Ms. Michelle Otts introduced herself.

C. Manager

1. Report on the Number of Registered Voters (1,410)

Mr. Oliver reported 1,410 registered voters residing in Heritage Park according to the St. Johns County Supervisor of Elections as of April 15, 2021.

D. Operations Manager - Report

Mr. Stephens presented the Operations Manager Report, which was in the agenda package. Multiple GFCI outlets were reset for the pond fountains. Most problems occurred after thunderstorms when there were multiple lightning strikes.

Mr. Kinnecom requested an update on the 25% surcharge for water usage through St. Augustine Utilities and whether District Counsel reviewed the Interlocal Agreement to see if the

surcharge had an expiration date. Mr. Eldred sent a public records request to the city. The documents were received yesterday but did not include an Interlocal Agreement. He was continuing to work with Mr. Kinnecom on this matter. Mr. Kinnecom inquired whether San Salito and Quail Ridge's utilities were with the City of St. Augustine Utilities or St. Johns County Utilities.

NINTH ORDER OF BUSINESS Audience Comments

There being none, the next item followed.

TENTH ORDER OF BUSINESS Supervisors Requests

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS Financial Reports

A. Balance Sheet and Statement of Revenues & Expenditures

Mr. Oliver presented the Unaudited Financial Statements through April 30, 2021. Mr. Ferry noted \$7,000 in the pro-rated budget for maintenance, but actuals were \$201, for a difference of \$6,799. Mr. Oliver believed Mr. Stephens was utilizing other line items. There were positive variances for the administrative and maintenance budgets. The District had \$138,000 in capital reserves.

B. Assessment Receipt Schedule

Mr. Oliver reported the District was 99% collected. The District will be fully collected after tax certificate sales.

C. Approval of Check Register

On MOTION by Mr. Kinnecom, seconded by Ms. Wharton, with all in favor, the Check Register from March 10, 2021 to May 13, 2021 in the amount of \$33,303, was approved.

May 20, 2021

Heritage Park CDD

TWELFTH ORDER OF BUSINESS

**Next Scheduled Meeting – July 22, 2021 @
1:00 p.m.**

Mr. Oliver stated the next scheduled meeting was on July 22, 2021 at 1:00 p.m. at this location, which will include also the public hearing for budget adoption.

TWELFTH ORDER OF BUSINESS

Adjournment

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



Secretary/~~Assistant Secretary~~



Chairman/~~Vice Chairman~~