

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 20, 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:

| | |
|-----------------|---------------|
| Robert Curran | Vice Chairman |
| Thomas Ferry | Supervisor |
| Judith Kinnecom | Supervisor |
| Louis Pingotti | Supervisor |

Also present were:

| | |
|---------------|--------------------|
| Jim Oliver | District Manager |
| Wes Haber | District Counsel |
| Ryan Stilwell | District Engineer |
| Rich Gray | Operations Manager |
| Residents | |

The following is a summary of the actions taken at the July 20, 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 with the exception of Ms. Wharton.

SECOND ORDER OF BUSINESS

Public Comment

Mr. Oliver opened the public comment period. There being no comments, Mr. Oliver closed the public comment period.

July 20, 2023

Heritage Park CDD

THIRD ORDER OF BUSINESS**Approval of the Minutes of the May 18, 2023 Meeting**

Mr. Ferry stated on Page 8, Mr. Curran was trying to verify Pond 100 with the neighbor. Mr. Pingotti asked if the four hours of ethics training was ever resolved. Mr. Oliver stated the Board did not have to worry about it until 2024.

On MOTION by Mr. Ferry seconded by Ms. Kinnecom with all in favor the Minutes of the May 18, 2023 Meeting were approved as amended.

FOURTH ORDER OF BUSINESS**Consideration of Proposal From Prosser, Inc. for Rate Increase**

Mr. Stilwell presented a proposal from his company, Prosser, for a rate increase in their hourly rates, in order to keep up with the times. The last increase was in 2021 and they have one every other year. They try to maintain a minimum amount of work and typically, they use someone with a lower rate. They were only at 25% of their budgeted amount for this fiscal year and it should not affect their budget.

On MOTION by Mr. Curran seconded by Mr. Pingotti with all in favor the proposal from Prosser, Inc. for a rate increase was approved.

FIFTH ORDER OF BUSINESS**Public Hearing to Adopt the Budget for Fiscal Year 2024**

Mr. Oliver stated as a unit of government in Florida, the District was required to go through a budget process each year, starting with the approval of the Proposed Budget prior to June 15th as required by Florida Statutes. The purpose of today's meeting was to hold a public hearing to adopt the budget, which was required to be held at least 60 days after the Proposed Budget was approved. It was presented at the last meeting, which was similar to the prior year's budget with no increase in assessments. There was a half of a percent increase in expenditures and any Carry Forward Surplus would be used to balance the budget, which could be amended any time during the fiscal year. Mr. Pingotti questioned why on Page 2, there were 703 units and lots, but on Page 9, there were 685 units and lots. Mr. Oliver explained that 703 units were paying operation and maintenance (O&M) and 685 units were paying debt service.

July 20, 2023

Heritage Park CDD

On MOTION by Mr. Pingotti seconded by Mr. Ferry with all in favor the Public Hearing to adopt the budget for Fiscal Year 2024 was opened.

A Resident questioned why the rate increased on the Amortization Schedule. Mr. Oliver explained when the bonds were issued, sometimes they did a combination of different levels of bonds and typically, the further out, the more risk involved at the time that the bonds were issued. Currently, it was more with the elevated interest rates; however, the 30 years of payments remained the same. The Resident questioned why the rate increased from 4.4% to 5.125%. Mr. Oliver indicated there was more risk for bondholders, but it did not impact the assessment. The Resident pointed out it impacted the amount of money to pay back. Mr. Haber explained when the bonds were issued, a chart was provided breaking out all of the interest rates and different bonds had different interest rates. The Board approved various interest rates to achieve the annual payment that each homeowner makes on the bonds. In response to Mr. Pingotti's question, Mr. Haber recalled that the bonds were refinanced and this reflected the refinanced rates. Currently, interest rates were higher, but there may be an opportunity to refund the bonds again if there were more interest rate savings.

On MOTION by Mr. Ferry seconded by Ms. Kinnecom with all in favor the Public Hearing to adopt the budget for Fiscal Year 2024 was closed.

A. Consideration of Resolution 2023-05, Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2024

Mr. Haber presented Resolution 2023-05, formally adopting the budget for Fiscal Year 2024, appropriating the funds set forth in the budget as approved by the Board. It was sent to St. Johns County as required. The Board had the opportunity to review the budget to see if any adjustments were necessary. The form of the resolution was similar to resolutions in prior years. There would only be one public hearing today because assessments did not increase. Once approved, the budget would start on October 1, 2023 and run through September 30, 2024.

July 20, 2023

Heritage Park CDD

B. Consideration of Resolution 2023-06, Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2024

Mr. Haber presented Resolution 2023-06, imposing the assessment to pay the debt and O&M assessments, approving an Assessment Roll and directing Mr. Oliver's office to send the Assessment Roll to St. Johns County in order to appear on the Tax Bill that all residents received in November.

On MOTION by Mr. Curran seconded by Mr. Pingotti with all in favor Resolution 2023-05 Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2024 was adopted.

On MOTION by Ms. Kinnecom seconded by Mr. Ferry with all in favor Resolution 2023-06 Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2024 was adopted.

SIXTH ORDER OF BUSINESS

Discussion Regarding Villas Pond

Mr. Oliver stated that this item was a request from a Supervisor to include on the agenda. Mr. Ferry requested this item based on a discussion he had with a resident from The Villas because there were no signs on one of the ponds. Mr. Gray presented a proposal for 20 double-sided signs and 10 single-sided signs to place around all of the ponds. Ponds 1000, 1400 and 800 would have three 4x4 signs and Ponds 1300 and 1800 would have four 4x4 signs with 6-foot posts. If approved, Mr. Gray would receive the signs by next week and install them the first week of August. Ms. Kinnecom recalled that no signs were on Pond 100. Mr. Ferry asked if signs would be placed on each side of the pumps. Mr. Gray pointed out that two signs would be on one post on Pond 800 so that it could be seen from both directions and Pond 900 would have a single-sided sign. Mr. Ferry suggested purchasing extra signs in case signs were damaged. Mr. Gray would purchase 25 signs.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Haber stated starting on January 1, 2024, Supervisors would have an entire year to complete four hours of ethics training, which would cover public records and the Sunshine Law. His firm would provide more details in the Fall. They represented CDDs throughout the State and would provide the best resources to fulfill those four hours. The Commission on Ethics in

July 20, 2023

Heritage Park CDD

Tallahassee, which govern public officials and their compliance with ethics, had free resources on their website.

B. Engineer

Mr. Stilwell was on Pond 100 last Friday when the water level was high, in order to prepare an Annual Report. In his opinion, this community had some of the best-looking ponds, from a standpoint of water clarity and trash. The outfall of Pond 100 looked good. It was a quarter of an inch over the weir, which was normal. On the western half of the site, everything west of this building, ended up in Pond 1000, the S-shaped pond, which outfalls to the wetlands. Water was flowing out of the outfall; however, it was completely buried in the wetland and recommended that it be cleaned out, as a concrete box structure was going out into the wetland. On the eastern side of the community, Pond 1400, the grass carp area was knocked down. Mr. Gray spoke to the aquatics company to have them re-install it. Three pipes that are clogged, which the aquatics company would follow up on. These were all standard maintenance items. The outfall on Pond 1500 on the east side, looked good, but it was completely overgrown going into the wetland; however, the mitered end section going into the pond bank, looked perfectly fine. There was no evidence of any blockage, but it should be cut so it could be seen upon inspection. This was the perfect time of year to do these overall inspections, so they were not searching for it after a storm.

Mr. Stilwell noted erosion concerns on Pond 1800 in the back in the northwest corner, which was in every stormwater pond in Northeast Florida. He asked Mr. Gray to speak to the landscape crew to ensure that they were not cutting too close to the edge, but there was a drop off. It was not something that they needed to fix today, but it was something to think about over time with these ponds. The St. Johns River Water Management District (SJRWMD) was concerned about a young child going down to the edge and falling in as the drop off was flat and there was deep water. There were a number of ways to try to remediate this such as backfilling dirt and sodding as well as using new textile socks; however, this was costly as larger equipment needed to be used. Although other ponds in the District were 20 years old, Pond 1800 was 15 years old, but it had sandy soil, which over time, slowly eroded it. Mr. Gray would obtain proposals for the maintenance items. Mr. Stilwell provided their annual Consulting Engineer's Report to Mr. Oliver, which was a one-page letter.

July 20, 2023

Heritage Park CDD

On MOTION by Mr. Ferry seconded by Mr. Pingotti, with all in favor approval of the Annual Consulting Engineer's Report for 2003 was ratified.

C. Manager – Discussion of Fiscal Year 2024 Meeting Schedule

Mr. Oliver presented the meeting schedule for Fiscal Year 2024, which was similar to last year's schedule for bi-monthly meetings on the third Thursday for November, January, March, May, July and September at 1:00 p.m.

On MOTION by Mr. Curran seconded by Ms. Kinnecom, with all in favor the Fiscal Year 2024 meeting schedule was approved.

D. Operations Manager

Mr. Gray presented the Operations Manager Report. Some of the fountains were troubleshooted to get them back up and running; however, he was not able to fix the fountains in Ponds 300 and 600. Pond 600 fountain had a warranty and it would not cost the District anything, but the fountain in Pond 300 was one of the original fountains from Phase 1 and would cost \$700 to \$850 to re-build. They had two reserves on the shelf, but it would only leave one reserve. Mr. Ferry asked if there was a warranty. Mr. Gray confirmed that there was a one-year warranty on the parts. Mr. Curran asked if someone cut the wire on Pond 300. Mr. Gray stated that someone cut the wire on the clock, which was repaired, but there were additional issues. In response to Ms. Kinnecom's question, Mr. Gray recommended having more reserves because the manufacturer was 12 to 16 weeks out. Mr. Curran questioned the cost for a new fountain. Mr. Gray believed that a new one cost \$5,000 but would provide a proposal. Mr. Curran questioned the timeframe for the repair of Pond 300 fountain. Mr. Gray stated if approved, the vendor would be onsite tomorrow repairing Pond 600, which would save on the service fee for Pond 300. Mr. Oliver indicated that the cost of \$700 to \$800 to rebuild was less than 20% of the cost for a new one.

Mr. Ferry recommended purchasing at least two fountains if there was one in reserve. Mr. Gray recalled that they did two other re-builds and they were holding up fine, but over time they would not function the way it should and recommended building up their reserves. Instead of taking one off of the shelf, Mr. Curran preferred repairing it. Mr. Gray would re-build the

July 20, 2023

Heritage Park CDD

fountain on Pond 300, use the reserve for the Pond 600 fountain and provide a proposal at the next meeting for purchasing two or three more. Mr. Gray reported that the Pond 800 fountain was running beautifully, but the fountain on Pond 1500 was wobbling and had their on-site staff re-anchor it at no cost to the District. Pressure washing on the white fence outside of Pond 1200 would start the week of the 24th. Mr. Curran was happy with the way that the contractor restored power to the fountains within a day or two when there were storms. A Resident asked when the fountains turned off and on. Mr. Gray stated the fountains turned on at 8:00 a.m. and off at 8:00 p.m. and suggested installing a smaller box on all timers to prevent vandalism.

EIGHTH ORDER OF BUSINESS**Audience Comments**

Resident Ann Germain pointed out several times that the Fire Department cleared out a culvert with a fire hose and no one knew why they were here and what was wrong with the culvert. Mr. Pingotti recalled it being addressed at the last meeting by Mr. Oliver stating that the Fire Department had no right to go in there. Ms. Kinnecom stated that someone should call the Fire Department to find out the reason. Ms. Germain asked if their ponds had a slow drain. Mr. Stilwell stated the ponds were designed for stormwater treatment, removing contaminants from roadways and providing for attenuation. They were designed in accordance with SJRWMD. Ms. Germain questioned what would happen if there was a hurricane and the water drained at a slower rate. Mr. Stilwell explained that it would drain at the treatment volume, which was typically at a foot or below between the bottom of the pipe and the weir. It would slow the water down, even though the pond would stage up, but the ponds were designed for the 25-year storm. It was not designed to handle every hurricane, but the 25-year storm was about 9 inches over 24 hours. If there was an event that provided for 6 inches of rain every hour, the pond could stage all the way up; however, the top of the bank was designed to hold back the 100-year storm. In a hurricane, there would be water in the roadways because the pipes in the roads were designed for a five-year storm. In afternoon storms, there was water in places they have never seen it, but it was typically gone by the next morning.

Ms. Germain questioned why Pond 100 was slower than other ponds. Mr. Stilwell indicated that Pond 100 was at the top of the system. Mr. Curran noted that all drains go into Pond 100 versus out onto Heritage Park Drive and in the 18 years he lived in the community, he went through three or four hurricanes and several tropical storms and never had any issues. Mr.

July 20, 2023

Heritage Park CDD

Curran spoke to residents who live on this pond and Ms. Germain was the only one who had a concern. Ms. Germain acknowledged that she had an issue with this pond for good reason and voiced concern about her neighbors, due to what happened in Ft. Lauderdale and last week in New York and wanted to understand how the water flowed. Mr. Stilwell indicated that Pond 100 outflowed to Ponds 400, 500, 900 and 1000, which was why he looked at the entire system last week. Everything was functioning properly, but these ponds were only designed for what the requirements were and there was a risk of flooding, especially due to storm surge because the river and the intercoastal were the ultimate outfalls. When they were up 3 to 4 feet, even the wetlands staged up 2 to 3 feet, causing everything to back up.

A Resident (Margaret) who lived in the community for 18 years, reported that someone sprayed turf along their backyard fence line last week. Mr. Gray stated it was in Yellowstone's contract, but they did not weed against fences because they did not want to assume liability for damaging the fence. They only sprayed the fence line on CDD property, causing some die back in the St. Augustine grass, but it would re-emerge. It was not a weed killer. It was a growth inhibitor to keep the grass from growing so much on aluminum fences. The Resident questioned why they would spray there now. Mr. Gray did not know but would find out. They usually called him when they were treating, but at other properties that use Yellowstone, they sprayed all of the fence lines. If the Board did not want them to, Mr. Gray would inform them. A Resident noted that new people were mowing along the fence line and throwing grass into their yard.

NINTH ORDER OF BUSINESS

Supervisors Requests

Ms. Kinnecom asked if Pond 1400 was included in the tree trimming, as there were several fallen trees that the mowers could not get around on the wild side of Pond 1400. Mr. Gray explained when trees fall in the conservation area, they leave the trees alone, but he would check on this. Trees were cut back on Pond 1500, but not on Pond 1400. Mr. Curran would call the Fire Department to put that issue to rest. Mr. Gray believed they were doing their annual fire code test on the hydrants.

July 20, 2023

Heritage Park CDD

TENTH ORDER OF BUSINESS Financial Reports

A. Balance Sheet and Statement of Revenues & Expenditures

Mr. Oliver presented the Unaudited Financial Statements through June 30, 2023, which were included in the agenda package. They were nine months into the 12-month fiscal year. There were positive variances both in the Admin and Maintenance Budgets.

B. Assessment Receipt Schedule

Mr. Oliver presented the Assessment Receipt Schedule, which was included in the agenda package. The District was 100% collected for Fiscal Year 2023.

C. Approval of Check Register

On MOTION by Mr. Ferry seconded by Mr. Pingotti with all in favor the Check Register from May 10, 2023 through July 12, 2023 in the amount of \$30,000.27 was approved.

ELEVENTH ORDER OF BUSINESS Next Scheduled Meeting – September 21, 2023 @ 1:00 p.m.

Mr. Oliver stated that the next meeting was scheduled for September 21, 2023 at 1:00 p.m.

TWELFTH ORDER OF BUSINESS Adjournment

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

DocuSigned by:
Jim Oliver
D1BA5E5E7440418
Secretary/Assistant Secretary

DocuSigned by:
Joanne She
0774D1033D0140E...
Chairman/Vice Chairman