

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 18, 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	District Counsel
Rich Gray	Operations Manager

*The following is a summary of the actions taken at the May 18, 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.

**SECOND ORDER OF BUSINESS**

**Public Comment**

Mr. Oliver opened the public comment period. A resident stated Yellowstone Landscaping (Yellowstone) did not come around often and voiced concern about the chemicals they were spraying. Ms. Wharton recalled that Yellowstone was on a schedule for mowing and weed whacking. Mr. Gray noticed that Pond 100 in the back was not being maintained and was speaking with Yellowstone's Operations Manager about it. Mr. Gray felt that there should be

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uniformity, picking up trash on all of the lake banks and ensuring that everything was being mowed and weed whacked. Ms. Wharton walked the ponds and felt that trash pickup drastically improved. Ms. Germain asked if the aerators were supposed to be on every day. Ms. Wharton recalled that the fountains/aerators were supposed to run every day. Mr. Curran lived near Pond 100 and would confirm that the fountain was on. Mr. Gray was onsite yesterday and all of the fountains except for two, were operating properly. There being no further comments, Mr. Oliver closed the public comment period.

### **THIRD ORDER OF BUSINESS**

#### **Approval of the Minutes of the March 16, 2023 Meeting**

Mr. Oliver pointed out that the motion box on Page 4, should reflect that Mr. Ferry did not approve the renewal agreement with Yellowstone Landscape and “*A fence running across Woodlawn Road*” should be “*A fence running along Woodlawn Road.*” On Page 7, Mr. Curran misunderstood the resident at 828 Heritage Park Drive. They were not requesting that a blue light be replaced. Mr. Oliver thanked Mr. Curran and Mr. Gray for resolving this matter.

On MOTION by Mr. Ferry seconded by Mr. Curran with all in favor the Minutes of the March 16, 2023 Meeting were approved as amended.

### **FOURTH ORDER OF BUSINESS**

#### **Fiscal Year 2024 Proposed Budget**

- A. Review of Fiscal Year 2024 Proposed Budget**
- B. Consideration of Resolution 2023-03, Approving the Proposed Budget for Fiscal Year 2024 and Setting a Public Hearing Date to Adopt**

Mr. Oliver presented Resolution 2022-03, approving the Proposed Budget and setting the public hearing for July 20, 2023. The Board was required to approve a budget by June 15<sup>th</sup> of each year, provide it to St. Johns County and hold a public hearing for adoption at least 60 days thereafter. There were no changes to the budget from the prior year and no increase in assessments. The District was generating a surplus of roughly \$80,000 that was being carried forward to the next budget year to subsidize it. The budget was comprised revenues, assessments collected to pay for goods and services of the District, administrative and operations. There was also a debt service portion, but there was no impact because the assessments were levied and

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fixed every year. If there was a surplus at the end of the year, the District would use it for future operations versus turning it back into the State or Federal Government.

Mr. Ferry questioned why \$40,000 was budgeted for *Street Lights* in the Adopted Budget and \$49,140 was proposed. Ms. Wharton recalled that they were supposed to have LEDs, which was supposed to provide savings. Rates increased, but there should have been a wash. Mr. Oliver explained that it was raised \$40,000 to \$49,000 based on the projection of \$44,000. The accountants were conservative with their projections, but it could be lowered and the *Carry Forward Surplus* could be reduced by a corresponding amount. They could always increase it if lights needed to be added. Mr. Ferry suggested splitting the difference. Ms. Wharton recommended using the projected amount of \$44,591. Mr. Oliver noted that Florida Power & Light (FPL) requested a rate increase for next year. Ms. Wharton questioned why the *Operating Reserve* decreased from \$28,618 to \$10,000. Mr. Oliver explained that the decrease in *Operating Reserve and increase in contribution for Capital Reserves* is essentially a wash. Ms. Wharton wanted to leave it but felt that the *Grass Carp Stocking* was not necessary for this year, as it was not completed last year. Mr. Gray would find out if it was completed last year, but having the carp was beneficial to the lakes. Ms. Wharton wanted something else besides the sterile carp such as fountains and pointed out under *Utility Service*, there were 21 fountains in 18 ponds, at least four on Wooded Crossing Circle. Mr. Ferry noted that one was a fountain and the other three were pumps. Ms. Wharton believed that some of the utility boxes were grouped together. Mr. Gray would verify. Ms. Wharton requested increasing *Lake Maintenance* to add rocks on lake banks that were eroding. Mr. Oliver would include a \$10,000 line item for *Lake Bank Erosion*. Ms. Wharton announced that she would not be at the July 20 meeting. The remaining Board Members confirmed that they would be present.

<p>On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor Resolution 2023-03 Approving the Proposed Budget for Fiscal Year 2023 and Setting the Public Hearing for July 20, 2023 at 1:00 p.m., at this location was adopted.</p>
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**FIFTH ORDER OF BUSINESS****Consideration of Resolution 2023-04  
Resolution Regarding Records Retention  
Policy**

Mr. Oliver presented Resolution 2022-04, adopting a Records Retention Policy. Mr. Haber discussed a memorandum prepared by his office, providing the following options regarding records retention:

- **Option 1:** Retain records in accordance with Federal and State Statutes, have the District Manager serve as the records custodian and destroy records when they could be legally destroyed.
- **Option 2:** Retain records in perpetuity until directed by the Board in accordance with Federal and State Law.

Mr. Haber pointed out that the District currently retained records under Option 2, which was the most efficient way, as there was less work on the District Manager. However, if there was a lack of storage, the District Manager could come before the Board. The District Manager preferred to retain the records in perpetuity. There were two new issues related to records retention. One pertains to transitory records, which serve no useful purpose after a certain date, for example, if Mr. Oliver's office sends out an email regarding a meeting and after the meeting, the email serving no other purpose. The update would allow Mr. Oliver's office to delete the transitory records. The other issue pertained to the deletion of hard copies, if converted to electronic copies. Ms. Wharton selected Option 2.

On MOTION by Ms. Wharton seconded by Mr. Pingotti with all in favor the adoption of Resolution 2023-04 Regarding a Records Retention Policy and the selection of Option 2 was approved.

**SIXTH ORDER OF BUSINESS****Consideration of Yellowstone Landscape  
Proposal for Tree Fellings and Wood Line  
Clearance Services**

Mr. Gray presented a proposal from Yellowstone for wood line trimming, which was included in the agenda package. Ms. Wharton and Mr. Gray walked the tree line from Hefferon Drive to Newpark Court, which was getting overgrown. There were Pine trees that topped over and tangled up in vines. There was no way for Yellowstone to do the proper maintenance. The tree line was from Lake 1500 all the way down to the cul-de-sac on Newpark Court. Ms.

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Wharton pointed out that it was not passable without equipment due to many fallen and leaning trees. Mr. Gray explained that Yellowstone would push back the wood line and remove the problem trees. It would expose the fence so it could be cleaned and make it easier for the landscaper to mow. According to the quote, with the wood line trimming, Yellowstone would also be cutting down seven damaged Pine trees and two Wax Myrtles. All debris would stay where they were cut in the conservation area and the stumps would be flush cut to the ground.

Ms. Wharton understood that all debris needed to remain per the Water Management District and questioned whether there was a typo on the quote. Mr. Gray confirmed that there was a typo and requested an updated quote from Yellowstone. The price would be adjusted to remove the debris from the original quote. Ms. Wharton noted that the price was not reduced by much. Mr. Gray pointed out there was not a lot of material, but there were larger Oaks that required heavier equipment. Ms. Kinnecom asked if leaving a stump in the ground caused sinkholes if the roots started to decay. Mr. Gray explained that Pine roots were like spider roots, which go into the ground at least 10 feet and stretch out. Therefore, removing the entire root ball because of how big the hole can get, was not recommended; however, this was not a concern with Pine trees.

On MOTION by Ms. Wharton seconded by Mr. Curran with all in favor the Yellowstone Landscape Proposal for tree fellings and wood line clearance services in the amount of \$3,885 was approved.

## **SEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Mr. Haber reported that the Legislative Session ended recently in Tallahassee and the most impactful Bill that was passed that affects all CDDs, starting on January 1, 2024, all Supervisors in CDDs throughout the State, would have until December 31<sup>st</sup>, to complete four hours of ethics training. There were multiple ways to complete it whether online or podcast. Mr. Haber's office was looking into alternatives, which he would share with the Board. A number of other Bills were being monitored. A notable one that did not pass was the Sovereign Immunity Law. Ms. Wharton requested that Mr. Haber update the Board on how to register their credits once the training was completed. Mr. Haber believed that there would be a self-reporting option on the Financial Disclosure Form and would confirm this. Ms. Kinnecom asked if each

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Supervisor was supposed to have sovereign immunity coverage. Mr. Haber explained that the District had liability and director and officers' insurance.

**B. Engineer**

There being none, the next item followed.

**C. Manager - Report on the Number of Registered Voters (1,349)**

Mr. Oliver reported 1,349 registered voters according to the St. Johns County Supervisor of Elections as of April 15, 2023.

**D. Operations Manager**

Mr. Gray reported that the fountain on Pond 200 was repaired and re-installed. It was not covered under warranty. Ms. Wharton asked if it was an old fountain. Mr. Gray replied affirmatively. The cost for the repair was \$793.67. The fountain on Pond 1400 was repaired under the warranty. However, there was a service charge of \$120. Ms. Wharton pointed out that Pond 1400 had two fountains that were last repaired in 2022. Mr. Gray confirmed that the fountain closest to Hefferon Drive on Pond 1400 was replaced under the warranty. On Pond 1200, the GFCI kept tripping. When Mr. Gray was onsite one day per week, he checked the fountains and reset timers. If the Board needed him to come out to check the fountains, Mr. Gray was happy to do so, but there may be an issue with two GFCI's. When there was an issue with a GFCI, the voltage dropped or dipped below the normal supply level. They would not stop receiving power, but would have less volts, which would trip the breakers. That was a good thing as it kept the pond from being harmed. Mr. Gray was trying to come up with a resolution, but after all of the troubleshooting, this was the only solution that he could come up with.

Ms. Wharton recalled that Pond 1100 had a new fountain and Pond 1200 did not and if there was a brown out, it would only affect these two fountains, unless there was an electrical issue. Mr. Gray was trying to figure this out because Future Horizons replaced the wiring to the pump, conduit, underground wiring and GFCI. Everything on their end was repaired, but according to the city, there have been no outages in this area within six months. Mr. Gray requested that the city look at the transformer, but the city refused to do so because they had no reports of issues with that transformer and from what they could see, it was getting power. Therefore, Mr. Gray concluded that the issue was a brown out, which was out of their control.

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Ms. Wharton voiced concern about wear and tear on the new pump because of being tripped every two days. Mr. Gray pointed out that the GFCI should be protecting the pump. Ms. Wharton would show the Board Members how to turn the GFCIs on in Mr. Gray's absence. Mr. Ferry believed that it would be hard to isolate it. Ms. Wharton asked if there were any issues in the Clubhouse. Ms. Kinnecom noticed that sometimes the Wi-Fi went in and out. Mr. Gray would keep working on the issue. Ms. Wharton felt that their only recourse was to continuously call FPL to see if they respond. Mr. Ferry stated that FPL could put a monitor between the GFCIs and the power pole to see if there was a constant flow. Ms. Wharton requested that Mr. Gray contact Mr. Ferry if there was a continual problem for his knowledge and experience.

Mr. Gray was working on "No Fishing" signs for Ponds 100, 300, 700 and 800 and checking all of the outfalls and inlets. There was some light buildup and trash on Ponds 1200, 700, 200 and 1000. Ms. Wharton asked if the trash was in the culverts. Mr. Gray replied affirmatively, except for Ponds 1400, 1500, 1600, 1700 and 1800, which he will be checking today after the meeting. Ms. Wharton asked if he was checking the amount of sand or sediment in each flow pipe. Mr. Gray replied affirmatively, as well as any trash, pond fronds, grass and debris, which he removed. Ms. Wharton recalled that there was an outstanding question about the water level of the ponds not decreasing fast enough when the District Engineer confirmed that everything was working.

Mr. Ferry asked if the HOA could send out a memo to the community regarding the Grass Carp for the ponds and why there should not be fishing. An audience member confirmed that a memo was sent out to residents and included in the newsletter explaining the reason for the carp, but kids were riding their bicycles on the ponds and the other day, kids were swimming in a pond and suggested posting additional signage. Mr. Gray was in the process of installing signage around the lakes. Mr. Ferry wanted higher signs. Mr. Gray was informed that Ponds 100, 300, 700 and 800 needed signs and would place five or six signs per lake. Ms. Germain pointed out that an insurance adjustor recommended double sided signs. Mr. Ferry preferred double sided signs for visibility purposes. Ms. Wharton noted a problem with the signs was that it inferred to stay out of the lakes when no one was supposed to be on the lake banks. Mr. Ferry recommended having one sign saying, "No Trespassing, No Fishing, No Recreation Per the Heritage Park CDD." Ms. Wharton agreed and suggested having the signs further away from the pond, closer to the road, especially on the entrance ponds, Ponds 200, 300, 400, 500, 1100 and 1200. Mr.

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Gray would request double sided signs. Mr. Ferry suggested putting two signs on one pole, one on each side, higher on the pole so they could be seen. Ms. Wharton agreed. Mr. Gray stated that normally private property signs were at least 3 feet off of the ground, with the exception of stop or street signs. Mr. Ferry felt that they should be as high as the one on Pond 400. Ms. Wharton pointed out that some signs were placed low on the ground so that people in backyards did not see them. *There was Board consensus for Mr. Gray to install signs in backyards where they could not be seen and the ones by entrances have more visibility on 4x4 posts.* Ms. Germain thanked the Board for informing her about the resident that was throwing trash into the pond as she sent a letter. However, the man with the pool was throwing a sign into Pond 100. Mr. Curran was trying to verify it with the neighbor. Ms. Wharton recalled that the homeowner on Pond 1000 was complaining about the mowers.

**EIGHTH ORDER OF BUSINESS****Audience Comments**

There being no comments, the next item followed.

**NINTH ORDER OF BUSINESS****Supervisors Requests**

Ms. Wharton asked about the fence running across Woodlawn Road, which was installed by the developer, as it was close to CDD property. Mr. Oliver recommended that it be power washed. Ms. Germain would have it power washed and reported that all sidewalks were being power washed next week. Mr. Pingotti suggested that Board Members have identification cards in case a Deputy approached them. Ms. Wharton requested that the card have their name on it and not a picture. When kids were swimming in the pond, she contacted the non-emergency number and they were responsive. If the kids were already warned, Ms. Wharton wanted them to receive a Notice of Trespassing Citation. Mr. Curran noticed someone using a remote-control boat in a pond.

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

Mr. Oliver presented the Unaudited Financial Statements through April 30, 2023, which were included in the agenda package. There were no unusual variances and \$129,000 was in the Capital Reserve.



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**B. Assessment Receipt Schedule**

Mr. Oliver presented the Assessment Receipt Schedule, which was included in the agenda package. The District was 100% collected.

**C. Approval of Check Register**

On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor the Check Register from March 9, 2023 through May 10 2023 in the amount of \$28,356.44 was approved.

**ELEVENTH ORDER OF BUSINESS                      Next Scheduled Meeting – July 20, 2023 @ 1:00 p.m.**

Mr. Oliver stated that the next meeting was scheduled for July 20, 2023 at 1:00 p.m., which was the public hearing on the budget. Ms. Wharton expected a report on the aquatic weed control chemicals that were being used and the flow of Pond 100. She wanted to cut back on the amount of chemicals being used because they had no weeds.

**TWELFTH 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

DocuSigned by:  
*robert curran*  
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Chairman/Vice Chairman