

MINUTES OF MEETING
HERON ISLES COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Heron Isles Community Development District was held on Tuesday, February 20, 2024 at 5:00 p.m. at Florida State College at Jacksonville, Nassau Center, 76346 William Burgess Boulevard, Yulee, Florida 32097.

Present and constituting a quorum were:

Greg Watson	Chairman
Nicole Reams	Vice Chairperson
Robert Martyn	Supervisor
Chase Coleman	Supervisor
Wendy Emanuelson	Supervisor

Also present were:

Daniel Laughlin	District Manager
Lauren Gentry	District Counsel
Mike Yuro <i>by phone</i>	District Engineer
Chip Dellinger	Field Operations Manager
Mary Grace Henley	Kilinski Van Wyk
Royce Peaden	BrightView Landscape
Terry Glynn	GMS

The following is a summary of the discussion and actions taken at the February 20, 2024 meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Laughlin called the meeting to order at 5:03 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Public Comment

There being no members of the public present, the next item followed.

THIRD ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the November 14, 2023 Meeting**
- B. Financial Statements**

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C. Assessment Receipts Schedule**D. Check Register**

Copies of the minutes and financial documents were enclosed in the agenda package for the Board's review. Mr. Laughlin noted the check register totals \$115,167.60.

On MOTION by Ms. Reams seconded by Mr. Martyn with all in favor the consent agenda was approved.

FOURTH ORDER OF BUSINESS**Discussion of Easement Access Issues for Maintenance of Pond Banks**

Mr. Laughlin pointed the Board's attention to the documents in the agenda package which show the properties which have fences blocking the District's access easements for the ponds.

Mr. Dellinger stated that Sitex has reported issues with accessing the ponds.

Ms. Gentry stated that it is a requirement of the stormwater permits and of the plat and certain easements are dedicated to the District to allow for access to the stormwater ponds to perform its maintenance obligations. Homeowners are not allowed to encroach upon that easement unless permission is provided by the District and it is her understanding that none of the homeowners have obtained that permission. It is an issue because those access easements are the only legal routes for access to the ponds. The process for correcting this issue is the District would ask the homeowners to move their fence and if they don't, an injunction would be filed against them.

Mr. Watson stated that he is opposed to sending letters asking the homeowners to move their fences as the HOA has likely given those homeowners permission to install the fence and if they were wrongly informed, they should not be responsible for the cost of moving the fence.

Ms. Emanuelson questioned if it would be beneficial to inform the homeowners that they have installed a fence within the easement as it could cause them issues when they try to sell their house.

Ms. Gentry stated that an alternative option to sending a letter asking the homeowners to move their fences is to at least send letters making the homeowners aware of the easements, the fact that the fences are blocking the easements, and that if the District were to ever need to use the easements, the homeowners would be responsible for the cost of moving the fences. She

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noted it is not a surefire bet to preserve the District’s rights if they ever have to be enforced in court.

Mr. Watson stated that if a letter is sent and fences have to be moved at some point in time, the District should take care of the cost.

The motion below was made to send a letter informing the affected homeowners of the easements and that they will need to be moved should the District ever require those easements in the future, however the letter will not mention who will be responsible for the cost of moving the fence.

On MOTION by Ms. Emanuelson seconded by Mr. Martyn, with Ms. Emanuelson, Mr. Martyn and Ms. Reams in favor and Mr. Watson and Mr. Coleman opposed, directing staff to send letters to homeowners whose fences are blocking District easements to inform them of the easement and the requirement to move the fence should there be a need in the future was approved 3-2.

Mr. Watson asked if the Board could review the draft letter prior to it being sent to the homeowners.

Mr. Laughlin responded that a draft letter will be included in the agenda package for the next meeting.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Landscape

1. Quality Site Assessment

Mr. Peaden provided an overview of the quality site assessment report, a copy of which was included in the agenda package. Turf applications and replacements of some Viburnums are on the schedule for the next month.

Mr. Watson stated that the landscape work around the mailboxes needs to get done. The Board previously approved replacing the current vegetation with sod at a fee of \$3,172.36.

2. Proposal for Erosion Repair

A proposal to repair erosion around the sidewalk in the playground area totaling \$3,148.95 was included in the agenda package for the Board’s review.

Mr. Watson asked if any other type of grass can be used instead of Bahia.

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Mr. Peaden responded that Bahia is suggested as it matches the surrounding grass.

On MOTION by Ms. Emanuelson seconded by Mr. Watson with all in favor the proposal from BrightView totaling \$3,148.95 for erosion repair was approved.

3. Proposal to Cut Back Woodline

A proposal to cut back the wood line from the entrance at Heron Isles Parkway to the end of the second playground area totaling \$3,024 was included in the agenda package for the Board’s review.

Mr. Dellinger asked what BrightView plans to do with the debris once it is cut back.

Mr. Peaden responded that typically the best course of action is to throw it back in the wooded area so that it becomes fertilizer.

Mr. Dellinger stated that when he did some landscaping work, he placed the debris where the vagrants are hanging out in the woods in the corner past the pavilion to try to block the area they’re using.

Mr. Peaden stated that he is good with that.

On MOTION by Mr. Watson seconded by Mr. Martyn with all in favor the proposal from BrightView totaling \$3,024 for cutting back the wood line was approved.

B. District Counsel – Discussion of Required Ethics Training and Form 1

Ms. Gentry introduced Ms. Henley as an associate of Kilinski | Van Wyk. She also informed the Board of a new requirement for CDD board members complete at least four hours of ethics training that covers the government in the Sunshine Law, Public Records Law and statutory and constitutional ethics provisions by the end of the year. She recommended keeping a log of the courses completed and the topics they cover. This training will be reported on the Form 1 that will be completed in 2025. She also reported that the Form 1 will now need to be submitted electronically.

Ms. Gentry also stated that at the last meeting it was brought up that there was an exclusivity agreement between the HOA and a cable company, and she was asked to see if there was a way to challenge it to allow alternate companies to use District easements. She observed

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that the original agreement was very restrictive. After that agreement was executed, the FCC adopted some rules that prohibit exclusivity agreements. Based on preliminary research, the rules could potentially apply to CDDs/HOAs. They are binding on the providers and not the communities, so the HOA could enforce that exclusivity, but the provider could not. She is looking into a case in which a CDD teamed up with the HOA to challenge one of these agreements. She stated that her research was preliminary, and more research would be needed to determine a definite answer. Additionally, some of the documents in the file suggested there may have been a later agreement, but she has not been able to locate that.

Ms. Emanuelson provided Ms. Gentry with the contact information of the HOA's counsel.

Mr. Watson asked Ms. Gentry to email him her findings.

Ms. Gentry asked if the Board would like her to continue to research this matter.

Mr. Watson stated that the Board members can individually work on the matter and bring any information back to the next meeting.

C. District Engineer

There being nothing to report, the next item followed.

D. District Manager

There being nothing to report, the next item followed.

E. Field Operations Manager – Report

Mr. Dellinger gave an overview of the operations report, a copy of which was included in the agenda package.

SEVENTH ORDER OF BUSINESS

Supervisor Requests and Public Comment

Mr. Watson stated that Mr. Dellinger brought it to his attention that only landowners are allowed to receive bathroom keys and he believes that needs to be changed.

Mr. Laughlin stated that it's either the homeowner or the renter that can have a key, not both.

Mr. Dellinger stated a new form needs to be drafted then because the HOA form specifies that the homeowner has to send a letter to the HOA to issue the renter a key.

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Mr. Laughlin stated that he can look into it.

SEVENTH ORDER OF BUSINESS

Discussion on Security Matters

This portion of the meeting was closed to the public in accordance with Sections 119.071(3)(a) and 281.301, Florida Statutes, as the Board discussed matters related to the security system plan. The closed session began at approximately 5:56 p.m. The public portion of the meeting resumed at approximately 6:08 p.m. and the following motion was made.

On MOTION by Mr. Watson seconded by Ms. Emanuelson with all in favor a proposal in the amount of \$8,499.98 from Hi-Tech for an access system and camera upgrade was approved subject to an agreement with the Chairman authorized to work with staff on camera locations.

Ms. Gentry asked if the Board is agreeable to a 60-month term to get a \$3,000 discount.

Mr. Watson stated that a trial period would need to be negotiated.

The board also questioned the cancellation policy.

Mr. Laughlin stated that staff and the Chair will get answers from the vendor, and if the cancellation policy is too strict, it will be brought back to the Board.

EIGHTH ORDER OF BUSINESS

Next Scheduled Meeting – May 21, 2024 at 5:00 p.m. at Florida State College of Jacksonville, Nassau Center, 76346 William Burgess Boulevard, Yulee, Florida

NINTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Emanuelson seconded by Ms. Reams with all in favor the meeting was adjourned.

DocuSigned by:
Daniel Laughlin
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Secretary/Assistant Secretary

DocuSigned by:
Greg Watson
6852A3DE8558488...
Chairman/Vice Chairman