

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, September 16, 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
Wes Haber	District Counsel
Michelle Otts <i>(via phone)</i>	District Engineer
Brian Stephens <i>(via phone)</i>	Riverside Management
Mr. Paul Bodenstein	Resident

*The following is a summary of the actions taken at the September 16, 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. A quorum was present.

**SECOND ORDER OF BUSINESS**

**Public Comment**

Mr. Oliver noted two opportunities for public comments: under this item and at the end of the meeting. Mr. Bodenstein, the owner of 330 Hefferon Drive, was present to address the encroachment matters, under the Sixth Order of Business.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the July 22, 2021 Meeting**

On MOTION by Ms. Wharton seconded by Mr. Curran with all in favor the Minutes of the July 22, 2021 Meeting as presented were approved.

**FOURTH ORDER OF BUSINESS**

**Update Regarding Installation of Replacement Pond Fountains**

Mr. Stephens reported the replacement pond fountains were scheduled to be shipped from the manufacturer in mid-October and should take approximately four to five weeks. Future Horizons was already on board. As soon as they arrived, the fountain on Pond 600 would be replaced, but not Pond 1100 because it was recently repaired. As a fountain breaks, a new one would be installed immediately, so there would be no delay in having a fountain at any given location. Ms. Wharton recalled five fountains were ordered at the last meeting. Mr. Stephens explained they were installing two fountains and Future Horizons would hold three fountains in their inventory. Mr. Kinnecom asked if Pond 1100 was working. Mr. Stephens stated Florida, Power & Light (FPL) was able to resolve the issue, which was on their end.

**FIFTH ORDER OF BUSINESS**

**Report Regarding Condition of Inspected Drainage Pipe**

Ms. Otts presented the report on the two pipes, which was included in the agenda package. According to the videos, there was a small leak, but nothing of any consequence. The pipes appear to be in good condition with no need for replacement at this time. Ms. Wharton asked about *Infil Dripper – Position 3* that was marked in red in the middle of the pipe. Ms. Otts explained this was the area where there was some seepage in a seam, but it was so minimal, there was no point having anyone seal the seam. At this time, no replacement was necessary as the pipes were in good shape.

**SIXTH ORDER OF BUSINESS**

**Update Regarding Encroachment Matters**

Mr. Oliver recalled that at the July meeting, the Board directed Mr. Eldred to issue a second notice to the owners of 324 and 330 Hefferon Drive, for the removal of all permanent encroachments on CDD property. Those letters were sent. Mr. Oliver heard from Mr. Bodenstein, the owner of 330 Hefferon Drive and from a representative of Ms. Jin, the owner of

324 Hefferon Drive. Ms. Jin requested a time extension, as it was difficult to get contractors at this time. Mr. Oliver provided an extension until November 1<sup>st</sup>. After the letters were sent, Mr. Bodenstein sent an email to Mr. Oliver, which was forwarded to the Board.

Mr. Bodenstein stated everything he had to say was included in his letter; however, he found out from the County Permitting Department that the developer put the fence along the property line to provide security to the development. They installed it in a straight line, not following the concrete curb. Mr. Kinnecom asked if the fence was in place prior to Mr. Bodenstein purchasing the property and if the closing agent mentioned the encroachment onto CDD property. Mr. Bodenstein stated that the fence was already there when he purchased the property and did not know about the encroachment because it was not his fence. Mr. Haber advised since the CDD had rights to its property and what was located on the property, the CDD could remove the fence; however, the Board did not have any right to seek reimbursement from Mr. Bodenstein to remove the fence.

Based on the information presented, Mr. Kinnecom suggested the Board approve the removal of the fence, so it could keep the CDD property clear and serve its purpose for drainage. Mr. Stephens confirmed having the fence there did not affect anything. Ms. Wharton asked if Mr. Bodenstein wanted to share in the cost with the District of reinstalling the fence on his property. Mr. Bodenstein was in favor of it, as removing it would cause a security issue, but felt he should not have to pay for it. After further discussion, there was Board consensus for the Operations Manager to get cost estimates to relocate the fence at 330 Hefferon Drive from CDD property to Mr. Bodenstein's property and split the cost between both parties on a 50/50 basis. When Mr. Oliver receives the cost proposals from Mr. Stephens, he will forward to the Board and the lot owner.

## **SEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Mr. Haber understood that the Board was waiting on an answer from Mr. Eldred regarding attendance at Board Meetings, telephonically. According to the Rules of Procedure, Board Members may participate by teleconference, if at least three Board Members were present in person and based on extraordinary circumstances. Based on Mr. Haber's research, extraordinary circumstances include a medical condition or disability that prevented the person

from being present; however, the Board had discretion to determine whether extraordinary circumstances existed.

Mr. Kinnecom recalled that the Board adopted a policy. Mr. Oliver stated the Board discussed this matter in November of 2019, but did not make a decision. Ms. Wharton felt it was not fair that Board Members could not go on vacation because one Board Member did not attend meetings. Mr. Masley explained he usually calls into the July and September meetings each year, but did not attend other meetings due to COVID. Ms. Wharton told Mr. Masley that the Board was uncomfortable because he was not present enough. Mr. Kinnecom proposed adopting a policy for Board Members to make every effort to attend meetings in person and meet telephonically under extenuating circumstances such as illness, family emergencies.

Mr. Kinnecom MOVED to adopt a policy for Board Members to make every effort to attend Board meetings in person and meet telephonically under extenuating circumstances and Mr. Ferry seconded the motion.

Ms. Wharton requested the language, *"But not limited to"* be included because sometimes there were extrodinary circumstances such as illness, doctor appointments and family deaths. Mr. Kinnecom agreed with the amendment.

On VOICE VOTE with all in favor adopting a policy for Board Members to make every effort to attend Board meetings in person and meet telephonically under extenuating circumstances not limited to illness, doctor appointments and family deaths was approved.

Mr. Haber asked if the Board's intent was to go into effect as of the next meeting. The Board agreed.

**B. Engineer**

Ms. Otts had nothing further to report.

**C. Manager – Discussion of Fiscal Year 2022 Meeting Dates**

Mr. Oliver presented the proposed meeting schedule for Fiscal Year 2022, which was similar to last year’s schedule for bi-monthly meetings on the third Thursday at 1:00 p.m.

On MOTION by Mr. Kinnecom seconded by Ms. Wharton with all in favor the Fiscal Year 2022 meeting schedule was approved.

**D. Operations Manager - Report**

Mr. Stephens presented the Operations Manager Report, which was in the agenda package. The fountains in Ponds 1800 and 1000 were pulled for repair. The fountain in Pond 1800 will be reinstalled Tuesday of next week. The fountain in Pond 1000 had broken blades on the propeller shaft that generates the pressure for the water. It has been replaced and the vendor was waiting on a shaft seal. The goal was to have both fountains reinstalled next week. As mentioned earlier, FPL corrected the issue with the electrical problem in Pond 1100. Ponds 600 and 1100 were scheduled for immediate replacement once the new fountains arrived.

**EIGHTH ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**NINTH ORDER OF BUSINESS**

**Supervisors Requests**

This item was discussed below.

**TENTH ORDER OF BUSINESS**

**Financial Reports**

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

Mr. Oliver presented the Unaudited Financial Statements through August 31, 2021. The audit will commence on October 1, 2021, when the fiscal year ends. There were no unusual variances. The District will end the year with a slightly positive variance.

**B. Assessment Receipt Schedule**

Mr. Oliver reported that the District was fully collected for Fiscal Year 2021. Tax bills will be sent out on November 1<sup>st</sup>.

- **Supervisors Requests (Item 9)**

Mr. Curran recalled at last month’s meeting, that he spoke to a Lieutenant for traffic at the St. Johns County Sheriff’s Office (SJSO) regarding ways to slow traffic down on Heritage Park Drive. They attached a device to a pole. From 12:00 a.m. on July 23<sup>rd</sup> through 12:00 a.m. on July 29<sup>th</sup>, they registered 6,973 cars during that six-day period. The lowest speed was 25 miles-per-hour (MPH) while the highest speed was 50 MPH. There were 36 cars that they could’ve ticketed for going over the speed limit or six cars per day. A suggestion was made at the last meeting to hire off-duty officers. They could not determine when the highest volume of traffic was. In his opinion, 6,973 cars during a six-day period were excessive.

Discussion ensued regarding times to monitor traffic. Mr. Curran preferred early in the morning from south to north or the west entrance. Mr. Ferry asked who gets the money the CDD pays for the off-duty officers. Mr. Oliver stated the deputies providing the patrol duties are paid directly by the CDD. Ms. Wharton preferred rush hour between 4:00 p.m. and 5:30 p.m. Mr. Oliver recommended hiring the off-duty officers to work four-hour shifts at a cost of \$40 per hour for a few weeks to make an impact. Ms. Wharton proposed hiring the off-duty officers twice in the morning and twice in the evening. Mr. Oliver noted it was at the SJSO’s discretion whether they would issue tickets and would work with Mr. Curran after the meeting.

Mr. Masley asked if there was an update on the city water surcharge. Mr. Oliver noted the website for the City of St. Augustine shows rate tables indicating that a surcharge was charged for all areas outside of the city limits, but within the service area. The higher cost is not unique for Heritage Park.

**C. Approval of Check Register**

On MOTION by Mr. Kinnecom seconded by Mr. Curran with all in favor the Check Register from July 15, 2021 to September 9, 2021 in the amount of \$20,595.04 was approved.

**ELEVENTH ORDER OF BUSINESS**                      **Next Scheduled Meeting – TBD @ 1:00 p.m.**

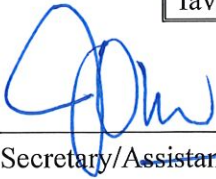
Mr. Oliver announced that the next meeting was scheduled for November 18, 2021 at 1:00 p.m.

**TWELFTH ORDER OF BUSINESS**                      **Adjournment**

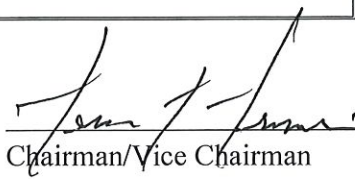
September 16, 2021

Heritage Park CDD

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



Secretary/Assistant Secretary



Chairman/Vice Chairman