

**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, October 21, 2010 at 10:00 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:

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

Also present were:

Craig Wrathell	District Manager
Matt Kozak	Wrathell, Hunt & Associates, LLC
Doug Paton	Wrathell, Hunt & Associates, LLC
Scott Clark	District Counsel
Barry Kloptosky	Operations Manager
Howard (Mac) McGaffney	Amenities Manager
Roy Deary	Amenities Manager
Grant Misterly	District Engineer
Bill Kelly	EGIS
Bob Hopkins	Resident
Frank Benham	Resident
Ron Fleischman	Resident
Vic Natiello	Resident
Donna Majauskas	Resident
John Pollinger	Resident
Pat Malone	Resident
John & Roberta Amity	Resident
Alexander Piekunka	Resident
Mary Gabriel	Resident
Brenda Gerber	Resident
Warren Friedman	Resident
Tom Lawrence	Resident
Ken Eaton	Resident
Donald	Resident
Vinnie & Al Lomonaco	Resident
Lisa Mrakovic	Resident

Diane Layng	Resident
Frances Kozer	Resident
Andrew Kozer	Resident
Jim Granato	Resident
Sue Grato	Resident
Ron Merco	Resident
David Reisman	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 8:38 a.m., and noted, for the record, that all Supervisors were present, in person. He stated an executive session was advertised, accordingly, for 8:30 a.m.

On MOTION by Supervisor Chiodo and seconded by Supervisor Cross, with all in favor, the Board entered the Executive Session at 8:39 a.m.

The Regular meeting was reopened at 9:59 a.m.

*****The meeting recessed at 10:00 a.m.*****

*****The meeting reconvened at 10:10 a.m.*****

SECOND ORDER OF BUSINESS

Pledge of Allegiance

All present recited the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

Audience/Resident Response, Report & Comments

Ms. Donna Majauskas, a resident, spoke regarding the Waterfront Park fence issue. Ms. Majauskas expressed her concern regarding illegal trespassing into Grand Haven.

Mrs. Diane Layng, a resident, read into the record a letter from R.E. Layng addressing the Board's conduct.

“Upon reviewing the agenda for the October 21st meeting, I was in disbelief when I observed item number eight (8), ‘Operations Manager complaint against Board Member’. There is something terribly wrong with a governing

body of individuals that needs their behavior regulated by a Code of Conduct and still persists in unprofessional behavior. The general public views these antics as non-productive and generates a fragmented Board of Supervisors. If the Board truly has the interest of Grand Haven and its residents as its focus, they will make sure the individual or individuals responsible for this type of behavior begin to treat others with dignity and respect.”

Mr. John Pollinger, a resident, stated he was disappointed that not all Board Members were adhering to the Code of Conduct and not empowering the Field Operations Manager to do his job without micromanagement. Mr. Pollinger stated his disappointment in the Board not authorizing the Field Operations Manager to proceed with his recommended Village Center gate installation. Moreover, Mr. Pollinger noted concern as to why a Board Member asked for past emails between the field operations manager and the solar panel consultant.

FOURTH ORDER OF BUSINESS**Consent Agenda Items**

Mr. Wrathell presented the Consent Agenda Items for the Board’s consideration.

- a. **Approval of Minutes**
 - o **September 2, 2010 Community Workshop**
 - o **September 14, 2010 Public Hearings and Regular Meeting**
- b. **Check Detail, September 2010**
- c. **Unaudited Financial Statements as of September 30, 2010**
- d. **Approval of Operations and Maintenance Expenditures**
- e. **30-Day Notice to Favoretta Lawn & Garden, Inc., to Terminate Landscape Services on CDD Property in Wild Oaks**
- f. **Addendum to Austin Outdoor Agreement for Assumption of Former Favoretta Lawn & Garden, Inc., Services in Wild Oaks Upon Expiration of 30-Day Termination Notice**

On MOTION by Supervisor Davidson and seconded by Supervisor Cross, with all in favor, the Consent Agenda items, except the September 2010 Check Detail and Unaudited Financial Statements as of September 30, 2010, were approved.

Mr. Kloptosky discussed deficiencies and issues with Favoretta. He stated that most deficiency items were addressed, except the issue with the dying sod. Mr. Kloptosky noted payment to Favoretta has been withheld and that Massey made a comment that if a payment is not received by Friday, he may not come in to do anything. Mr. Kloptosky stated he was prepared to have Austin move in, with the Board's approval and requested Mr. Clark to reconsider the language of the 30-day termination letter and the language in the contract. Mr. Clark stated the alternative would be to request Massey to complete the work and back charge Favoretta. Mr. Chiodo asked if back charging would involve paying Massey directly and subtracting that amount from the payment due to Favoretta. Mr. Clark replied affirmatively. Mr. Kloptosky stated he can contact Massey and try to get proof from them that they did provide the chinch bug application. He noted concern of any future issues that may arise over the next 30-days. Mr. Kloptosky stated he has, supposedly, ordered flowers but failed to provide a deposit and is not sure that the flowers will be provided for the November rotation.

On MOTION by Supervisor Chiodo and seconded by Supervisor Trautwein, with all in favor, authorization for Austin to provide any needed flowers for the November plant rotation; Mr. Kloptosky to contact Massey to find out if the chinch bug spraying was completed and, if not, engaging Massey to complete the spraying and back charge Favoretta, was approved.

FIFTH ORDER OF BUSINESS

District Engineer's Report

Mr. Misterly reported that the work in the past month involved completing repair work throughout the community; specifically, a repair to a bridge in Wild Oaks, a stormwater outfall in North Park Circle, and a sidewalk repair at the clubhouse. Supervisor Davidson questioned if Mr. Kloptosky was in agreement with the current method to repair the sidewalk. Mr. Kloptosky replied affirmatively that the current method is acceptable and one (1) proposal was received from S.E. Cline. Supervisor Davidson stated the District is under a letter of demand for the repair. Mr. Kloptosky reported that Cline's price is \$8,456.50 to complete. Mr. Wrathell recommended moving forward with the repair. Supervisor Halley questioned how a permit can be pulled on the golf course's property. Mr. Kloptosky explained that this is a repair of an existing issue and does not require a permit, according to Cline. He stated the original quote was

lower; however, additional drainage, curbing and a trough were added to try to divert the water properly. He discussed problems with completing the repair. Mr. Wrathell discussed the easement agreement with the golf course and stated he believed the CDD is the responsible entity. Supervisor Cross stated this repair is being made 60-65 feet beyond the easement and questioned what the golf course's attorney is saying regarding the repair being on the golf course property. Mr. Wrathell stated there are two (2) issues which include safety issues and that the District has been operating in a certain established fashion; therefore, the District is responsible. Supervisor Chiodo stated that this was discussed at the Workshop and the only thing that changed is the receipt of the demand letter from the attorney.

On MOTION by Supervisor Davidson and seconded by Supervisor Trautwein, with all in favor, authorization for S.E. Cline to complete sidewalk repairs, as presented, and apply the sidewalk repairs as an infrastructure reinvestment expense, was approved.

SIXTH ORDER OF BUSINESS

Update: Easement Insurance (MK)

******This item, previously the Thirteenth Order of Business, was discussed out of order.******

Mr. Bill Kelly reported that PGIT does provide the District with insurance for liability in occupying an easement. PGIT does not provide insurance to non-governmental entities, with certain exceptions, such as leasing and obtaining an easement from private parties. He stated, it is his understanding that the agreement is requesting public liability insurance for the grantors. He stated that the PGIT insurance does not cover such and research was completed for brokers willing to write CDD liability insurance. Mr. Kelly reported that only two (2) quotes were received; one for \$800 and one for \$1,200. He stated, unless PGIT changes their coverage agreement, private parties can not be insured. He explained that the current insurance will cover the CDD that are beneficiaries of an easement; however, it does not provide coverage for the owners. If there is a claim filed against the CDD, who is the primarily liable party that was negligent, and the secondary claim is filed against the owner, there will be no coverage to the owner. Mr. Wrathell stated the agreement names the owner as additional insured. Mr. Kelly confirmed that the owner can not be named as additional insured under PGIT and additional

insurance is needed. Supervisor Chiodo asked if something happens and the District and the owner are sued, the District is covered, so why do we care about the owner's coverage. Mr. Clark explained there a couple of ways to handle this. The District could ignore it and not comply with the agreement, purchase the coverage or send a letter saying separate coverage will be purchased and assessed on the property as it is an associated cost, and request that the requirement be removed. Mr. Clark stated he will send a letter to Hampton Golf addressing the easement and the assessments on the golf course property.

The purchase of additional liability insurance was deferred.

SEVENTH ORDER OF BUSINESS

Amenity Center Manager's Report

******This item, previously the Sixth Order of Business, was discussed out of order.******

- **Consideration of Resolution 2011-1, Declaring Certain Tangible Personal Property Surplus Equipment and Authorizing the District Manager to Sell or Dispose of Said Equipment (formerly Resolution 2010-13 deferred at 8/19/10 Regular Meeting and September 14, 2010 Public Hearings and Regular Meeting)**

Mr. McGaffney reported that the equipment list was compiled including nine (9) bar stools, 28 chairs, eight (8) tables and four (4) candelabras.

Supervisor Cross asked if the activities sign, for \$2,700, was found in Marvin Gardens. The Board requested to include the sign as part of the equipment.

<p>On MOTION by Supervisor Davidson and seconded by Supervisor Trautwein, with all in favor, Resolution 2011-1, Declaring Certain Tangible Personal Property Surplus Equipment and Authorizing the District Manager to Sell or Dispose of Said Equipment, as amended, was approved.</p>
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Supervisor Chiodo requested additional microphones be ordered.

******Supervisor Cross left the meeting.******

Supervisor Davidson requested that Items 9 and 10 be discussed after the landscape discussion concludes.

******Supervisor Cross returned to the meeting.******

EIGHTH ORDER OF BUSINESS

**Selection/Authorization of FY2011
Landscape Renovation and Rejuvenation
Projects**

Supervisor Davidson presented a list of projects to be completed for the 2011 fiscal year. He stated all the items have been approved, conceptually and the prices have been renegotiated to receive the best possible pricing. He reported that Ms. Leister is requesting that the projects in yellow commence as soon as possible. He summarized that Ponds 1, 2 and 3 needed additional plants, the introduction of irrigation and the decrease of the fishing space from 15-feet to 10-feet. Ms. Leister received a credit of \$2,800 from the work from another area and \$2,800 is the cost to complete the pond project. He reviewed the proposed projects for each pond and other listed projects. Ms. Leister’s recommendations were to commence Items 1 thru 6 now, as current conditions are favorable. Supervisor Halley requested to keep the old sprayers for possible replacements and thought about replacing irrigation as it goes bad. Supervisor Cross recommended adding Flamingo Court, under line of sight issues, as there are blind spots due to the hedges. He questioned why Colbert Lane was being beautified and requested to spend the money inside the gate. Supervisor Davidson speculated that it has to do with vine removal that was completed behind the white picket fence, at the gate entrance, that created a void. He confirmed the work was only at the gate. Supervisor Davidson said the previous quote for Flamingo Court was \$1,546. Discussion ensued on the additional plantings. Supervisor Davidson provided photos of the proposed areas.

On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, authorization for the completion of Fiscal Year 2011 Landscape Renovation projects in the amount of \$66,520 including Ponds 1, 2 and 3; Pelican Court line of sight, all circle islands except Egret and Front Street; Village Center pool planting; Colbert Lane Main Gate; Wild Oaks tree pruning; and transplant trees from Front Street Esplanade Park south to Montague and dress up park; allowing up to \$1,700 for Flamingo Court line of sight issues, was approved.

NINTH ORDER OF BUSINESS

**Discussion: Secondary Emergency Exit
Road from The Crossings to Colbert Lane**

Supervisor Davidson discussed the report on the Wildfire Mitigation project and the possibility of creating a secondary emergency exit out of The Crossings. He stated research was done and found out that the DRI called for a secondary road that was not completed. The county developed a cost estimate, is willing to build the road and drafted a proposed easement for the District. The road would be for emergency use only and include a gate on Colbert Lane. Supervisor Davidson read, “Whereas the City of Palm Coast in its October 19, 2004 approval of The Crossings plat omitted for reasons unknown to both Flagler and the CDD, the provision for the secondary means of emergency ingress/egress to serve this development”. Supervisor Davidson explained that he wanted to see if the Board was interested and expressed his appreciation of the county’s willingness to complete the work. He stated that, according to District Counsel, this would be a master infrastructure construction project and thus be a proper use of funds from the (now) 2008 bond. Mr. Clark explained this would be included as omitted master infrastructure. Supervisor Davidson clarified that the county is willing to grant an easement and provide services, if the District will pay for the road. Mr. Wrathell questioned if the county envisioned physically constructing the road. Supervisor Davidson confirmed affirmatively. Mr. Wrathell noted the need to secure how the funds will flow and the agreement will read. Supervisor Davidson noted St. John’s River Water Management District (SJRWMD) has some type of authority and may incur additional expense; the county waived permitting fees. He noted there is an additional expense of paying for a survey for the 950 feet of the road and the funds would come from the 2008 bonds. Supervisor Davidson explained the county is proposing \$17,841.

On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, authorizing the District Manager to contact Mr. Troy Harper, regarding the construction of a secondary Crossings emergency road, and authorizing funding for fees associated with SJRWMD and necessary surveys, was approved.

TENTH ORDER BUSINESS

Discussion: Role of a BOS Liaison (SD)

This item was discussed under the Ninth Order of Business.

ELEVENTH ORDER OF BUSINESS**Operations Manager's Complaint Against Board Member**

******This item, previously the Eighth Order of Business, was discussed out of order.******

Mr. Wrathell stated he received a request from Supervisor Halley. Supervisor Halley requested to table the item until a response can be prepared. Supervisor Chiodo requested a time specific response that is considered at a Regular Meeting, with the presence of District Counsel. Supervisor Trautwein requested to know what the complaint is about and asked that it be discussed now. Supervisor Chiodo requested that the issue be handled now.

Mr. Wrathell indicated that the established procedure for personnel issues was followed and the Board and Mr. Clark were provided a copy.

Supervisor Cross noted the complaint was addressed to Mr. Wrathell and Mr. Chiodo. He questioned if the complaint has been discussed with Supervisor Halley. Mr. Wrathell reported that he talked directly with Mr. Clark about what legal recourse the District may pursue. Mr. Clark stated this is uncharted territory. He explained that the letter, describing an incident, was received and requests the following: the letter be filed as a formal complaint, the Board take action regarding Supervisor Halley's hostile, abusive and threatening behavior, and for the Board to alter its conduct in the meetings so that Supervisor Halley will not directly address Mr. Kloptosky.

Mr. Clark stated that the Board does not have any power over an individual Board Member; however, there is a State Ethics Commission that has jurisdiction over public officers who get involved in ethics matters and consider formal actions. He discussed that, generally, the Board can govern ongoing discussions through the Chair, as he runs the meeting.

Supervisor Trautwein noted the Board's need to protect the District from lawsuits. Supervisor Chiodo requested a swift conclusion to the issue and questioned if Supervisor Halley is in the position to speak to the Board as to whether or not the description of the event is reasonable and provide a statement so that the Board is able to determine whether it would like to take action today or at a future date. Supervisor Halley stated he is not prepared to discuss the issue now and he does not agree with everything that was said. Supervisor Chiodo asked if the Board wanted to accept Supervisor Halley's request to defer discussion to the next Board meeting or pursue the issue today.

Mr. Clark asked Mr. Kloptosky if he was prepared to discuss the issue today or if he wanted to be represented. Mr. Kloptosky stated he is prepared to say that this incident did in fact

happen, as described in the submitted, formal letter. He is not prepared today to go into any further details about the incident.

Supervisor Cross questioned how does Mr. Kloptosky's request to have Supervisor Halley not interact directly with Mr. Kloptosky apply when the Board discusses business. Supervisor Chiodo explained that all comments should be directed toward the Chair.

Supervisor Davidson presented his letter, dated 2009, regarding board members behavior toward the Operations Manager. He discussed previous incidents. Discussion ensued on the need to discuss the issue at a later date. Supervisor Cross noted the need to give the parties time to prepare responses. Supervisor Trautwein stated he may be out of town when it is considered and recommended taking action now.

Mr. Kloptosky stated he is ready to deal with the issue; however, if the Board would like certain proof from witnesses, it is up to those individuals if they wish to speak about it. Supervisor Davidson stated it was the end of the Workshop and he was sitting at his computer and he heard an altercation in the room. He observed Supervisor Halley with his books; he was very upset, yelling and exuding a threatening, non-professional behavior towards the Field Operations Manager. He stated he felt physically threatened and got John Pollinger.

Mr. Paton, filling in as District Manger, reported that Mr. Wrathell was not present at the meeting. He stated he was packing his bag and standing behind Mr. Kloptosky, when Supervisor Halley came over to Barry and made a comment. He stated he did not hear the comment but the conversation escalated and Supervisor Halley's voice was raised. Mr. Paton asked Supervisor Halley and Mr. Kloptosky to calm down. Mr. Paton went to Supervisor Davidson and stated that this is really unprofessional and unnecessary behavior. Mr. Kozak stated he agreed with what Supervisor Davidson and Mr. Paton recalled. He stated that the conduct after the meeting was unprofessional. Mr. John Pollinger stated he was not privy to the original altercation; however, he was asked to remain after the meeting for a period of time. He reported Mr. Kloptosky was visibly upset. Mr. Pollinger suggested starting with the original complaint, for the edification of everyone in the room. Mr. Kloptosky requested comments from witnesses regarding Mr. Kloptosky's demeanor and professionalism, because he did not engage in a shouting match. Mr. Paton confirmed that Mr. Kloptosky's voice did not raise and he seemed to want to end it, not continue it. Supervisor Davidson stated that the volume and tone continued from Supervisor Halley's position and he heard Mr. Kloptosky use the phrase about "personal privilege". He

stated that Mr. Kloptosky was not yelling back. Supervisor Chiodo stated this situation occurred at the end of the Workshop and thereafter. He stated he missed most of the discussion but he was present when Supervisor Halley made his requests and then made several comments aimed directly at the Operations Manager, in an aggressive fashion. Supervisor Chiodo stated he did not plan to read into the record Mr. Kloptosky's complaint. Supervisor Davidson questioned if he was supposed to show the complaint. Mr. Clark and Supervisor Chiodo stated the complaint is part of the record. Supervisor Chiodo stated if the residents would like for him to read the complaint, he will read it. Audience members replied affirmatively. Supervisor Chiodo read Mr. Kloptosky's formal complaint, written to Supervisor Chiodo and Mr. Wrathell and dated September 10, 2010, into the record:

"I would like to file a formal complaint against Supervisor Samuel Halley as a result of the incident that occurred after the September 2, 2010 Board Meeting. After the meeting was adjourned, Supervisor Halley approached me in an attempt to get answers to the questions that he had asked at the end of the Board meeting. I had already responded to his questions on the record. My response was acknowledged by the Board chairman and the rest of the Board. Supervisor Halley approached me, displaying what I believe to be hostility and aggression while speaking to me. He told me to shut my mouth and open my brain. I told him that I did not appreciate how he was speaking to me. He responded, what are you going to do about it? What are you going to do about it? If you got a problem I won't go home. I asked him what he meant by that statement, he responded, I said, if you got a problem, I won't go home. I asked him what he meant by that statement. He responded, I said, if you've got a problem I won't go home. I asked him again what he meant and he stated again, if we've got a problem I won't go home. During this confrontation by Supervisor Halley, he became visually hostile and aggressive. His actions and body language made me feel extremely threatened. His behavior was witnessed by others, including another Board Supervisor, who stated that Supervisor Halley was enraged and irrational and Halley's behavior made him feel threatened as well. In an effort to diffuse the situation, I then responded, point of personal privilege gentlemen. I made this statement in an attempt to exercise my employee

rights, as set forth in the Board's Code of Conduct. At this point, two District Management employees that witnessed this behavior began to engage me in other conversation, which appeared to distract Supervisor Halley's actions. He then proceeded to leave the room. I remained in the meeting room, fearing that if I left, Supervisor Halley would confront me again outside. I waited for a period of time in the meeting room and then sought out possible witnesses to Supervisor Halley's actions. I left the meeting room about 15-20 minutes later, after Supervisor Davidson and John Pollinger agreed to accompany me to my vehicle. Based on Supervisor Halley's demeanor and threats, I had a deep concern that there would be some physical confrontation outside. I was determined to avoid or prevent any situation of this nature from occurring. As you are fully aware a code of conduct was passed by the Board, as a result of numerous other acts of hostility and verbal abuse previously displayed by Supervisor Halley as well as one other Board Member on other occasions. There are numerous well documented examples of this abusive behavior directed toward me and other Staff members in previous public meetings. I have previously recorded examples of Supervisor Halley displaying acts of hostility, aggression and threatening behavior toward me and my staff. He has also displayed the same aggression toward other Board Members during Board Meetings. I have previously written emails and submitted letters of complaint on behalf of myself and other Staff members regarding this abusive behavior. Supervisor Halley has displayed hostility and aggression toward me on numerous occasions; therefore creating an extremely hostile work environment. Supervisor Halley has tried to impede my advancement in the workplace by submitting an evaluation of my performance with the lowest possible score without written or accurate justification. When the majority of other Board Supervisors have rated my performance with the highest possible scores and included written justification for their conclusions. Supervisor Halley's behavior has made me feel threatened and uncomfortable in the workplace. The stress of this behavior is an extreme distraction and it has also affected my health and my ability to perform my job duties to the best of my ability. As an employee, I feel abused, harassed and threatened in the workplace.

I am requesting that this letter be filed as a formal complaint. I am also asking that the Board take action regarding Supervisor Halley's hostile, abusive, threatening behavior. In addition, I have requested that the Board no longer allow Supervisor Halley to address me directly in future Board meetings. I request that any of his questions be directed to the Board Chairman or the District Manager. As you know, this issue was also discussed in previous Board meetings. It was previously decided by the Board that Supervisors questions should be submitted in writing to the District Manager. At this time, this decision was made in an effort to prevent future attempts by certain Board Members to embarrass or intimidate Staff at the public meetings. Unfortunately this abusive behavior toward Staff still exists and it exists not only in the Board Meeting, but outside Board meetings as well. Your immediate action and response regarding this issue will be greatly appreciated."

Supervisor Chiodo asked if anyone else wanted to make a statement with regard to this complaint. Supervisor Chiodo asked if Supervisor Halley wanted to respond to the complaint. Supervisor Halley stated he is not prepared to respond to it right now and asked for it to be tabled. Supervisor Chiodo stated there are members of the Board and residents who would like to resolve the issue.

Supervisor Trautwein made a motion that the Board censure Supervisor Halley's behavior. Supervisor Davidson seconded the motion. Supervisor Cross questioned if both parties have to present their side in order to pass a resolution of censure. Mr. Clark stated that there is no procedure for this and that, in general, we use due process. He stated that it is up to the Board to decide if adequate opportunity was given to respond. Supervisor Trautwein stated it was on the agenda. Supervisor Davidson stated the Code of Conduct was passed and Supervisor Halley voted against the Code of Conduct. He recalled a prior incident with Supervisor Halley. Supervisor Chiodo stated he thought adequate time was given for Supervisor Halley to respond to the question.

On MOTION by Supervisor Trautwein and seconded by Supervisor Davidson, with Supervisor Chiodo and Supervisor Cross in favor, and with Supervisor Halley dissenting, a Motion of Censure against Supervisor Halley was approved by the Board. (Motion passed 4-1)

Supervisor Chiodo stated that he does not condone this kind of behavior and he would like all statements and questions directed to the Chairman.

TWELFTH ORDER OF BUSINESS

Discussion: Scope of Stormwater Liaison (PC)

Supervisor Chiodo stated that this question was raised earlier and has been answered.

THIRTEENTH ORDER OF BUSINESS

Consideration of Landscape Maintenance Services Bid Package (MK)

Mr. Kozak reported that the tree trimming will be completed by a separate company and the regular landscape company will maintain the heights. He stated Ms. Leister stated 12" spacing is okay; however, the spacing could be increased. He discussed the pricing sheet and stated Ms. Leister suggested splitting out additional costs such as replacement costs and hourly wages. He noted the pricing form was updated to reflect Ms. Leister's suggestions. He reviewed the contents of the contract and stated the weighting of the criteria was adjusted accordingly.

Supervisor Davidson noted that Exhibit 5, spreadsheet for the flowers is needed. He noted that on Page 41, under section 8, Exhibit 1 should read Exhibit 3. He stated the current waterway map needs to be replaced with the updated map.

On MOTION by Supervisor Chiodo and seconded by Supervisor Davidson, with all in favor, authorization for Staff to advertise for Landscape Maintenance Services Bid Packages, after the November Workshop and after the final bid package, as amended, was approved.

Mr. Wrathell reported that an agreement with the city for the park was found to have been left unexecuted by the city. Mr. Clark reported that, once it is executed, the District is bound. The city is asking the District to sign-off on the revisions, including the changing of the

District Managers name. Supervisor Cross stated that the agreement was not completed because Mr. Clark wanted to add language to indicate that the \$50,000 payment would be last payment, not an open-ended payment. He questioned if that wording was included in the agreement. Mr. Clark stated there was a document prepared by prior District Counsel that was changed and the city was not happy with the change. Mr. Clark recommended verifying that, other than the address and name of the District Manager, the form is precisely identical to what was previously adopted. Supervisor Cross stated that the \$50,000 payment for the park be included in the bankruptcy filing for Crescent.

FOURTEENTH ORDER OF BUSINESS

Discussion: Correspondence Between Solar Engineer and Operations Manager

Supervisor Halley noted that the Board originally did not want any damage to the roof and the possibility of it not being cost effective. He stated that the report focuses on the cost effectiveness and why it is always included in the budget if the project is not cost effective.

Discussion ensued on removing the project from the budget. Mr. Wrathell explained that the funds do not have to be spent or the funds can be used towards infrastructure. Discussion ensued on the appropriate costs and finalization of the report. Supervisor Davidson stated the report suggests that solar, water heating for the gym and the clubhouse would be cost effective. Mr. Kloptosky stated that was the recommendation but he did not know the total cost.

FIFTEENTH ORDER OF BUSINESS

BOS Role in Performance Evaluations of Personnel Reporting to Operations Manager

This item was deferred to the Workshop.

SIXTEENTH ORDER OF BUSINESS

Consideration of Changing Sign at Gym (SH)

This item was deferred to the Workshop.

SEVENTEENTH ORDER OF BUSINESS

Discussion: Status of Ponds and Canals

This item was deferred to the Workshop.

EIGHTEENTH ORDER OF BUSINESS

**Discussion: Petition from Residents of
Linkside East Regarding Pond #7**

This item was deferred to the Workshop.

NINETEENTH ORDER OF BUSINESS

**Discussion: Letter from Akerman
Senterfitt Regarding Trail Road
Easement Maintenance Obligations**

This item was deferred to the next Board of Supervisors Meeting.

TWENTIETH ORDER OF BUSINESS

**Discussion: Letter from Akerman
Senterfitt Regarding Fiscal Year 2011
Proposed Budget/Proposed Special
Assessments**

This item was deferred to the next Board of Supervisors Meeting.

TWENTY-FIRST ORDER OF BUSINESS

Staff Reports

a. Operations/Field Manager

i. Project Tracking Form

- **Security Camera System Installation**
- **Esplanade Easement Sidewalk Erosion**

This item was deferred to the Workshop.

b. District Counsel

This item was deferred to the next Board meeting.

c. District Manager

i. Consideration of Signage for Front Street Circles (DC)

This item was deferred to the Workshop.

ii. Hampton Golf/Marlin Drive Pump House Work Expense to Show in FY2010

This item was deferred to the Workshop.

TWENTY-SECOND ORDER OF BUSINESS

Supervisors' Requests

There being no Supervisors' Requests, the next item followed.

TWENTY-THIRD ORDER OF BUSINESS Adjournment

Supervisor Trautwein made a motion to adjourn. Supervisor Halley seconded the motion. Supervisors Cross, Davidson and Chiodo dissented and the motion failed. Supervisor Davidson made a motion to continue to the meeting. Supervisor Chiodo seconded the motion. Supervisors Halley and Trautwein dissented.

The meeting was adjourned at 12:35 p.m.

A handwritten signature in blue ink, appearing to be "S. Lee" with a circled "503" to the right.

Secretary/Assistant Secretary

A handwritten signature in blue ink, appearing to be "S. Smith" with a horizontal line extending to the right.

Chair/Vice Chair