

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 19, 2023 at 1:00 p.m. at the Heritage Park Amenity Center, 225 Hefferon Drive, St. Augustine, Florida 32084.

Present and constituting a quorum were:

Joanne Wharton	Chairperson
Robert Curran	Vice Chairman
Thomas Ferry	Supervisor
Judith Kinnecom	Supervisor
Louis Pingotti	Supervisor

Also present were:

Jim Oliver	District Manager
Joe Brown <i>by phone</i>	District Counsel
Chris Hall	Riverside Management

*The following is a summary of the actions taken at the January 19, 2023 meeting. Due to a technical issue with the audio, the beginning of the meeting was summarized using District Manager notes. The recording commenced during the Second Order of Business.*

**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**

Resident Gerri Ferry of the St. Augustine Homeowners Association (HOA) shared recommendations from the HOA's liability insurance provider regarding locations and quantities for posting two sided No Trespassing/No Fishing signs at all ponds. The Operations Manager

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would will take CDD Board direction regarding placing signs every 50 feet, as HOA’s insurance company recommended.

**THIRD ORDER OF BUSINESS**

**Consideration of Candidates to Fill Board Vacancies (Seats 1 & 2)**

Mr. Mark Masley declared that he did not wish to serve in Seat 1, which expired. Mr. Oliver announced vacancies in Seat 1 and Seat 2. Resumes and Letters of Interest were received from Ms. Judith Kinnecom and Mr. Louis Pingotti, which were included in the agenda package.

Ms. Kinnecom and Mr. Pingotti introduced themselves. Ms. Wharton felt that the Board and community were fortunate to have Ms. Kinnecom as a candidate as she worked alongside Mr. Ken Kinnecom. Ms. Wharton appointed Ms. Judith Kinnecom to Seat 2, which was previously held by Mr. Ken Kinnecom. Ms. Wharton understood that Mr. Kinnecom’s seat and her seat expired in November of 2024 but questioned when Mr. Masley’s seat expired. Mr. Oliver confirmed that once filled, Mr. Masley’s seat expired in November of 2026. Ms. Wharton requested that Ms. Judith Kinnecom be appointed to Seat 1 instead of Seat 2.

On MOTION by Ms. Wharton seconded by Mr. Curran with all in favor the appointment of Ms. Judith Kinnecom to fill the Board vacancy in Seat 1 was approved.

Mr. Oliver thanked Mr. Masley for his service and requested that he attend the next meeting to be recognized.

On MOTION by Mr. Ferry seconded by Mr. Curran with all in favor the appointment of Mr. Louis Pingotti to fill the Board vacancy in Seat 2 was approved.

**FOURTH ORDER OF BUSINESS**

**Organizational Matters**

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

*Mr. Oliver, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Judith Kinnecom and Mr. Louis Pingotti.*

Mr. Oliver advised that Ms. Judith Kinnecom and Mr. Louis Pingotti were now considered public officials. The CDD was a unit of Government in Florida and as such, they were subject to the Sunshine, Public Records and Ethics Laws. Under the Sunshine Law, Board Members were prohibited from speaking with other Board Members outside of a Board meeting

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on CDD business. This included speaking in person, phone calls, emails and social media such as Facebook. Any posts could be construed as communication if another Board Member read it outside of a meeting and therefore could be a violation of the Sunshine Law. Staff members should not be used as conduits. CDD records and materials should be segregated from business and personal records as it was subject to public records requests. A separate email account should be created for CDD business. Public records requests should be forwarded to him or District Counsel.

Ms. Wharton stated that Board Members could respond in public if a citizen of Heritage Park asked a question as long as it was something that the Board was not voting on. Mr. Oliver explained that the Sunshine Law only applied to Board Members not speaking with each other, but they could speak to other residents. Documents would be provided to the new Board Members after the meeting such as a question-and-answer sheet regarding CDDs; Chapter 190; W-4 and I-9 forms, if the new Board Members wanted to receive the \$200 in compensation for attending meetings; Florida Commission on Ethics and Guide to the Sunshine and Public Records Laws and Form 1, Statement of Financial Interests, which was required to be filed with the Supervisor of Elections.

**B. Election of Officers, Resolution 2023-02**

Mr. Oliver stated that after each election, the Board was required to elect officers. Mr. Ken Kinnecom served as Chairman, Mr. Curran was serving as Vice Chairman and the remaining Board Members as Assistant Secretaries. Staff at GMS served as Secretary, Treasurer, Assistant Secretaries and Assistant Treasurers for check signing purposes. Ms. Wharton asked if it was possible to split the Chairman position into Chairman and Co-Chairman. Mr. Oliver stated Chapter 190 required a Chair and Vice Chair. Ms. Wharton did not want to nominate anyone for Chair unless they wanted it. Mr. Curran was interested in serving as Vice Chair. There was Board consensus for Mr. Curran to serve as Vice Chair. Mr. Ferry nominated Ms. Wharton as Chair. There was Board consensus for Ms. Wharton to serve as Chair.

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On MOTION by Mr. Pingotti seconded by Ms. Kinnecom with all in favor the election of Ms. Joanne Wharton as Chair; Mr. Bob Curran as Vice Chair; Mr. Tom Ferry, Ms. Judith Kinnecom, Mr. Louis Pingotti, Ms. Marilee Giles, Mr. Daniel Laughlin, Mr. Darrin Mossing and Mr. Howard McGaffney as Assistant Secretaries; Mr. Jim Oliver as Treasurer and Secretary and Ms. Marilee Giles, Mr. Daniel Laughlin, Mr. Darrin Mossing, Mr. Howard McGaffney as Assistant Treasurers as evidenced by Resolution 2023-02 was adopted.

**FIFTH ORDER OF BUSINESS****Approval of the Minutes of the November 17, 2022 Meeting**

Mr. Ferry noted on Page 3, under the Seventh Order of Business, “*Mr. Oliver stated her recently spoke*” should be “*Mr. Oliver recently spoke.*” Ms. Wharton requested clarification of the statement, “*Mr. Hall confirmed that Pond 600 had a new fountain that ran perfect for months, but when it was switched out with Pond 1100, there was tripping from the GFI outlet.*” Mr. Hall explained that Pond 600 had a tripping problem and the fountain was switched to ensure that the issue was not with the fountain. Since it was still tripping, it was not a fountain issue.

On MOTION by Mr. Ferry seconded by Ms. Wharton with all in favor the Minutes of the November 17, 2022 Meeting were approved as amended.

**SIXTH ORDER OF BUSINESS****Ratification of Renewal Agreement with Yellowstone Landscape**

Mr. Oliver requested that this item be tabled as staff was waiting for the document to be returned from Yellowstone.

**SEVENTH ORDER OF BUSINESS****Acceptance of Draft Audit Report for Fiscal Year 2022**

Mr. Oliver presented the Fiscal Year 2022 draft audit, which was included in the agenda package. It was a clean audit. Ms. Wharton questioned in the financial report, why the District’s net position increased by \$24,000. Mr. Oliver confirmed that it was due to capital projects that the District paid for and would provide further information to Ms. Wharton.

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On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor the Fiscal Year 2022 Audit Report was accepted.

**EIGHTH ORDER OF BUSINESS****Discussion Regarding Ponds (violations, trespassing)**

Mr. Oliver stated that this item was placed on the agenda at the request of the Vice Chair. The District had a Pond Policy for trespassing and no fishing on the ponds. Letters were sent in the past to residents for fishing, horseplay or mischievous actions. There may need to be discussion on actions that the Board could take such as installing signage, sending letters or additional assistance from the Sheriff's Office. Mr. Curran requested this item for this purpose and proposed having additional signage. Last Friday, teenagers were on Pond 500 on the corner of Heritage Park Drive and Woodlawn Road. The older one left, but the younger one did not. They were told by a deputy from the Sheriff's Office, Mr. Russell Burns who lived at 867 East Red House Branch Road, that they could fish. He allegedly removed the sign that Mr. Hall installed and threw it into the pond because the sign was behind his fence. Mr. Burns believed that he owned everything from his fence to the pond and encouraged kids to fish.

Mr. Oliver reported that his colleague, Mr. Howard McGaffney was having lunch with the Sheriff next week and would have him mention this incident and address how to assist this District. Ms. Wharton wanted written warnings now that spring was approaching and people were fishing on the ponds. Mr. Curran questioned how the trespass enforcement authorization worked. Mr. Oliver explained that there was a new form that was signed in the presence of a deputy and would have Mr. McGaffney get it executed when he was at the Sheriff's Office next week. Ms. Wharton felt that it needed to be brought to the forefront. Ms. Kinnecom noted that a number of parents were stocking the ponds with fish so their children had fish to catch. Ms. Wharton had not seen anyone take fish out of the pond and was in support of increasing the signage as she received a request from a resident that a No Fishing sign be placed behind a house at 1204 Wild Palm Court. Their signs did not say, "*Trespassers Will Be Prosecuted*" and questioned whether it was in the District's best interest to add it to the sign. Mr. Oliver would ask the Sheriff's Office. Ms. Wharton requested an estimate for four signs on the small ponds and six to eight signs on the larger ponds. Mr. Oliver stated they must find the right solution so they did not have sign pollution. Ms. Wharton spoke to kids when they were fishing on the ponds versus contacting the Sheriff's Department. Mr. Oliver pointed out that their actions were limited

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because the District did not have security powers but did not want the Board to put themselves in harm's way. The best approach was working through the Sheriff's Office and providing education. Staff would speak with the Sheriff's Office regarding these issues and would request a representative of the Sheriff's Office attend the next meeting. Mr. Oliver would provide an update after speaking with the Sheriff's Office.

## **NINTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

There being none, the next item followed.

#### **B. Engineer**

Mr. Oliver reported that Mr. Ryan Stillwell was now the District Engineer as Ms. Jenny Urcan was no longer with Prosser.

#### **C. Manager**

Mr. Oliver reported that the budget process would be starting at the March meeting with the idea of bringing a Proposed Budget for Fiscal Year 2024 to the May meeting for approval and adopting the budget in July or August

#### **D. Operations Manager**

Mr. Hall recalled that at the last meeting, Ms. Wharton asked whether aquatic plants would be beneficial around edges of the pond. He did not recommend putting anything on the pond banks as it would de-stabilize them; however, putting aquatic plants around the shoreline would help with algae in the pond. Ms. Wharton suggested placing them around a trial pond but doing some research first on whether it would assist with the stability and health of the pond and if it would affect wildlife. Mr. Hall recommended doing one or two ponds and obtaining a proposal on different type of plants. Ms. Wharton requested this item for the next meeting, that Board Members think about which pond to include the plants on and voiced concern that Future Horizons were over-spraying the ponds. Mr. Hall pointed out that there were laws on how much they could spray. The fence project was completed. The basketball court was cut out and the fence was moved out to the property line. Two fountains were in stock. If they run out and needed more, there was a discount. He would work on the signs once they have the verbiage. The

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electrician completed work on Pond 1000. Ms. Wharton noted that people were adjusting the timers continuously on this pond, causing the fountain to go out. In addition, the pond was not being checked every week like it should. Mr. Hall indicated that the ponds were being cleaned every other week. Ms. Wharton waited two weeks when the fountains were out, but no one noticed. Someone on the Board should have keys if locks were put on the timers. Mr. Hall would have it checked and look into a combination lock that they could provide to the Chair. Ms. Wharton suggested that all locks have the same combination.

**TENTH ORDER OF BUSINESS****Audience Comments**

Resident Gerri Ferry wished the new Board Members good luck.

**ELEVENTH ORDER OF BUSINESS****Supervisors Requests**

Ms. Wharton requested new name plates and pressure washing of the fence. Mr. Hall confirmed that it was completed yesterday. Ms. Wharton requested a walk through with Mr. Hall and questioned who was responsible for maintaining the fence at the south entrance on Woodlawn Road as it was dirty. Resident Gerri Ferry stated that Mr. Kinnecom informed her that it was the HOA's responsibility and had it cleaned as there was an agreement with the developer. Mr. Oliver would have Mr. Hall and Mr. Stillwell look at it. Ms. Kinnecom questioned who to call if there was an issue with the pond. Mr. Hall stated that the person in the office would be called and they would inform him. Mr. Oliver requested that Ms. Kinnecom contact Mr. Hall first and if Mr. Hall did not respond, to let him know. Mr. Hall provided his contact information to Ms. Kinnecom.

**TWELFTH ORDER OF BUSINESS****Financial Reports****A. Balance Sheet and Statement of Revenues & Expenditures**

Mr. Oliver presented the Unaudited Financial Statements through December 31, 2022, which were included in the agenda package. There were no unusual variances and there was \$128,000 in the Capital Reserve.

**B. Assessment Receipt Schedule**

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Mr. Oliver presented the Assessment Receipt Schedule, which was included in the agenda package. On-roll collections were at 31% through December 15<sup>th</sup>. The District should be fully collected by the end of February.

**C. Approval of Check Register**

On MOTION by Mr. Curran seconded by Mr. Ferry with all in favor the Check Register from November 10, 2022 through January 10, 2023 in the amount of \$29,443.57 was approved.

**THIRTEENTH ORDER OF BUSINESS      Next Scheduled Meeting – March 16, 2023 @ 1:00 p.m.**

Mr. Oliver stated that the next meeting was scheduled for March 16, 2023 at 1:00 p.m.

**FOURTEENTH ORDER OF BUSINESS      Adjournment**

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

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*Jim Oliver*  
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Secretary/Assistant Secretary

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*[Signature]*  
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Chairman/Vice Chairman