MINUTES OF MEETING
HERITAGE PINES
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the Heritage Pines Community Development District held a Regular Meeting on September 17, 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

Residents present:

Susan Napolitano	Robert Napolitano
Bob Volbert	Bonnie Walsh
Laurie Rhodes	Mike Dillard
Gary Farley	Joyce Welsh
Stephen Putman	

FIRST ORDER OF BUSINESS **Call to Order/Roll Call**

Mr. Adams called the meeting to order at 2:00 p.m. Supervisors Lonergan, Rhodes, Benedetti and Walsh were present. Supervisor Vaughan was not present at roll call.

SECOND ORDER OF BUSINESS **Pledge of Allegiance**

All present recited the Pledge of Allegiance.

On MOTION by Mr. Walsh and seconded by Ms. Benedetti, with all in favor, adding an agenda item to discuss the upcoming "Coffee With Candidates" event, was approved.

THIRD ORDER OF BUSINESS **Public Comments: Agenda Items [3 minutes per person]**

Resident Joyce Welsh asked for meetings to be recorded.

- **Discussion: Coffee With Candidates Event**

This item was an addition to the agenda.

Mr. Rhodes stated that, on August 6, 2024, Ms. Kim Norton put out a letter advising that she was instructed to schedule a coffee event on October 9, 2024 and, at that time, bios were requested from all candidates. On September 16, 2024, Ms. Lonergan was informed that the memo about the event would be distributed to all residents, and resumes and bios from Mr. Steel, Mr. Putman and Mr. Kleeman were attached.

Mr. Rhodes asked what authority the HPCA, a separate legal entity, has in scheduling a Heritage Pines CDD campaign event and voiced his opinion that the candidate bios raise serious problems in the relationship between the HPCA and the CDD. He asked who instructed Ms. Norton to schedule the CDD candidate event. Mr. Hurley stated the candidates asked for the event to be scheduled so they could become known as candidates for the CDD Board.

Mr. Rhodes asked if Ms. Norton was told, at any point, that the presence of multiple CDD Board Members at such an event could result in a violation of the Florida Sunshine Law, including Supervisor-Elect Putnam. Mr. Hurley stated that the CDD Board Members were advised that they could not attend because of the Sunshine Law.

Ms. Vaughan arrived at the meeting at 2:05 p.m.

Mr. Rhodes voiced his opinion that an event held for only two of the candidates represents a campaign event and not necessarily a public service event.

Discussion ensued regarding the nature of the event, monies spent on it, compliance with the Supervisor of Elections, etc.

Mr. Hurley stated that he will not discuss this matter further and voiced his opinion that it should be discussed between the attorneys. He felt that the matter should not have been added to the agenda at the last minute, without advance notice.

Mr. Rhodes indicated that the candidates stated their reasons for running were as follows:

- Mr. Steele: "Necessary changes from current direction, priorities and results."
- Mr. Putman: "Work together to enhance the community."
- Mr. Kleeman: "My observation is there is discord between the CDD and Heritage Pines."

Mr. Rhodes noted that, according to CDD meeting records, in Fiscal Year 2024, of six official CDD meetings, Mr. Kleeman attended one CDD meeting, while Mr. Steele and Mr. Putman have not attended any CDD meetings.

Mr. Rhodes asked if Ms. Kim Norton has been instructed to follow through with the October 9, 2024 event, even though it would violate the Florida Sunshine Law or, if conducted, do nothing but serve as a campaign/promotion event for two outside CDD candidates. He noted that Supervisor-Elect Putman could not participate in that, as he would act as a Board Member.

Mr. Rhodes asked Mr. Gatz if there has been discord, bad communication or a bad working relationship since the CDD signed a major contract of over $130,000 for CDD maintenance. Mr. Gatz declined to answer.

Mr. Rhodes asked Mr. Hurley if there are any other areas where he thinks there is discord or a bad working relationship. Mr. Hurley declined to answer or to discuss future candidates.

On MOTION by Mr. Rhodes and seconded by Ms. Vaughan, with all in favor, directing the CDD District Manager to review the implication of the outside candidates as to the alleged hostile relationship and why, as per Mr. Steele, there are "HP Board Members and HP Officers" who might be undermining the contractual relationship, and directing District Counsel to provide a legal opinion, was approved.

Ms. Benedetti asked if anything can be done to allow CDD Board Members to attend the event to hear what the candidates have to say. Mr. Adams stated the Sunshine Law is a major issue for sitting Board Members and for the one candidate who ran unopposed and is a

Supervisor-Elect because it is as though he already sits on the CDD Board so he is subject to the Sunshine Law. The two candidates that are opposed can attend; only one Board Member could attend a meeting in a public forum where topics discussed could come before the Board for future business.

Mr. Adams stated that Board Members can perform one-on-one meetings with a group; two Board Members cannot attend such a meeting together because there is too much opportunity for them to share their opinions, views, visions, goals and objectives for the CDD, which could involve future business coming before the Board.

Mr. Adams will ask District Counsel to prepare a Memorandum offering their opinion on the matter. He reminded the Board Members not to reply to the email.

Mr. Rhodes asked for his presentation to be included in the Meeting Minutes.

FOURTH ORDER OF BUSINESS **Update: Operations Activities**

Ms. Vaughan voiced her opinion that the front property and Paleo Park look great. She would like to install another bench. Mr. Gatz will meet her in the area to determine placement.

Mr. Walsh stated he observed a residence on Pond 16 that installed a pool and a cage; from the tee box, it seems that construction is encroaching on the EDRA and significant damage was done to the bank in the EDRA.

Discussion ensued regarding the area in which construction is not complete.

It was noted that homeowners are responsible for damage. Staff will monitor the area and address any issues with the homeowner at the appropriate time, as work is ongoing.

Ms. Lonergan stated that she sent a photo of a white structure on Hole 11. Tim Gatz noted that a temporary dam was built to address an irrigation break.

FIFTH ORDER OF BUSINESS **Consideration of Goals and Objectives Reporting [HB7013 - Special Districts Performance Measures and Standards Reporting]**

Mr. Adams presented the Memorandum explaining the requirement for the CDD to develop goals and objectives. He presented the Performance Measures/Standards & Annual

Reporting Form developed for the CDD, which explains how the CDD will meet the goals. The first report is due by December 1, 2025; the report will likely be presented for consideration with the annual budget adoption.

On MOTION by Mr. Walsh and seconded by Ms. Benedetti, with all in favor, the Goals and Objectives and the Performance Measures/Standards & Annual Reporting Form, were approved.

SIXTH ORDER OF BUSINESS **Acceptance of Unaudited Financial Statements as of July 31, 2024**

Mr. Adams stated that the financials reflect the unbudgeted purchase of the new mower.

Discussion ensued regarding the operating account with SunTrust.

Consideration of opening an investment account with BankUnited will be added to the next meeting agenda.

On MOTION by Mr. Rhodes and seconded by Ms. Vaughan, with all in favor, the Unaudited Financial Statements as of July 31, 2024, were accepted.

SEVENTH ORDER OF BUSINESS **Approval of July 16, 2024 Public Hearing and Regular Meeting Minutes**

Mr. Adams presented the July 16, 2024 Public Hearing and Regular Meeting Minutes. The following changes were made:

Lines 67 and 176: Change “Hurley” to “Heath”

Line 92: Change “Mr. Lonergan” to “Ms. Lonergan”

Line 176: Change “Asked” to “Ms. Vaughn asked”

Line 178: Change “Asked” to “Mr. Heath asked”

On MOTION by Mr. Walsh and seconded by Ms. Vaughan, with all in favor, the July 16, 2024 Public Hearing and Regular Meeting Minutes, as amended, were approved.

- **To Do Action Items List**

Item 10: Sign repair was completed; painting remains to be done. Twice-annual mulching of the entire park will begin in October 2024.

It was noted that curbs and numerous sidewalks by the front gate are being repaired; this is not an action item, but an HPCA responsibility.

Item 16: Change “Mr. Hurley” to “Mr. Heath”. Mr. Heath stated the area was inspected; most of the scope of work was completed but some additional invasives will be removed. Mr. Adams will confirm when A to Z will remove two trees hanging over houses.

It was noted that a resident is planting trees in the retention area by the dog walk. A Staff member will speak with the resident.

EIGHTH 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 will follow up to determine on what date work at NWRA 33 will be completed.

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

- **NEXT MEETING DATE: October 15, 2024 at 2:00 PM**
  - **QUORUM CHECK**

NINTH ORDER OF BUSINESS **Audience Comments: Non-Agenda Items [3 minutes per person]**

No members of the public spoke.

TENTH ORDER OF BUSINESS **Supervisors’ Requests**

Mr. Walsh stated that he spoke with Mr. Gatz regarding changing the timing and frequency of cutting grass in selected retention areas close to the golf course, where golfers have issues, such as on Hole #8, where grass can grow to knee height. It was noted that shifting resources from one area can impact another and agreed that such accommodations will be kept to a minimum; May through October are the most problematic months.

Mr. Hurley stated that he and Mr. Adams discussed algae on Ponds 7, 5 and 11. Mr. Adams will request a proposal from another contractor that has successfully treated problematic irrigation holding ponds in the area.

ELEVENTH ORDER OF BUSINESS **Adjournment**

On MOTION by Mr. Rhodes and seconded by Ms. Vaughan, with all in favor, the meeting adjourned at 2:37 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Secretary/Assistant Secretary

Kathleen Lonergan

Chair/Vice Chair