

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, July 22, 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 (<i>by phone</i>)	Supervisor
Joanne Wharton	Supervisor
Thomas Ferry	Supervisor

Also present were:

Jim Oliver	District Manager
Carl Eldred (<i>via phone</i>)	District Counsel
Michelle Otts	District Engineer
Brian Stephens	Operations Manager

The following is a summary of the actions taken at the July 22, 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

Mr. Oliver noted three opportunities for public comments: matters listed on today's agenda under this item, at the budget public hearing and any CDD related matters can be commented on at the end of the meeting. A resident asked about the ponds and street drainage. Mr. Oliver stated this item would be addressed later in the meeting.

- **Consideration of Proposals for Replacement of Pond Fountains (*Item 4*)**

Mr. Stephens presented the following proposals from Future Horizons:

- Option 1: Individual fountain - \$2,717.41
- Option 2: Five fountains - \$11,287.05

Mr. Stephens noted a savings of \$460 per fountain. Ms. Wharton asked if the type of fountain was identical. Mr. Stephens stated there were three types of fountains; the first option was a sub-surface air fountain; the second option was a surface bubbler and the third option was the type of fountain currently in the ponds. Mr. Kinnecom questioned the proposed ponds for the fountains. Mr. Stephens stated Ponds 600, 1100, 1200, 1600, 1700 and 1800 were the most troublesome. The original fountain manufacturer, Powerhouse, went out of business and were replaced with the cascade units. Mr. Stephens stated Future Horizons agreed to keep a fountain or two at their location in the event a fountain needed to be replaced immediately. Ms. Wharton suggested purchasing five fountains and replace as needed. Mr. Kinnecom proposed replacing fountains in Ponds 600 and 1100 and holding the remaining three as inventory, due to having repairs amounting to \$5,500 over the past 16 months. The Board agreed.

On MOTION by Mr. Kinnecom seconded by Mt. Ferry with all in favor the Future Horizons proposal for the purchase and installation of five new fountains for Ponds 600, 1100 and other locations to be determined in the amount of \$11,287.05 was approved.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the February 25, 2021 and May 20, 2021 Meetings

Ms. Wharton requested on Page 2 of the February 25, 2021 minutes, in the statement, *"The CDD shall not be responsible for any costs to reinstall the fencing,"* the word *"damage"* be inserted before *"for."* Mr. Oliver noted the statement was listed as stated by Mr. Eldred. Ms. Wharton stated on the bottom of Page 2, *"ARC Chair"* should be *"ARB Chair."*

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor the Minutes of the February 25, 2021 Meeting as amended and the May 20, 2021 Meeting as presented were approved.

FOURTH ORDER OF BUSINESS

Consideration of Proposals for Replacement of Pond Fountains

This item was discussed earlier in the meeting.

FIFTH ORDER OF BUSINESS

Update Regarding Encroachment Matters

Mr. Oliver advised the Board that demand letters were sent by counsel to the owners of 324 and 330 Hefferon Drive requiring the removal of all permanent encroachments on CDD property. Prior to the mailing of the letters, the owner of the basketball court informed Mr. Oliver that the house was purchased with the basketball court. The other owner, who had a fence in the backyard and side yards, stated that the fence was installed before they purchased the property. The basketball court and fence have not been removed. Mr. Oliver and District Counsel felt if they enforced one encroachment, they must enforce all encroachments and requested direction from the Board. Discussion ensued and the following solutions were proposed:

- Ms. Wharton felt that both owners should be asked to move their encroachments onto their own property and there be set guidelines in place.
- Ms. Otts recommended staff mark the location of any existing fence and remove the encroachment of any impervious surface, such as the basketball court immediately as it could cause drainage issues.
- Mr. Oliver suggested having a formal process through the HOA, taking each case independently.

Ms. Wharton clarified that the process would be through the ARB as the ARB had the authority to approve or deny requests.

- Mr. Eldred recommended an option in which the Board enters into a License Agreement with the property owner, whereby the property owner agrees, in consideration for allowing the encroachment to remain on the property, to pay the cost of removal if the Board deems the encroachment was inconsistent with the District's use of the property.

Mr. Eldred confirmed that the basketball court and fence were surveyed, which showed encroachments onto District property. The agreement would be attached to the title to make future owners aware that there is an encroachment and must pay for the removal if required by the District.

- Mr. Kinnecom preferred to go through the HOA Covenant Enforcement Committee to enforce fines on a daily basis for violations and to inspect the drainage pipe under these properties to determine if the pipe was viable or needed replacement.

Mr. Eldred advised that CDDs had limited ability to impose penalties and offered to research this matter further. Ms. Wharton was not in favor of entering into a License Agreement with the property owner, because residents were using property they had no right to use, but if this was the only option, it should not be transferrable to a new owner. The current owner should be forced to correct the encroachment prior to selling to a new owner so the Board was not setting a precedent. Mr. Oliver was in favor of Mr. Kinnecom's suggestion of inspecting the drainage pipe.

A resident on Oak Arbor Circle, recalled when she purchased her property the survey showed a fence on her property; however, a recent survey showed the fence encroached one foot onto CDD property. She was told that the HOA would send a letter regarding the encroachment, but never received one. Mr. Oliver explained that letters were only sent to owners having an encroachment that was clearly shown on an arial view from the St. Johns County Property Appraiser's website. After further discussion, there was Board consensus to send a second demand letter to both owners and authorize the District Engineer to solicit proposals for TV inspection of drainage pipes behind 324 and 330 Hefferon Drive.

SIXTH ORDER OF BUSINESS

Public Hearing to Adopt the Budget for Fiscal Year 2022

Mr. Oliver presented the Fiscal Year 2022 budget, which was similar to the prior year's budget with no increase in assessments. Total expenditures for Fiscal Year 2021 were \$287,697 versus \$288,681 for the upcoming Fiscal Year. Any unspent funds would go into *Carry Forward Surplus* for capital projects. Ms. Wharton asked if a budget increase was necessary to cover the cost of the new pond fountains. Mr. Oliver replied no because it would be paid out of capital reserve funds.

On MOTION by Ms. Wharton seconded by Mr. Curran with all in favor the Public Hearing to adopt the budget for Fiscal Year 2022 was opened.

A resident addressed the following:

- Garbage in the ponds. Mr. Stephens confirmed that the outfall structures were cleaned frequently.
- Lack of maintenance of the concrete drainage structures.

Mr. Stephens would continue inspecting and cleaning the outfall structures and inform the Chairman when the work was performed. Ms. Otts explained that storm drains in Florida were designed to a five-year storm, but they had large amounts of rainfall in a short period of time. Water was ponding before backing up and traveling to inlets. Mr. Kinnecom recalled this issue being addressed some time ago. The area that the resident was referring to was the lowest point of Heritage Park and had the highest water table.

- Residents feeding the ducks. Mr. Oliver suggested sending an eblast to residents to remind residents to not feed the ducks.
- Starting a newsletter. Mr. Oliver stated this was an HOA matter.
- Dirt from a pool installation at a house across from Mr. Kinnecom's house going into the pond because there was no fence around the pool. Mr. Kinnecom noted during the excavation, Mr. Stephens was onsite monitoring the dirt to ensure it did not flow into the pond.

On MOTION by Mr. Ferry seconded by Ms. Wharton with all in favor the Public Hearing to adopt the budget for Fiscal Year 2022 was closed.

A. Consideration of Resolution 2021-03, Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2022

Mr. Eldred presented Resolution 2021-03, adopting the Proposed Budget for Fiscal Year 2022, appropriating the funds set forth in the budget as approved by the Board and sending it to the county as required. The form of the resolution was similar to resolutions in prior years.

On MOTION by Mr. Kinnecom seconded by Mr. Curran with all in favor Resolution 2021-03 Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2022 was adopted.

B. Consideration of Resolution 2021-04, Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2022

Mr. Eldred presented Resolution 2021-04 levying the assessments in the budget that the Board just adopted. The form of the resolution was similar to resolutions in prior years.

On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor Resolution 2021-04 Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2022 was adopted.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Eldred addressed a question that a resident raised about the ownership of the ponds. Two ponds were mistakenly identified as being owned by the HOA instead of the CDD. He worked with the Property Appraiser’s office to get that corrected on the Property Appraiser’s website. Everything was correct now.

Mr. Kinnecom announced that a new Board would be elected at HOA meeting on August 9th. He will have a recommendation that the HOA and the Villas HOA have an agreement regarding the fence at the south entrance that was broken. The strip of land was owned by the Villas HOA and should be owned by the HOA.

B. Engineer

Ms. Otts revised the maps to show that Ponds 700 and 800 were owned by the CDD. The Chairman requested a revision, and new maps would be provided to the Board. Ms.Otts would obtain quotes for the inspection of drainage pipes by TV behind 324 and 330 Hefferon Drive.

C. Manager

Mr. Oliver requested feedback from the Board regarding Supervisor participation by phone. Mr. Eldred advised that Supervisors could attend by phone if three Supervisors were present in person and there were extraordinary circumstances. Mr. Kinnecom recalled the Board discussing four to six months ago, if a Supervisor was absent from a meeting should receive compensation.

On MOTION by Mr. Kinnecom seconded by Mr. Ferry with all in favor authorizing District Counsel to provide a recommendation on Board compensation when a Supervisor attends a meeting by phone at the next meeting was approved.

D. Operations Manager - Report

Mr. Stephens presented the Operations Manager Report, which was in the agenda package. He reported that the breaker panel for Ponds 1100 and 1200 were replaced because they were rusting and falling apart. A repair call was placed with Florida Power & Light (FPL) to troubleshoot a power issue on Pond 1100. Mr. Stephens suspected a power issue with the meter.

EIGHTH ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

NINTH ORDER OF BUSINESS

Supervisors Requests

Mr. Curran spoke to the Road and Bridge Division at St. Johns County last week regarding ways to slow traffic down on Heritage Park Road. There is nothing else that they can do. He spoke to a Lieutenant for traffic at St. Johns County yesterday about installing a new device across the road. They will determine the best place to install the device. Mr. Ferry suggested installing a traffic light with a green arrow to make a right or left, but not going straight to stop some of the traffic. Mr. Oliver suggested that the Board approve an agreement between the District and the St. Johns County Sheriff's Office for traffic control or hire off-duty deputies. Ms. Wharton noticed that speeding decreased.

Ms. Otts left the meeting.

TENTH ORDER OF BUSINESS

Financial Reports

A. Balance Sheet and Statement of Revenues & Expenditures

Mr. Oliver presented the Unaudited Financial Statements through June 30, 2021. There were no unusual variances. The audit will commence on October 1, 2021.

B. Assessment Receipt Schedule

Mr. Oliver reported the District was fully collected.

C. Approval of Check Register

On MOTION by Mr. Kinnecom seconded by Mr. Ferry with all in favor the Check Register from May 13, 2021 to July 15, 2021 in the amount of \$25,741.36 was approved.

ELEVENTH ORDER OF BUSINESS

**Next Scheduled Meeting – September 16,
2021 @ 1:00 p.m.**

Mr. Oliver announced that the next meeting was scheduled on September 16, 2021 at 1:00 p.m.

TWELFTH ORDER OF BUSINESS

Adjournment

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



Secretary/Assistant Secretary



Chairman/Vice Chairman