

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 27, 2025 at 1:00 p.m. at the Heritage Park Amenity Center, 225 Hefferon Drive, St. Augustine, Florida 32084.

Present and constituting a quorum were:

Thomas Ferry	Chairman
Robert Curran	Vice Chairman
Joanne Wharton	Supervisor
Judith Kinnecom	Supervisor
Louis Pingotti	Supervisor

Also present were:

Jim Oliver	District Manager
Ryan Stilwell <i>(via phone)</i>	District Engineer
Kyle Magee <i>(via phone)</i>	Kutak Rock
Jeff Johnson	Operations Manager
Geri Ferry	HOA
Residents	

*The following is a summary of the actions taken at the March 27, 2025 Heritage Park Community Development District's Board of Supervisors meeting.*

**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. Geri Ferry of the HOA read a letter from the HOA, expressing their gratitude to the Heritage Park CDD for purchasing the property at 227 Hefferon Drive, as it saved the integrity of the community. They also appreciated the time, efforts, considerations and negotiations to bring the purchase to fruition. Mr. Oliver pointed out that it was a nice letter and it was great

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working with the HOA. Ms. Ferry pointed out that Glen was cleaning up the spots and filling in holes. The HOA would continue to maintain them.

### **THIRD ORDER OF BUSINESS**

#### **Approval of the Minutes of the January 7, 2025 and January 23, 2025 Meetings**

Mr. Oliver presented the minutes of the January 7, 2025 and January 23, 2025 meetings, which were included in the agenda package. Ms. Wharton noted on Page 5 of the January 23, 2025 minutes, under the Operation Manager's Report, they were not going to spray an herbicide to kill the Muhly Grass and requested that, "*Muhly Grass*" be changed to "*Weeds.*" Mr. Ferry stated on Page 5 of the January 7, 2025 minutes, "*The CDD was taking over responsibilities, as it would be better for the entire community and would be a burden to the HOA*" should be changed to, "*The CDD was taking over responsibilities, as it would be better for the entire community and would not be a burden to the HOA.*" On Page 6, "*723 units*" should be, "*703 units.*"

On MOTION by Mr. Pingotti seconded by Ms. Kinnecom with all in favor the Minutes of the January 7, 2025 and January 23, 2025 Meetings were approved as amended.

### **FOURTH ORDER OF BUSINESS**

#### **Discussion of Pond Banks**

Mr. Johnson reported that he was obtaining proposals for the four or five pond banks that he walked and once they were received, he would provide them at the next meeting. Ms. Wharton reported that she missed the initial part of the walk through but was able to walk a couple of ponds with Mr. Johnson. Mr. Johnson pointed out that they looked at Ponds 1100 and 1200 first and then proceeded to Ponds 100 and 500. Mr. Ferry stated that he looked at Pond 1700 with Mr. Johnson and asked if the proposals would be from Yellowstone. Mr. Johnson confirmed that Yellowstone would be providing them but could get additional proposals at the Board's request. Ms. Wharton indicated that she contacted the Ag Center with the University of Florida, who recommended a pond expert not affiliated with a maintenance contract and proposed having a special meeting before taking action on the proposals. Ms. Wharton wanted to be educated on the best practice for the ponds, as the erosion was significant on some of these ponds and had some questions for the engineer. There was significant erosion on Pond 11 in The

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Villas, as approximately 4 to 5 feet of the pond bank was eroded. It was her opinion that the CDD had a contractual obligation with Yellowstone to provide an estimate and they needed an expert, but in the meantime, recommended obtaining additional bids and scheduling a meeting with the pond expert from the Ag Center, the engineer and Mr. Johnson. Mr. Oliver suggested scheduling it as part of the next regular meeting and determining whether or not to schedule an additional meeting. Mr. Wharton would coordinate this with Mr. Oliver.

**FIFTH ORDER OF BUSINESS****Consideration of Yellowstone Proposal for Maintenance of Vacant Parcel**

Mr. Johnson presented a proposal from Yellowstone for maintenance of the vacant parcel in the amount of \$870 per month, which was included in the agenda package and was for mowing and the trimming of trees. Mr. Ferry recalled Mr. Ken Kinnecom saying that the CDD used Yellowstone, because they provided a discount to the CDD, but the HOA no longer used them. Mr. Curran pointed out that The Villas still used Yellowstone. Mr. Ferry indicated that \$870 times 12 months equated to \$10,440, not \$11,414. Mr. Oliver would obtain a revised proposal. Ms. Wharton indicated that the proposed amount was more than she anticipated but questioned whether the irrigation was working and how often it ran. Mr. Johnson believed that everything should be operational. Ms. Wharton wanted the irrigation to be completely inspected, to ensure that it was functional, as there was no irrigation for the last six months and to only have mowing included for the first year and none of the other services, as the amount of the proposal was triple of what she wanted to spend. Mr. Ferry agreed that the amount was high. Mr. Johnson asked if there should be pesticides. Ms. Wharton did not want fungicides or fertilizer. Mr. Johnson would obtain a proposal for just mowing and irrigation. Mr. Oliver asked if it was an HOA irrigation system. Ms. Ferry must look into this, as there may be some crossovers with the water. The only concern that she had was the red ants, as it was \$10,000 to \$11,000 a treatment. They would monitor the red ants and table this item.

**SIXTH ORDER OF BUSINESS****Board Guidance Regarding Preparation of Fiscal Year 2026 Proposed Budget**

Mr. Oliver stated in preparation for Fiscal Year 2026 Proposed Budget, which runs from October 1<sup>st</sup> to September 30<sup>th</sup>, a budget would be provided to the Board at the May meeting. The Board was required to approve a Proposed Budget by June 15<sup>th</sup> of each year, per Chapter 190 of

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the Florida Statutes. Then the Board would adopt the final budget at the public hearing, no sooner than 60 days after the Proposed Budget was approved. Normally, the Board approved the Proposed Budget in late May and adopted it in late July. Ms. Wharton wanted to build the capital reserve like the pond banks for the next few years and make cuts in several line items.

## **SEVENTH ORDER OF BUSINESS**

### **Appointment of Audit Committee**

Mr. Oliver explained that per the Florida Statutes, as a government, CDDs were required to go through the Request for Proposal (RFP) process to select an auditor. The one selected would perform the Fiscal Year 2025 audit, which would not commence until the fiscal year closes on September 30<sup>th</sup>. Typically, the Board designated themselves as the Audit Committee, which was what staff recommended.

On MOTION by Mr. Ferry seconded by Ms. Wharton with all in favor designating the Board as the Audit Committee was approved.

Mr. Oliver reported at the next meeting; staff would provide evaluation criteria for the Audit Committee to rank the firms. Typically, there would be four or five items.

## **EIGHTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Mr. Magee had no specific report. Ms. Wharton reported that the closing was completed, which Mr. Oliver confirmed did not affect their insurance rates.

#### **B. Engineer**

Mr. Stilwell reported that he looked at Pond 500 and would provide a report at the next meeting. Ms. Wharton voiced concern about the depth of the ponds, as some of the ponds were 20 years old and in the last 10 years, there was significant erosion. According to the Statute, if a pond was 25% reduced, they were required to re-dredge them. Mr. Stilwell was not familiar with the Statute, but typically the life of a pond was 20 years and most of the major maintenance, was in the 20-to-30-year range. Other Districts had older ponds. The key factor in the depth of a pond, in order for it to perform the natural cycles, was that it needed to have a depth of about 6 feet. He did not know the depth of these ponds and would have to look at the plans from the

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original engineer, but on average, the pond depth was 8 feet, but some may be deeper. The erosion that Ms. Wharton referred to, was due to the pond going up and down and the concern was someone falling into the pond and not being able to stand up. They have done repairs on ponds in other communities, utilizing different methods and would provide some examples at the next meeting.

Ms. Wharton requested that Mr. Stilwell research the original depth of these ponds, how the ponds changed and the Statute for the depth of the pond changing. Mr. Stilwell pointed out that they could review the historical data to find out some of the information, but they must hire someone to determine the actual depth. Mr. Stilwell explained that the way that stormwater ponds function, the key measurement was where the water was at, compared to the top of bank, where all of the storage was occurring. Since they did not rely on percolation into the soil, he was not worried about water going into the ground and through the bottom of the pond and would review the data and do a quick walk through. Ms. Wharton pointed out that she did not want to incur any additional costs to do so. Mr. Stilwell indicated that he had this information and would provide it to Mr. Oliver for the next meeting.

### **C. Manager**

Mr. Oliver reminded the Board Members that their Form 1 was due by July 1<sup>st</sup> and the yearly ethics training was due on January 1<sup>st</sup>. Ms. Wharton requested better training. Mr. Oliver recommended that the Board wait to complete the training, as the method of training may change in the Legislative Session. Ms. Kinnecom asked if there was a form to fill out. Ms. Wharton indicated that there was a box on Form 1 that they needed to mark and offered to help Ms. Kinnecom with it. Mr. Ferry recalled Mr. Haber saying that the October 1<sup>st</sup> training was still in effect. Mr. Oliver believed that there was training for this calendar year but would verify it with Mr. Haber. The training that occurred in 2024, would be marked on the Form 1 that was due on July 1<sup>st</sup>.

### **D. Operations Manager**

#### **1. Report**

#### **2. Fountain Information**

Mr. Johnson presented the Operations Manager Report, which was included in the agenda package. Ms. Wharton questioned what hours the fountains were running. Mr. Johnson

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confirmed that the clock ran from 8:00 a.m. to 8:00 p.m. Ms. Wharton requested that the time be changed to 8:00 a.m. to 7:00 p.m., as the electricity to run the fountain, was a major expenditure. However, there was a big reduction in their electric bill when they switched to LEDs, but never saw this reduction and requested that someone speak to Florida, Power & Light (FPL) about their bill, as it seemed high. Mr. Oliver would speak to them, but for streetlights, they paid a flat fee on a per pole basis, not for the actual energy use. Mr. Johnson offered to change the time from 9:00 a.m. to 7:00 p.m. Ms. Wharton agreed. Mr. Oliver would have the accountant provide an analysis of the electric bills for the past five years. Ms. Wharton requested skipping aquatic weed control services for one month per year, starting in January of next year, in order to save \$1,945, as January had the least amount of weeds growing, due to the cold temperatures. She was also saving room in case there was another significant algae issue. Mr. Oliver recommended asking Future Horizons about the impact that it would have.

## **NINTH ORDER OF BUSINESS**

### **Audience Comments**

Ms. Ferry wanted clear definition of what the CDD responsibilities were, so a handout could be distributed to the community. Resident Ann Germain pointed that Pond 100 was not owned by The Villas. Ms. Wharton acknowledged that she misstated this. Mr. Ferry clarified that Pond 700 was owned by The Villas. Ms. Germain understood the concern about the budget, as everyone was concerned about money, but asked if it would be costly to treat the red ants in the vacant area, as there was a possibility that the nearby homes would be affected. Ms. Wharton pointed out that this area was around concrete, a path and a small portion was touching the HOA; however, they could obtain a bid. Mr. Johnson asked if it should be a separate bid or included in the mowing. Ms. Wharton preferred to have a separate bid from Yellowstone. Mr. Oliver pointed out that whatever they did, if it was not Yellowstone, they needed to ensure that an agreement was in place, in order to have indemnification language. Mr. Pingotti pointed out that HOA property abuts all of the homes and questioned whether they were being treated. Ms. Germain clarified if the ants move their homes to the vacant area, it will affect the surrounding homes. Ms. Wharton indicated that they would find out the cost.

Ms. Germain understood that riprap was made up of stones and questioned whether they could consider putting in plants along the edges. Mr. Oliver confirmed that riprap was a layer of large stones that protected soil from erosion. Ms. Wharton pointed out that this was why they

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wanted education and the Ag Center from Florida State to provide long-term options. Ms. Germain felt that the Board did a good job of informing the community about what was occurring but questioned whether or not the Board should be using themselves as auditors. Mr. Oliver explained that the Board was not performing an audit, but were actually an Auditor Selection Committee, to go out for RFPs, evaluate the proposals and select the auditor to perform the audit, based on the evaluation criteria.

## **TENTH ORDER OF BUSINESS**

### **Supervisors Requests**

Mr. Pingotti reported that HOA office staff was sending out emails to the community stating that the CDD was in charge of the street lights, which was incorrect. Mr. Oliver would provide clarification to Ms. Ferry, so a clarification email could be sent stating that the District paid for the streetlights and FPL was in charge of them. Mr. Curran pointed out that he issued two tickets for two light posts on Heritage Park Drive. The first one that was opened on January 23<sup>rd</sup>, was closed the next day, but FPL did not work that fast and the second one was opened on February 14<sup>th</sup>, which he was tracking. The status remained open, but yesterday it was closed and the two light poles were still not lit. Mr. Pingotti assumed it was a defective photocell issue.

## **ELEVENTH ORDER OF BUSINESS**

### **Financial Reports**

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

Mr. Oliver presented the Unaudited Financial Statements through February 28, 2025, which were included in the agenda package. They were five months into the fiscal year. The balance in the Capital Reserve Fund was \$138,000. In the administrative section, there was a variance of \$4,990 for legal advertising, but it was mostly because bonds were issued and there was a mailed notice. Mr. Oliver would try to get reimbursement from the Series 2025 Cost of Issuance Fund, as there was currently \$11,000 in that fund. That was the only significant negative variance. The District was on budget but was not building any surplus funds.

#### **B. Assessment Receipt Schedule**

Mr. Oliver presented the Assessment Receipt Schedule, which was included in the agenda package. Assessments were at 95.8% collected and should be fully collected in the next month or so.

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**C. Approval of Check Register**

Mr. Oliver presented the Check Register for January 1, 2025 to February 28, 2025 in the amount of \$37,770.28, which was included in the agenda package. Ms. Wharton asked if they were paying electric for this month. Mr. Oliver confirmed that an auto payment was made to FPL. Ms. Wharton pointed out that their biggest expenditure thus far were the streetlights and wondered if there were grants or if the amount could be reduced to offset that.

On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor the Check Register for January 1, 2025 to February 28, 2025 in the amount of \$37,770.28 was approved.

**TWELFTH ORDER OF BUSINESS**

**Next Scheduled Meeting – May 22, 2025 @  
1:00 p.m.**

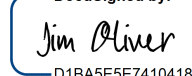
Mr. Oliver stated that the next meeting was scheduled for May 22, 2025 at 1:00 p.m., which was the budget approval, but asked if it could be changed, as he and his wife would be on vacation. Ms. Wharton agreed, as she would be in New York. Discussion ensued and there was Board consensus to change the May meeting to May 29, 2025.

On MOTION by Mr. Ferry seconded by Mr. Curran with all in favor moving the May 22, 2025 meeting to May 29, 2025 at 1:00 p.m. was approved.

**THIRTEENTH ORDER OF BUSINESS****Adjournment**

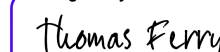
On MOTION by Mr. Curran seconded by Ms. Wharton with all in favor the meeting was adjourned.

DocuSigned by:



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Secretary/Assistant Secretary

Signed by:



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Chairman/Vice Chairman