

**MINUTES OF MEETING
HERITAGE PINES
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Heritage Pines Community Development District held a Regular Meeting on April 16, 2024 at 2:00 p.m., in the Heritage Pines Country Club Meeting Room, 11524 Scenic Hills Boulevard, Hudson, Florida 34667.

Present were:

Kathleen Lonergan	Chair
Arthur Rhodes	Vice Chair
Carol Vaughan	Assistant Secretary
Janice Benedetti	Assistant Secretary
Michael Walsh	Assistant Secretary

Also present:

Chuck Adams	District Manager
Kurt Heath	District Engineer
Herb Hurley	HPCA General Manager
Tim Gatz	HPCA Grounds Superintendent

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 2:00 p.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

All present recited the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items [3 minutes per person]

No members of the public spoke.

FOURTH ORDER OF BUSINESS

Update: Operations Activities

Mr. Gatz stated there are a few issues with Pond #7. The pond looks better but the fountains and waterfall cannot be turned on for multiple reasons. The fountain needs to be cleaned of the algae that clogged the pump. The pipe that was replaced last summer goes down to the lower pond intake, which got so caked with algae that the pump started to lift and

rose out of the water but it is believed that the pipe is not damaged. Until the pipe is cleaned and put in place, the pumps cannot be turned on. The pipe must be replaced at the correct level for the intake to the pumps to be at the correct level. It was noted that addressing the pipe is essential because that well is gravity-fed. The pipe must be at a certain level so that the proper amount of water will enter the wet well to pump to the upper pond.

Mr. Hurley stated that Heritage Pines (HP) paid the \$800 cost of the first algae cleaning. Divers are scheduled to clean it again in the next two weeks. Gary will have his fountain technician clean that one because the fountain cannot be turned back on until the pond fills up. It was noted that water levels have been low. Mr. Hurley stated that invoices will be coming; he believes that the CDD should be responsible for cleaning the intake and the pump because SOLitude could not remedy the algae issue. He voiced his opinion that this is an embarrassing eyesore; he emailed about it and thinks something must be done. While it has improved since Dave's return, the equipment cannot be turned on because there are too many other issues.

Mr. Adams stated that SOLitude has been the contractor for fifteen years; it might be a personnel issue and, with Dave's return, the issues might be resolved.

Mr. Hurley stated that nothing can be done until the equipment is repaired and it could take another month for the issue to be resolved, due to high temperatures. No additional pumps were installed and the equipment cannot be turned on until the issues are resolved.

It was noted that carp are present in the ponds.

Mr. Gatz stated that, when carp reach a certain age, they are no longer very productive eating submersed vegetation, such as hydrilla, to prevent other issues. Stocking tilapia could be beneficial; unlike carp, tilapia are not regulated by the permit. Carp will also eat beneficial plants. The pond across the street which has been maintained nicely has beneficial plants.

Mr. Gatz stated the divers will clean the intake and address the pipe in early May. The company that installed the pipe last year will inspect to determine what can be done.

Regarding a question about the water feature, Mr. Adams stated that the ponds serve a water management function. They are a part of the Southwest Florida Water Management District (SWFWMD) permit. The water feature itself was never conveyed to the CDD; the Engineer's Report specifically states that the improvements, such as landscaping, pavement, the guardhouse and the water feature, rest with the HPCA. The ponds are the CDD's

responsibility based upon an easement and under the SWFWMD permit. The CDD does not have Fee Title Ownership of the ponds; in most cases, that rests with HPCA in the larger golf course tracts. The only piece of land the CDD has title to is the one in front.

Ms. Lonergan asked how the pumps that they attempted to order three months ago but they were delayed, contributed to the algae accumulation. Mr. Gatz stated it was unrelated; one pump was running but the algae accumulated and blocked the airflow.

Mr. Adams stated that he had requested manual raking but Dave felt confident that it was unnecessary due to recent treatments and a rainfall; the algae was reduced and now it is a matter of keeping algae levels down.

Mr. Gatz stated the two ponds look good now. The pumps will be replaced.

Ms. Lonergan stated the CDD's pond dilemma will remain for at least another month. Mr. Gatz believes, as long as Dave is on site as needed, the issues will be addressed.

Mr. Adams stated that SOLitude maintains the other ponds without water circulating; the difference is that these ponds are fed with reuse water, which is very high in nutrients. He stated that SOLitude is on site every two weeks, or within 48 hours of a reported algae issue.

Mr. Gatz stated that Dave responds in a timely manner.

Mr. Adams will request a proposal to stock tilapia.

Ms. Lonergan reported excessive dead brush in front of the drain pipe on Hole #17. She voiced her opinion that, overall, in touring the ponds, everything looks very good.

Mr. Walsh reported that the pipe behind Green #16 looks much better but some more dead brush needs to be removed, similar to #17.

Discussion ensued regarding stakes.

Ms. Lonergan stated that most of the trees to be removed seem to be on HP property. Mr. Walsh stated they are either on the golf course or on common areas but the tree that a resident complained about might be in the protected area.

It was noted that the stakes represent the upper boundary; the CDD can maintain up to the boundary. Mr. Gatz will likely have to view the tree.

Mr. Hurley reiterated his belief that the CDD should accept the invoices for pond maintenance, as previously discussed, because the algae was caused by the contractor's failure to address the algae. The Board Members were in agreement.

FIFTH ORDER OF BUSINESS

Consideration of Heritage Pines Community Association, Inc. Landscape Maintenance Proposal/Agreement

Mr. Adams presented the Heritage Pines Community Association, Inc. Landscape Maintenance Proposal and Agreement and distributed a copy of the Agreement currently in effect. The version of the Agreement in the agenda keeps the \$12,000 irrigation allowance and provides for a modest Consumer Price Index (CPI) increase, which increases the current \$129,000 to \$132,840. The intent is for the Agreement to be identical to the Agreement approved and executed last year.

Mr. Adams stated that the Agreement will be amended accordingly. Paragraph 3, on Page 2 of the old Agreement, regarding additional services, will be added. If the Board decides to keep the \$12,000 allowance, the dates will be adjusted and the front will be updated to \$132,840 for basic maintenance. On Page 5 of the new document, when the other paragraph is reinserted, Paragraph 15 will become Paragraph 16 and, beyond that, Paragraphs 17 through 24 from the original Agreement will be reinserted. Most of that is as advised by District Counsel, as those paragraphs provide protections for the CDD.

Ms. Lonergan noted that the dates will be corrected in Exhibit A.

Mr. Adams stated the Board must decide if it wants to continue under the current type of Agreement, which includes a \$12,000 irrigation allowance, or be billed on an “as you go” basis. The consensus was to keep the Agreement as is.

Mr. Hurley will revise the Agreement accordingly.

On MOTION by Mr. Rhodes and seconded by Ms. Benedetti, with all in favor, the Heritage Pines Community Association, Inc. Landscape Maintenance Proposal and Agreement, amended as discussed, in the amount of \$132,840 annually, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2024-03, Approving a Proposed Operation and Maintenance Budget for Fiscal Year 2024/2025; Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting, and Publication Requirements; and Providing an Effective Date

Ms. Lonergan presented Resolution 2024-03.

Mr. Adams reviewed the proposed Fiscal Year 2025 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2024 budget, and explained the reasons for any changes. The proposed Fiscal Year 2025 budget was updated to include the landscape maintenance agreement just approved. Since use of fund balance to offset increases and keep assessments flat, year over year, was not employed as in previous years, the Operation and Maintenance (O&M) assessment would increase from \$209.34 to \$234.50, an increase of approximately \$25 per unit.

Discussion ensued regarding the allocation of committed and unassigned fund balance.

The following changes were made to the proposed Fiscal Year 2025 budget:

Page 2, "Retention pond mowing/weed control": Decrease to "133,000"

Page 2, "Future mower replacement": Increase to "100,000"

Page 2, "Disaster recovery": Decrease to "100,000"

Mr. Adams stated these changes still result in a modest assessment increase of approximately \$25 per unit.

On MOTION by Mr. Rhodes and seconded by Ms. Benedetti, with all in favor, Resolution 2024-03, Approving a Proposed Operation and Maintenance Budget for Fiscal Year 2024/2025, as amended; Setting a Public Hearing Thereon Pursuant to Florida Law on July 16, 2024 at 2:00 p.m., in the Heritage Pines Country Club Meeting Room, 11524 Scenic Hills Boulevard, Hudson, Florida 34667; Addressing Transmittal, Posting, and Publication Requirements; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date

Mr. Adams presented Resolution 2024-04.

The following change was made to the Fiscal Year 2025 Meeting Schedule:

DATE: Change "December 17, 2024" to "December 10, 2024"

On MOTION by Mr. Walsh and seconded by Ms. Vaughan, with all in favor, Resolution 2024-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025, as amended, and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 29, 2024

Mr. Adams stated that assessment revenue collections are at 99%. Approximately \$44,000 was spent on a mower that was not budgeted; fund balance was used for the expenditure.

On MOTION by Mr. Rhodes and seconded by Mr. Walsh, with all in favor, the Unaudited Financial Statements as of February 29, 2024, were accepted.

NINTH ORDER OF BUSINESS

Approval of February 20, 2024 Regular Meeting Minutes

Ms. Vaughan stated that she is no longer responsible for Mosquito Control, and she is now responsible for Paleo Park. The following changes were made:

Line 194: Change "Vaughan" to "Benedetti"

Line 197: Change "Benedetti" to "Vaughan"

On MOTION by Ms. Benedetti and seconded by Mr. Walsh, with all in favor, the February 20, 2024 Regular Meeting Minutes, as amended, were approved.

- **To Do Action Items List**

Ms. Lonergan recalled that she asked Mr. Heath to inspect a street, the Torry Pines Road cul-de-sac. Mr. Heath stated that he met with the homeowner on #49 and it is a similar issue to what occurred on Rockport, where a concrete curb on a curved section of cul-de-sac was not poured to have a consistent slope. High spots are holding water in the driveway; it is not the easiest problem to address. Charles provided a quote the same day; the cost for a soft cut and grinding the curbing is \$450.

Ms. Lonergan thanked him for addressing the concern.

Item 16, 17 and 18 were completed.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Straley Robin Vericker, P.A.

There was no report.

B. District Engineer: Stroud Engineering Consultants

Mr. Heath stated that some erosion was reported at a home on Eagle Bend. Charles inspected the area and it is unclear what is causing the erosion. A bid of \$12,000 was received, which is high due to access issues. Given the cost, repairing it in house is advised.

C. District Manager: Wrathell, Hunt and Associates, LLC

- **NEXT MEETING DATE: June 18, 2024 at 2:00 PM**
 - **QUORUM CHECK**

The next meeting will be held on June 18, 2024; the Fiscal Year 2025 Budget Public Hearing will be held.

Mr. Adams reminded Mr. Walsh, Ms. Benedetti and Mr. Rhodes that the candidate qualifying period for the General Election is noon, June 10, 2024 to noon, June 14, 2024.

ELEVENTH ORDER OF BUSINESS

**Audience Comments: Non-Agenda Items
[3 minutes per person]**

A resident complained that when the grass is cut around the pond, trash is found in the pond the next day. A Board Member stated that trash washes through the pipes after every rain and surfaces in the pond. Employees will be reminded to pick up any trash they observe.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Rhodes recalled that Form 1 is due in July.

Mr. Adams stated that Form 1 is due by July 31, 2024. Beginning this year, Form 1 will be filed online via the link provided in the Memorandum. Completion of the ethics continuing education requirement by December 31, 2024 will be reported when filing Form 1 in 2025.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Rhodes and seconded by Ms. Vaughan, with all in favor, the meeting adjourned at 2:48 p.m.

COP SA.
Secretary/Assistant Secretary

Kathleen Loney
Chair/Vice Chair