

**MINUTES OF MEETING  
GRAND HAVEN  
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Grand Haven Community Development District's Board of Supervisors was held on **Thursday, December 17, 2009, at 9:30 a.m.**, in the **Grand Haven Room, Grand Haven Village Center, 2001 Waterside Parkway, Palm Coast, Florida 32137.**

**Present at the meeting and constituting a quorum were:**

Pete Chiodo	Chairman
Charles Trautwein	Vice Chairman
Dennis Cross	Assistant Secretary
Samuel Halley	Assistant Secretary
Dr. Stephen Davidson	Assistant Secretary

**Also present were:**

Craig Wrathell	District Manager
Doug Paton	Wrathell, Hart, Hunt & Associates, LLC
Chuck Adams	Wrathell, Hart, Hunt & Associates, LLC
Barry Kloptosky	Operations Manager
Scott Clark	Clark & Albaugh, LLP
Roy Deary	AMG
Bill Goudy	AMG
Howard (Mac) McGaffney	Amenities Manager
Todd Fonda	Austin Outdoor
Sarah Lockhart	City of Palm Coast
Dan Kelly	Aqua Cal
Carl Cote	City of Palm Coast
Diane Layng	Resident
Jane Clark	Resident
Kathy DiGrori	Resident
Otto Bohmueller	Resident
Tom Lawrence	Resident
Jane Sedelmyer	Resident
Pat Malar	Resident
Marilyn Shields	Resident
Frank Benham	Resident
Wes Priest	Resident
Kathie DeMott	Resident
Terri Langan	Resident
Joyce Cruz	Resident
Barbara Hamm	Resident

Ken Heritage	Resident
Susan Roberts	Resident
Richard Haines	Resident
John Noble	Resident
Alan Forest	Resident
R. F. Hopkins	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Wrathell called the meeting to order at 9:37 a.m., and announced that all Supervisors were present at Roll Call.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

Those present recited the Pledge of Allegiance.

**THIRD ORDER OF BUSINESS**

**Review of Open Items/Issues**

*\*\*\*This item, originally the Fifth Order of Business, was discussed out of sequence.\*\*\**

**a. Consideration of Temporary Construction Easement Agreement between the District and the City of Palm Coast**

Mr. Wrathell asked Ms. Sarah Lockhart, with the City of Palm Coast, to give a brief presentation. Ms. Lockhart deferred to their Construction Supervisor, Carl Cote.

Mr. Cote indicated the original construction was to be built through the wetlands. He explained they sought a change with the contractor to build the boardwalk from above, which had no impact to the wetlands. He stated he was requesting access through the Wild Oaks subdivision to offload materials and advised this will go on for roughly two (2) months; it will be maintained on a daily basis and will be brought back to the original condition.

**On MOTION by Supervisor Halley and seconded by Supervisor Cross, with all in favor of approving a Temporary Construction Easement Agreement between the Grand Haven CDD and the City of Palm Coast, pending review and sign off by General Counsel.**

**b. Auxiliary Heater for Creekside Pool (BK)**

**\*\*\*This item, formerly 5c., was discussed out of sequence.\*\*\***

- ***Presentation from Aqua Cal on how auxiliary heater and solar blanket (or equivalent) could work together***
- ***Recommendations for Implementation***

Mr. Wrathell advised that a representative was present, from Aqua Cal, to give professional input on what was being proposed for the Creekside Pool.

Mr. Kelly stated there is no propane gas backup auxiliary heater at Creekside and he understood that was a concern. Mr. Kelly explained that the current unit they have is called an icebreaker model, which continues to heat in below 45 degree weather. He stated they always recommend having a gas back-up on commercial sites because if the pool is not heated, they will have issues.

Discussion ensued regarding correct temperatures for shutoff and the cost effectiveness of an auxiliary heater. Mr. Kelly advised that Rick, their Sales Representative for North Florida, will be able to provide the Board with guidelines regarding making an informed decision as to what type of auxiliary heater would be most appropriate.

Supervisor Chiodo stated Mr. Kelly is indicating the best way for them to go is with the blankets. Mr. Kelly responded affirmatively and advised they should also speak with their insurance carrier because they do not like true bubble blankets due to access to the pool and the liability if someone falls in and gets trapped under the blanket. He also advised the Board that none of their heaters have sequencers, which affects the power bill because all of the heaters come on at once. Discussion was held regarding the price of solar blankets and storage capabilities.

- ***Report on Hammock Dunes' Solar Blanket***

Mr. Kloptosky reported on his visit to Hammock Dunes and their pool blanket. He showed a photo of the Hammock Dunes pool uncovered, indicating there are three (3) sections and three (3) reels, so it will conform to the shape of the pool. He explained to install it, the entire unit is rolled to the edge of the pool and then each section is pulled out onto the water.

With regard to cost, Mr. Kloptosky indicated he was advised that the covers themselves are \$8,000 and by the time they were done, they spent about \$12,000, noting that includes the reel and the actual cover. He was told they typically last for five (5) – seven (7) years, but that five (5) years is more reasonable.

Supervisor Davidson asked if he talked at all about permitting or public safety issues with the city or the county and he responded he did not. The Board discussed the seasonal use and recommended creating an analysis for residents.

Mr. Wrathell stated this issue is very important to the residents. He said they should try to make a plan and move forward on that plan and then discuss it amongst the Board.

Further discussion was held regarding the desired water temperature, the use of a sequential switch and heating costs

Supervisor Trautwein stated they should vote on the heat pump, but they should have parameters as to when they kick on. Supervisor Halley stated the only issue he sees is if the insurance company will okay them to use the cover.

Discussion was held regarding the temperature the heater should shutoff and turn on.

**On MOTION by Supervisor Trautwein and seconded by Supervisor Davidson, with Supervisor Halley dissenting, the Board designated auxiliary heaters and thermostats at the Village Center pool and the Creekside pool to heat water to 82 degrees and shutoff when air temperature drops below 55 degrees. (Motion passed 4-1).**

**c. Irrigation Line Filter Performance**

**\*\*\*This item, formerly 5j., was discussed out of sequence.\*\*\***

**o Presentation from Austin Outdoor**

Mr. Wrathell thanked Mr. Fonda for providing recommendations for proactive additions to the landscape program. He stated Mr. Fonda's primary focus is the irrigation line performance.

Mr. Fonda stated, this time last year, an inline filter was installed to determine if they could prolong the life of the components of the irrigation system. He provided a report, indicating it was the result of the last 12 months of analysis regarding the performance of the irrigation line filter. He briefly summarized the content, stating for the year 2008, there was a total of 411 clogged nozzles and 304 replaced irrigation heads. For the year 2009, there were 226 clogged nozzles and 78 replaced irrigation heads, which is much improved. He stated the initial cost of the filter was \$1,770 and the main point of connection was on Montague. The savings combined with the nozzle and head replacements were \$3,092. He noted there will be



additional savings down the road, as the components will last longer, due to lack of wear and tear.

Supervisor Davidson confirmed that there were filtered elements that were cleaned out periodically. He asked, in terms of expense, what the life of the filter element was. Mr. Fonda responded at least five (5) years. Supervisor Davidson confirmed this was savings on one (1) connection and asked how many other main line connections there are to the rest of the common area irrigation system. Mr. Fonda responded there are four (4) others. Supervisor Davidson stated if they were to prioritize doing this over the other four (4) zones, they would want to know what the payback is regarding how many heads they could save and he asked Mr. Fonda if he could give a census of the four (4) other main lines so that they can make a decision as to where they might want to go next. Mr. Fonda responded the next in priority would be the point of connection off of Egrets, which is roughly 70 zones.

Mr. Fonda stated in sequence of priority would be the second point of connection on Montague, and noted there is a point of connection at the Clubhouse, which services the main drive coming in. Supervisor Davidson confirmed that this report was for one (1) point of connection. Mr. Fonda stated the use of filters is a critical investment. Supervisor Davidson asked Mr. Fonda to get a report to the District Manager, prior to the next meeting, which could be circulated to the Board so that they can have an informed idea by the time they get to the next meeting about where they want to go next.

Supervisor Halley noted after they get the filters installed for \$1,770, it will be more of a savings.

**d. Austin Outdoor**

***\*\*\*This item, formerly item 5g., was discussed out of sequence.\*\*\****

- ***Removal of six (6) Sabal Palms (along south side of Main Gate)***
  - ***Confirm removal at no charge***
- ***Removal of dead Canary Palm (near monument sign on Riverfront Drive)***
  - ***Austin Outdoor to remove at no charge***
- ***Installation of three (3) Sabal Palms (near monument sign on Riverfront Drive)***
  - ***Board wishes to delay installation***

Mr. Kloptosky stated there are a number of issues going on with the palms in the community. The dead Canary Palm at Riverfront will be removed by Austin Outdoor. They will also remove the diseased Canary Palm at the Main Gate. He advised there was a price of \$950 associated with that and they started this morning. He stated they will also take out the two (2) dead palms on the right side of the main entrance at the same time. He indicated the question came up regarding the remaining four (4) palms on the right side of the main entrance and the Board was under the assumption that those four (4) palms would be removed for free, along with the others. He said a cost proposal came in for \$450 to remove those remaining four (4) and this discussion was held prior to this meeting and he confirmed that Mr. Fonda maintained that would be the cost to remove those four (4) trees. Mr. Fonda agreed. Supervisor Cross asked if they will still charge \$1,500 for the three (3) replacement Sabals. He stated what was discussed was removal of the six (6) palms inside the Main Gate, of which two (2) are dead. Then they were to remove the diseased Canary Palm behind the monument sign and they would provide and plant three (3) Sabal Palms and all three (3) of those were going to be \$1,500. Mr. Wrathell indicated they put that on hold. Supervisor Cross stated somehow it is being broken out into pieces, when it was a package deal.

Mr. Fonda indicated the main cost of the area across the street is the removal of the Canary Palm, which requires cranes and quite a bit of expense. He noted there was discussion about Sabal Palms as replacement and, to his knowledge, the \$950 is for the Canary Palm up front. Supervisor Cross stated no one is questioning that. It is the other three (3) locations; that was what the \$1,500 was to cover. Mr. Fonda stated they are now at seven (7) palms; the large Canary, plus taking out six (6) Sabals and they are at a point of breaking even or at a loss.

Mr. Wrathell stated at the last meeting, they suspended moving forward with the installation of the three (3) Sabal Palms to replace the one (1) Canary. He said they were going to pay them \$1,500 to install the new ones and with that coming out of the equation, it changed the package deal. Supervisor Cross stated part of the consideration was the discussion about the Canary Island Date Palm; the replacement value is approximately \$6,000, but because of the contract, they were given \$1,800 compensation for it. Mr. Fonda stated they were basically replacing it at their cost. Supervisor Cross asked where Mr. Fonda stands now. Mr. Fonda stated he will look at their request again. Supervisor Davidson stated in three (3) weeks, the Board will take a good and informed look at what is being done in Ocean Hammock and what

was done there and they may have a better idea of what they are looking at for replacement. Mr. Fonda stated he knows these palms have been an issue for several months and noted there are diseases and pests which they cannot control. He advised the specialty palms are treated twice a year.

**FOURTH ORDER OF BUSINESS**

**Audience/Resident Response Report & Comments**

***\*\*\*This item, formerly the Third Order of Business, was discussed out of sequence.\*\*\****

Mr. Wrathell stated they have a speaker sign-in card signed by Ken Heritage regarding lack of meeting information.

Mr. Heritage stated he went online earlier in the week, as well as this morning, and could not find today's Agenda, minutes for last month's meeting, minutes for the previous month, or any of the review brief which was to be done since July. Mr. Wrathell indicated the website is his firm's responsibility and he will check on that. He said as far as the minutes of these meetings, it takes some time to put them together. He stated, with other Districts that he manages, the minutes of meetings are posted, once they have been approved and signed by the Board. He advised they can be posted in "draft" form, but that is not the norm. Supervisor Davidson stated only approved minutes should be posted on the website.

Mr. Wrathell stated the next sign-in card is from Susan and Ryan Roberts regarding working out at the gyms. It was a request for Ryan, Mrs. Roberts' underage son, to work out at the gym with a trainer or with her. It was stated the Board has a policy in place that the age is 18 or over for use of the gym. Discussion ensued among the Board Members, the Attorney and Staff and, for liability reasons, they did not grant this exception.

Mr. Wrathell stated next is Mr. Richard Haines with regard to the condition and appearance on Jasmine Drive.

Mr. Haines stated his concern is with regard to the light posts on Jasmine Drive. He distributed pictures to the Board and Staff which showed the way they looked five (5) years ago. He said it is apparent to the residents and visitors that this becomes an eyesore. He advised that Mr. Kloptosky told him this is a budget item, but these things can drag out for a long time and he thinks this is important. He also presented pictures of the light posts on Waterside Parkway for comparison. Supervisor Chiodo stated there is a program that revitalizes the light posts

throughout the community on a scheduled basis. Mr. Kloptosky indicated this item is on his report Agenda to discuss and he offered to discuss it now. He reported that the Board voted money into the budget for this fiscal year. He indicated he is in the process of seeking estimates for the 150 light posts that have to be done and he advised that he designated Jasmine as a first priority. He advised he spoke to four (4) contractors regarding proposals and two (2) contractors have already given him a proposal. Once he receives the other two (2), he will make a presentation to the Board, which will hopefully be in January. Supervisor Trautwein stated if Mr. Kloptosky does not get any other bids, he should come before the Board with the two (2) that he has and the Board can make a decision. Mr. Kloptosky indicated he is fairly confident that the other two (2) bidders will present him with a bid shortly; otherwise, he will bring back what he has.

Mr. Wrathell introduced Ms. Diane Layng. Ms. Layng mentioned that the underbrush was a great success and expressed her gratitude. She then stated in each one of their villages, if there is a wall by their pond, some of them have to pay for that wall. She said in their village, all of the residents have to pay for someone else's wall to be maintained. She noted there are many homes that are not occupied and asked if any inspection was being done on these walls, and if so, whose job it is. Mr. Kloptosky responded it was his understanding that Troy Railsbach incorporates that into his inspection of the properties.

Supervisor Chiodo stated there may be some that are CDD and some are not and the CDD can only be proactive on the ones that they own. He advised her to go to the Master Homeowners Association.

Ms. Layng then expressed her opinion that the CDD Workshops have become a second CDD meeting and that was never the intent of the Workshop. She asked the Board to consider this and stated she believes this is an indicator as to why many of the residents were not present. She also noted she would have preferred to have had Mr. Kloptosky, along with the presenter, for the discussion of the pool covers, since he is the Operations or Field Manager and he is the person who looks over everything in their community and hoped that the Board would put more trust in his research and his decisions because that is why he was hired.

**FIFTH ORDER OF BUSINESS****Amenity Center Manager Report**

***\*\*\*This item, formerly the Fourth Order of Business, was discussed out of sequence.\*\*\****

Mr. Deary indicated the District is now dealing directly with the pool chemical supplier. He reported, after conducting a fairly detailed analysis, it is better to go with a “flat fee” approach. He noted the equipment is provided by the supplier and belongs to the chemical provider.

Mr. Deary stated a resident sent an email that came to AMG regarding an opinion that the District might consider having the facilitators certified in CPR and first aid. He indicated their message acknowledged the possibility that it could affect their contract. He advised he will review the AMG insurance policy to see what premium exposure his firm would have if AMG employees were trained with defibrillators and report back next month. He further advised they will also provide a six (6)-month financial statement for the Café, as well as a 12-month financial statement.

Mr. McGaffney summarized problems with a treadmill and noted a treadmill was built into the budget for this year. He recommended obtaining quotes to replace the treadmill. He also requested to move forward with installing the two (2) tread blasters for the tennis court. He indicated they have a quote for \$663 and verified there is no tax in that price.

Mr. McGaffney advised that, are going to have a Resident Appreciation Night at the Waterside Café on January 22<sup>nd</sup>. He then reviewed the upcoming events.

**On MOTION by Supervisor Halley and seconded by Supervisor Trautwein, with all in favor of authorizing the replacement of the treadmill, as described by Mr. McGaffney, in an amount not to exceed \$4,000.**

Mr. Wrathell noted the incident report detailing Mr. Bill Goudy’s shock incident at the water fountain on the playground. He noted he was unsure whether insurance would cover the incident, but it will be reported. Mr. Goudy explained the incident and Mr. Deary stated Courteaux was called to shutoff and disable the fountain; D.G. Meyer is to provide a price for replacement.

Mr. Wrathell stated, to be prudent, he will forward a copy of the Incident Report to the insurance company so it is on their record. It was also suggested that he forward a copy to the electrical company.

Supervisor Davidson confirmed that the TAG report will be given at the February Workshop.

At the request of a resident, Mr. McGaffney reported that \$2,100 was raised by the residents; there were 300 toys, 225 toothbrushes, 225 tubes of toothpaste, 225 stockings filled with candy and toys, 14 bicycles and 150 articles of clothing for the homeless teens and he personally went over with some of the residents with five (5) car loads of gifts. He stated there are 1,300 kids in the county that needed help and they received a huge thank you.

***\*\*\*The meeting was recessed at 12:00 p.m.\*\*\****

***\*\*\*The meeting reconvened at 12:10 p.m.\*\*\****

**SIXTH ORDER OF BUSINESS**

**Review of Open Items/Issues**

**a. Boardwalk Repair at End of Jasmine Drive in Riverwalk Village**

***\*\*\*This item, formerly item 5b., was discussed out of sequence.\*\*\****

Supervisor Chiodo stated he asked Mr. Kloptosky to prepare a timeline of events that resulted in the delay of the completion of this project. He reported the boardwalk repair was completed.

Mr. Kloptosky then gave additional points to supplement the timeline, further highlighting the reasons for delays. He then showed a photo of the blockage in the drain.

Supervisor Chiodo stated most of what is on the timeline was discussed at various meetings held between August and now. He noted the Board was aware of the issues that Mr. Kloptosky was having, both with Arcadis and Cline and that they had ten (10) erosion issues. He stated they have had problems with Arcadis and he feels they need to look for another engineering firm because they are not getting the service that they need. Supervisor Davidson agreed.

Mr. Wrathell explained that they will have to go through an RFQ process to select a new Engineer and they can select the most qualified firm and negotiate the fee schedule.

**On MOTION by Supervisor Davidson and seconded by Supervisor Trautwein, with all in favor of authorizing Staff to advertise a Request for Qualifications for a new District Engineer.**

Mr. Adams explained his feelings regarding the delays and what they should be looking for in an Engineer. Mr. Wrathell suggested making a spreadsheet with a start date and completion date for each project so that they have a tracking mechanism going forward.

**b. Pond 6 (BK)**

**\*\*\*This item, formerly 5d., was discussed out of sequence.\*\*\***

o ***Status of Meeting with LakeMasters and affected residents***

Supervisor Davidson reported on a meeting that he had the previous day with Bill Kurth of LakeMasters and the affected residents. He advised they went over the all of the current regulations that will force changes in the landscaping schemes in the State of Florida. He said that the residents understood the reasons for the littoral shelves and that if they remove them, and the herbicide and algaecide controls are removed by the state in the next year, this will only make the situation worse. He stated there were ten (10) residents present and they took a vote: three (3) voted in favor of a two (2)-step process, or Option 1, which was to save the good, helpful littoral plants that would not obstruct the view and remove the rest; seven (7) residents voted for Option 2, to remove all plants located along the sea wall. Supervisor Davidson stated he feels the Board has to uphold what they decided to do. The Board was in agreement and reiterated that Option 1 will be implemented first and Option 2 will be explored if Option 1 does not work out. Supervisor Chiodo advised he would notify the residents that an error was made and that the motion was already made by the Board to proceed with Option 1.

Mr. Adams stated Option 1 will be done by January 10<sup>th</sup>.

**c. Installation of Four (4) Fire Wise Signs by Four (4) Emergency Exit Gates (aka Construction Gates)**

**\*\*\*This item, formerly 5e., was discussed out of sequence.\*\*\***

Mr. Kloptosky stated the signs have been purchased and are ready to be installed. He stated he needs input from the Board as to the location they would like them installed. Supervisor Davidson stated they should be right on the gate, on the chain mesh, pointing inward so that they cannot be seen from the street. Mr. Wrathell indicated this is a closed item, as well as the Boardwalk and Pond 6.



**d. Marlin Drive Pump House Project**

**\*\*\*This item, formerly 5f., was discussed out of sequence.\*\*\***

Mr. Kloptosky reported Cline has started clearing at Marlin Drive. They applied for the permit to relocate the fence and Bill Butler would not release the permit due to some issues about tree protection. Discussion ensued regarding obtaining the permit.

Supervisor Cross stated 75% of the \$25,000 is billable back to Hampton Golf under the Maintenance Agreement. He advised if everything in the \$25,000 were pure maintenance, the Attorney said it falls under the Agreement, based on usage, but noted all of the \$25,000 is not maintenance. Mr. Clark indicated he will have to review the invoice and agreement with Mr. Wrathell. He advised Mr. Wrathell that the fencing would be paid out of the General Fund. This item will be brought back at the next meeting.

**e. Austin Outdoor**

This item was discussed previously under item 3d.

**f. Vines on South Gate Sign**

**\*\*\*This item, formerly 5h., was discussed out of sequence.\*\*\***

- *Remove section of vine and first attempt to power blast the brick to gently remove the white paint*
- *Sand blast if unsuccessful with power blast*
- *Keep in current fencing by south gate*
- *Remove any vines or vegetation blocking fence from the front view*
- ✓ **Status of contact with mason regarding brick repair as a result of power blast effects**
  - *Status of field staff painting repaired brick*

Mr. Kloptosky reported the removal of the vines has started and when completed, power washing will be done. After the power washing is complete, a mason will provide a quote for repair work.

**g. City of Palm Coast Stormwater Reimbursement**

**\*\*\*This item, formerly 5i., was discussed out of sequence.\*\*\***

- *Response from City's Engineering & Stormwater Department*

Mr. Wrathell stated, in the Agenda, there is a copy of the letter received from the City where they gently rebuffed them on trying to get their \$88,000 stormwater billing.



Supervisor Davidson stated the city did not reimburse the District at all for last year and suggested the District Manager and Field Operations Manager sit down with John Mote to discuss future action.

Discussion was held regarding previous years' reimbursement and the current rate and service that is necessary to calculate the fees. Mr. Wrathell confirmed that the \$8 charge is on the water/sewer bill. He indicated he will contact the city to get a definition of the level of service the residents are getting for \$8 per month for 1,901 lots.

**h. Irrigation Line Filter Performance**

*\*\*\*This item, formerly 5j., was discussed previously, under item 3c.\*\*\**

**i. Security/Camera System**

*\*\*\*This item, formerly 5k., was discussed out of sequence.\*\*\**

- o *Ad Hoc Fact Finding Group Report*
- o *Quotes*

Mr. Adams stated a contractor met with Mr. Kloptosky, Mr. Priest and Mr. Hopkins on site last week and went through the particulars and they did provide a proposal.

Mr. Kloptosky indicated he received a copy of the proposal late yesterday afternoon and did not have an opportunity to review it, so he was not prepared to speak about this particular proposal. He noted they did have two (2) other proposals, which he submitted to the Board, at their request. Mr. Adams advised he reviewed the third proposal and it appears that they have "apples to apples" proposals across the board. Discussion ensued regarding the details of the bids and the use of a license scanner. The Board decided against purchasing the scanner and putting into the Post Orders to selectively verify those on the preferred list.

Mr. Adams clarified that it clearly states in the Post Orders that they are not to deny access. Supervisor Trautwein suggested requesting the name of the resident the individuals on the preferred list are visiting and then calling the resident for verification. Mr. Wrathell stated they will need some modification to the Post Orders and the three (3) proposals will be placed on the Agenda for consideration by the Board.

**j. Constant Contact/E-Blast Template**

*\*\*\*This item, formerly 5l., was discussed out of sequence.\*\*\**

Supervisor Davidson thanked Mr. Wrathell for the work Ms. Gillyard has been doing on the Constant Contact email blast and stated it is a more attractive design. The Board indicated this is now a closed item.

**k. Process for Emergency Infrastructure Repairs (CA & BK)**

*\*\*\*This item, formerly 5m., was discussed out of sequence.\*\*\**

- o *3 quotes per discipline*

Mr. Adams reported he and Mr. Kloptosky received a Preferred Contractor List on the utility side from the Engineer and, after much review and consideration, there are now two (2) proposals. J. D. Weber Construction, located in Ormond Beach and Westwind, who has a contract with the City of Palm Coast, are the two (2) most local companies. He indicated he wants them to be local, in terms of after-hours emergencies.

Mr. Adams recommended the Board continue their existing relationship with Cline and to develop a relationship with Weber. The Board requested that Mr. Adams continue to pursue a proposal from a third contractor to provide emergency infrastructure/utility work. Mr. Wrathell indicated he would like to get all three (3) proposals for each of the three (3) disciplines on the January agenda.

**l. Post Orders**

*\*\*\*This item, formerly 5n., was discussed out of sequence.\*\*\**

Mr. Wrathell reported that he agreed, conceptually, with every one of the recommended changes. He stated he will come to a consensus with Mr. Adams, Mr. Priest and Mr. Hopkins and place the revised Post Orders on the January Agenda for approval by the Board.

Mr. Adams requested Board clarification regarding the secondary gates as part of the Fire Wise Program. He also asked about publishing emergency numbers for the maintenance and operations staff and the Board decided that Staff cell phone numbers would not be published in the Post Orders.

**m. Proposed Investment & Cash Flow Analysis (CW)**

*\*\*\*This item, formerly 5o., was discussed out of sequence.\*\*\**

Mr. Wrathell stated the money market accounts and the higher yield checking account have been opened.

- o *Consideration of Resolution 2010-5, Authorizing District Manager to Open Checking Account and Invest Funds with Community Bank of Broward*

- *Community Bank of Broward's Commercial High Yield Liquid Savings Account*
- *Prospectus – Federated Treasury Obligations Fund*
- *Prospectus – Wells Fargo Advantage Money Market Funds*
- *First National Bank of Central Florida – Qualified Public Depositories*

**On MOTION by Supervisor Davidson and seconded by Supervisor Cross, with all in favor of approving Resolution 2010-5, Authorizing the District Manager to Open Checking Account and Invest Funds with Community Bank of Broward.**

Mr. Wrathell indicated that this is now a closed item.

**n. Consideration of Engaging Solar Panel Design Engineer (BK)**

**\*\*\*This item, formerly 5p., was discussed out of sequence.\*\*\***

- **Status of contact with Paul Estes for commercial experience, references and hourly fee schedule**

Mr. Kloptosky stated he asked for a report from Mr. Schofield, from Arcadis, on the issue of the solar engineer, as well as the issue on the Wild Oaks Phase I damage and received an email regarding another issue. He read the email into the record. Supervisor Davidson indicated that is a completely different project and he would track that bill and not pay it. Mr. Kloptosky stated the he has no report from Joe Schofield. Discussion continued regarding the use of Mr. Estes for the solar project. Mr. Kloptosky stated he will invite him to the January meeting and request letters of recommendation in advance.

Mr. Kloptosky stated he has not received any reports regarding the Wild Oaks Phase I

He indicated there are several areas that have some deflection around the manholes, in addition to the surface cracks.

**o. Overdue Hampton Golf Parking Lot Invoice (CW)**

**\*\*\*This item, formerly 5q., was discussed out of sequence.\*\*\***

- *Scott Clark to render legal opinion*
- *Flagler County Tax Bill – Parcel ID 151131298500000010*
- *Flagler County Tax Bill – Parcel ID 22113153100000000MO*

Mr. Wrathell referred to the letter that Rizzetta & Company sent in March. He indicated he drafted two (2) letters; one (1) letter would focus on the delinquent tax bill that was unpaid

related to the parcels from last year, including the interest allowable per the Easement Agreement and the bill also owed for this year. A separate letter would deal with the outstanding maintenance from the March letter, maintenance billed to them for the last six (6) months and the interest that accrued on the outstanding balance. He advised he still does not have a total for the maintenance component.

Mr. Clark stated the language is not precise when it discusses maintenance and says nothing about taxes. He advised they should send the letters and as they budget for next year, they should look at any special benefits which accrue to the golf course and not to any other properties and they should make sure they levy the golf course for these expenses. He added if they have a problem with the Marlin Drive Pump House expenditure reimbursement, it probably falls within that category.

Mr. Wrathell confirmed that the Board still wishes to send the letters.

Supervisor Cross requested a change to the letter regarding maintenance, indicating it should be January through June. Mr. Kloptosky will provide a total amount to include in the letter Supervisor Cross mentioned possibly adding the Marlin Drive road expansion to the letter as a cost for maintenance.

**p. Wild Oaks Access-City of Palm Coast Wier Repair (BK)**

***\*\*\*This item, formerly 5r., was discussed out of sequence.\*\*\****

Mr. Clark indicated he has been in touch with the city and they are going to proceed with the Wier repair and they requested that the District give them access to it. Mr. Clark has asked the city to memorialize that the CDD is going to maintain only that portion of Ditch 10 that the plat says they are going to maintain, which is the enlarged portion that handles the stormwater for Wild Oaks and that the city is going to take responsibility for the pass-through items, which are Ditch 10 and Tract H, and that they are going to assume responsibility for water quality issues that originate outside of the property. He indicated they are moving in the direction of reaching that type of agreement with the city.

Mr. Clark advised the Board it will be necessary for him to draft a Maintenance Agreement that is satisfactory to them and he will bring that back at the next meeting.

**q. Wild Oaks Road Issues (BK)**

***\*\*\*This item was discussed previously\*\*\****

**r. Review of Austin Outdoor Agreement for January Meeting**

**\*\*\*This item, formerly 5t., was discussed out of sequence.\*\*\***

- **For informational purposes only: recommendations to changes in Landscape Performance Specifications for 2010 provided by Austin Outdoor**

**s. Wild Oaks Reclaimed Water Irrigation Rates (CW)**

**\*\*\*This item, formerly 5u., was discussed out of sequence.\*\*\***

- **City of Palm Coast Utility Rate Schedule**
- **Resolution No. 2005-07 Revising the Rates of the City’s Utility System**
- **Reclaimed Water Rate Analysis – March 31, 2005**

Mr. Wrathell advised the analysis confirmed that the CDD got a special deal because of the sale of the utility. He indicated Hammock Dunes still owns its distribution system and they maintain it themselves; the city owns Grand Haven’s, with the sale of the utility. He suggested writing a letter to the city Utility Department, informing that it has come to our attention that the Grand Haven CDD accounts are being billed \$0.30 per gallon, while the CDD listed accounts are being billed the retail rate and request that they be billed the same. He pointed out that they should add they have no interest in going backwards and getting reimbursed; they just want to get it corrected moving forward. Supervisor Cross suggested as an attachment, they should only list their specific meters.

**t. Construction Gate on South Park Road Entrance to Herschel King Senior Park**

**\*\*\*This item, formerly 5v., was discussed out of sequence.\*\*\***

- **Email Response from Flagler County**

Mr. Wrathell indicated this item is the email response from Flagler County.  
This item is now closed.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Requisition #177, Series 2004 B Bonds**

**\*\*\*This item, formerly the Sixth Order of Business, was discussed out of sequence.\*\*\***

Mr. Wrathell referred to Tab 6 and stated it is an invoice from Clark & Albaugh, LLP.

**On MOTION by Supervisor Cross and seconded by Supervisor Davidson, with all in favor of approving Requisition #177, Series 2004 B Bonds, in the amount of \$799.00.**

**EIGHTH ORDER OF BUSINESS**

**Certified Letter from Gerry Baran  
Regarding 18 Tanglewood Court  
Hazardous Tree Removal (CW)**

*\*\*\*This item, formerly the Seventh Order of Business., was discussed out of sequence.\*\*\**

Mr. Kloptosky stated the resident contacted them and wanted them to remove six (6) or seven (7) trees behind his property that he deemed to be a threat to his house. After brief discussion, the Board directed Mr. Wrathell to send a letter to Mr. Baran informing him that the Board has respectfully declined his request.

This item is now closed.

**NINTH ORDER OF BUSINESS**

**Organizational Chart (SH)**

*\*\*\*This item, formerly the Eighth Order of Business., was discussed out of sequence.\*\*\**

- o *How it should be followed and who reports to whom*

Supervisor Halley indicated if they would follow the organizational chart, they could cut their workshop and meeting times in half.

Discussion was held regarding whom the Operations Manager is it to reports to and whether the Operations Manager should take action without direction form the Board. Mr. Wrathell stated he met with Mr. Kloptosky earlier and from their perspective, they will try to resolve their issues among the Staff and not bring the issues to the Board.

Mr. Wrathell agreed to put a dotted line on the Organizational Chart with a notation that it is review oriented, rather than direction oriented. Supervisor Trautwein suggested a single block at the top of the chart that includes all of the Board Members.

**TENTH ORDER OF BUSINESS**

**Removal of Tall Bushes in Median in  
Front of the Village Center in Order to  
Prevent Any Accidents to GHCCD  
Residents (SH)**

*\*\*\*This item, formerly the Ninth Order of Business., was discussed out of sequence.\*\*\**

Supervisor Halley stated he had several people inform him that children have almost been hit because the cars cannot see over the bushes. The Board agreed that the bushes need to be removed because it is a safety hazard.

Mr. Adams stated this can be a serious liability issue and recommended they resolve the obvious line of sight issue immediately. He suggested putting in mulch for now until they decide what to plant. He also suggested looking at all of the CDD controlled intersections and indicated he will supply the Board with line of sight guidelines, as established by FDOT, and coordinate a review and a report on all of the intersections.

**On MOTION by Supervisor Halley and seconded by Supervisor Chiodo, with all in favor of removing the tall bushes in the median in front of the Village Center immediately and replace with mulch.**

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Water Management Agreement between Aquasol Commercial Chemical and the District for Installation of Controllers and Pool Chemicals**

*\*\*\*This item, formerly the Tenth Order of Business, was discussed out of sequence.\*\*\**

Mr. Wrathell stated based upon previous discussions with Mr. Kelly, he asked for a motion to approve the agreement.

Mr. Clark requested that the second sentence and the rest of the paragraph in Section 8b be removed.

**On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor of approving the Agreement between Aquasol Commercial Chemical and the Grand Haven CDD for Installation of Controllers and Pool Chemicals, pending the removal of the second sentence and the remainder of the paragraph in Section 8b.**

**TWELFTH ORDER OF BUSINESS**

**Consent Agenda Items**

**\*\*\*This item, formerly the Eleventh Order of Business, was discussed out of sequence.\*\*\***

- **Approval of Minutes**
  - **November 5, 2009 Community Workshop**
  - **November 19, 2009 Regular Meeting**

Mr. Wrathell presented the e November 5, 2009 Community Workshop and the November 19, 2009 Regular Meeting Minutes. He asked for any additions, deletions or corrections.

Supervisor Davidson had the following corrections for the November 5, 2009 Community Workshop Minutes:

Line 187: Change “Davidson” to “Cross”

Line 257: Change “Pond 6” to “Pond 6 & 7”; change “was” to “were”

Line 258: Remove “to eliminate weeds”; Remove “such process was a mistake and”

Line 259: Remove “and have taken” and replace with “are in danger of taking”

Line 261: Add “edge” after “top”

Line 262: Replace “micro” with “microbial”

Supervisor Halley indicated he sent his revisions to Ashley. They were as follows:

November 5, 2009 Workshop Minutes

Line 430: Change “landscaping in the circles and no action” to “landscaping in the Main Gate Islands and no action”

Supervisor Chiodo stated the November 19, 2009 Regular Meeting Minutes, do not reflect a motion or a vote to close the gates at Wild Oaks. He stated they put in place the issue of the time of day and passes for contractors, but they need to deal with that issue and he felt this is a policy issue. Mr. Wrathell agreed.

For Mr. Clark’s benefit, Mr. Wrathell reiterated the discussion regarding closing the gates at Wild Oaks. Mr. Adams stated the option that he offered was to put in a strip in front of the entrance gate and they can program the strip to allow access during the day and as someone approaches the gate.



**On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor of installing a strip sensor in front of the gates at Wild Oaks and programming it to be active from 7:00 a.m., to 7:00 p.m., seven (7) days a week and, once installed, to close the Wild Oaks gate.**

Further discussion ensued

Supervisor Davidson made the following changes to the November 19, 2009 Regular Meeting Minutes:

Line 211: After "Indicated", change "he" to "FDOF"; Insert "Ranger Weller" between "and" and "received"

Line 212: Change "the CDD" to "a local community"; add a period after "immediately"

Line 213: Change "done" to "expended"

Line 214: Change "he" to "Ranger Weller" (after Supervisor Davidson)

**On MOTION by Supervisor Davidson and seconded by Supervisor Cross, with all in favor of approving the November 5, 2009 Community Workshop Minutes and the November 19, 2009 Regular Meeting Minutes, as amended.**

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports**

*\*\*\*This item, formerly the Twelfth Order of Business, was discussed out of sequence.\*\*\**

**a. District Counsel**

*\*\*\*This item, formerly 12b., was discussed out of sequence.\*\*\**

Mr. Clark reported that a lawsuit has been filed in the R. A. Scott matter. He indicated the District has not been served, to his knowledge, and it appears that the summons was issued to Rizzetta & Company and he suspects it is in the process of being reissued to Wrathell, Hart, Hunt and Associates, LLC. He requested an Attorney-Client Session, which would be attended by the Supervisors, himself and Mr. Wrathell, as well as a Court Reporter. Supervisor Chiodo suggested holding this session prior to the Board Meeting on January 21<sup>st</sup>. The Board requested an email reminder prior to the January 21<sup>st</sup> meeting to remind them of the 8:30 a.m. Attorney-Client Session.

**On MOTION by Supervisor Cross and seconded by Supervisor Trautwein, with all in favor of setting an Attorney-Client Session for Thursday, January 21, 2010 at 8:30 a.m. and authorizing Staff to advertise, accordingly.**

*\*\*\*Mr. Scott left the meeting.\*\*\**

**b. District Engineer**

*\*\*\*This item, formerly 12c., was discussed out of sequence.\*\*\**

There being no report, the next item followed.

**c. Field/Operations Manager**

*\*\*\*This item, formerly 12a., was discussed out of sequence.\*\*\**

Mr. Kloptosky stated there were a lot of resident complaints with regard to Pond 19 and after the chemical application, the pond cleared up beautifully and the residents are very happy.

He stated with regard to the City of Palm Coast Underbrushing Violation on 3 - Eastlake, they did get a violation notice from the city and he indicated it needs to be taken care of within 30-days. Mr. Kloptosky indicated the remaining wooden sections at the main gate have been removed and the four (4) new sections of vinyl fence will be installed the middle of next week.

Discussion was held regarding the void in the Juniper ground beds.

**d. District Manager**

**i. Unaudited Financial Statements as of September 30, 2009 (YEAR END)**

Mr. Wrathell advised that WHHA completed the year end statements.

**ii. Unaudited Financial Statements as of November 30, 2009**

Mr. Wrathell reviewed the Unaudited Financial Statements, explaining the different categories. He explained that the total amount on the Check Register corresponds to the sign-off sheet for \$257,067.06.

Discussion was held on the detention pond costs, the Amenity Management amount and the AT&T invoice.

**iii. City of Palm Coast Violation – Underbrush (Fire Wise)**

Supervisor Davidson stated with regard to the fire mitigation project, he worked with one (1) of the residents on a digital map. He showed the map and pointed to the two (2) sections, indicating everything in red are areas that needed to be mowed and everything in green was an entry point that they selected. He summarized his trip with Ranger Weller and the

communication with the Department of Forestry. He stated after the email blast was done, he and some of the other Fire Wise people visited every single person's residence that had a question, including some who had reservations or objections.

Supervisor Davidson pointed out the area that was cleared out and showed what it looks like afterward. He advised most of the residents in The Crossings are happy that they are not threatened.

**\*\*\*Supervisor Chiodo left the meeting at 4:38 p.m.\*\*\***

Supervisor Davidson indicated they are one-half to two-thirds of the way finished, which is very good.

Mr. Wrathell referred back to item 12d. and requested a motion to approve the Unaudited Financials, as well as the expenditures, for \$257,067.06, which were previously discussed.

**On MOTION by Supervisor Cross and seconded by Supervisor Davidson, with all in favor of approving the Unaudited Financial Statements as of September 30, 2009 and November 30, 2009, as well as the expenditures, in the amount of \$257,067.06.**

**iv. NEXT WORKSHOP/MEETING:**

- **January 7, 2010 at 10:00 a.m. – WORKSHOP/TOUR**

Mr. Wrathell reminded the Board of the January 7, 2010 Workshop/Tour.

- **Workshop Tour/Details**

Mr. Wrathell indicated Supervisor Davidson worked out the final details and stated once they lock in the form of advertisement and the timing, they will have Mr. Clark advertise. Supervisor Davidson indicated they will leave around 11:30 a.m., to go to Ocean Hammock for a guided tour with their plant, shrub and tree person. Once the tour is complete, the Board will return and resume the Workshop.

- **January 21, 2010 at 9:30 a.m. – MEETING**

**FOURTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

**\*\*\*This item, formerly the Thirteenth Order of Business, was discussed out of sequence.\*\*\***

Supervisor Cross stated it is his understanding that Warren Purdy submitted the Ad Hoc Committee's report on the landscape circles to Mr. Wrathell. Mr. Wrathell confirmed this. Supervisor Cross requested that each Board Member receive a copy.

Supervisor Cross stated he would like to see a firm date for performance appraisals or evaluations established for District employees. Mr. Wrathell indicated they will be ready for the January 21, 2010 Board Meeting. Supervisor Cross asked what will be presented. Mr. Paton stated he will have an analysis of the current situation, as well as their recommendations of what changes need to be implemented. Mr. Wrathell advised he will be working with Mr. Kloptosky to revise the job descriptions.

Supervisor Halley asked if they will have objectives that need to be met, along with the job descriptions. Mr. Wrathell responded the actual performance review forms provide the ability to set objectives. He indicated the Board will be setting objectives for the professionals. He expressed his feeling that once they have the emergency contractors and engineer in place, as well as the new job descriptions and a new organizational chart, it will make it much easier and more efficient to evaluate performance.

Supervisor Halley asked if cost savings is not an objective, what the incentive to cut costs is. Mr. Wrathell responded more important than cost savings is creating an accurate budget and, within reason, they should try to predict the upcoming operations and maintenance issues. He feels that many of the issues they are addressing were not budgeted and once they have a good budget, it will be important to keep within those cost parameters.

***\*\*\*Supervisor Davidson left the meeting at 5:00 p.m.\*\*\****

Discussion was held regarding performance appraisals and what constitutes a fair evaluation of an individual's performance.

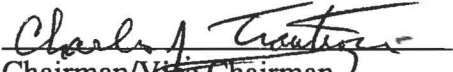
Supervisor Trautwein requested updated job descriptions and an explanation of how the job descriptions fit into this type of a community. Supervisor Cross stated they need something specific to measure results. He said there is a set of criteria that should be used for this performance appraisal and when the new criterion is established, that is what they would do next year's appraisal on. He advised the performance appraisals will be done on two (2) time frames, current and moving forward.

*\*\*\*This item, formerly the Fourteenth Order of Business, was discussed out of sequence.\*\*\**

There being no further business, all were in agreement with adjourning.

**On MOTION by Supervisor Halley and seconded by Supervisor Cross, with all in favor, the meeting was adjourned at 5:17 p.m.**

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman