

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, August 7, 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   |
| Matt Biagetti                 | GMS                |
| Kyle Magee                    | Kutak Rock         |
| Ryan Stilwell <i>by phone</i> | District Engineer  |
| Jeff Johnson                  | Operations Manager |
| Geraldine Ferry               | HOA President      |
| Residents                     |                    |

*The following is a summary of the actions taken at the August 7, 2025 Heritage Park Community Development District Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Oliver called the meeting to order at 1:06 p.m. All Supervisors were present. Mr. Oliver indicated that staff was experimenting with voice recognition software, in order to have more accurate minutes and requested that all Board Members state their name for the record.

**SECOND ORDER OF BUSINESS**

**Public Comment**

Mr. Oliver requested that residents in the audience hold their comments until later in the meeting, due to the budget and assessment hearings.

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**THIRD ORDER OF BUSINESS****Approval of the Minutes of the May 29, 2025 Meeting**

Mr. Oliver presented the minutes of the May 29, 2025 meeting, which were included in the agenda package. Ms. Wharton provided corrections, which were incorporated. She questioned whether there would be an annual increase in assessments of \$64 for the multi-family, with the capital transfer of \$80,000 and not \$40,000. Mr. Oliver replied affirmatively. This was to demonstrate to anyone reading the minutes, that through Board discussion, the Board lowered the proposed increase. Ms. Wharton further asked if the District would break even with the \$40,000. Mr. Oliver confirmed that \$40,000 was in the current year's budget and currently, there was a \$14,000 positive variance, but it was still a projection.

On MOTION by Ms. Wharton seconded by Ms. Kinnecom with all in favor the Minutes of the May 29, 2025 Meeting were approved as amended.

**FOURTH ORDER OF BUSINESS****Acceptance of the Minutes of the May 29, 2025 Audit Committee Meeting**

Mr. Oliver presented the minutes of the May 29, 2025 Audit Committee meeting, which were included in the agenda package.

On MOTION by Ms. Wharton seconded by Mr. Curran with all in favor the Minutes of the May 29, 2025 Audit Committee Meeting were approved as presented.

**FIFTH ORDER OF BUSINESS****Consideration of Proposals for Vacant Parcel****A. Insecticide** *(will be sent under separate cover)*

Mr. Johnson presented a proposal from Vertigo for an insecticide application on the vacant parcel, at the request of the Board. Their price was \$875, versus \$627 from Yellowstone. Ms. Wharton asked if it was for two treatments. Mr. Johnson explained that it was an annual treatment for ants.

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**B. Hedge Trimming**

Mr. Johnson reported that Yellowstone offered to include hedge trimming as part of their contract, on the opposite side that was separated from homes, but the inside of the parking lot was being maintained by the HOA at no additional cost. Ms. Wharton appreciated Mr. Johnson looking into this matter.

**SIXTH ORDER OF BUSINESS****Consideration of Committee Rankings of Proposals to Perform the Audit for Fiscal Year 2025**

Mr. Oliver recalled that prior to this meeting, the Audit Committee met and selected Grau & Associates as the number one ranked firm and Berger, Toombs, Elam, Gaines & Frank as number two.

On MOTION by Mr. Pingotti seconded by Mr. Ferry with all in favor accepting the recommendation of the Audit Committee to select Grau & Associates as auditor and staff entering into the contract was approved.

**SEVENTH ORDER OF BUSINESS****Public Hearing Adopting the Budget for Fiscal Year 2026**

Mr. Oliver reported that there were two public hearings at this time, one to adopt the budget and the other to levy assessments and certify the Assessment Roll. The Board could amend the budget at any time today and during the year, as well as the flexibility to move money among line items. At the May 29<sup>th</sup> meeting, the Board approved the Proposed Budget but could not hold the public hearing until at least 60 days thereafter, as mailed notices had to be sent to all property owners and a notice to be published in the St. Augustine Record. There was a proposed increase; however, the District held steady for many years, as the only two years of operation and maintenance (O&M) budget increases, were in Fiscal Year (FY) 2025 and was proposed for FY 2026 and over that 15-year period, the Consumer Price Index (CPI) has been slightly over 40%. This was not a use it or lose it budget, as the District would retain any surpluses, to use for future budgets. A copy of the budget was included in the agenda package. An Assessment Roll was included on the last page of the budget. At one point, it looked like there was going to be over a \$200 increase to the 80-foot product types, but through discussion and fine tuning of the Proposed Budget, levels were brought down.

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Mr. Oliver explained that in the General Fund, which was how the District was funded, \$49,210 in *Carry Forward Surplus* was used for FY 2025, but there would be no funds for FY 2026, which increased assessments. In addition, there was a 4.3% increase in the administrative portion of the budget, due to additional mailings and published notices for the bond issue. However, this would only need to be done once every 10 years. There was also a 4.1% increase in the O&M Budget, based on Board input at the last meeting, including funding \$10,000 for *Pond Bank Erosion*. There was also a 4.2% increase in *Total Expenditures*, from \$325,000 to \$339,000 or just under \$14,000. In FY 24, there was a *Capital Reserve Transfer* of \$20,000, which was increased to \$40,000 for FY 25.

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| On MOTION by Mr. Ferry seconded by Mr. Curran with all in favor the Public Hearing to adopt the budget for Fiscal Year 2026 and impose special assessments was opened. |
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Resident Marie Bernhardt of Red House Ranch Road was confused about the entire process, but felt that she had the right to speak, as she received a letter. Mr. Oliver suggested that they discuss the budget first and then how the District operated. Ms. Bernhardt questioned what the CDD does for the community, because when the fountain broke, it took her over a month to get somebody to fix it. Mr. Oliver appreciated Ms. Bernhardt for attending the meeting and pointed out when he was contacted about any issue, he contacted Mr. Johnson and received a response within 24 hours and apologized that Ms. Bernhardt had a bad experience. The main responsibility of the CDD was to maintain the ponds and landscaping and managed the bond funds that paid for much of the infrastructure. Ms. Bernhardt offered to wait until later in the meeting to get her questions answered. Resident Ann Germain questioned in 2026, whether she would receive an assessment increase of \$80 for her single-family 53-foot lot. Mr. Oliver confirmed that she would receive an increase of \$80.54. For the annual maintenance assessment, the increase was \$91.99, but the debt assessment was decreasing by \$11, because of the bond refinancing earlier this year. Ms. Germain understood that the bonds were supposed to expire in 2035, but now it was extended to 2036 and questioned if they were paying for the new bond amount in 2036. Mr. Oliver explained that the refinanced bonds would still expire in 2034 and the new bonds would mature in 2036.

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On MOTION by Mr. Ferry seconded by Mr. Pingotti with all in favor the Public Hearing to adopt the budget for Fiscal Year 2025 and impose special assessments was closed.

Ms. Wharton asked if the engineer and attorney attended meetings contractually or per meeting. Mr. Oliver confirmed that what was budgeted for engineer and attorney were modest compared to most CDDs. Oftentimes, Mr. Stilwell called in, when needed. The same with District Counsel. There was no extra-legal work, compared with some Districts, especially when there was an Amenity Center. Because of the rate of increase, he did not know that the budget could be cut other than managing it and working towards generating a surplus throughout the budget year. Ms. Wharton wanted to be careful with their costs, but felt that this year looked promising, as there were few places where they could cut costs, other than these two-line items. However, she requested that Mr. Oliver's office absorb the cost for office supplies, as it was a minimal amount. The CDD should be charged for postage, but not for photo copies and Xerox paper. Mr. Oliver would look into it, but there was a cost to lease the copier. Ms. Wharton also wanted to address electricity and planned to contact Florida, Power & Light (FPL), to renegotiate their electric bill, as she wanted to be fiscally responsible with their money. Mr. Johnson pointed out that he looked at the FPL contracts, to see if they could remove some poles, but in order to do so, the CDD must pay fees to have them removed and the bottom line was, there were no savings. Ms. Wharton looked at the fountains and discovered that one fountain used three times the amount of energy, as the other ones, but when it does go, they should look at cutting back on that one. Mr. Ferry pointed out that electricity was over \$23,000 and streetlights were more than double and questioned why. Mr. Oliver explained that it was a fixed fee.

**A. Consideration of Resolution 2025-10, Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2026**

Mr. Magee presented Resolution 2025-10, formally adopting the Fiscal Year 2026 budget and appropriating funds in the sums as set forth in Exhibit A, the budget. Line items could be amended and adjusted throughout the year.

On MOTION by Ms. Wharton seconded by Ms. Kinnecom with all in favor Resolution 2025-10 Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2026 was adopted.

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**B. Consideration of Resolution 2025-11, Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2026**

Mr. Magee presented Resolution 2025-11, imposing assessments to pay the debt and O&M assessments for Fiscal Year 2026. It finds that the services, facilities and operations as described in Exhibit A, confer a special and peculiar benefit to lands within the District, which exceeds the cost of the assessments. It imposes O&M assessments that would fund the budget, but since there was a rate increase this year, this would be the maximum rate for the assessments going forward. If assessments needed to be raised in the future, they must have another public hearing, but if assessments were lowered, they would not have to do so. It also sets the FY 2026 debt service special assessments and collects them through the Tax Collector on the Tax Roll.

On MOTION by Mr. Pingotti seconded by Ms. Kinnecom with all in favor Resolution 2024-11 Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2026 was adopted.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Magee reviewed the FPL contract and apologized for not having better news.

**B. Engineer**

**1. Consulting Engineer Report**

**2. Stormwater Report**

Mr. Stilwell presented the Consulting Engineer and Stormwater Reports, which were included in the agenda package. This was a requirement of the bonds to ensure that the infrastructure was in good repair and working order and that the proper insurance was in place. They always performed a site visit. The purpose of this report was to inform Mr. Oliver and GMS, that there was no reason why they could not sign the report that they were providing, but they just wanted to point out maintenance items that needed to be cleaned up. Ms. Wharton appreciated that. Regarding the Stormwater Report, they performed a site visit of the minor maintenance items, such as the outflow of the ponds. Mr. Oliver would provide these reports to the Trustee, who would share it with the bondholders. Mr. Johnson confirmed that everything in the report had been addressed.

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On MOTION by Mr. Ferry seconded by Mr. Curran with all in favor accepting the Consulting Engineer Report was approved.

Mr. Stilwell pointed out that they have been doing work in this District for over 20 years and it was important that the Board continue to monitor the stormwater ponds, as they age and follow the Reserve Study for next year and the following year, as the infrastructure would wear over time. He has seen in other Districts where infrastructure repairs have been costly, which the Board needed to be mindful of. Ms. Wharton questioned the amount of money to repair one of the outflows or replace pipes. Mr. Stilwell estimated between \$50,000 to \$150,000, if a pond had a blowout in an outfall structure.

**C. Manager**

**1. Discussion of Fiscal Year 2026 Meeting Schedule**

Mr. Oliver reported that the District was required each year, to approve an annual meeting schedule and presented the meeting dates for Fiscal Year 2026, which was similar to last year's meeting schedule, with meetings on the fourth Thursday at 1:00 p.m., every other month. The only exception was the November meeting, which was moved to the third Thursday, due to the Thanksgiving holiday and in July, which was the fifth Thursday, to meet the 60 days between the budget approval and adoption.

On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor the Fiscal Year 2026 meeting schedule as presented was approved.

• **Operations Manager (Item 8D)**

**1. Report**

Mr. Johnson presented the Operations Manager Report, which was included in the agenda package. Ms. Wharton questioned how the experimental grasses were doing on Pond 1800. Mr. Johnson reported that they lost a few of the bushes, but Yellowstone was going to replace them in November, after hurricane season. Ms. Wharton asked if there was any difference in the erosion. Mr. Johnson confirmed that it was holding up well. Yellowstone was supposed to attend the meeting to answer questions but was unable to attend. They would attend the next meeting.

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## **2. Goals and Objectives**

Mr. Oliver reported that during the FY 2024 Legislative Session, the State Legislature passed a law requiring Districts to set goals and objectives, which they did. Later this fall, they would compare that document to what they achieved, in order to complete their report card and post it on the District's website. The goals and objectives for FY 2025, which were included in the agenda package, need to be adopted by October 1<sup>st</sup>. These were the same goals and objectives as last year. If they meet them, they would be compliant with what was mandated by Florida Statutes. It had to do with compliance with holding meetings six times per year and notices, which they advertise in the newspaper as required, as well as infrastructure, facilities and maintenance, which Mr. Johnson looks out for. Regarding financial transparency, they approve a budget and adopt it no sooner than 60 days later and for financial reporting, they have an annual audit. This was the minimum standard of goals and objectives that the Board could meet, which the Board could amend throughout the year. Ms. Wharton pointed out that one of her objectives was to increase the budget for a contingency, which they did by \$40,000 for this year, in order to have \$200,000 in this line item over a five-to-ten-year plan. Mr. Oliver did not recommend including it in their goals and objectives, as it could be discussed at other meetings; however, it was a good idea to build capital reserves.

On MOTION by Mr. Curran seconded by Mr. Pingotti with all in favor the goals and objectives for Fiscal Year 2026 were approved.

## **E. Operations Manager**

### **1. Report**

This item was discussed.

## **NINTH ORDER OF BUSINESS**

### **Audience Comments**

Resident Geraldine Ferry, President of the HOA, read a letter to the Board, informing them that the irrigation at the 227 properties, was connected to the Clubhouse system. The HOA would continue to operate the well for that property and pay for all of the electricity. However, if any irrigation repairs or sprinkler head replacements were needed, they would ask that the CDD take on that responsibility. In addition, the HOA requested use of the 227 field for periodic outdoor social events such as Field Day, Spring Fling, Movie Night, Community Day with SJSO

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and Fire and Rescue, as it would provide an excellent opportunity for residents to connect, foster goodwill and build a good sense of community. The HOA would ensure that the property would be left clean and in proper order following each event. If permitted, the HOA would coordinate closely with the Events Committee, to comply with all guidelines, schedule requirements and notifications. They were also willing to purchase single use event insurance, as well as sign any requested waivers. Ms. Ferry appreciated the Board hearing her request and looked forward to their response. Mr. Oliver indicated that to the extent that the Board wanted to do this, District Counsel would ensure that they had the right paperwork. Mr. Magee suggested that the Board enter into a License Agreement, to ensure that the CDD was covered. Ms. Wharton asked if it would be on a case-by-case basis. Mr. Magee confirmed that it could either be on a case-by-case basis or a blanket agreement, depending on the preference of the Board. Ms. Ferry indicated that they could get event insurance and would speak to their insurance carrier, to ensure that residents would be covered, as it was a CDD sponsored event. Mr. Magee could assist with this, as he sees these types of events in other Districts. Ms. Wharton felt that it was a great use of the property, but it needed to be on a case-by-case basis, so the CDD was in the loop about what was occurring and when, as it would increase their pest control applications. Ms. Ferry would provide a schedule of the events, so the Board could approve it ahead of time. Ms. Wharton did not think that they could do it this year, as no funds were budgeted, but the Spring was idea, as there would be funds in the budget. Ms. Ferry was amenable to doing it in 2026. Mr. Oliver would include this item on the agenda, so that staff could work with the HOA.

Resident Ann Germain asked if the outflow pipes were repaired and inspected. Mr. Johnson confirmed that the pipes were inspected and cleared of any debris. Ms. Germain asked if there was a plan to repair a portion of the bank that was significantly eroding on Pond 100, what the plan was and why they were not requiring Yellowstone to replace the damaged experimental plants right away, if they were intended to prevent bank erosion. Ms. Wharton pointed out that the heat damaged the plants and they were purposely waiting until after hurricane season to replace them, so they would have a better chance of thriving. In addition, they were not using experimental plants. They were using one pond that had the worst erosion, to see if plants would help, as grasses had not worked in the past. This was their first experiment and they were waiting to see if it was successful, before expanding to other banks. Ms. Kinnecom lived by this bank and noticed a slight difference with some of the bank disappearing, but the depth of the pond still

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looked good. Mr. Johnson indicated that he provided a proposal to the Board for lake bank erosion repair and was waiting for the Board to discuss it. Ms. Wharton recalled that a proposal was approved, as they asked for the number of plants to be cut in half. Mr. Curran believed that this was for Pond 500. Mr. Johnson pointed out that two proposals were presented to the Board for Pond 500. All of the proposals were presented and he was waiting for the Board's approval. Ms. Wharton was more concerned about Pond 100 than Pond 500, as there were ruts on Pond 500, versus Pond 100, where the bank was disappearing and requested a proposal. Mr. Johnson indicated that a proposal for Pond 100 was already presented to the Board, in the amount of \$5,862, for 50 Lilies, 50 Fakahatchee, erosion map and brown mulch. Ms. Wharton preferred rocks, as what they were proposing, would not stop the erosion and suggested having half of the amount of plants. Mr. Johnson suggested leaving the proposal as it is, as they could add rocks in the future and re-assess it. Ms. Wharton requested taking the budgeted amount and doing the largest area that they could and spreading the plants over the biggest area of erosion. Mr. Johnson would work with Yellowstone to get the work on their schedule as soon as possible. *There was Board consensus for Mr. Johnson to proceed.*

Mr. Ferry asked if the \$5,862 would come out of lake maintenance. Ms. Wharton indicated that it would come out of the FY 2025 budget. Mr. Ferry suggested lowering the landscape maintenance and raising the lake maintenance in next year's budget. Mr. Oliver indicated that they were projecting a \$14,000 positive variance with the current year's budget. Ms. Germain asked if the plants were going to be at the south or north end of the pond, as she lived on the north end of the pond. Mr. Johnson preferred to have the contractor decide. Ms. Wharton requested that the contractor look at the area by Sand Pine Court, where the bank was sinking. Ms. Germain questioned the difference between lake maintenance and lake contingency. Mr. Oliver explained that there was a contract with a lake maintenance company and the lake contingency was the additional funding. Ms. Germain pointed out that this morning, a man in a blue shirt was walking around the pond, with a bucket and stick. Mr. Johnson explained that they were picking up trash that was in and around the pond.

Resident Marie Bernhardt of Red House Ranch Road questioned the job descriptions of staff. Mr. Oliver explained that he was with GMS and served as District Manager, in order for the District to remain compliant with Chapter 190 of the government statutes. The CDD was a unit of government, similar to a County or City Commission. It was formed to fund the

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construction of infrastructure, particularly roads, ponds and drainage. His office focused largely on accounting and compliance issues. Mr. Magee stated he was an attorney with Kutak Rock, serving as District Counsel. His office was involved with the purchase of the lot across the street. Mr. Johnson indicated that he was the Operations Manager, overseeing the vendors and helping to maintain the ponds and fountains and picking up trash. Ms. Bernhardt asked if she should call him when the fountain breaks and kids were on CDD property. Mr. Johnson would handle any broken fountains, but if kids were on CDD property, there were posted No Fishing signs along the perimeter of the ponds. Mr. Pingotti suggested that Ms. Bernhardt contact the Sheriff's Department. Ms. Bernhardt pointed out that she contacted the non-emergency number, but no one came. The kids were taking off their shoes and going into the water. They claimed that they had permission from the HOA to fish. Mr. Pingotti stated the only recourse was contacting the Sheriff's Department. Mr. Biagetti pointed out that he worked for GMS and was a colleague of Mr. Oliver's. The Board Members introduced themselves. They were all elected officials and residents of the community. The next election would be in November of 2026. Mr. Oliver offered to answer Ms. Bernhardt's questions after the meeting.

#### **TENTH ORDER OF BUSINESS**

#### **Supervisors Requests**

There being no comments, the next item followed.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Financial Reports**

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

Mr. Oliver presented the Unaudited Financial Statements through June 30, 2025, which were included in the agenda package. There were variances for legal advertising and printing and binding, due to the additional meetings for the bonds from late 2024 into 2025.

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

Mr. Oliver presented the Assessment Receipt Schedule, which was included in the agenda package. Assessments were at 99% collected. They were still \$1,000 short.

##### **C. Approval of Check Register**

Mr. Oliver presented the Check Register for May 1, 2025 to June 30, 2025 in the amount of \$30,316.05, which was included in the agenda package.

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On MOTION by Mr. Ferry seconded by Ms. Wharton with all in favor the Check Register for May 1, 2025 to June 30, 2025 in the amount of \$30,316.05 was approved.

**TWELFTH ORDER OF BUSINESS**

**Next Scheduled Meeting – September 25, 2025 @ 1:00 p.m.**

Mr. Oliver stated that the next meeting was scheduled for September 25, 2025 at 1:00 p.m.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

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

Signed by:

*Matt Bragetti*

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Secretary/Assistant Secretary

Signed by:

*Thomas Ferry*

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Chairman/Vice Chairman