

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, March 16, 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
Wes Haber (<i>via phone</i>)	District Counsel
Mark Masley	Former Supervisor
Captain Dean and Lieutenant Smith	St. Johns Sheriff's Office
Geri Ferry	President, Heritage Park HOA Board of Directors

The following is a summary of the actions taken at the March 16, 2023 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.

- **St. Johns Sheriff's Office Update (*Item 4*)**

Mr. Oliver introduced Captain Dean and Lieutenant Smith of the St. Johns Sheriff's Office (SJSO), to address resident concerns about trespassing on District property and fishing around lakes. Mr. Curran pointed out that he had interactions with juveniles, several of which were not residents of the community. When he told that they could not fish, reported that a deputy told them that they could and presented the deputy's card. Captain Dean understood that property owners owned to the water and suggested installing signage. Ms. Wharton explained

March 16, 2023

Heritage Park CDD

that the CDD owned to the water and anyone around the lakes, on the bank or in the water were trespassing, as fishing was not allowed. In addition, Ms. Wharton heard from the juveniles that the deputy pulled the sign out of the ground and thrown it into the lake. Captain Dean indicated if they were called, they would come out and address any issues and issue trespass warnings. Ms. Wharton requested a verbal warning be issued for first time offenders followed by a written warning. Mr. Curran preferred to have documentation so they had the individual's name and could send a letter to the parents of the violators. Ms. Wharton asked if there was possibility of increased patrols, especially after school. Captain Dean provided their main switchboard/dispatch number, or his email, if there did not need to be an immediate response.

Ms. Wharton questioned what they could do in the meantime to deter fishing. Captain Dean suggested educating residents on the pond policies. Ms. Ferry proposed sending a joint memo from the CDD and HOA. Ms. Wharton suggested hiring off-duty deputies for a few hours per week during peak times on the most active ponds. Captain Dean noted that the District did not have a high volume of calls, maybe five or six since January, mostly for fishing and a homeless camp. Ms. Ferry reported that Officer Haywood issued trespass warnings the other day for the homeless camp, which chased them out, but they were back the next night; however, SJSO had permission to enforce it. Mr. Curran preferred that residents call the main number and requested that SJSO patrol Ponds 500 and 1400, their most active ponds. Captain Dean did not see the need for the District to hire an off-duty deputy as it was \$55 per hour and requested that residents provide the address of the roads abutting the pond instead of the pond number as a reference point. If they see kids fishing, they will inform them of the rules. He wanted to help the District as they had a good working relationship.

Captain Dean and Lieutenant Smith left the meeting.

Ms. Wharton presented a plaque to Mr. Mark Masley who served on the Board for 12 years and thanked him for his service.

SECOND ORDER OF BUSINESS

Public Comment

Mr. Oliver opened the public comment period. A Resident asked if they could present pictures of kids on the pond culvert. Mr. Oliver appreciated the information. Ms. Wharton clarified that this was Pond 1400, on the corner of Hefferon Drive and Pine Arbor Circle. The

March 16, 2023

Heritage Park CDD

Resident noted it used to be the neighborhood kids, but now it was kids from the trailer park. A gate on the culvert was broken and laying on the ground.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the January 19, 2023 Meeting

Ms. Wharton noted under the Second Order of Business, the Operations Manager wanted CDD Board direction regarding placing signs every 50 feet, as the HOA’s insurance company recommended. Under the Eleventh Order of Business, the comment by Resident Gerri Ferry regarding the HOA’s responsibility, had to do with the fence running along Woodlawn Road. Under the Operations Manager’s Report, Ms. Wharton waited for two weeks when the fountains were out to see if Mr. Hall picked up on it, but he failed to do so. Mr. Oliver reported that Mr. Hall was stepping down from his position as an operations manager and a new Operations Manager would represent the District.

On MOTION by Ms. Wharton seconded by Mr. Curran with all in favor the Minutes of the January 19, 2023 Meeting were approved as amended.

FOURTH ORDER OF BUSINESS

St. Johns Sheriff’s Office Update

This item was discussed.

FIFTH ORDER OF BUSINESS

Ratification of Renewal Agreement with Yellowstone Landscape

Mr. Oliver presented the renewal agreement with Yellowstone Landscape (Yellowstone), which was included in the agenda package. It was executed and needed ratification by the Board. Ms. Wharton asked if the contractor met with the District representative one time per month to walk the property and discuss the conditions as stated on Page 3. Mr. Oliver could not confirm, but would ensure that it would happen with the new operations manager. In Exhibit A, Scope of Services on Page 12, Ms. Wharton noted that Yellowstone was supposed to be doing weed control on an as needed basis, but they were only doing it in areas where there was irrigation; however, there was a weed problem on Pond 1000 that was surrounded by a green fence. Mr. Oliver would coordinate a ride through between Ms. Wharton, the Operations Manager and Yellowstone to point out specific items. Mr. Ferry asked if they ever looked at any other

March 16, 2023

Heritage Park CDD

companies. Ms. Wharton recalled that they had proposals from three other companies and the next least expensive one was double the cost of Yellowstone. Ms. Ferry reported that the HOA was looking at other landscaping companies because they were not happy with Yellowstone's quality of service. When they were asked to clean under the bushes, Yellowstone claimed that they did not do that. Ms. Wharton suggested going out for proposals six months before this renewal expired. Mr. Oliver noted that it into effect on February 1, 2023 and was for one year, but there was a termination clause.

On MOTION by Ms. Wharton seconded by Mr. Pingotti with four in favor and Mr. Ferry opposed, the renewal agreement with Yellowstone Landscape was ratified.
--

SIXTH ORDER OF BUSINESS**Discussion of Fiscal Year 2024 Budget Process**

Mr. Oliver stated that the Fiscal Year runs from October 1st to September 30th and the Board needed to adopt a budget by the end of August in order to send the Assessment Roll to the county tax assessor to place assessments on property Tax Bills by November 1st. Chapter 190 of the Florida Statutes, requires the Board to approve a Proposed Budget by June 15th of each year, but this Board approved the Proposed Budget in May and set a public hearing to adopt it in July, which worked well. The District was in a good position, not having a rate increase for several years and a healthy capital reserve. Ms. Wharton requested increasing the budget for landscaping services and pond management. Mr. Pingotti noted that they were supposed to get new double-sided signs. Ms. Wharton recalled that the Board voted at the last meeting to increase the signage on some of the ponds, but not place them every 50 feet. Mr. Pingotti pointed out if they had double sided signs, they needed to redo the posts. Ms. Wharton suggested placing two signs on one post. As soon as the new Operations Manager was engaged, Mr. Oliver would introduce him to the Board.

March 16, 2023

Heritage Park CDD

SEVENTH 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

There being none, the next item followed.

EIGHTH ORDER OF BUSINESS

Audience Comments

A Resident stated she read the District was authorized to exercise additional powers to finance, fund, plan, establish, acquire, construct, operate and maintain facilities as described in Section 190.012(2)(a) of the Florida Statutes, but the HOA and the community did not benefit from it and the CDD did not follow it. Mr. Oliver explained if they were District owned facilities on District land, the District financed and maintained those assets and infrastructure. However, in this District, the HOA owned and operated the amenities. Mr. Haber advised if the CDD owned recreation improvements, they must be open to the public and the CDD was required to adopt an annual user fee for the public to access and use the amenity facilities with the rights that a resident would have. The recreation powers that were identified in Chapter 190 of the Florida Statutes, were authorized differently than the establishment of a CDD and if the CDD wanted to work with the HOA to take ownership of the recreation facilities, they must determine if it was granted recreation authority by the county. If not, they would need to make an application with the county.

Ms. Wharton questioned the benefit for the CDD doing this. Mr. Haber explained that the biggest benefit was sovereign immunity. If someone were to get injured at the amenity facility, because the HOA was not a unit of government that was afforded sovereign immunity protection. The other benefit was the ongoing maintenance as any funds expended by the District would be paid through tax exempt bonds. Because CDDs collect assessments on the county tax

March 16, 2023

Heritage Park CDD

roll, they had the benefit of ensuring that the assessments levied were for the operation and maintenance (O&M) of the amenity facilities. There may be disadvantages to a CDD owning, operating and maintaining the amenity facilities as opposed to the HOA, but he was not familiar enough with HOAs. Ms. Wharton questioned how the public was notified that they could purchase an annual user fee and if this was a one-time opportunity. Mr. Haber pointed out the District did not have to advertise on their website or notice the availability but was required to hold and advertise a public hearing for the adoption of an annual user fee. It would be one-time, unless the CDD wanted to change the fee, but it must be based on what other CDDs charge or what the marketplace charged and could not be set high to dissuade people. Mr. Oliver suggested that the Board have informal discussions on what would make sense for the HOA to convey the amenity facility to the District and what the District be willing to accept.

A Resident on Oak Arbor Circle reported that her neighbor was dumping oyster shells, ash and garbage into the pond, another owner was throwing dog feces into the pond, the pond behind her home was filthy with debris and culverts were not being cleaned or maintained. Ms. Wharton requested that letters be sent to the owners. Mr. Oliver stated he would send the letters. Ms. Wharton noted that the pond behind the resident's home was Pond 100, which was being maintained daily; however, people were throwing garbage bags and bottles into the ponds on a daily basis and requested that this be addressed with the Operations Manager. Last year, Ms. Wharton asked the Operations Manager to clean the culverts when the ponds were historically low, due to sand and debris from the road, but it was not done. They were currently waiting for the ponds to get low enough again, in order to clean them. A resident reported when it rained, water built up in the street at 908 Oak Arbor Circle from clogged drains. Mr. Oliver would have the District Engineer look at it. Ms. Ferry of the St. Augustine Homeowners Association (HOA) noted that fence applications for the ARB were updated to include a waiver and asked if the people that installed fences that did not know about it, needed to be notified. Mr. Oliver explained that if any fences were on a District easement or District owned property and the District needed to access the property to perform maintenance, the District had the right to remove it at no cost to the District.

March 16, 2023

Heritage Park CDD

NINTH ORDER OF BUSINESS**Supervisors Requests**

Mr. Curran spoke to the resident at 828 Heritage Park Drive regarding the light at the first speed bump, which was shining into their bedroom window. Ms. Wharton pointed out that the light must stay, due to the speed bump, as it was a safety issue. Mr. Oliver would check with FPL on the cost or if a light shield could be placed on it.

At the last meeting, Ms. Wharton requested research on whether aquatic plants would be beneficial around edges of the pond and which ponds to include them on and voiced concern about the overuse of chemicals in their pond. She questioned whether the aquatic vendors attended the eight-week Healthy Pond Certification Program run by Florida State University. Ms. Wharton contacted Mr. Tim Wilson at the South Florida Water Management District Extension Office to see if he could attend a meeting to discuss what made up a healthy pond as many of stormwater ponds were in danger due to chemical use. Mr. Curran noted that the power washer did not use a chemical that was harmful to the ponds. Ms. Wharton suggested selecting one of the more isolated small ponds, if the Board decided to make any changes and would try to contact Mr. Wilson further and provide further information at the next meeting. In the lake policies, Ms. Wharton referred to a provision whereby wildlife, not limited to birds and reptiles, would not be removed from nor released from District lakes or other stormwater management facilities, but they had reptiles removed on occasion like alligators and suggested that the verbiage be changed to include wildlife that were injured or a threat. Mr. Oliver would make this change. A Resident suggested designating a pond for fishing. Ms. Wharton disagreed, due to liability issues, but the Board could consider it at the next meeting.

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

Mr. Oliver presented the Unaudited Financial Statements through February 28, 2023, which were included in the agenda package. There were no unusual variances and \$129,000 was in the Capital Reserve. Ms. Wharton questioned the expenditure for the State Board of Administration. Mr. Oliver explained that the State Board of Administration is a fund run by the State of Florida for governmental agencies such as cities, counties, universities, libraries, hospitals and Special Districts like this one, to invest funds at a higher yield, now around 4.5%. The balance was \$104,000. Due to the recent failure of Silicon Bank, they placed some money back into the Operations Fund. Ms. Wharton thanked staff for doing this.

March 16, 2023

Heritage Park CDD

B. Assessment Receipt Schedule

Mr. Oliver presented the Assessment Receipt Schedule, which was included in the agenda package. The District should be fully collected by next month as \$255,000 was assessed and the District collected \$245,000.

C. Approval of Check Register

Mr. Ferry noted that Ms. Kinnecom’s name was not listed on the payroll. Mr. Oliver confirmed she has been added to the payroll system and check payment is in process. Mr. Ferry questioned an invoice for Yellowstone in the amount of \$3,153.33, which seemed high. Ms. Wharton pointed out that Yellowstone’s contract was \$37,000 and last month it was \$3,000. Mr. Oliver noted the invoice includes any listed additional fees such as irrigation repairs.

On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor the Check Register from January 11, 2023 through March 9 2023 in the amount of \$31,260.23 was approved.

ELEVENTH ORDER OF BUSINESS

Next Scheduled Meeting – May 18, 2023 @ 1:00 p.m.

Mr. Oliver stated that the next meeting was scheduled for May 18, 2023 at 1:00 p.m. Ms. Wharton announced that she would not be at the July meeting and suggested moving it to August.

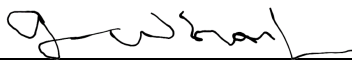
TWELFTH ORDER OF BUSINESS

Adjournment

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

DocuSigned by:

D1BA5E5E7410418...
Secretary/Assistant Secretary

DocuSigned by:

B1090AFD8392437...
Chairman/Vice Chairman