

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 21, 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:

Daniel Laughlin	District Manager
Tucker Mackey ( <i>via phone</i> )	District Counsel
Rich Gray	Operations Manager
Residents	

*The following is a summary of the actions taken at the September 21, 2023 meeting. A copy of the proceedings can be obtained by contacting the District Manager.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Laughlin called the meeting to order at 1:00 p.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Public Comment**

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

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the July 20, 2023 Meeting**

Mr. Curran noted on the top of Page 7, Pond 15 should be Pond 1500.

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On MOTION by Mr. Ferry seconded by Mr. Curran with all in favor the Minutes of the July 20, 2023 Meeting were approved as amended.

#### **FOURTH ORDER OF BUSINESS**

#### **Consideration of Proposal to Purchase Additional Pond Fountains (reserve stock)**

Mr. Gray presented a proposal from Future Horizons for five fountains that would be included as reserve stock. They were able to receive a 5% discount by purchasing five fountains as well as saving on shipping; however, going into 2024, they could receive an increase of 10% of the current price, which would be adjusted in the next couple of years due to inflation. After reviewing the budget for 2024, Mr. Gray stated there was \$7,000 in *Lake Contingency* and \$5,000 in *Contingency* funds. The cost of \$12,871.80 takes up those two-line items. Ms. Wharton questioned the amount currently in their reserve stock. Mr. Gray confirmed there were two in reserve. Ms. Wharton requested that there be a minimum of two fountains in their reserve stock at all times and that the fountains that were getting old be replaced as parts were hard to find. She had not seen a difference in their electric consumption and hoped that there would be.

On MOTION by Ms. Wharton seconded by Mr. Pingotti with all in favor the proposal from Future Horizons to purchase five additional pond fountains to be included in their reserve stock in the amount of \$12,871.80 was approved.

Mr. Gray asked if he should order the fountains immediately. Ms. Wharton replied affirmatively as there was no reason to wait.

#### **FIFTH ORDER OF BUSINESS**

#### **Staff Reports**

##### **A. Attorney**

Ms. Wharton recalled that Mr. Haber was supposed to look into their office provide ethics training at their office for the Supervisors starting on January 1, 2024 or provide links. Ms. Mackey confirmed that the requirement for the ethics training starts on January 1, 2024, but the Florida Commission on Ethics had not provided any guidance on how it would be documented. The current process for governmental employees was to check a box on Form 1 and this would likely continue; however, there were On-Demand seminars available online and they would be

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providing additional information to all of their Boards on how to access it as it seemed to be most cost-effective option as it was free to Supervisors at their convenience.

Ms. Wharton asked if there was anything showing a differentiation between the HOA and CDD issuing a trespass citation or warning as several months ago, they tried to have the police issue a trespass citation to a child and was informed about laws applying to an HOA, but not the CDD. Ms. Mackey stated they could speak directly with the Sheriff's Office to distinguish between the two and follow up with a letter if there were constant issues. Ms. Wharton felt that the Sheriffs she dealt with were uninformed and did not understand the difference and wanted a Sheriff to come out and explain it again. Mr. Laughlin recalled that there was a form that could be filled out with the Sheriff's Office. Ms. Wharton requested one from the Sheriff's Office, but never received it and preferred that a letter of trespassing be on file at the Sheriff's Office. Mr. Laughlin would speak to Mr. Oliver about it.

**B. Engineer**

Ms. Wharton asked about the erosion on the banks. Mr. Gray would address this under his report.

**C. Manager**

Mr. Laughlin was asked by Mr. Haber and Mr. Oliver to move the District's meeting dates, due to conflicts with their schedules. Ms. Wharton pointed out they met on the third Thursday, but Mr. Haber and Mr. Oliver spoke to her about their scheduling conflicts, which was the reason that Mr. Oliver could not attend this meeting. She spoke to the office and they requested that the Board meet on the fourth Thursday of the month at 1:00 p.m. Mr. Ferry pointed out that the fourth Thursday in November of this year was Thanksgiving. Ms. Wharton proposed starting the new meeting schedule in January.

On MOTION by Ms. Wharton seconded by Ms. Kinnecom, with all in favor moving the District's meetings to the fourth Thursday at 1:00 p.m. starting in January was approved.
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**D. Operations Manager**

Mr. Gray presented the Operations Manager Report. The report from the District Engineer on the stormwater system noted two issues that needed to be addressed. The first issue

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was the outfall structure on Pond 1500, which could not be maintained due to overgrowth. Ms. Wharton asked if Pond 1500 was on Hefferon Drive near the large fountain. Mr. Gray confirmed that Pond 1500 was the large fountain behind the shrubbery, which was cutback as well as the main outfall structure where there were vines and bamboo growing around it. Those were the only two areas of concern. Mr. Gray installed 20 'No Fishing' signs on the ponds, except for Pond 1500, because there were already six signs. Ponds that only had one sign or no signs, now had two or three signs. Ms. Wharton noted that most of the fishing occurred where there were 'No Fishing' signs because people placed their gear on them.

Ms. Wharton questioned whether most of the erosion occurred on Ponds 1600 and 1800. Mr. Gray noted minimal erosion on Pond 1600 as their main focus was on Pond 1800, where they did not maintain the 4:1 slope that was required; however, if the erosion should be addressed. The District Engineer recommended backfilling the area with rock, but this was a temporary fix and preferred using a soft mechanism. Ms. Wharton heard about a tubular method for erosion control, but it was expensive. Mr. Laughlin suggested using a soft system filled with a substance that hardened, which did not require heavy machinery and allowed growth through it. Ms. Wharton asked if Mr. Gray was referring to the drop-off that they walked. Mr. Gray replied affirmatively. Ms. Wharton suggested that the Supervisors walk the banks on Ponds 1600, 1700 and 1800 to determine the worst areas as there was a lack of vegetation and rutting on the banks. Mr. Laughlin cautioned the Board about meeting together as it could cause a Sunshine Law violation. Ms. Wharton pointed out that they would not be discussing an item coming up for a vote and were simply taking a look at something. Ms. Mackey suggested noticing it as a workshop since one or more Supervisors would be meeting together. Mr. Ferry proposed repairing one pond bank this year and one next year. Ms. Wharton felt that one area could be done annually and was not against the less expensive method of the scabble rock. Mr. Laughlin would inform Mr. Oliver about the Board meeting to walk the ponds and having him coordinate.

Mr. Gray reported the concerns raised about Yellowstone spraying around fences throughout the property were rectified as they replaced any plants that were damaged at their cost and the residents were happy. Ms. Wharton stated that was nice of Yellowstone to do that, but sometimes they had to spray the fence line because weeds from residents lawns were taking over the fences. Ms. Kinnecom recalled that residents on Pond 200 were complaining about

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algae at the edge of the pond and dead ducks. Ms. Wharton clarified it was Pond 1000, where she received multiple complaints about dying ducks. She contacted Mr. Oliver about it who informed Mr. Gray. It was reported to the Fish and Wildlife Service, but Ms. Wharton had not received a response. Mr. Gray explained that it was top water algae that was typical in hot and humid environments and there were only so many chemicals that a subcontractor could apply as it regulated by State Law, but everything they applied would not harm people or animals as it was specifically vegetative based. Ms. Wharton pointed out her neighbor contacted Fish and Wildlife, but they did not care about Muscovy Ducks because they considered them an invasive species. Mr. Curran reported that the ducks camped out under the trees because the resident fed them. Mr. Pingotti wondered if the birds caused an algae from the food they were eating. Ms. Wharton explained that two days after the Canadian Geese came back, her husband discovered two carcasses. They did not have any wounds, but one was decayed. They also found a dead squirrel in the same timeframe. Mr. Gray did not find any dead animals during his inspection or anything wrong with the ponds. He reviewed the application logs, but they did not switch application treatments. Everything was the same. Ms. Wharton tried to get the vendor to use less chemicals in the lake; however, this year with the extraordinary heat, they were getting excessive runoff, but were lucky that they did not have any fish kills and requested that Ms. Kinnecom inform the resident complaining about Pond 200 what they did. She thanked Mr. Gray for doing a phenomenal job providing great communication and taking the initiative. Mr. Curran agreed.

**SIXTH ORDER OF BUSINESS****Audience Comments**

Resident Mari White of Oak Harbor Circle spoke about the erosion on Pond 100. Ms. Wharton noted some erosion on all of the ponds, which would always occur, especially when there were trees as the roots created a path for the water to follow. However, some ponds were getting more than the normal erosion and requested that Mr. Gray evaluate Pond 100. Mr. Gray inspected this pond yesterday and noticed some dips but did not see any erosion. Ms. Wharton requested that Mr. Gray evaluate the pond again. Ms. White pointed out the soil between the water and grass looked different and noticed two ladies fishing two weeks ago. Ms. Kinnecom witnessed boys fishing on the pond, which she chased off. Ms. White noticed kids regularly walking along the pond as a shortcut and questioned whether this was dangerous. There were also kids chasing and scaring ducks and she told them if they did it again, she would not allow

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them to walk through their yard. Ms. Wharton thanked her for that, noting no matter what they did, kids would do what they wanted. There was no way to stop people from doing what they wanted, but residents could contact the non-emergency number for the Sheriff's Department or one of the Board Members. They already had one meeting with the Sheriff's Department and it was time for another one. There was signage, but they could not fence in the lakes.

A Resident asked if they could walk on the grass. Ms. Wharton stated it was considered trespassing as the CDD owned the lake banks to the resident's property line. Mr. Gray indicated that the CDD owned from the crest of the hill down to the water and once they hit the D-Grade going down, they were on CDD property. Ms. Wharton stated the majority of ponds where there were homes, the CDD owned to the property line. Mr. Gray stated signs were installed stating no fishing was allowed, but it reflected that the property belonged to Heritage Park. Ms. Wharton requested that the signs be changed to help clarify that it was CDD property. Mr. Gray would apply stickers to the signs. A Resident pointed out that her property had a dip and runoff flows from the pond on either side of her house, but one side of the house had a root that was blocking the flow and questioned whether she could install an extension to carry the water over the root. Mr. Gray confirmed it was private residential and not CDD property. Ms. Wharton suggested that installing soil around it to change the angle of the flow as tree roots were the number one cause of erosion on the lake banks and the CDD could not do anything about it unless it was one of their inlets or outlets. Mr. Gray suggested installing a rubber rolled up tube to move the water. Mr. Pingotti recalled at Monday's HOA meeting; a resident requested that a sign be removed because it was ugly. Mr. Gray noted the signs were installed in concrete and could not be removed as they were there for liability purposes. Ms. Wharton asked if the sign was directly behind the resident's property. Mr. Gray installed the sign on an easement that was out of sight of resident's backyards. Ms. Wharton pointed out that they could not please everyone, but they had to do what was required by the insurance company.

**SEVENTH ORDER OF BUSINESS****Supervisors Requests**

Mr. Curran contacted the Fire Department to address Resident Ann Germain's issue regarding whether the Fire Department cleared out a storm drain behind her home. He explained that the only way the Fire Department was involved with cleaning storm drains was if an animal was trapped in one. Ms. Wharton asked if there was a record of the Fire Department being in

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there. Mr. Curran confirmed during that same timeframe, the city was in a storm drain across the street from his property. Ms. Wharton thanked Mr. Curran for contacting the Fire Department.

**EIGHTH ORDER OF BUSINESS                      Financial Reports**

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

Mr. Laughlin presented the Unaudited Financial Statements through August 31, 2023, which were included in the agenda package.

**B.        Assessment Receipt Schedule**

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

**C.        Approval of Check Register**

Mr. Laughlin presented the Check Register for July 12, 2023 to September 14, 2023 in the amount of \$35,844.22, which was included in the agenda package.

On MOTION by Ms. Wharton seconded by Mr. Curran with all in favor the Check Register for July 12, 2023 to September 14, 2023 in the amount of \$35,844.22 was approved.

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

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

**TENTH ORDER OF BUSINESS                      Adjournment**

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

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D1B45E5E7A10418  
Secretary/Assistant Secretary

DocuSigned by:  
  
0774D1053D0446E  
Chairman/Vice Chairman

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