

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 25, 2024 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 <i>via phone</i>	Supervisor

Also present were:

Jim Oliver	District Manager
Ryan Stilwell <i>via phone</i>	District Engineer
Wes Haber <i>via phone</i>	District Counsel
Rich Gray	RMS - Operations Manager
Jeff Johnson	Riverside Management Services
Gerri Ferry	HOA President
Mischa Dux	HOA Manager
Residents	

The following is a summary of the actions taken at the January 25, 2024 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

Ms. Gerri Ferry, HOA President reported that the HOA received a complaint from a Quail Ridge resident regarding Pond 1400. On Martin Luther King Day, five teens were jumping off of a pipe and into the pond and pulling material out of the water. There were 45 pictures and

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videos documenting it. Ms. Mischa Dux, the HOA Manager suggested fencing it in with a locked gate. Mr. Oliver asked if the Sheriff's Office responded. Ms. Dux stated they were contacted multiple times, but the teens were not there when the police arrived. Ms. Kinnecom suggested installing plants. Ms. Wharton felt that the right solution was calling the police versus installing fencing. Ms. Dux pointed out that the issue was the police showing up 45 minutes to an hour later, when the kids were no longer there. Ms. Wharton suggested that Ms. Dux contact one of the Board Members, to confront the kids and inform them that they were trespassing and that the police would be contacted. Mr. Oliver did not recommend this as the interaction could get hostile and recommended that staff obtain different options for fencing or blocking the area with landscaping. Mr. Curran agreed. Mr. Gray would obtain proposals and bring to the next meeting.

THIRD ORDER OF BUSINESS**Approval of the Minutes of the September 21, 2023 Meeting**

Ms. Wharton had several issues with the minutes. On Page 3, where she requested that a rock that we placed on the pond bank be hidden as it was an eyesore, she recalled that the Board wanted a rock to be placed there to cover the irrigation but was unable to follow through with the homeowner. Mr. Gray confirmed that he spoke to the homeowner, who happened to be on their patio, when he was doing a walk through and mentioned that they were going to be putting in some plantings to disguise it. The homeowner confirmed that it did not bother him, if the Board wanted to install the plantings and was amenable to having the rock there. Ms. Wharton preferred that the rock remain. *There was Board consensus.*

Ms. Wharton recalled at the bottom of Page 3, saying that the fence around the area would stop the erosion and would meet with Mr. Gray and Yellowstone to discuss options, but it was not shown in the invoice and requested that any language about the fence be removed from the minutes. On Page 7, she questioned the statement, "*Mr. Pingotti reported that he attended two informational meetings regarding a piece of property in the CDD. At the first meeting, a resident who was an attorney, called on the CDD to take action on the ponds as the CDD maintained them, which a Board Member confirmed was not true.*" Mr. Oliver explained that the informational meetings were not CDD meetings and would remove, "*Which a Board Member confirmed was not true.*" Mr. Ferry pointed out that the CDD maintained every pond. Mr. Pingotti clarified that at the first meeting, the resident wanted the CDD to purchase the property and it had nothing to do with the ponds. In the next sentence, where Ms. Wharton believed that

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the resident was trying to generate business and incite what the original CDD was for, Ms. Wharton explained that the resident was trying to incite anger by stating that the CDD was created for greed and to make it more profitable for developers. Mr. Oliver pointed out when another conversation was brought into a meeting, it would get confusing, but staff would clean it up. Ms. Wharton felt that her statement that the purpose of the CDD was to handle the fountains, ponds and maintain the banks as well as any future projects, not for the purpose of why it was created, was confusing.

On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor the Minutes of the November 15, 2023 Meeting were approved as amended.

FOURTH ORDER OF BUSINESS**Discussion Regarding Purchase of Vacant Parcel**

Mr. Oliver recalled that the CDD was considering the purchase of the vacant parcel across from the parking lot and the request for modification to allow it to be zoned for the construction of multi-family homes, was submitted to St. Johns County, but they denied it, as it was currently zoned for recreational or child care. Mr. Oliver had several conversations with the Chair between meetings and the Chair requested an appraisal to determine the value; however, it could not be evaluated by an Appraiser, because it was difficult to get comps. It was further complicated by the fact that there was a wide range of potential sale prices from \$250,000 to \$500,000, to the current asking price of \$750,000, which was absurd. As a result, Mr. Oliver contacted the District Engineer, who offered to provide other resources. Ms. Wharton pointed out that she reached out to the property owner, thanks to Ms. Ferry who provided the contact information, to inform them that the CDD was interested in this property, but it was difficult to obtain an appraisal. As a result, the property owner went ahead and listed the property at \$750,000, after consulting with their real estate agent; however, if the CDD was able to get an appraisal, they were open to discussing it further. Instead of contacting the owner again by phone, Ms. Wharton preferred to submit an official offer. Mr. Oliver recommended calling a special meeting with the Board to discuss the submittal of an official offer, once an appraisal or valuation was obtained.

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FIFTH ORDER OF BUSINESS**Consideration of Yellowstone Proposal for Lake Bank Planting for Erosion Control**

Mr. Oliver presented a proposal from Yellowstone Landscape (Yellowstone), which Mr. Gray obtained for lake bank planting for erosion control on Pond 1800 in the amount of \$6,355. This was a result of a field walk of the ponds that took place with the District Engineer and Operations Manager. Mr. Gray stated that he walked the area with the landscaper and measured the embankment. Yellowstone would plant Fakahatchee and Muhly grasses on the northwest corner of the pond, cap the area, install erosion matting, put the plants on 4-foot tenders, as requested and add topsoil. Having four rows on that 4-foot tender, which would be 16 feet from the initial start of the erosion up on the embankment, would provide 3 to 4 feet of good dirt where the plants would be planted and then the erosion would be afterwards. Ms. Wharton wanted to walk the area with Mr. Gray, in order to get a visual, as 90 plants seemed to be excessive for that area and proposed installing a temporary green silt fence to keep the mowers away, while the plants were establishing. Mr. Ferry asked if this was for Pond 1500. Mr. Gray confirmed that it was for Pond 1800 and there were similar concerns about Pond 1600, but they decided to wait. Ms. Wharton felt that Pond 1600 was more of a dry pond, due to the lack of irrigation and grasses.

On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor the proposal with Yellowstone Landscape for lake bank plantings for erosion control on Pond 1800 in the amount of \$6,355, subject to the Chair walking the area with the Operations Manager and finalizing a plan was approved.

SIXTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Mr. Haber reported that each Board Member was required, as of January 1, 2024, to complete four hours of ethics training by December 31, 2024. There were various ways to do this, including logging onto the Florida Commission on Ethics website, which provided free courses. An email was sent to Mr. Oliver's office, that provided more detail about the requirement and had links to some of the free courses. There was also a change in how to submit Form 1, Financial Disclosure Form, as in prior years, it was mailed by the Supervisor of Elections. The Florida Commission on Ethics would be emailing the form, which Board

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Members were required fill out and return electronically. Additionally, there would be a box on Form 1, which Board Members would check to self-certify that they completed the training, but it would only be for 2025 and in future years, as the form for 2024, did not include the training. Lastly, there were questions about whether CDD Board Members were required to fill out Form 6, which had additional disclosure questions that City or County Commissioners were required to fill out. As a result, governmental officials were resigning from their positions. CDD Board Members were not required to fill out Form 6 and were only required to fill out Form 1. The only change was submitting it electronically to the Florida Commission on Ethics as opposed to submitting a hard copy to the Supervisor of Elections.

Ms. Wharton asked if Board Members had to check the box on the new Form 1, if they completed the four hours of ethics training. Mr. Haber pointed out if Board Members completed the four hours of training in 2023, the box should not be checked. Ms. Wharton confirmed that all Board Members received a copy of the email that Mr. Haber sent to Mr. Oliver and asked if Mr. Haber's office would be offering a training. Mr. Haber preferred that Board Members complete the training provided by the Florida Commission on Ethics. Ms. Kinnecom asked if Form 1 would be sent to her, as this was the first year that she was serving on the Board. Ms. Wharton confirmed that the form would be sent to her via email. Mr. Oliver pointed out that the deadline was not until July 1st and the Florida Commission on Ethics would be sending forms to Supervisors in early February.

B. Engineer

There being no comments, the next item followed.

C. Manager

Mr. Oliver would provide the Fiscal Year 2023 audit to the next meeting and there would be early discussions about the budget process, in order to provide a Proposed Budget at the May meeting and adopt it at the August meeting.

D. Operations Manager

Mr. Gray presented the Operations Manager Report. It had been quiet since November, but they did notice some rocking on the Pond 1500 fountain. Future Horizons would be onsite, hopefully, before the end of the week or beginning of next week, to ensure that it was secured.

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Ms. Wharton questioned what it was secured with. Mr. Gray indicated that there was a big rock with a chain system that was connected to three different points and assumed that one of the points became disconnected. It would not damage the fountain itself, as long as it didn't come completely detached and become submerged. Ms. Wharton thanked Mr. Gray for staying on top of this. Mr. Gray reported that Yellowstone completed the cutback around Pond 1800; however, he did ask them to come back and provide some additional cleanup, but outside of that, it was perfect. Ms. Wharton noted that the last bank they did looked great. Mr. Gray pointed out that everything was dragged out of there by hand onto the street, since he did not want any equipment back there. Ms. Wharton appreciated it.

SEVENTH ORDER OF BUSINESS

Audience Comments

Ms. Ferry thanked the CDD for taking on the monumental task of handling the purchase of the vacant parcel, no matter the outcome. The property owner had five fencing companies come out to provide proposals to put a chain link fence down the middle of the parking lot. One of the fence guys said that they would lose the parking spaces, but they must have 40 spaces, which was being worked out with their attorney. Ms. Wharton asked if the HOA owned the property when the building was built. Ms. Ferry did not know. Ms. Wharton recalled that a possible violation was reported to the county on the property owner. Ms. Ferry stated that the property owner could avoid the violation as they had a special warranty deed. They had some ideas on what they could do, as the HOA does not own the property and would not have to maintain it any more. Ms. Wharton recommended that the HOA inform the property owner. Ms. Ferry explained that the parcels were owned by the HOA, but the property owner was not a member of the HOA and because it was a catch-22, their attorneys were looking into it. Ms. Wharton appreciated the HOA doing that, as the property owner was angry and requested information on what the property was listed for over time. Ms. Ferry would provide what it was listed for since 2012, recalling that it was \$399,000 in 2012, \$400,000 in 2022 and now it was \$750,000 and asked if any information could be provided to residents at their regular Board meeting on Monday. Mr. Wharton pointed out that it was public knowledge, but there was no information as nothing was happening.

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EIGHTH ORDER OF BUSINESS**Supervisors Requests**

Ms. Wharton noted a walking trail where streams intersected it, that was HOA property or a conservation easement, where someone was building a dam with sticks that was 15 feet long, between the knees of Cypress trees. Ms. Wharton and her husband moved it twice, but the individuals moved it upstream. Mr. Gray would remove them.

Mr. Ferry previously spoke to Mr. Gray about three ponds and was told that two controllers were changed. Mr. Gray explained that the power wire from the box itself was removed and the controllers were changed when the fountains were swapped out, but they were still tripping. Ms. Wharton recalled that the fountain on Pond 1200 was not new. Mr. Gray confirmed that the fountain on Pond 1100 was new and the controller on the fountain on Pond 1200, was swapped with another one, to see if the fountain was the problem. Mr. Ferry would monitor it. Ms. Wharton believed that kids were switching the controllers and since staff had the pond numbers, requested that staff switch out the controllers. Mr. Gray noted that only the fountain on Pond 1100 was tripping, as Pond 1200 was reset last week and offered to provide a map showing the location of all the controllers. Ms. Wharton requested that the map be sent to all Board Members. Mr. Ferry asked if any of the other controllers were tripping. Mr. Gray confirmed that the controller on Pond 1700 tripped, but since they reset it, it had not tripped. The rocking of the fountain on Pond 1500 was being addressed, but outside of that, all other fountains were working. Ms. Wharton asked if Pond 600 had a new fountain. Mr. Gray confirmed that the fountain on Pond 600 was replaced with a fountain that they had in reserve, and an additional five fountains were purchased to keep in reserve, as there were currently two on the shelf. If they needed to replace any fountains, the labor was already paid for, but the five that were purchased, did not include any labor. Ms. Kinnecom thanked GMS for helping her to understand an email. Ms. Wharton appreciated receiving a hard copy.

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

Mr. Oliver presented the Unaudited Financial Statements through December 31, 2023, which were included in the agenda package. There were no unusual variances and the balance in the Capital Reserve Fund was \$117,000.

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B. Assessment Receipt Schedule

Mr. Oliver presented the Assessment Receipt Schedule, which was included in the agenda package. Assessments were 82% collected and the District should be fully collected by the end of April.

C. Approval of Check Register

Mr. Oliver presented the Check Register for November 9, 2023 to January 18, 2024 in the amount of \$34,038.89, which was included in the agenda package. Ms. Wharton did not see anything that was out of the ordinary.

On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor the Check Register for November 9, 2023 to January 18, 2024 in the amount of \$34,038.89 was approved.

TENTH ORDER OF BUSINESS

Next Scheduled Meeting – March 28, 2024 @ 1:00 p.m.

Mr. Oliver stated that the next meeting was scheduled for March 28, 2024 at 1:00 p.m. If an evaluation or appraisal was received before the next meeting, he would inform the Chair to see if a special meeting could be called. Ms. Wharton felt that it was important enough for a special meeting.

ELEVENTH ORDER OF BUSINESS

Adjournment

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

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