

**MINUTES OF MEETING**

*Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.*

**GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of Grand Haven Community Development District was held on **Thursday, February 19, 2009 at 9:30 a.m.** at the Grand Haven Room, located at Grand Haven Village Center, 2000 Waterside Parkway, Palm Coast, Florida 32137.

Present and constituting a quorum:

Peter Chiodo	<b>Board Supervisor, Chairman</b>
Charles Trautwein	<b>Board Supervisor, Vice Chairman</b>
Dennis Cross	<b>Board Supervisor, Assistant Secretary</b>
Stephen Davidson	<b>Board Supervisor, Assistant Secretary</b>
Samuel Halley	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Melissa Dobbins	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Dave Berman	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Scott Clark	<b>District Counsel, Clark &amp; Albaugh</b>
Barry Kloptosky	<b>Field/Operations Manager</b>
Roy Deary	<b>President, AMG</b>
Bill Goudy	<b>Representative, AMG</b>
Howard McGaffney	<b>Amenity Center Director, AMG</b>

Audience Members

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Chiodo called the meeting to order and read the roll call.

**SECOND ORDER OF BUSINESS**

**Field/Operations Manager Action  
Response Report**

Mr. Kloptosky stated he has not received references for SolarFit commercial customers from Gloria. Board instructed Mr. Kloptosky to contact Gloria at SolarFit one more time.

Mr. Kloptosky stated LandMar has begun repair of Weir in Wild Oaks.

**THIRD ORDER OF BUSINESS**

**District Manager Action Response Report**

Mr. Berman had no updates at this time.

**FOURTH ORDER OF BUSINESS**

**District Counsel Report**

Mr. Clark presented his Attorney Report (Exhibit A).

Mr. Clark updated the Board on the Hampton Golf cost share for Marlin Dr. pump house facility. Mr. Clark stated a portion of the pump house facility could be categorized as Maintenance & Operation, and therefore a portion could be charged to Hampton Golf. The District must assign a cost factor to the Maintenance & Operation portion.

Mr. Clark updated the Board on the Hampton Golf Real Estate Taxes. Mr. Clark stated it would be appropriate to invoice Hampton Golf for the parking lot property taxes as these are incurred due to their for profit enterprise. The Board directed District Management to include the property taxes on the invoice sent to Hampton Golf for their portion of expenses per the cost share agreement between the District and Hampton Golf.

Mr. Clark gave update on Requisitions #150 & #151. Per Mr. Clark, The engineer's report did not contemplate improvements for utility services to the North Park or for any residential improvements outside of Wild Oaks, so the expenditures related to the lift station do not appear to benefit the 2004 Project. The Board directed District Management to invoice the developer for engineering services.

Mr. Clark updated the Board on the Indemnity Agreement for R.A. Scott matter. District Counsel is still in discussions with the developer regarding this matter.

**FIFTH ORDER OF BUSINESS**

**Resident/Audience Comments and Requests**

A few Audience members submitted proposals for Creekside Trophy Case, with one being at a cost of \$697.00.

Board took motion to purchase Curio Case. A motion was made by Dr. Davidson and seconded by Mr. Trautwein, but no vote was made and motion was withdrawn.

An Audience member requested four additional deadness board holders to be reimbursed by Croquet Club for \$500.00.

On Motion by Dr. Davidson, seconded by Mr. Halley, with all in favor, the Board approved to purchase four additional deadness board holders up to \$500.00 to be reimbursed by Croquet Club for the Grand Haven Community Development District.

An Audience member asked questions regarding the fitness center repairs. Mr. Kloptosky responded that parts were on back order and repairs should start as of the date of this meeting. Board instructed Mr. McGaffney to keep log of gym equipment down time.

An Audience member requested that District Management provide a monthly statement of expenditures vs. budget.

An Audience member volunteers to take notes at meetings to send to residents.

An Audience member stated that the Audubon Society is thankful for rope barrier around eagle nest. It was also requested by this Audience member that a discussion could happen regarding public comments, and suggest they be handled in a similar fashion to the City and County meetings.

An Audience member wanted to compliment AMG for resolving pool issue.

**SIXTH ORDER OF BUSINESS**

**Engineer's Report**

District Engineer not present but submitted report for meeting (Exhibit B).

Board reviewed final agreement for P & S Paving (Exhibit C).

**SEVENTH ORDER OF BUSINESS**

**Field /Operations Manager's Report**

Mr. Kloptosky presented his report (Exhibit D).

Mr. Kloptosky updated Board on possible delay in littoral shelf planting due to inclement weather and golf tournament scheduled for February 23, 2009, and that there may be potential for additional cost due to cancelling. Mr. Kloptosky stated that an e-blast was sent to residents.

Mr. Kloptosky gave an update on the seawall construction. Mr. Kloptosky stated that the pressure reducing valve behind Hampton Golf has been installed. He also stated that he has a spreadsheet provided by Austin Outdoors for tracking irrigation lines.

Mr. Kloptosky gave a review on Creekside pool heating.

It was decided that the Capital tracking sheet should go under District Managers Report per Board when created and finalized.

There was a discussion regarding cost and benefits of policing amenity facilities for non-resident usage.

Ms. Dobbins gave update on non-resident tennis player injury.

Mr. Cross discussed water usage rates (private vs. commercial).

**EIGHTH ORDER OF BUSINESS**

**Proposal for Village Center Flat Roof Repair**

Mr. Kloptosky presented proposal (Exhibit E). Supervisor Cross expresses reasons not to approve which were; roof does not currently leak, three bids not provided, and no funds available.

On Motion by Mr. Trautwein, seconded by Dr. Davidson, with three in favor, and two opposed (Mr. Halley and Mr. Cross), the Board approved the Village Center flat roof repair for the Grand Haven Community Development District.

**NINTH ORDER OF BUSINESS**

**Tennis Court Re-lining Proposals (Courts 5, 6, 7)**

Mr. Kloptosky presented proposal (Exhibit F). The Board consensus was to do relining of tennis courts 5, 6, and 7.

*(A brief recess was taken from 12:00 p.m. to 12:15 p.m.)*

**TENTH ORDER OF BUSINESS**

**Discussion Regarding Board Supervisor Role and Responsibility**

Chairman asked Board to refer to District Counsel's February Report under item #6. Chairman stated the Board needs to establish framework for Staff to work within.

Dr. Davidson requests Board to establish bid policies for Capital and Operation & Maintenance items.

A general discussion ensued regarding District Insurance.

**ELEVENTH ORDER OF BUSINESS**

**Discussion Regarding Wild Oaks Litigation Fees**

Supervisor Cross presented report (Exhibit G).

On Motion by Mr. Cross, seconded by Mr. Trautwein, with all in favor, the Board approved District Engineer to prepare requisition for an amount not to exceed \$2,500.00 for reimbursement of Shuffield Lowman fees related to RA Scott litigation for the Grand Haven Community Development District.



**TWELEVETH ORDER OF BUSINESS**

**Discussion Regarding Requisition Procedure**

Board provided handout (Exhibit H).

On Motion by Dr. Davidson, seconded by Mr. Trautwein, with all in favor, the Board approved requisition process as amended for the Grand Haven Community Development District.

**THIRTEENTH ORDER OF BUSINESS**

**Discussion Regarding Wild Oaks Eagle Nest**

Mr. Kloptosky provided update and photos (Exhibit I). No Board action required or taken.

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of the Minutes from the Board of Supervisors' Meeting held on January 15, 2009, and Consideration of the Minutes from the Workshop Meeting held on January 27, 2009**

Board asked to make a correction on the minutes from the Board of Supervisors' meeting held on January 15, 2009. A correction was made to page 3, in paragraph 5 by correcting the spelling of "complaint" to "compliant".

Board asked to make a few corrections on the minutes from the Workshop meeting held on January 27, 2009. A correction was made to page 2 by taking out the word "investment" and replacing with the word "District Manager". The next correction was on page 2, item 5 by taking out all the uses of "committee(s)" and replacing with "Fact Finding Group".

On a Motion by Mr. Cross, seconded by Dr. Davidson, with all in favor, the Board approved the Minutes as amended from the Board of Supervisors' Meeting held on January 15, 2009; and the Minutes as amended from the Workshop Meeting held on January 27, 2009 for Grand Haven Community Development District.

**FIFTEENTH ORDER OF BUSINESS**

**Consideration of Operation and Maintenance Expenditures for February 2009**

On a Motion by Mr. Cross, seconded by Mr. Chiodo, with all in favor, the Board approved the Operation and Maintenance Expenditures for February 2009 totaling \$184,408.97 for Grand Haven Community Development District.

**SIXTEENTH ORDER OF BUSINESS**

**Consideration of Special Assessment  
Refunding Bonds, Series 2008,  
Requisition #7**

On a Motion by Mr. Cross, seconded by Dr. Davidson, with all in favor, the Board approved the Special Assessment Refunding Bonds, Series 2008, Requisition #7 made payable to Clark & Albaugh, LLP in the amount of \$750.00 for Grand Haven Community Development District.

**SEVENTEENTH ORDER OF BUSINESS**

**Consideration of Special Assessment  
Bonds, Series 2004B, Requisitions #160-  
#164**

The Board stated that Requisition #161 was charged to incorrect Bond and should be 2008 Bond. Board asked that the Requisition #161 be corrected and resubmitted for approval.

The Board stated that Requisition #162 should have charges for Bill Layton's services that are with in the Arcadis invoice deducted from this requisition in the amount of \$217.50 and \$290.00, for a total of \$507.50. These were charges incurred by correcting Arcadis's work. The Board request that Libbey Webb be involved in the correction and have it resubmitted for approval.

On a Motion by Mr. Cross, seconded by Dr. Davidson, with all in favor, the Board approved the Special Assessment Bonds, Series 2004B, Requisition #160 made payable to Clark & Albaugh, LLP in the amount of \$1,616.00, Requisition #163 made payable to Clark & Albaugh, LLP in the amount of \$1,927.00, and Requisition #164 made payable to Clark & Albaugh, LLP in the amount of \$325.00 for Grand Haven Community Development District.

**EIGHTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Amenity Center Manager**

Mr. McGaffney, Amenity Center Director gave a brief amenity update.

Mr. Deary reviewed the 2008 Profit and Loss Statement.

**i.**

**Discussion Regarding Café  
Equipment**

A handout was given to the Board (Exhibit J). This item was Tabled by the Board to present at next Workshop Meeting.

**B. District Manager**

Mr. Berman updated Board on next Workshop and next Board of Supervisors' Meeting.

Mr. Berman reviewed Workshop topics for next Workshop meeting.

**C. District Liaison**

Not present.

On Motion by Dr. Davidson, seconded by Mr. Cross, with all in favor, the Board approved donation of Grand Haven tennis ball machine for three hours on February 27, 2009- February 28, 2009 for Breast Cancer Awareness function for the Grand Haven Community Development District.

**NINETEENTH ORDER OF BUSINESS**

**Supervisor Requests**

Mr. Cross requested Mr. Kloptosky to contact Gloria at Solarfit Commercial one more time for references. Mr. Cross requests District Engineer to review core samples for repaving and have asphalt laid on both sides of street on same day. Mr. Cross request update on Wild Oaks landscaping contract. Mr. Kloptosky informs Board that scope of work has changed and he is still obtaining bids. Mr. Cross request update on gym window borders. Mr. Kloptosky stated that borders will be painted and or stained and that he and Mr. McGaffney will work on this.

Mr. Halley requests a notification of paving work be sent out to residents.

Dr. Davidson requests a review of wildfire hazard assessment. Dr. Davidson expressed concern about non-owner occupied dwellings. Dr. Davidson was informed this is not a Community Development issue.

**TWENTIETH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Dr. Davidson, seconded by Mr. Trautwein, with all in favor, the Board adjourned the meeting at 3:30 p.m. for Grand Haven Community Development District.

  
\_\_\_\_\_  
Secretary/ Assistant Secretary

  
\_\_\_\_\_  
Chairman/Vice Chairman

# **Exhibit A**

**GRAND HAVEN MEETING ATTORNEY REPORT LIST (2/17/09)**

**1. WHITEHALL ASSESSMENT FORECLOSURE MATTER (UPDATE)**

**The settlement has been completed and the CDD has received full payment of back assessments, costs and fees.**

**2. NORTH PARK SECURITY FENCE ISSUE**

**Engineer has some update as to the status of the application process.**

**3. WILD OAKS PHASE 2 TURNOVER MATTERS**

**We have heard nothing further from the developer on this. The developer's attorney advised me that he has received instructions not to spend time on it and that Robert Lyons is working on the issues.**

**4. R.A. SCOTT LITIGATION UPDATE**

**Litigation counsel Lanny Russell reports that there are some ongoing discussions with the R.A. Scott attorney and Landmar as to how to end the dispute. At this point no suit has been filed. I am continuing to monitor the situation.**

**5. DEVELOPER ISSUES**

**There is no update on this; Jim Cullis has left Landmar and Robert Lyons is now working on the various issues.**

**6. DISCUSSION REGARDING BOARD SUPERVISOR ROLE AND RESPONSIBILITY**

**This is a general discussion item that is on the regular agenda. I have been asked to consider questions that affect three areas. Here are some comments in advance of the board discussion.**

**1. Board Supervisor involvement with vendors/bids/bidders (i.e. involvement with vendors while negotiations are still pending)**

**a. Where there are bid processes that are subject to statutory competitive bid procedures, it is imperative that only a single party, that being the district manager, field operations manager or other party (engineer in some instances) who is delegated the task of the bid procedure, be involved. If there is any hint that a bidder received favorable information, inside information or had an advantage not afforded to all bidders, the District has a serious risk of bid protests or other claims related to the bids**

b. Where the bid process is under statutory thresholds, there is no good reason not to still follow a procedure in which there is a single point of contact with the District which handles the bids. This still keeps any bidder from having an unfair advantage or from making a claim that certain conditions were part of the scope of work. When communication on a District project comes from more than one source, the bidder may be able to claim certain things as having been discussed, which could result in claims for extras or other types of problems.

c. Fla. Stat. 190.007(1) provides that the District Manager is charged with responsibility relating to District Projects and Maintenance. As a collegial board, the Supervisors are responsible to set policy and give direction in these matters, but it is, by statute, delegated to the District Manager to handle these types of matters. An individual Supervisor has no authority to engage in the process of bidding or managing the affairs of the persons performing District works and maintenance, other than as part of the Board of Supervisors, which sets policies and approves contracts.

d. A Supervisor who communicates outside of the system with bidders and District contractors opens himself up to charges, even if groundless, that he favored a particular bidder or assisted someone in getting the project. This can result in ethics claims under Chapter 112.

## 2. Board Supervisor liability regarding District Employees (i.e. potential for harassment due to Supervisor involvement in District Employee duties)

a. Responsibility for the hiring and firing of employees, as directed by the Board, is delegated to the District Manager. (See attachment). Compensation and conditions of employment are set by the Board of Supervisors, but the day-to-day management of employees is delegated to the District Manager. No single Supervisor has authority with respect to the management of District employees, but rather, the Board as a whole has oversight over the necessity for and terms of employment.

b. My recommendation is that the Board allow its management staff to supervise the day to day affairs of the District's employees. Board members should inquire of the management staff if there are issues that involve employees, but should allow the proper chain of command to be respected. The Manager should direct the day-to-day activities of employees and should provide evaluation and input. If Supervisors have issues that relate to employees, they should take it up with management.

c. Public employees have significant statutory rights in traditional areas like discrimination, constitutional rights, whistleblower activities and a range of other categories. They also have the ability to file grievances at the state level and have a process that is more sophisticated than that available to private employees.

**3. Board Supervisor authority to unilaterally employ professional services (i.e. incurring District professional service fees without direct Board authorization)**

a. Building on the concepts discussed above, no single Supervisor has authority to act for the District in the management of District professionals. Moreover, where a professional charges by the hour, there are budgetary concerns where a professional receives individual direction from Supervisors. There may be instances where a particular activity or function is delegated to a Supervisor and involves professional support. In such a case, the delegation should be clear and should include the authorization to do so. ("Supervisor A is delegated the task of inspecting certain improvements with the assistance of the District Engineer." "The Chairman and District Counsel are delegated the task of negotiating the form of final agreement with a contractor.")

**190.007 Board of supervisors; general duties.--**

(1) The board shall employ, and fix the compensation of, a district manager. *The district manager shall have charge and supervision of the works of the district and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this act, for maintaining and operating the equipment owned by the district, and for performing such other duties as may be prescribed by the board. It shall not be a conflict of interest under chapter 112 for a board member or the district manager or another employee of the district to be a stockholder, officer, or employee of a landowner or of an entity affiliated with a landowner. The district manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be as provided by the board.*

# **Exhibit B**



## **Engineer's Report**

February 19, 2009

### **MARLIN DRIVE EXPANSION**

ARCADIS submitted a set of "courtesy review" plans to the City of Palm Coast for review and approval. We will distribute for bids after City of Palm Coast review.

### **NORTH PARK ROAD FENCE PERMIT APPLICATION**

Permit package submitted to the City of Palm Coast 2/9/09 for review and approval. The City will be requesting a letter, from the CDD Board attorney, authorizing the chair to sign the application on behalf of the CDD.

### **WATERSIDE PARKWAY (entrance to Birdie Lane)**

ARCADIS has been in contact with P&S paving numerous times requesting a revised bid. Final request made 2/9/09 that contractor either provide a bid or respond that they are not interested.

### **GRAND HAVEN NORTH BOARDWALK CONSERVATION EASEMENT COMPLIANCE LETTER FROM SJRWMD TO GRANDHAVEN LLC.**

I spoke with Robert Lyons (2/9/09) and he stated that "LandMar was working with the St. Johns River Water Management District in order to achieve compliance on this issue. " LandMar has scheduled a meeting with the WMD for the week of February 23<sup>rd</sup>.

# **Exhibit C**



3701 Olson Drive, Daytona Beach, FL 32124

Office: (386) 258-7911 Fax: (386) 258-9313

To: **ARCADIS**

Date: 2/9/2009

Job Name: Grand Haven

Location: Palm Coast

Attn: **Jim Abernathy, CCM**

Phone: 904 563 5450

Email: [Jim.Abernathy@arcadis-us.com](mailto:Jim.Abernathy@arcadis-us.com)

We hereby submit estimates for: Milling and paving.

Description	Quantity	Unit	Unit Price	Extension
<b>BASE BID</b>				
Paver Brick Replacement *	1	SF	By Others	By Others
Concrete Header Curb Removal and Replacement	1	LS	\$1,500.00	\$1,500.00
Remove/Replace 1.5" asphalt & 13.5" base **	250	SY	\$55.39	\$13,847.50
Mill Existing Roadway (1" min.)	8,448	SY	\$0.69	\$5,829.12
ACSC (1" min.)	8,448	SY	\$4.46	\$37,711.87
Maintenance of Traffic	1	LS	\$3,600.00	\$3,600.00
Geotechnical Testing	1	LS	\$1,400.00	\$1,400.00
<b>TOTAL</b>				<b>\$63,888.49</b>

- Notes: 1. Final payment to be on actual square yardage in place.  
 2. Any asphalt required for leveling will be billed at the unit price of \$87.23/ton in place.  
 3. Striping by others if required.

NOTE: This Proposal may be withdrawn by us if not accepted within Thirty (30) days.

Submitted by:

Date:

  
2/9/2009

# **Exhibit D**

## For Agenda- Board meeting 2-19-2009

### Operations Manager Report

- 1- Aeration / Littorial shelf planting status.
  - Electric line installation in progress for aeration equipment (Pond 19)
  - Aeration and Littorial shelf plantings scheduled for installation Monday 2-23-09
- 2- Center Park pier status & time frame for completion.
  - Contract signed, permit application in progress
  - Survey ordered
  - Work to begin before the end of February 2009
  - Work to be completed by end of March 2009
- 3- Irrigation Line filter (on Montague & Waterside).
  - Tracking cost comparisons for irrigation head replacements
  - John Rainville from Austin outdoor will generate a spread sheet to track head replacement
- 4- Status of Village Center Pool repair (Virginia Graeme Baker Act.)
  - Work Completed
- 5- Status of Creekside Pool & Spa repairs (Virginia Graeme Baker Act.)
  - Repairs to begin week of 2-9-09
  - Mark Duda pools contracted for-\$3,617.00
- 6- Status of Village Center tile roof repair- Complete.
- 7- Status of Village Center Soffit & fascia Installation-Complete.
- 8- Inventory List for Village Center & Creekside- to be completed by Board meeting.
- 9- Capital expense monthly tracking- format in progress.

# **Exhibit E**

**VILLAGE CENTER FLAT ROOF REPLACEMENT  
PROPOSALS**

<b>PROJECT</b>	<b>BIDDER # 1 QUALITY ROOFING &amp; SHEET METAL, INC.</b>	<b>BIDDER # 2 PROFESSIONAL SUNSHINE ROOFING</b>
Remove exiting flat roof material and Install Sealoflex roof system	\$19,808.00	\$31,500.00
<b>LOCAL LICENSES</b>	YES	YES
<b>STATE LICENSES</b>	YES	YES
<b>LIABILITY INSURANCE</b>	YES	YES
<b>CONTRACTOR WARRANTY</b>	2 yr	2 yr
<b>MANUFACTURER WARRANTY</b>	10 yr Renewable	10 yr Renewable
<b>REFERENCES</b>	YES	NONE
<b>PERMITTING COST</b>	YES	YES

<b>PLUS 10% CONTINGENCY</b>
<b>RECOMMENDING QUALITY ROOFING &amp; SHEET METAL, INC.</b>
<b>TOTAL: \$19808.00 plus 10% CONTINGENCY at \$1980.80 equals \$21788.80</b>

# **Exhibit F**



Amenity Management Group, Inc.

11555 Central Parkway,  
Suite 404  
Jacksonville, FL 32224

# Estimate

Date	Estimate #
2/6/2009	1

Name / Address
Grand Haven C.D.D. 8529 South Park Circle Suite 330 Orlando, FL 32819

			Project
Description	Qty	Cost	Total
Reimbursement for facility expenses (Herringbone Line Tape)	3	245.00	735.00
Reimbursement for facility expenses (Nails 3" per pound)	33	5.25	173.25
Reimbursement for facility expenses (Shipping)	1	94.95	94.95
Reimbursement for Labor to re-do the lines	6	39.00	234.00
		<b>Total</b>	<b>\$1,237.20</b>

Customer Signature \_\_\_\_\_

# **Exhibit G**

DWC 2/19/09

**SUPERVISOR CROSS REQUEST****WILD OAKS LITIGATION FEES**

Have District Engineer prepare a Requisition (2004B Bond) to reimburse the District for R. A. Scott litigation fees from Shuffield Lowman previously paid as monthly O & M expenditures.

**LITIGATION SEQUENCE**

- + Cullis appeared at CDD Meeting
  - Cullis said he would pay all legal costs
- + June 21, 2007 Minutes (page 6)
  - Little says Cullis pays all litigation costs
  - Jan Carpenter not present at meeting
- + Sept. 20, 2007 e-mail from Rizzetta
  - Dailey says 100% paid by LandMar
- + Sept. 25, 2007 Minutes (page 2)
  - Cross asks how District reimbursed for O & M legal costs
  - Little says reimbursed at turnover of Wild Oaks
- + Oct. 18, 2007 Minutes (page 2)
  - Cross asks why District has O & M charges
  - Little states LandMar only will pay special counsel
  - Little states his firm's legal costs for this litigation are normal District Administrative Work
  - Chiodo states all fees are paid by LandMar
  - Chiodo tables \$1,100 charges for reimbursement at turnover
  - Board motion approves O & M expenditures with legal fee exception
- + Nov. 15, 2007 Minutes (page 2)
  - Board motion approves O & M expenditures with legal fee exception
  - Little states Jan Carpenter spoke to Cullis and LandMar only agreed to pay special counsel
- + List of Five Invoices
  - Rizzetta should price and pass costs to District Engr. to prepare Req.
  - Expedite Req. processing before bond fund depleted
  - Only \$32K left in 2004B Bond Fund

**GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT**  
**June 21, 2007 Minutes of Meeting**  
**Page 6**

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

**Amenity Manager**

Mr. Wunder stated that he was working with a company to obtain flu shots for the community residents. He stated that liability insurance was being adjusted to cover the District. Mr. Wunder addressed a question regarding the use of the bulletin board. Mr. Wunder discussed the request by the City and the County for the use of the room for elections. Mr. Wunder gave an overview of the activities planned for the 4<sup>th</sup> of July celebration. The Board requested that any incident reports reported should be brought to the Board's attention and the District rules enforced more strictly. Mr. Wunder asked for the Board to review and also enforce the rules of conduct established by the District, as well as look into installing security cameras at the amenity center.

2

**Operations Manager**

Mr. Lawrence presented his report, which is Exhibit A to these minutes. Mr. Lawrence stated that there were a few minor things to address. He stated that he would like the Board to make the Catch and Release policy more specific, and clarify that the catch and release should be done in the same pond the fish was caught.

Motion by Mr. Cross, seconded by Mr. Trautwein, with all in favor, the Board approved the amendment to the Fishing Policy to state that fish are to be caught and released in the same pond for Grand Haven Community Development District.

3

Mr. Lawrence stated that he has been working on obtaining bids for the termite bond and putting together a price package. He stated that he has received three bids so far. The Board expressed concerns regarding any future termite damage being repaired by the new contractor. Mr. Lawrence stated that the Board approved re-plastering the pool and putting pavers around it, so he compiled prices for the different parts. He stated that the Engineer stated that preparing the specs would cost up to \$2,500; and a construction overview would cost \$5,600. He stated that he would like to hire an engineer for these prices or lower. General conversation ensued regarding the color of the shutters. Mr. Lawrence stated that the installation of the street lights is taking longer than expected, however, the painting should start shortly and there should be an estimate on the project soon.

*PAINTING OK*

**District Counsel**

Mr. Little stated that the letter was sent to the Grand Haven Master Association and there has not been a response. He stated that a letter was sent to Mr. Layton regarding reimbursement for the Village Center to which there has not been a response. He stated that with regard to the contract between RA Scott and the District, the information was sent to Mr. Rustle. He stated that the District has a good claim, but those funds recovered would go back to the construction fund and if there were no more expenditures in the construction fund, the funds would go to pay down the debt in the B Bond. Mr. Little stated that Jim Cullis would pay all litigation costs on behalf of the District. He stated that because the District is a party to the contract and the client, there will be an arrangement stating that the fees will be paid by LandMar.

X

*JAN CARPENTER NOT PRESENT AT JUNE 21 MTG.*

**Bonnie Cross**

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**From:** "Eric Dailey" <edailey@rizzetta.com>  
**To:** <chiodop@bellsouth.net>; "Diane Layng" <ridilayng@cfl.rr.com>; "Bonnie Cross" <bcross5@cfl.rr.com>; <trautc@bellsouth.net>; "Joe Carbonara" <jmcarbonara@landmargroup.com>; <tom4cc@cfl.rr.com>  
**Cc:** "Colt H. Little" <clittle@shuffieldlowman.com>; "Jan Carpenter" <jcarpenter@shuffieldlowman.com>  
**Sent:** Thursday, September 20, 2007 1:19 PM  
**Attach:** Ra Scott construction correspondence.pdf  
**Subject:** R A Scott Issue

In an effort to maintain compliance with the Florida Sunshine Amendment, please do not reply globally to this notification. Any questions should be directed to the sending party only or to the District Office at (407) 472-2471.

Supervisors:

I have attached a letter from R.A. Scott that was sent to the District Wednesday. As you know the Board authorized Landmar to proceed with possible legal action with the contractor for delays in construction. The legal action is to be 100% paid for by Landmar and the district is only involved because we are named on the bonds and contract.

This letter has been passed on the District Counsel and the attorney that is handling this issue on behalf of Landmar. Mr. Little will go over this again on Tuesday but I wanted to make you aware of the situation and keep you up to date. At this point there is no action required by the district.

Thank you.

Eric Dailey  
District Manager

Rizzetta & Company, Inc.  
St. Augustine Office  
2806 N. Fifth Street - Unit 103  
St. Augustine, FL 32084  
PH: (904) 436-6270 Ext. 1203  
Fax: (904) 436-6277  
Email: edailey@rizzetta.com  
www.rizzetta.com

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9/20/2007

**GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT**  
**September 25, 2007 Minutes of Meeting**  
**Page 2**

**THIRD ORDER OF BUSINESS**

**Consideration of the Minutes from the  
Board of Supervisors Meeting Held on  
August 16, 2007**

Mr. Chiodo stated that the first item on the agenda was the consideration of the minutes from the Board of Supervisors meeting held on August 16, 2007. Mr. Chiodo asked if there were any comments or corrections to the minutes. Ms. Layng stated that she gave corrections to Mr. Dailey, but that these corrections had nothing to do with content. Mr. Chiodo asked if there were any further questions or comments. There were none.

**FOURTH ORDER OF BUSINESS**

**Consideration of the Minutes from the  
Board of Supervisors Continued Meeting  
Held on August 28, 2007**

Mr. Chiodo stated that the next item on the agenda was the consideration of the minutes from the Board of Supervisors continued meeting, held on August 28, 2007. Mr. Chiodo asked if there were any corrections to the minutes. There were none.

**FIFTH ORDER OF BUSINESS**

**Consideration of Operation and  
Maintenance Expenditures for  
September 2007**

Mr. Chiodo stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for September 2007, which totaled \$276,280.28. Mr. Cross stated that on Page Six, under Sheffield Lowman there were charges for turnover of property on June 7, 2007, correspondence with Developer on June 18, 2007 and preparing initial agreement for R.A. Scott litigation. Mr. Cross asked for clarification on these charges and how the District will get reimbursed. Mr. Little stated that going forward Sheffield Lowman will separate any work done in regards to the turnover and have it as a separate line item. Mr. Little stated that once the turnover is complete, District Counsel will forward these line items and invoices to LandMar Group, LCC for reimbursement. A discussion ensued regarding past bills. Mr. Little stated that he will review bills from 2005 to the present. Mr. Chiodo asked if there were any further questions or comments. There were none.

**SIXTH ORDER OF BUSINESS**

**Consideration of Series 2004B  
Construction Requisitions #99, #108-  
#112, Excluding Requisition #107**

Mr. Chiodo stated that the next item on the agenda was the consideration of Series 2004B Construction Requisitions #99, #108-#112, excluding requisition #107. Mr. Dailey stated that the requisition #107 was for the contractor, R.A. Scott, whom refused payment so the check has been returned to the District and the Trustee has already put the money back into the account. Ms. Layng asked a question concerning requisition #99 for \$1,824.00, reimbursement park benches and picnic tables. Ms. Layng stated that the District should be aware that there are park benches and picnic tables now at Wild Oaks.

Mr. Chiodo asked if there were any further questions or comments. There were none. Mr. Chiodo asked for a motion to approve business line items A - D, excluding Series 2004B Construction Requisition #107.



**GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT**  
**October 18, 2007 Minutes of Meeting**  
**Page 2**

**THIRD ORDER OF BUSINESS**

**Consideration of the Minutes from the  
Board of Supervisors Special Meeting  
Held on September 25, 2007**

Mr. Chiodo stated that the next item on the agenda was the consideration of the minutes from the Board of Supervisors special meeting held on September 25, 2007. Mr. Chiodo asked if there were any comments or corrections to the minutes. Ms. Layng stated that on Page Ten, under Twentieth Order of Business, the sixth sentence should read "budget process be evaluated." Mr. Carbonara stated that on Page Nine, under District Engineer's Report, it should read "no additional report." Mr. Chiodo asked if there were any further questions or comments. There were none. Mr. Chiodo asked for a motion to approve.

On Motion by Ms. Layng, seconded by Mr. Trautwein, with all in favor, the Board approved the minutes from September 25, 2007, as corrected, for Grand Haven Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Operation and  
Maintenance Expenditures for  
October 2007**

Mr. Chiodo stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for October 2007, which totaled \$178,728.82. Mr. Cross presented a letter, which is exhibit "A" to these minutes, in regards to construction litigation issues performed by Shuffield & Lowman. Mr. Cross asked why these fees are being charged to the District. Mr. Colt explained the letter and that LandMar Group will only pay special counsel fees associated with the pursuit of this litigation with R.A. Scott. Mr. Colt stated that general District administrative work in regards to R.A. Scott, however, will not be paid by LandMar Group. Mr. Chiodo stated that he also was under the impression that all fees associated with R.A. Scott would be paid by LandMar Group. Mr. Chiodo stated that for now this invoice for \$1,100.00 can be tabled. Mr. Chiodo stated that the board will keep track of any other invoices associated to R.A. Scott. Mr. Chiodo stated that when the District has the turnover for Wild Oaks and takes over maintenance that these District Counsel fees be considered for possible reimbursement. Ms. Layng asked that in the future Mr. Colt define what litigation is so that the Board can have a clear understanding. Mr. Chiodo asked if there were any questions or comments. Mr. Chiodo asked if there were any further questions or comments. There were none. Mr. Chiodo asked for a motion to approve.

On Motion by Ms. Layng, seconded by Mr. Trautwein, with all in favor, the Board approved the Operations and Maintenance Expenditures for October 2007 (\$178,728.82) subject to District Counsel fees be considered for possible reimbursement for turnover of Wild Oaks, for Grand Haven Community Development District.

**THIRD ORDER OF BUSINESS****Consideration of the Minutes from the Board of Supervisors Special Meeting Held on October 18, 2007**

Mr. Chiodo stated that the next item on the agenda was the consideration of the minutes from the Board of Supervisors special meeting held on October 18, 2007. Mr. Chiodo asked if there were any comments or corrections to the minutes. Mr. Dailey stated that the corrections from the Board members had been received and incorporated into the current minutes. Mr. Chiodo asked if there were any further questions or comments. There were none.

**FOURTH ORDER OF BUSINESS****Consideration of Operation and Maintenance Expenditures for November 2007**

Mr. Chiodo stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for November 2007, which totaled \$223,024.38. Mr. Chiodo asked if there were any questions or comments. Mr. Cross stated that the motion include the phrase, "subject to District Counsel fees for the turnover of Wild Oaks being considered for possible reimbursement." Mr. Chiodo asked if there were any further questions or comments. There were none.

**FIFTH ORDER OF BUSINESS****Consideration of Series 2004B Construction Requisitions #108 - #111, #114 - #128**

Mr. Chiodo stated that the next item on the agenda was the consideration of Series 2004B Construction Requisitions #108 - #111, #114 - #128. Mr. Carbonara reviewed the requisitions to the Board. Mr. Chiodo asked if there were any further questions or comments. There were none.

Mr. Chiodo asked if there were any further questions or comments. There were none. Mr. Chiodo asked for a motion to approve business line items A - C.

On Motion by Ms. Layng, seconded by Mr. Carbonara, with all in favor, the Board approved business line items A - C, with business line B "subject to District Counsel fees for the turnover of Wild Oaks being considered for possible reimbursement, for Grand Haven Community Development District.

**SIXTH ORDER OF BUSINESS****Consideration of Resolution 2008-01, Fiscal Year 2006/2007 General Fund Budget Amendment**

Mr. Chiodo stated that the next item on the agenda was the consideration of Resolution 2008-01, FY 2006/2007 General Fund Budget Amendment. Mr. Dailey stated that the District has gone over in several line items and therefore, an amendment to the budget needs to be made for auditing purposes. Mr. Dailey stated that the District went ~~over~~ \$135,167.00. Mr. Carbonara explained why the District was under this amount. Mr. Chiodo asked if there were any questions or comments. There were none. Mr. Chiodo asked for a motion to approve.



Shuffield Lowman Fees  
R.A. Scott Litigation

1) Invoice #443365 July 20, 2007

June 12	CHL	Hours	.30
June 19	CHL	Hours	1.60 partial
June 20	CHL	Hours	2.80 partial
June 26	JAC	Hours	.90
June 28	CHL	Hours	1.20 partial

2) Invoice #444007 Aug. 31, 2007

July 2	CHL	Hours	1.10 partial
July 2	JKA	Hours	.20
July 5	CHL	Hours	.70 partial
July 6	CHL	Hours	.70 partial
July 10	CHL	Hours	.70
July 11	CHL	Hours	.30

3) Invoice #444564 Sept. 28, 2007

Aug. 14	CHL	Hours	.50
Aug. 21	CHL	Hours	.50

4) Invoice #444809 Oct. 12, 2007

Sept. 6	CHL	Hours	2.00 partial
Sept. 10	CHL	Hours	2.20 partial
Sept. 13	CHL	Hours	.20
Sept. 28	CHL	Hours	.50

5) Invoice #446541 Jan. 28, 2008

Dec. 5	CHL	Hours	.50
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# **Exhibit H**

## PROPOSED REQUISITION PROCESS

THE BOARD NEEDS TO STREAMLINE THIS PROCESS IN ORDER TO ENSURE THAT THE REQUISITIONS FOR APPROVED CONTRACTS ARE PROCESSED IN A TIMELY MANNER, BUT ALSO MEET THE REQUIREMENTS TO BE PAID.

- NEED TO DEFINE WHAT CDD STAFF (OPERATIONS MANAGER, DISTRICT MANAGER, ENGINEERING MANAGER) IS IN THE BEST POSITION TO EXECUTE THE REQUISITION.
- THE RESPONSIBLE PARTY SHOULD BE IDENTIFIED BY NAME WHEN THE CONTRACT IS APPROVED BY THE CDD.
- BY SIGNING OFF, THE RESPONSIBLE PARTY IS CITING THAT THE WORK THAT WAS CONTRACTED WAS COMPLETED AND HAS BEEN ACCEPTED BY THE CDD. IF THERE IS ANY QUESTION BY THE RESPONSIBLE PARTY, AS TO WHETHER THE WORK HAS BEEN COMPLETED OR THAT THE SCOPE OF WORK HAS CHANGED, HE/SHE SHOULD RAISE THAT ISSUE FOR RESOLUTION AND SHOULD NOT SIGN OFF ON THE REQUISITION.
- NEED TO DEFINE WHAT BOARD MEMBER (CHAIRMAN?) SHOULD APPROVE THE REQUISITION FOR PAYMENT AFTER HAVING RECEIVED THE "ACCEPTED REQUISITION" FROM THE "RESPONSIBLE PARTY."
- THE APPROVED REQUISITION SHOULD BE INCLUDED IN THE NEXT CDD BOARD MEETING PACKAGE. THE PURPOSE OF THE REQUISITION BEING IN THE BOARD PACKAGE IS TO SEEK RATIFICATION.

# **Exhibit I**

---

**From:** Gretchen Butler [mailto:bengals2@earthlink.net]  
**Sent:** Friday, February 06, 2009 10:00 AM  
**To:** [jessicar@cfl.rr.com](mailto:jessicar@cfl.rr.com)  
**Cc:** Lynda White; Margie Ford  
**Subject:** Eagle Nest at Wild Oaks

Hello Jessica,

Per our conversations.....here's some recommended verbiage for signs for the park area discouraging people from disturbing the eagle family. I would recommend posting 4 signs and will kindly assist with this. These signs need to be posted annually Oct 1 - June 1 (or until eaglets have fledged). Please let me know when this can be accomplished

**NESTING EAGLES AND EAGLETS**

**DO NOT GO BEYOND SIGNS** as to disturb the eagle family during this most sensitive time. Disturbing eagles and trespassing near bald eagle nests is prohibited by state and federal law. This nest is monitored and violators will be reported to law enforcement.

Respectfully, Grand Haven HOA Management

# **Exhibit J**



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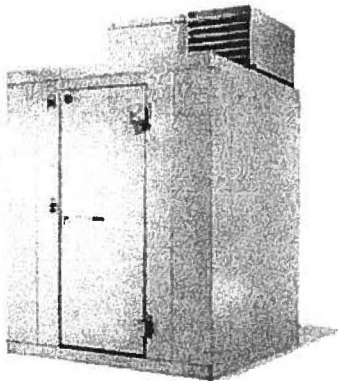


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### Kolpak (P6-064-CT) - 5'10" Polar-Pak Prefab Cooler (with floor)

[Home](#) > [Equipment](#) > [Commercial Refrigeration](#) > [Walk-In Refrigeration](#) > [Walk-In Coolers](#) > (P6-064-CT) - 5'10" Polar-Pak Prefab Cooler (with floor)



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Leaves warehouse within 10-14 business days. [What's This?](#)  
List Price: ~~\$10,393.00~~  
Our Price: **\$5,287.00**  
Lease To Own: \$129/month

1. Enter Quantity:

2. [Add to cart](#)



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product experts online



#### Certifications



#### Specifications

Ship Weight	803 lbs.
Amps	8.4
Compressor Location	Top
Cu. Ft.	98
Dimensions (H x W x D)	78" x 70" x 47"
Holding Temperature	38°F
Horsepower	1/3
Hz.	60
Phase	1
Voltage	115

#### Product Details

##### Features

- Air cooled condensing units
- Automatic, hot gas condensate evaporator
- Defrost timer
- Dial thermometer
- Expansion valve systems
- 100 percent foamed in place polyurethane insulation

plus \$1000.<sup>00</sup>  
- Installation of unit  
- REMOVAL of old unit

**total - \$6287.<sup>00</sup>**

(four inch)

- Foamed in place panel gaskets
- Aluminum/zinc alloy interior and exterior
- High pressure safety control
- Interior point 100 inch aluminum floor
- Off cycle coil defrost system
- Self closing door
- Coved corners

**Benefits**

- Interior vapor proof light ensures cooler is well lit
- Magnetic door gaskets ensures door remains closed when shut
- Coved corners for easier cleaning
- Inside safety release to prevent accidental entrapment
- Keyed door locks to control access to unit
- Panel fasteners ensure a perfect, airtight fit



**Customer Reviews**

Review of: Kolpak (P6-064-CT) - 5'10" Polar-Pak Prefab Cooler (with floor)

Be the first to write a review

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Please mark all that apply:

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- Site is frustrating or difficult to use
- Page loads too slowly

**Comments:**

Examples: Missing information (such as dimensions or model number), typos, inaccuracies, etc. Please note: We will not respond to questions posted in this forum.

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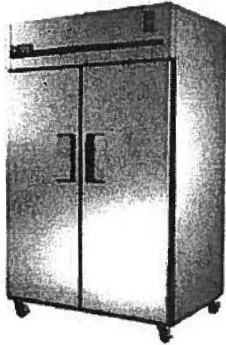
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**True (TR2F-2S) - 51 3/8" Specification Series Solid Door Reach-In Freezer**

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*TOTAL*

Leaves warehouse within 5-7 business days. [What's This?](#)

List Price: ~~\$15,614.00~~  
 Our Price: **\$5,972.36**  
 Lease To Own: \$146/month

**FREE FREIGHT**

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2.



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**Certifications**



**Specifications**

Ship Weight	704 lbs.
Amps	13
Compressor Location	Top
Cu. Ft.	56
Dimensions (H x W x D)	78.25" x 51.38" x 34.75"
Door Type	Solid
Doors	2
Holding Temperature	-10°F
Horsepower	3/4
Hz.	60
Opening Style	Swing
Phase	1
Sections	2
Voltage	115

**Product Details**

**Going Green Program**

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**Energy Conservation**

Purchasing this product earns you points in the "Energy Conservation" category of our Certified Green Commercial Kitchen™ program.



**6 points earned**

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**Lifetime Utility Savings**

AVERAGE LIFE CYCLE COST	Solid Door Freezer
AVERAGE ENERGY STAR UTILITY COSTS	\$4,091.00
AVERAGE STANDARD UTILITY COSTS	\$4,407.00
AVERAGE LIFE CYCLE COST	\$316.00

*Assumptions Apply*

Updated 8/13/2008

**Features**

- Stainless steel front, sides, bottom and back
- Self closing doors with 90° stay open feature and 12" recessed door handles
- Adjustable, PVC coated wire shelves with chrome plated shelf clips
- Interior features 300 series stainless steel walls, back, floor and door liner
- Self contained capillary tube system uses environmentally friendly refrigerant
- Exterior mounted digital temperature monitor with manual defogger
- Includes PVC coated shelves and supports

**Benefits**

- Deeper cabinet allows for storage of larger size pans and other food items
- Incandescent interior lighting provides adequate illumination in any environment
- Door locks for increased security during off-peak hours
- Oversized refrigeration provides ideal setting for both frozen foods and ice cream
- Top mounted compressor allows for increased food storage capabilities
- Compressor can be easily accessed and serviced
- Automatic defrost system time-initiated and temperature-terminated for shortest possible defrost cycle
- NSF 7 compliant for open food product

**Additional Considerations**

- Height does not include 5" for castors and 1" for mechanical components
- Contact salesperson for shelving options

**Rebate & Incentives**

To see if any rebates are available in your area, select your state and local utility.

State:

**Third Party**



This product is ENERGY STAR qualified



This product qualifies for CEE Tier II



This product will help towards LEED credit EAc1, as per the Green Building Council July draft for Retail-New Construction



This product helps towards LEED credit EAc1.4, as per the Green Building Council standards for Commercial Interiors.



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**Customer Reviews**

Review of: True (TR2F-2S) - 51 3/8" Specification Series Solid Door Reach-In Freezer

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Intermetro



**Certifications**

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**Specifications**

Ship Weight	270 lbs.
18 x 26 pan capacity	36
Amps	20
Control Style	Digital
Dimensions (H x W x D)	74.75" x 30" x 34"
Door Type	Glass
Doors	1
Hz.	60
Metal Type	Aluminum
Phase	1
Temperature	70°F - 200°F
Voltage	120

**Product Details**

**Features**

- Aluminum construction