

**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, November 18, 2010 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:

Dr. Stephen Davidson	Chair
Peter Chiodo	Vice Chair
Marie Gaeta	Assistant Secretary
Tom Lawrence	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Matt Kozak	Wrathell, Hunt & Associates, LLC
Scott Clark	District Counsel
Barry Kloptosky	Operations Manager
Howard (Mac) McGaffney	Amenities Manager
Grant Misterly	District Engineer
Robert Lyons	Developer Representative
Bob Hopkins	Resident
Kathleen E. Rybacki	Resident
Mary Coyle	Resident
Tony Gaeta	Resident
Gary Noble	Resident
Terri Langan	Resident
Sherry Martin	Resident
Mike Coyle	Resident
Pat Maloney	Resident
Chip Howden	Resident
Vic Natiello	Resident
John Rybacki	Resident
John Woika	Resident
Ron and Ricki Leal	Resident
John and Terri Romaine	Resident
Wes Priest	Resident
John Pollinger	Resident
Al Lo Monaco	Resident
Vincenza Lo Monaco	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 9:34 a.m., and noted, for the record, that Supervisors Chiodo, Davidson, Gaeta and Lawrence were present, in person. Supervisor Halley was not present.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

All present recited the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors Marie Gaeta [Seat 1], Pete Chiodo [Seat 3] and Tom Lawrence [Seat 5] (the following to be provided in a separate package)

******This item, previously the Fourth Order of Business, was presented out of order.******

Mr. Wrathell, a notary of the State of Florida and duly authorized, administered the oath of office to the newly elected Supervisors. He provided them with the following items and an explanation of each:

- **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- **Membership, Obligations and Responsibilities**
- **Form 1: Statement of Financial Interests**
- **Form 1X: Amendment to Form 1, Statement of Financial Interests**
- **Form 1F: Final Statement of Financial Interests**

FOURTH ORDER OF BUSINESS

District Engineer’s Report

******This item, previously the Tenth Order of Business, was presented out of order.******

- **Stormwater Outfall Improvements**

Mr. Misterly gave a PowerPoint presentation regarding the stormwater outfalls, which are the stormwater pipes that discharge into the stormwater ponds. He reported, recently, an outfall needed repair and he worked with Mr. Kloptosky to get a design together and find a contractor

for repair. He noted the water level in the pond was low, which resulted in the repair costing less. Mr. Misterly indicated this may be a good time to address issues in the stormwater outfalls.

Mr. Misterly reviewed the background of the stormwater outfalls and what they should look like. He explained problems or conditions with the District's outfalls, including erosion, resulting in necessary repairs. Mr. Misterly detailed discussions regarding the outfall issues, recent inspections of them to identify issues and/or problems with each outfall and the goal of prioritizing the outfalls. He reviewed the outfall conditions and each priority level.

Mr. Misterly reviewed a map of the areas and priority levels. He indicated the inspection/evaluation is still in progress so a cost for completion of repairs is not available. Discussion ensued regarding the projected costs. Mr. Misterly spoke of a recent repair costing about \$9,400 and estimated that is probably on the high side and the low side would be about half that amount.

Supervisor Lawrence asked who is responsible for the cost to repair those stormwater systems residing on the golf course property and how to figure it out. Mr. Clark spoke of pond ownership but noted the District is the permit holder, so SFWMD will look to the District first as the permit holder.

Supervisor Lawrence referred to areas designated as priority 3 and asked Mr. Misterly's opinion on whether those areas will become a priority 2, if left alone and not addressed. Mr. Misterly replied affirmatively. Mr. Misterly recommended continuing with the evaluation and categorization of the outfalls.

Supervisor Davidson asked Mr. Misterly's opinion regarding whether the outfall issues are related to a design flaw, inappropriate design for the conditions in the field or if it is strictly a maintenance issue. He felt if so many areas have issues, it appears not to be a coincidental maintenance problem. He asked Mr. Misterly if there is a way to determine if it is a design issue. Mr. Misterly indicated possibly, there are a number of things that could or are causing it, so trying to pin it on one could be an arduous process. Supervisor Davidson indicated he wants to determine if the District could use the 2008 master infrastructure bond funds to correct an overall design flaw, rather than using the O&M budget. Supervisor Davidson deferred the question to District Counsel. Mr. Clark indicated if a design flaw could be identified, it becomes reconstruction and that would allow the District to access the bond funds. Mr. Misterly indicated he will review the design documents he has on hand to see how it was designed, versus what is

being seen in the field. Mr. Misterly confirmed, when fixing these, they would design them differently from their original design.

Supervisor Chiodo suggested continued evaluation and research to determine if the bond money can be used. He asked Mr. Misterly to have a recommendation by the next Board of Supervisors meeting. He asked that it include quote guidelines for his recommendations in order to get quotes.

As he feels many of the outfalls will be on golf course property, Supervisor Lawrence felt the District should proceed with a master agreement with the golf course.

Supervisor Davidson referred to Mr. Misterly's billing sheets and questioned various costs, dates and work performed, suggesting the District Engineer might be double-billing. Mr. Wrathell referred to the Unaudited Financial Statements as of September 30, 2010 and the transaction detail. Mr. Wrathell indicated invoiced costs were not being separated out into general and requisitioned expenses from each other. Mr. Wrathell indicated, at Management's request, Mr. Misterly submitted a revised invoice and the previous invoice was voided. Mr. Wrathell referred to the Board's question last month about the \$32,000 expense, which was voided, and the transaction on those financials was reversed. He confirmed the invoice was only paid once, although it was posted on the books twice. Mr. Wrathell indicated the corrected financials are included.

Supervisor Lawrence referred to the \$17,383 amount billed for a four (4)-month period, indicating it averages out to \$48,000 per year, which is over-budget, way out of line from historical engineering costs and voiced his opinion that this line item expense is "out of control". He suggested the Board must find a way to minimize the amount spent on engineering, as he feels they are not getting a good value for the money being spent. Supervisor Lawrence asked Mr. Wrathell for guidance on how to curtail the engineering costs. Mr. Wrathell indicated many of the infrastructure issues that are being investigated now were not being done by the former engineer. Mr. Wrathell indicated the Board asked ATM to look into many different issues such as Wild Oaks, road issues, the RA Scott matter, creation of an outline of the infrastructure needs of the community and the outfall issue. Mr. Wrathell stated, in the past, the District had not taken the same level of a proactive role in reviewing the District's issues. Mr. Wrathell concluded that Mr. Misterly was asked and has performed numerous tasks that the old engineer did not do. Supervisor Davidson asked that this item be continued to the next Workshop.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2011-2,
Electing the Officers of the District

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

Mr. Wrathell presented Resolution 2011-2 and opened the floor to nominations for positions.

Supervisor Chiodo nominated Supervisor Davidson for election to the position of Chair. There being no other nominations, Mr. Wrathell called for a motion to elect Supervisor Davidson to the Chair position.

On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, election of Supervisor Davidson as Chair, was approved.

Supervisor Davidson nominated Supervisor Chiodo for election to the position of Vice Chair. There being no other nominations, Mr. Wrathell called for a motion to elect Supervisor Chiodo to the Vice Chair position.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, election of Supervisor Chiodo as Vice Chair, was approved.

Supervisor Lawrence nominated Mr. Wrathell for election to the positions of Secretary and Treasurer. There being no other nominations, Mr. Wrathell called for a motion to elect himself to the Secretary and Treasurer positions.

On MOTION by Supervisor Chiodo and seconded by Supervisor Gaeta, with all in favor, election of Mr. Craig Wrathell as Secretary and Treasurer, was approved.

Supervisor Davidson nominated Supervisor Lawrence and Supervisor Gaeta for election to the positions of Assistant Secretary. There being no other nominations, Mr. Wrathell called

for a motion to elect Supervisor Lawrence and Supervisor Gaeta to the Assistant Secretary positions.

On MOTION by Supervisor Chiodo and seconded by Supervisor Davidson, with all in favor, election of Supervisors Gaeta and Lawrence as Assistant Secretaries, was approved.

Supervisor Davidson recalled prior Board action designating the sitting Chair to serve as the Safety and Security Ad Hoc Fact Finding Group liaison and asked Supervisor Chiodo to continue serving as the liaison, rather than those responsibilities being transferred to him.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, Resolution 2011-2, Electing the Officers of the District, was adopted.

On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, the continuance of Supervisor Chiodo to serve as the District’s Safety and Security Ad Hoc Fact Finding Group liaison and that it no longer be required that the liaison be the sitting Chair, was approved.

SIXTH ORDER OF BUSINESS

Audience/Resident Response, Report & Comments

******This item, previously the Third Order of Business, was presented out of order.******

Mr. Wrathell read into the record the following email he received on November 17, 2010, from Ms. Terri Langan:

“Good Morning Craig,

I am writing on behalf of the residents of Creekside regarding a proposed bike/walking path between Creekside and Waterside Park. Once the new park was opened we have had some concerns about safety and trespass through neighbors' yards to get to and from the park. Consequently, a meeting was held with Bill Butler from Palm Coast and several items were discussed. Among the proposals that came out of that meeting was the possibility of a bike/walking

access being created between a newly constructed home at the end of Creekside Drive and the adjacent private lot. There is an easement between the two lots.

Knowing there would be some feelings about the proposal among the neighbors, I sent out an e-mail to all current residents in Creekside, asking them for their opinion. The responding residents of Creekside unanimously oppose any such access being created.

There are numerous reasons for this including:

- 1. We don't want a parking lot created at the end of Creekside Drive nor the traffic it could create on our street populated by kids*
- 2. We believe this would negatively impact the property value of the current home and adjacent property to say nothing of the loss of privacy*
- 3. A walking/bike path currently exists for the residents of Grand Haven just across from the Creekside facility where parking is available - about a 3 minute walk from the **proposed** walking/bike path*
- 4. A walking/bike path would be the antithesis of what we were requesting when this process began - security. We requested more security from the public park not less.*

Please share these concerns and our opposition to this proposal with the Board at the November 28 meeting where this item is on the agenda.

Thanks as always,

Terri Langan

Creekside"

Supervisor Davidson indicated he attended a meeting with the city regarding security issues and the District will address Ms. Langan's letter. Mr. Wrathell asked Ms. Langan if she had anything to add.

Ms. Langan noted the recent community election process and voiced her opinion that it was quite ugly. She asked the Board to consider putting something in place to prevent this type of activity from happening again. She stated, in some instances, Staff was put in a difficult position as they were asked to police and/or enforce what was going on. She suggested a nonpartisan ad hoc committee to determine what candidates can and cannot do at various venues around the community, be the fact-checkers regarding statements made by candidates and

provide clarification. She stressed that the community cannot have neighbors threatening neighbors and purposely misleading statements being made. She concluded it was very discouraging.

Mr. John Pollinger, a resident, recalled discussion during the Workshop regarding signage. He voiced his concern that, when certain issues are brought before the Board and a Supervisor determines and says, on the record, the matter is a safety issue that must be addressed immediately, the matter then becomes the responsibility or liability of the District, should something happen. He asked the Board that, when discussing the issue of signage, it should be consistent within the community and enforceable, as a public road.

SEVENTH ORDER OF BUSINESS

Acceptance of Resignation of Supervisor Sam Halley and Discussion/Consideration of Replacement to Fill Unexpired Term of Office (Seat 2) Term Expires: November, 2012

******This item, previously the Fifth Order of Business, was presented out of order.******

Mr. Wrathell presented Supervisor Halley’s letter of resignation for the Board’s acceptance.

On MOTION by Supervisor Chiodo and seconded by Supervisor Davidson, with all in favor, Acceptance of Resignation of Supervisor Sam Halley (Seat 2), was approved.

Mr. Wrathell indicated the resignation of Supervisor Halley creates a vacancy in Seat 2, for which the term expires November, 2012, and explained the Board’s options for filling the vacant seat.

Mr. Wrathell asked for nominations to fill Seat 2. Supervisor Chiodo nominated Mr. John Pollinger and spoke of his qualifications and participation in the community.

Supervisor Davidson proposed establishing a process to fill the vacant seat. He stressed that the Board should not rush to judgment in filling the seat. He suggested sending an eblast to the residents and reviewed his desired specifications for the candidates. Supervisor Davidson distributed and reviewed the details of his proposed process for seeking candidates, narrowing the field of candidates and an overall selection criteria and process. Supervisor Lawrence

discussed his preferences for the selection timeline and process. Supervisor Chiodo requested that the candidate interviews take place at the regularly scheduled Board of Supervisors meeting on December 16, 2010. Mr. Wrathell confirmed that an eblast will be sent with a submittal due date of November 30th. The Board will review and discuss at the December 2nd Workshop but the interviewing and scoring would take place on December 16th. Ms. Gaeta asked Mr. Wrathell about the amount of time needed on the December 16th agenda, to fully cover this item. Mr. Wrathell suggested placing this item first on the agenda and suggested giving each a few minutes of time to speak about themselves, depending on the number of candidates, and then opening the floor to the Supervisors' questions. Discussion ensued regarding ranking the candidates, numerically.

Supervisor Chiodo withdrew his nomination of Mr. Pollinger.

Mr. Wrathell reiterated the process indicated Management will prepare an eblast with the candidate criteria and set November 30th at 12:00 p.m., as the deadline. Management will compile the information and forward to the Supervisors for discussion at the Workshop on December 2nd; the Board will interview and rank the candidates at the December 16th meeting.

Mr. Vic Natiello, a resident, asked the Board consider what it will do if there is a tie.

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, utilization of a selection process to fill the unexpired term of Seat 2, vacated by the resignation of Supervisor Sam Halley, was approved.

EIGHTH ORDER OF BUSINESS

Amenity Center Manager's Report

******This item, previously the Seventh Order of Business, was presented out of order.******

Mr. McGaffney referred to security incidents in the community. He spoke specifically of three (3) arrests related to drug use. Mr. McGaffney indicated he issued a no trespassing order on one (1) teen and it was necessary to call the police to have it enforced. Mr. McGaffney voiced his concern about another teen in the community. He asked the Board for approval of a no trespassing order against the other teen. Mr. Clark indicated the Board should have a policy that the District Manager or Field Operations Manager would have delegated authority, from the Board, to sign trespass citations when the District's policies have been violated. Mr. Clark feels the current policy would require temporarily banning from the facilities and then the matter must

be brought before the Board, which could pose a problem when a minor is involved. Discussion ensued regarding a suggested process and delegation of the authority. Supervisor Lawrence asked if there are specifications on the length of time a no trespass order is in effect. Supervisor Davidson asked if this is an internal type of order or one that complies with the local law enforcement authorities.

Mr. Clark discussed the District's process, the steps in going through the law enforcement process and noted his understanding that, once completed, it stays in place until the District lifts it. He stressed the importance of shielding the individual's identity, if it is a minor.

Discussion was held regarding the individual and the legal matter involved which is now prompting the District's desire to issue the no trespass order and whether the District's established process was followed. Mr. Wrathell questioned whether, since law enforcement was involved in the individual's criminal activity, their involvement creates a situation superseding the District's requirements, rules and operating process. Mr. Clark clarified the purpose of delegating the authority is to protect District Staff from an allegation that they did something without authority. Mr. Kloptosky indicated the no trespass order was issued due to the initial offense; it was issued because of the credible threat by the same individual who committed the original offense. Mr. Kloptosky questioned, if there is a criminal act committed on Grand Haven property, does the Board want him or Mr. McGaffney to follow through with issuing a trespass order because of that criminal act, to keep the individual(s) off of Grand Haven's property. Mr. Kloptosky asked if this would also extend to nonresidents.

Ms. Gaeta asked if there is any retribution against anyone violating the no trespass orders. Mr. McGaffney indicated the individual would be arrested. Ms. Gaeta asked if any of the orders are made public. It was confirmed that, if it is a juvenile, it cannot be made public.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, authorization of the operations manager and amenity center manager to sign no trespass orders against any resident or nonresident for criminal acts or any other activity committed on Grand Haven property that is perceived to endanger the amenity facilities, Staff, residents or non residents and with the Board being able to reverse or terminate the no trespass orders at a future Board meeting, was approved.

Mr. McGaffney indicated Mr. Ron Conklin asked him to speak to the Board regarding a new Grand Haven sport called pickleball and the possibility to introduce the game. Mr. McGaffney confirmed it would use the basketball court at Creekside. He asked that this item be addressed at a Workshop.

NINTH ORDER OF BUSINESS

Acknowledgement/Consideration of Code of Conduct

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

Supervisor Davidson explained the CDD’s desire for the new Board to affirm, acknowledge and agree to the Code of Conduct, previously set forth for the Board of Supervisors.

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, reaffirmation of the Grand Haven Board of Supervisors’ Code of Conduct, as presented, was approved.

******The meeting recessed at 11:25 a.m.******

******The meeting reconvened at 11:35 a.m.******

On MOTION by Supervisor Gaeta and seconded by Supervisor Lawrence, with all in favor, agreement, by all Board Members, to sign the Grand Haven Board of Supervisors’ Code of Conduct, was approved.

TENTH ORDER OF BUSINESS

Consent Agenda Items

******This item, previously the Ninth Order of Business, was presented out of order.******

Mr. Wrathell presented the consent agenda items for the Board’s consideration. He reiterated the previously discussed adjustments to the unaudited financial statements.

- a. Approval of Minutes**
 - o October 7, 2010 Community Workshop**
- b. Unaudited Financial Statements as of September 30, 2010**

Supervisor Davidson referred to Page 1 of the September 30th financials and asked to what the \$28,019, under assets, accounts receivable is related. Mr. Wrathell suspected it is related to outstanding irrigation bills from Hampton Golf. Supervisor Davidson also questioned the \$29,902 and \$19,807, due from developer amounts. Mr. Wrathell indicated he was not sure about those items and would provide the information at the next workshop. Supervisor Davidson asked if those amounts will be a bad debt write-off. Mr. Wrathell replied, that was his feeling, given the bankruptcy. In response to Supervisor Davidson's question, Mr. Wrathell confirmed the \$32,262 engineer expense will be recomputed based on the voided out invoice. Supervisor Davidson referred to Page 5 and asked for confirmation of the year-to-date deficiency of \$76,940. Mr. Wrathell briefly discussed the deficiency, revenue, expenses and credits, indicating the District may not need to do a budget amendment because the expenses might not exceed the budgeted amount; although, the revenues were far under the anticipated budgeted amount.

- c. **Unaudited Financial Statements as of October 31, 2010**
- d. **Second Amendment to Agreement for Maintenance Landscape Services between GHCDD and Austin Outdoor, LLC**
- e. **BOS Role in Performance Evaluations of Personnel Reporting to Operations Manager (*deferred from October 21, 2010 Regular Meeting and November 4, 2010 Community Workshop*)**
- f. **Retroactive Approval of August 18, 2010 Aquatic Systems, Inc., Agreement**
- g. **Quote from Austin Outdoor for Removal of Vegetation on Pond 7**

Supervisor Davidson questioned the amount of the quote. Mr. Kloptosky indicated the quote is \$570 for disposal of aquatics around the shoreline of pond 7, not including aquatics in the lake.

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, the Consent Agenda items, as presented, with the quote from Austin Outdoor for removal of vegetation on Pond 7, in the amount of \$570, and with an adjustment to the Unaudited Financial Statements as of September 30, 2010 for engineering expense double booked but later reversed, were approved.

Mr. Wrathell indicated Mr. Kozak contacted JD Weber Construction Company and Westwind Contracting, Incorporated to find out why they have not bid. Mr. Wrathell reported Westwind complained about the amount of work involved in responding to the bids and felt pricing-wise, although they were usually competitive, the work was never awarded to them. JD Weber did not express any dissatisfaction. Both contractors expressed they would like to do more work for the District.

Mr. Kloptosky indicated some contractors take a lot of time to respond to bid requests and, once they have responded, they again take a long time in submitting a proposal. Supervisor Chiodo suggested, if this is an ongoing problem, the District should incorporate other potential contractors on the approved list. Ms. Gaeta asked Mr. Kloptosky if he gives the contractors a deadline. Mr. Kloptosky indicated it is done more informally; he contacts them and tells them to come and meet with him as soon as possible and lets them know he needs a proposal as soon as possible. Supervisor Lawrence suggested the Board revisit the procedures, as he feels they are not appropriate.

Mr. Kloptosky was asked to outline the procedure for obtaining bids and present it to the Board at the next Workshop.

TWELFTH ORDER OF BUSINESS

Discussion: Village Center Gates and Fence (SD) (*deferred from November 4, 2010 Community Workshop*)

Supervisor Davidson noted he gave a presentation on this item at the last Workshop. He reviewed the plan, decision to use marine-grade heavy duty powder coated aluminum fence and to raise the height of the back fence up to the level of the side fencing. He indicated the front windows will not be considered at this time. Mr. Kloptosky described the scope of work on the original quote and calculated the adjusted amount, based on the work the Board is approving, the amount will be \$32,535. Mr. Kloptosky noted the contractor agreed to raise the rear fence to the same height as the side fence, at no additional cost.

Mr. Kloptosky indicated stucco patching will be necessary but he does not have a price for that, at this time. Mr. Wrathell suggested, along with the current motion, authorizing the operations manager to proceed with the stucco work.

Supervisor Gaeta suggested advising the community that the work will be done and that they should proceed with caution. She asked if this will impact the closure of the pool or any other amenities. Mr. Kloptosky indicated he has not discussed this with the amenity center manager but did not anticipate it interfering with the usage of the amenity center or pool.

Supervisor Gaeta referred to the rust around the top of the front gates and asked what will be put in place. Mr. Kloptosky indicated they will patch the stucco and paint it.

Supervisor Lawrence complimented Mr. Kloptosky on obtaining price reductions. He also asked that this work not be completed during Christmas week. He suggested looking at hurricane film for the windows, as an alternative, when the time comes.

Supervisor Chiodo suggested sending an eblast, once the dates and estimated time of the work is known. Mr. Kloptosky indicated the contractor advised him the work will take approximately four (4) to five (5) weeks to complete, with the majority of the work being done off site, in fabrication. Mr. Kloptosky indicated he will coordinate with the contractor and probably arrange for the work to commence after the holidays.

Supervisor Gaeta asked Mr. Kloptosky if there is an alternate plan if the stucco cannot be patched. Mr. Kloptosky indicated he will discuss it with the contractor. He noted there are other stucco issues in the community that will need future attention.

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, authorization of replacement of the Village Center gates and fencing with powder coated aluminum, for a not to exceed amount of \$32,535, and authorizing the operations manager to proceed with the stucco work, was approved.

Mr. Wrathell indicated this item was not budgeted so the Board may wish to consider using the infrastructure reinvestment fund.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, authorizing the expense to be paid from the infrastructure reinvestment funds, was approved.

THIRTEENTH ORDER OF BUSINESS

Discussion: Scope of the Duties of the GHCDD BOS Liaison to the City of Palm Coast Stormwater Ordinance Revision Process (PC) (deferred from November 4, 2010 Community Workshop)

Supervisor Davidson suggested appointing Supervisor Lawrence as the liaison to negotiate with the City of Palm Coast. Discussion ensued regarding negotiating but without jeopardizing the District's ability to obtain additional reimbursement, should it be eligible.

On MOTION by Supervisor Chiodo and seconded by Supervisor Davidson, with all in favor, appointment of Supervisor Tom Lawrence to work with Mr. Kloptosky to negotiate the stormwater reimbursement with the City of Palm Coast, but not jeopardizing the District's eligibility for additional reimbursement under the new stormwater ordinance, was approved.

On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, designation of Supervisor Tom Lawrence to represent the District, as liaison on the City of Palm Coast stormwater ordinance development, was approved.

FOURTEENTH ORDER OF BUSINESS

Discussion: \$2,000 Maintenance Work Mileage Reimbursement (CW/BK)

Mr. Wrathell recalled the Board budgeted a \$2,000 expense line item for a car allowance for Mr. Steve Theodus. Mr. Wrathell asked for clarification of whether the \$2,000 expense is to be paid over the year or if Mr. Theodus is to turn in mileage. Mr. Wrathell indicated it appears that reimbursement of the actual mileage is much higher than the \$2,000 approved. Supervisor Chiodo suggested payment of the car allowance on a monthly basis in an amount of 1/12th of the \$2,000 budget amount, for the current budget year, and then revisiting it next budget season to determine what is a more appropriate payment for mileage, etc. Mr. Wrathell clarified if an employee is reimbursed more per mile than the IRS threshold, the difference is considered a taxable benefit.

In response to the Supervisor Chiodo's question, Mr. Kloptosky confirmed the last pay run contained the 1/12th expense but could not confirm whether it was paid.

Supervisor Chiodo asked if there are any mileage arrangements with Mr. Dave Finnimore. Mr. Kloptosky indicated it preceded him but felt there was an amount which was figured into his salary.

District Counsel was asked how the District can define this so they are not on the hook of owing the difference between the allowance and actual mileage. Mr. Clark advised using the term transportation allowance, rather than mileage, should cover it. Mr. Wrathell suggested clarification, in the motion, that this is a 1/12th car allowance, not mileage, since the budget description currently says mileage. Supervisor Chiodo suggested the Board look to consistency of this matter, for the various employees, during the next budget season.

On MOTION by Supervisor Chiodo and seconded by Supervisor Lawrence, with all in favor, clarification that Mr. Steve Theodus' car allowance will be paid on a monthly basis, in an amount of 1/12th of the \$2,000 budgeted amount, with the amount paid not being based on a mileage calculation, was approved.

FIFTEENTH ORDER OF BUSINESS

**Discussion: North Park Road Issues
[Report of 11/8/10 Meeting with Bill
Butler, Landscape Architect, City of Palm
Coast] (SD)**

Supervisor Davidson spoke about Ms. Langan's meeting with Mayor Netts at the opening of Waterfront Park. She talked with him regarding security issues and open areas on the road. Mayor Netts indicated he would have the city's landscape architect, Mr. Bill Butler, contact her. Supervisor Davidson indicated he and Ms. Langan met with Mr. Butler and the meeting went well. Supervisor Davidson presented pictures, a schematic of the area and explained the District's concerns and the city's plans to address those concerns. He suggested this item be turned over to the ad hoc committee for their input. Supervisor Davidson confirmed the city will pay to maintain the area.

Additional explanation and discussion ensued regarding the work to be done, fencing, firewise exits, details of homes near the area, requests to the city for additional work and

landscaping. The Board discussed not being in support of the installation of a fence-lined open walking/bike path along the utility easement area. Supervisor Davidson indicated the District needs to report to Mr. Butler that it is not in favor of the fence.

SIXTEENTH ORDER OF BUSINESS**Discussion: Agenda Reorder (SD)**

Supervisor Davidson distributed and discussed his suggestions for reordering the agenda.

Supervisor Davidson voiced his desire to allow the meeting time to be extended by approval of a majority of the Board, rather than unanimous vote of the Board.

Supervisor Lawrence voiced his opinion that the Board could do a better job of tightening up their discussion. He spoke in favor of keeping Supervisors' requests as an agenda item.

Mr. Wrathell indicated the meeting time limit and process for extending was established by way of resolution so, if the Board wishes to change it, a new resolution will be necessary. Supervisor Chiodo suggested that if it will be changed to extend meetings with a majority vote, rather than a unanimous vote, the maximum time for extension should be 30 minutes. Supervisor Chiodo recalled the time prior to the time limit where meetings lasted very long and voiced his concern that this could be seen or used as a means for extending the meetings for long periods of time. Supervisor Chiodo added it should only be used when it is critical that an item be addressed. Mr. Wrathell voiced his opinion that a four (4)-hour meeting is already quite long and his concern that if extension is allowed by majority vote, extensions could become the norm, rather than the exception. Supervisor Chiodo suggested giving the new Board a chance to test itself. Mr. Clark indicated other options including requiring a majority vote for a 10 or 15-minute extension or a majority vote to hear only certain agenda items, after the time has expired. Supervisor Lawrence voiced his opinion that the Board should remain disciplined and his desire to maintain the current policy of requiring a unanimous vote to extend beyond four (4) hours. Supervisor Gaeta suggested extending the reorganization to the workshops and being more sensitive to what is being discussed, as it is difficult to accomplish anything because the agendas are far too large. Mr. Wrathell indicated he feels the new Board can work together to be productive, in the time given.

Supervisor Davidson made a motion to approve the reordering of the regular Board of Supervisors' meeting agendas as follows:

- Call to Order/Roll Call

- Pledge of Allegiance
- Audience/Resident Response, Report & Comments (3 Minute Rule, Non-Agenda Business Items)
- District Engineer’s Report
- Consultant’s, Guests Reports & Presentations
- Amenity Manager’s Report
- Staff Reports: Field Operations Manager, District Counsel, District Manager
- Business Items: Board Discussion, Board Motion, Public Discussion (3 Minute Rule), Final Board Discussion, Board Vote
- Supervisors’ Requests
- Consent Agenda (Last 15 minutes of meeting dedicated to Consent Agenda) – Approval of Minutes, Unaudited Financial Statements, Previously Agreed Upon Items

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, reordering of the regular Board of Supervisors’ meeting agendas, as proposed, was approved.

SEVENTEENTH ORDER OF BUSINESS

Discussion: Conformity of Landscaping at Front Entrances in the Four (4) Communities that Comprise Grand Haven (MG)

Ms. Gaeta indicated one of her top priorities is that, when driving along Colbert Lane, there is no mistaking that Wild Oaks, the North Gate, the Main Gate and The Crossings are all part of Grand Haven. She wants to ensure that, in the future, this is given consideration.

Supervisor Davidson discussed Ms. Leister’s landscaping plan and priorities. He indicated the plan involves using a unifying theme, throughout the community. Supervisor Davidson indicated Ms. Leister wants to talk about these items and future work at the December Board of Supervisors Workshop.

EIGHTEENTH ORDER OF BUSINESS

Discussion: Individual Supervisor and Collective Board Mission Statements, Goals and Priority (SD)

Supervisor Davidson asked that each Supervisor develop and bring their individual mission statement, goals and priorities to the next workshop for discussion, in an effort to establish a Board mission statement.

NINETEENTH ORDER OF BUSINESS

Discussion: Arbors Village Center (TL)

Supervisor Lawrence voiced his opinion that, with the arbors coming down, the Board needs to agree upon a concept of what to put up and give the operations manager and District Manager permission to start preparing; otherwise, the arbors will be removed and the area will be ugly and residents will be unhappy.

Mr. Kloptosky noted removal of the existing trellises has started. He assured the Board that the contractor can complete the project with little disruption to the community or Village Center. Supervisor Chiodo asked what it will look like once the demolition is complete. Mr. Kloptosky indicated the only thing left will be the footings because they hope to use them in the new construction. In response to Supervisor Chiodo's question of the appearance, Mr. Kloptosky indicated it is a matter of opinion and felt, if residents understand they are moving forward to rebuild, they would look at it as something that will be used in the rebuild.

Mr. Kloptosky reviewed design options for the rebuild, benefits of those options, pricing, etc. He indicated a permit from the city will be required, which means architectural designs will be needed.

The Board discussed their preferences and suggestions for the designs and overall project.

On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, authorization of an amount not to exceed \$900 for preparation of three (3) designs, was approved.

TWENTIETH ORDER OF BUSINESS

Discussion: Staffing of Operations Manager's Office (TL)

Supervisor Lawrence noted the Board previously approved a part-time assistant and full-time gate access coordinator. He reminded the Board the full-time person subsequently quit and the part-time assistant is now working full-time, leaving the part-time position vacant.

Supervisor Lawrence felt the Board should give Mr. Kloptosky clear direction regarding staffing. He proposed the Board authorize Mr. Kloptosky to fill his staffing needs.

Supervisor Chiodo asked that Mr. Kloptosky present a revised proposal of his staffing needs to the Board at the next Workshop or Regular Meeting. Mr. Wrathell reminded the Board that the part-time position is in the Fiscal Year 2011 budget.

TWENTY-FIRST ORDER OF BUSINESS Staff Reports

a. Operations/Field Manager

i. Project Tracking Form

- **Esplanade Easement Sidewalk Erosion**
- **Pool & Tennis Court Trellis Removal**

Mr. Kloptosky reported the North Park Circle outfall repair was completed, the erosion problem at the Wild Oaks entrance was repaired and he was able to negotiate the repair of an outfall, on Pond 11, for \$700. Mr. Kloptosky recalled discussion about prioritizing the repairs, noting the problems of least priority are the cheapest to fix now but will cost more if they are not addressed at some time, along with the priority items. Mr. Kloptosky reported on the status of the sidewalk repairs behind the clubhouse, indicated there was an additional issue which was repaired, along with the other work, for only an additional \$1,800, which was much less than if they were to return to fix it.

Mr. Kloptosky reported on the status of the underground street lighting wiring repairs. He indicated the prices vary but can be very high and he is seeing more and more problems requiring repair. Supervisor Davidson discussed the scope of the work, the process and machinery necessary to make the repair. Supervisor Lawrence voiced his opinion that Sterling Electric, who installed all of the underground wiring, is not a very good contractor. He suggested the District consider pursuing a claim if consistency in failures is seen due to workmanship. Mr. Kloptosky further detailed the current work being completed and the cost.

Mr. Kloptosky reported flowers were replaced in Wild Oaks. The new rotation was installed by Austin Outdoor because he is holding Favoretta's October payment, due to ongoing deficiencies. A termination letter was sent to Favoretta on November 1st.

Mr. Wrathell reviewed the \$50,000 contribution agreement with the City of Palm Coast for the Waterfront Park. He indicated the District is obligated to pay it and it was determined the payment can be made from bond funds.

Mr. Kloptosky discussed stucco issues around the community and the needed repairs. He requested time for discussion of several resident issues and concerns at the next workshop.

b. District Counsel

- i. Letter from Akerman Senterfitt Regarding Trail Road Easement Maintenance Obligations**
- ii. Letter from Akerman Senterfitt Regarding Fiscal Year 2011 Proposed Budget/Proposed Special Assessments**
- iii. Dave Finnimore's Request for Overtime Compensation**

Mr. Clark indicated he drafted a revised policy for the exercise room for the Board's discussion at a future workshop and suggested the District should consider formalizing a policy.

Regarding employment issues, Mr. Clark recommended he work with Management, on specifics, and the Board discussions be more generalized.

Mr. Clark reviewed a copy of his letter to the developer regarding construction of the walkway. He indicated another letter was written regarding assessment of the golf course for which he is preparing a response to explain the Board's position and reasons for the assessment.

Supervisor Davidson asked Mr. Robert Lyons to comment on the developer's position.

Mr. Lyons indicated their position has not changed. According to Mr. Lyons, their position is that the assessment is not ethical or accurate and there is no legal basis for it. He indicated they are willing to discuss it with the Board but a time frame for objecting to the assessment is coming to an end. Supervisor Lawrence asked the timeline for resolving this. Mr. Clark indicated there is an objection period. Mr. Clark suggested Mr. Lyons' attorney contact him to work on the matter. Discussion ensued regarding the District's and the developer's differences of opinion on the issue. As there is a new Board, Supervisor Lawrence suggested discussion of this issue and other pending issues, at the Workshop.

Mr. Wrathell indicated, for the record, that all proper processes were followed regarding the assessments and noted, should the Board change its position on the assessment in question, it is not an acknowledgement that the process was not followed. Supervisor Davidson requested that Mr. Clark attend the next meeting with a full report on all of the negotiations with all of the entities.

c. District Manager

i. Dennis Cross' Transition Issues

- **As Builts Phase II Wild Oaks – What is the Real Construction Cost to Complete Phase II**

Mr. Clark recommended appointing Supervisor Lawrence as liaison in the Wild Oaks matter.

On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, designation of Supervisor Tom Lawrence as the District's Wild Oaks/RA Scott litigation liaison, was approved.

- **RA Scott Change Orders/Requisitions**
- **Stormwater Ordinance Negotiation**
 - **Stormwater Reimbursement**
 - **Negotiation with City for Two (2) Years**

This item was previously discussed.

ii. Check Detail for District Engineer

This item was previously discussed.

TWENTY-SECOND ORDER OF BUSINESS Supervisors' Requests

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

TWENTY-THIRD ORDER OF BUSINESS Adjournment

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

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, the meeting adjourned at 1:35 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair