

**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 16, 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:**

Doug Paton	Wrathell, Hunt & Associates, LLC
Matt Kozak	Wrathell, Hunt & Associates, LLC
Scott Clark	District Counsel
Barry Kloptosky	Operations Manager
Roy Deary	President/C.E.O. AMG
Brian Simms	District Engineer
Al Lo Monaco	Resident
Joanna Salkovitz	Resident
Charlie Trautwein	Resident
Ray Smith	Resident
Diane Layng	Resident
Lisa Mrakovic	Resident
Pat Maloney	Resident
Bob Million	Resident

**FIRST ORDER OF BUSINESS**

**CALL TO ORDER/ROLL CALL**

Mr. Paton called the meeting to order at 9:32 a.m., and noted, for the record, that Supervisors Davidson, Chiodo, Gaeta and Lawrence were present, in person.

**SECOND ORDER OF BUSINESS**

**PLEDGE OF ALLEGIANCE**

All present recited the Pledge of Allegiance.

**THIRD ORDER OF BUSINESS**

**AUDIENCE/RESIDENT RESPONSE,  
REPORT & COMMENTS *(3-Minute  
Rule; Non-Agenda Items)***

Supervisor Davidson noted the new Agenda format and explained that this section of the meeting is for non-agenda items and asked that it not include business items appearing later in the meeting. Supervisor Davidson explained his reason for changing the format and reviewed the order of the items.

Ms. Diane Layng, a resident, asked that a full Board be established before any discussions and/or motions regarding Board business are made.

**FOURTH ORDER OF BUSINESS**

**DISTRICT ENGINEER’S REPORT**

- **Presentation: Stormwater Outfall Design (Brian Simms)**

Mr. Simms gave a PowerPoint presentation regarding the stormwater outfalls. He indicated ATM completed a stormwater outfall assessment involving mapping with GPS; they assessed the conditions, prioritized the repairs and established a GIS database. They have designed several repair options, completed an opinion of cost and compared the estimate to the CIP. Mr. Simms identified and explained the priority levels on a map. He indicated the issues are represented in priority order, highest to lowest, from one (1) to four (4), respectively. The maps also reflect the repair method suggested, by color code. Priority 1 outfalls have major issues such as deformed or collapsed pipe and extensive erosion. Priority 2 outfalls have medium issues that, without repair, additional damage will occur and the cost to fix them will increase. Priority 3 outfalls have minor issues with repairs required but not needed immediately. Priority 4 outfalls are those where the structure is in good condition and repairs are not required at this time. Mr. Simms noted the southern portion of the development requires the most attention.

Mr. Simms reviewed the various repair methods. Mr. Simms indicated that most Priority 1 outfalls will be addressed with Repair Option “A”. He explained that pipes have collapsed; repair entails removal of pipe, up to the first good joint, and replacing the mitered end section. Repair Option “B” is similar to “A” except the damage is not as extensive and is mostly related to erosion, so the pipes do not need to be replaced; generally, the mitered end section can be removed, replaced and recompact around the pipe. Repair Option “C” involves replacing just the mitered end section, where there is no erosion except for under the mitered end, but not in

front of it. Repair Option "D" involves repairing minor erosion in front of the mitered end, which is a minor repair.

Mr. Simms indicated all repair options include contingencies, so the contractor will remove any trees, protect existing irrigation or landscaping and restore it to its original state, to avoid erosion.

Mr. Simms addressed questions posed by Supervisor Lawrence and explained the repair approach recommended.

Mr. Simms reviewed the estimated costs. He referred to a recent Repair Option "A" type of emergency repair that was completed at a cost of about \$9,400. He noted based on a 2009 proposal for similar work, for all Priority 1 through 3 repairs, the construction cost would be approximately \$115,000. Supervisor Chiodo asked for confirmation that the item entitled, "If all priorities were repaired with equivalent rates, the total cost is approximately \$600,000" relates to the costs based on a higher rate having them done one at a time and that the \$115,000 rate is for having the Priority 1 through 3 items repaired together. Mr. Simms replied affirmatively. Supervisor Lawrence asked for confirmation that these costs do not include the costs for repairs within the golf course. Mr. Simms replied affirmatively.

Supervisor Lawrence voiced his feeling that it was the CDD's responsibility for the overall maintenance of the stormwater management system, even though it is on golf course property. Supervisor Lawrence asked Mr. Clark if the conclusion was that the CDD was responsible for paying it or the golf course was responsible. Mr. Clark replied it is the CDD's responsibility; as the permit holder, it will bear the penalties if the system fails. Supervisor Lawrence stated the CDD could not ignore the outfalls on the golf course.

Mr. Simms indicated, in addition to construction, the \$115,000 estimate accounts for different pipe sizes, landscaping and restoring the area. Mr. Simms indicated the pipe size plays a part in the cost. Mr. Simms indicated the Fiscal Year 2011 Capital Improvement Plan (CIP) drainage system maintenance and repairs are estimated at \$107,000. He discussed about \$40,000 in Priority 3 repairs which could reduce the costs back down to that original amount. Mr. Simms indicated dewatering was not included because water levels are low.

Mr. Simms asked the Board how they wish to proceed. Do they want to advertise for multiple bids or request a proposal from a single contractor. He indicated each has pros and cons and it is the Board's decision. Mr. Simms indicated the Board needs to determine who is responsible for the golf course pond outfall repairs; it is the CDD, the golf club or shared

between them both. Mr. Clark said they can approach the golf course but felt it would not go over well. Mr. Simms asked if an assessment should be completed for the golf course ponds. The Board was in agreement that an assessment should be completed on the golf course ponds. The Board gave Mr. Simms the go ahead to complete an assessment of the golf course ponds. Mr. Simms indicated that three (3) of the ponds were already evaluated. The Board acknowledged that this will change the estimate.

Supervisor Lawrence noted, regarding the golf course, the CDD did not levy its infrastructure reinvestment assessment on the golf course property last year and suggested the Board reconsider that for the next budget.

Mr. Simms moved to the drainage issues at Sailfish Drive. He indicated there is standing water which seems to be the result of irrigation and identified a high point, the existing inlets and a manhole structure with alligator-cracks, that needs repair of the pavement. Mr. Simms reviewed repair Option "A" which is to adjust the irrigation system to keep it from normally being wet and make it normally dry. This option is inexpensive and the area is normally dry; however, a drawback is standing water when it rains causing early pavement deterioration. Mr. Kloptosky indicated there is mold and algae due to the standing water, which is a safety hazard and a little girl slipped and fell. Mr. Simms indicated Option "B" would be for the Board to request ATM to look at the feasibility and design of regrading the road from the high point back to some new inlets or a drainage swale. Mr. Simms noted this approach will incur a lot of construction and engineering fees; however, the CDD would be repairing a roadway that needs to be repaired anyway and fixing the issue for good.

Supervisor Lawrence recalled the CIP called for Sailfish Drive to be resurfaced in 2011 and suggested combining the resurfacing with repair of this problem. Supervisor Davidson asked Mr. Kloptosky to ask Austin Outdoor to look at the irrigation. Mr. Kloptosky indicated it is a private property issue so the irrigation may be the owner's responsibility. Mr. Kloptosky noted the only common area landscape irrigation is on Waterside Parkway, by the corner. Mr. Kloptosky indicated he can ask Austin Outdoor to determine where the irrigation begins and ends. Supervisor Davidson asked about the possibility of adding a patch to elevate the roadway, temporarily, until the road is resurfaced. Mr. Simms discussed the flow grading and indicated if it is simply filled in, the issue just moves closer to Waterside Parkway; it does not fix the issue. Supervisor Gaeta asked about a french drain to reroute the water. Mr. Simms indicated the road



still needs to be torn up and there may be a problem with clogging, due to the number of trees in the area.

Supervisor Davidson asked, since these problems with the stormwater outfalls are happening everywhere, is it because of improper design for conditions in the field or is it the as-builts and construction drawings do not match up, meaning it was not built according to the construction specifications. He felt if there is a rebuilding of the master infrastructure, bond money can be used and the CDD does not need to create an additional O&M assessment.

Mr. Simms indicated most of the details are standard FDOT mitered end, cast-in-place, detail; meaning, the pipe is completely encased and has reinforcement steel for the mitered end section. He indicated most of the structures he has seen do not have that. It looks like the design was fine but there may have been a construction issue. Mr. Simms noted he has not seen the details for all of the projects, only three (3), which were all identical. Mr. Simms explained the issues appear to be mostly compaction. He concluded, from what he reviewed, everything was designed fine; the only issue could be the water levels, which are now extremely low.

Supervisor Davidson recalled Mr. Simms' comments that the design was fine, according to FDOT; however he found no rebar, which was part of the FDOT design, and parts were possibly not compacted underneath. Supervisor Davidson asked whether those are problems with construction. Mr. Simms confirmed those matters are problems with construction but they are not problems with the design and explained that construction and design are two (2) different things.

Supervisor Davidson asked Mr. Clark to comment on whether bond funds can be used if the District Engineer says the areas were not constructed according to the design and need to be reconstructed to the master infrastructure. Mr. Clark indicated the bond funds can be used if the Board finds it is reconstruction, rather than repair. Supervisor Davidson instructed the District Engineer and District Counsel to coordinate in generating a statement. Mr. Simms indicated they can only do a general statement because they have not reviewed the details for every phase of the project; they can only speak to the ones they have seen. Mr. Clark indicated they just need to arrive at a reasonable opinion that it is reconstruction.

Supervisor Gaeta asked the District Engineer to clarify that he has not seen all of the individual drawings. Mr. Simms replied affirmatively; they have some information, mostly as-builts, but do not have the details of what was supposed to be constructed. In response to

Supervisor Gaeta's question, it was noted the CDD has not been successful in obtaining the documents.

Supervisor Davidson recalled discussion of trying to reach an agreement with the golf course for compensation for this construction. Mr. Clark indicated LandMar wants to meet with him and a Board representative to review all outstanding issues, in an attempt to resolve them. Mr. Clark noted the CDD will not resolve items such as the R.A. Scott matter; however, they would discuss property issues. Supervisor Davidson indicated they will need the District Engineer's estimate for the golf course reconstruction, to include in the discussions. Mr. Clark thought the meeting would be scheduled for the first part of January.

Supervisor Davidson asked Mr. Simms if they can assist in developing quote guidelines, if the reconstruction goes to bid. Mr. Simms replied affirmatively. Supervisor Davidson asked the Board's opinion of sole sourcing versus the bid process. It was noted the Board can try sole sourcing and, if it does not work, they can fall back on the bid process. Mr. Simms indicated Cline completed a lot of good work at a reasonable price. If it is sent out to bid, there are costs for advertising and extra time is needed to complete the process. Supervisor Davidson polled the Board for their opinions and all Supervisors were in favor of beginning with the sole sourcing approach. Mr. Simms asked for clarification that this is the Board's preference; however, they are waiting for the appointment of a fifth Board Member, before voting. Supervisor Davidson replied affirmatively, noting it will be next month.

Mr. Paton referred to Mr. Simms' comment that he did not receive any estimates and asked if Cline was asked for an updated estimate. Mr. Simms indicated he sent detailed information to Cline reflecting the scope of work but has not heard back. Mr. Kloptosky indicated he spoke to Cline yesterday and was told they received the request and are working on an estimate. Supervisor Chiodo suggested informing Cline of the additional scope of work.

Supervisor Lawrence restated the Board is in agreement with fixing the Sailfish Drive issue in conjunction with the resurfacing of Sailfish Drive. Supervisor Chiodo added that, prior to any more road construction, they would research ordering mechanisms for the road construction, which has not been done.

***\*\*\*Mr. Simms left the meeting.\*\*\****

**FIFTH ORDER OF BUSINESS**

**CONSULTANTS, GUEST REPORTS &  
PRESENTATIONS**

There being no consultant or guest reports or presentations, the next item followed.

**SIXTH ORDER OF BUSINESS**

**STAFF REPORTS**

**a. Amenity Manager’s Report**

Mr. Deary indicated he has no details to report but will answer questions.

Mr. Paton asked the status of obtaining more microphones. Mr. Deary indicated he will make sure to follow though.

Mr. Kloptosky indicated he met with Mr. McGaffney regarding pickleball and he gave him approval to order the startup equipment, at a cost of approximately \$100.

Supervisor Lawrence asked if AMG has a policy regarding hiring residents. Mr. Deary felt certain there is no written policy; however, the preference is to avoid it at Grand Haven. Mr. Deary noted there are advantages and disadvantages and AMG is willing to abide by the Board’s desires. Supervisor Lawrence indicated several residents approached him so he wanted clarification; is AMG’s position based on Board direction or an in-house decision. Mr. Deary did not recall specific Board direction on the matter. Supervisor Lawrence feels the Board should not direct AMG; rather, they should establish their own policy. Supervisor Davidson acknowledged the Board cannot tell the contractor who they can subcontract with; however, his preference was that residents not be hired to handle sensitive, personal or financial information. Mr. Clark indicated the Board is allowed to do what its contract with AMG allows them to do; they can put restrictions in the contract if they want. Mr. Clark felt the Board does not have a right to direct them who to hire but thought AMG will listen to the Board. Mr. Deary confirmed AMG’s preference is to not hire residents.

▪ **Clarification of August 2008 Board Resolution (TL)**

*\*\*\*This item, previously the Seventh Order of Business (Item 7h.), was presented out of order.\*\*\**

Supervisor Lawrence referred to a resolution in 2008 adopting a policy that the CDD cannot hire residents. He asked if that prohibits the CDD from hiring a resident who does contract work. He referenced past instances of a resident being hired for tile repair work. He asked if a project goes out to bid, is the Board prohibited from hiring a contractor who is a resident. Mr. Clark suggested the Board determine what it wants the policy to be and implement it, rather than arguing the terms of a previous resolution.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, establishment of a CDD policy of not hiring residents as direct employees but authorizing the CDD to hire licensed and bonded resident contractors, for individual jobs, was approved.**

Supervisor Davidson indicated Mr. Quinn will not be performing in the café on New Year’s Eve and asked Mr. Deary to update the information and notify residents that he will not perform. Supervisor Gaeta confirmed a notice was already sent indicating he would not be performing; however, the café would still be serving food.

Mr. Paton asked about the resident directory matter, under the Eighth Order of Business. Mr. Deary indicated he does not have the information and offered to contact Mr. McGaffney and report back. Mr. Deary acknowledged AMG understands its contractual obligation to provide the information. The issue will be addressed at the next workshop.

**b. Operations/Field Manager**

**i. Project Tracking Form**

**o Esplanade Easement Sidewalk Erosion**

Mr. Kloptosky indicated he met with Cline yesterday and the work is basically complete; the punch list items will be finalized today.

Regarding the Village Center pergolas, Mr. Kloptosky indicated he received preliminary sketches from the architect. He will forward copies to the Board and asked to discuss this item at the next workshop. The contractor for the Village Center fence and gate replacement cannot begin until the new year. Mr. Kloptosky reported he had contractors look at the stucco issue at the Village Center and it is turning into a major issue of concern. Mr. Kloptosky described the stucco issues and noted repair may not be sufficient, major re-stucco work may be necessary. He stated the Board may wish to consider redoing the whole building. Supervisor Gaeta asked if any of the damage is related to the roof leak. Mr. Kloptosky replied no. Discussion ensued regarding causes for the stucco damage, the type of paint used and new types of paint that keeps moisture from going in while allowing moisture to seep out. Supervisor Chiodo asked if this is a problem with existing stucco or stucco that was redone. Mr. Kloptosky felt it is the original stucco. Mr. Kloptosky will bring estimates for both repair and a complete redo. Mr. Kloptosky suggested the stucco work be completed prior to installing the new gates.

Regarding the front window glass replacement, Mr. Kloptosky indicated contractors were contacted but he has not received any estimates; however, it will be quite costly. Hurricane impact glass is approximately \$1,000 per panel, plus installation. The cost would run about \$4,000 per double window and there are six (6) double windows across the front. He explained you cannot just replace the window with hurricane impact glass, as codes require reframing and mounting in a certain way.

Mr. Kloptosky reported he is still holding Favoretta's October and November payments, pending re-invoicing from Favoretta for November. Mr. Kloptosky noted another issue because flowers were planted in Wild Oaks and discussed the amount being held and the plant rotations.

Aluminum fascia was put on the North guardhouse and it is complete.

The Village Center pool pump is leaking and will need to be replaced. Mr. Kloptosky noted, for years, costs were carried in the budget for replacement of the pump and were recently dropped from the budget. He discussed a suggestion that a variable speed drive be installed with the pump which would cost about \$6,000 more. Supervisor Davidson felt this is a capital infrastructure expenditure, rather than O&M, given the age of the pump. Mr. Kloptosky stated he would need Board approval to replace the pump, as the cost will be more than the \$5,000 limit of his capital guidelines. He noted the need for engineering information in order to obtain the necessary permitting and asked who has it. If new engineering is needed, it will cost an additional \$500.

**On MOTION by Supervisor Chiodo and seconded by Supervisor Gaeta, with all in favor, authorizing the Operations Manager to obtain the engineering work necessary for permitting and purchase a pool pump, in an amount not to exceed \$6,000, was approved.**

Supervisor Gaeta referred to the variable speed drive and questioned whether it should be considered, given the extensive use of the pool and the possibility that the drive could extend the life of the pool pump. Mr. Kloptosky indicated only one (1) of the four (4) contractors suggested the variable speed drive and he did not feel it was worth it.

Regarding the window grates, Supervisor Gaeta asked if there is an estimate for replacing the iron structure with powder-coated aluminum to match the gates. Mr. Kloptosky replied affirmatively; there are two (2) windows and the estimate was \$2,300 per window. Discussion

ensued regarding using hurricane film on the glass. The Board asked Mr. Kloptosky to bring this matter back to the next workshop.

Mr. Kloptosky reported he is looking into replacing DG Meyer’s service contract for the Village Center’s equipment. The current cost is about \$1,000 per year for visits every other month. He reported he is not very happy with DG Meyer’s service. Mr. Kloptosky indicated another contractor will charge \$1,800 to service both the Creekside and Village Center facilities. Mr. Kloptosky asked the Board to consider terminating the current contract.

Mr. Kloptosky indicated an elliptical machine in the Village Center has been down. He obtained quotes to replace it, there is money in the budget; however, it would need Board approval, as the cost is just over \$5,000. He discussed replacement options, brands and cost. Supervisor Davidson suggested discussing this further at the next workshop and ensuring that Mr. Deary or Mr. McGaffney are present.

Supervisor Davidson asked if the Board needs to choose a color for the gates. Mr. Kloptosky replied affirmatively and presented the Board with various colors.

**\*\*\*The meeting recessed at 11:07 a.m.\*\*\***

**\*\*\*The meeting reconvened at 11:14 a.m.\*\*\***

Mr. Paton indicated all Supervisors were present.

The Board selected bronze as the gate color.

**c. District Counsel**

**i. Questions from District Manager**

- *If bond funded District infrastructure was designed with certain design specifications and the final actual construction is not consistent with the design specifications, can we fund the corrective construction to that infrastructure item out of bond proceeds? (This seems to be an issue with some of the stormwater outfalls that are failing. The District Engineer reviewed the original design specs on the outfalls and found they were not constructed according to the original design specs).*

Mr. Clark replied affirmatively.

- *With LandMar reportedly emerging from bankruptcy, we have, on the balance sheet of the CDD’s unaudited financial statements, a Due From Developer-Wild Oaks Phase II in the amount of \$19,807 and Due From Developer \$29,902 (Creekside Renovations). With LandMar having emerged from bankruptcy, does the CDD expect to recover any money from LandMar for these items and if not, should we go ahead and write off these items?*

Mr. Clark felt the CDD might expect a small, token recovery from the litigation trust. They are in the process where the litigation trustee has objected to all claims and a response was filed to the objection with a hearing scheduled for January. Mr. Clark indicated the trustee may possibly be willing to drop his objection to the due from developer claim; this does not mean the CDD will receive all of the money, most likely only a small percentage. He advised it is not yet time to write off the claims but perhaps, consider it at the end of the fiscal year.

Mr. Clark indicated the main claim is for reimbursement based on the R.A. Scott matter and they are resisting the claim on the basis it is not liquidated, the CDD does not know the amount and it is speculative. Mr. Clark recalled the Board's previous instructions to explore settlement discussions; he discussed the matter with their counsel and they agree a settlement conference with Mr. Webster, Mr. Mark Scott, his client, Mr. Clark and a Board representative should be scheduled. Mr. Clark asked the Board to approve a settlement conference and appoint a Board representative. He felt the conference would be productive, as the case can and should be settled.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, appointing Supervisor Chiodo to act as the Board's representative towards the resolution of the R.A. Scott matter, at the settlement conference, was approved.**

In relation to this matter, Mr. Clark requested holding a shaded meeting at the January meeting, if necessary. Discussion ensued regarding advertising requirements and the need to know the new supervisors name, in order to advertise properly.

The Board agreed to a shade meeting at 1:00 p.m., on February 3, 2011.

Per the Board's previous request, Mr. Clark indicated he called Mr. Leeply, LandMar's attorney. He discussed the assessment objections and the discussion ended with Mr. Leeply asking to meet to resolve all outstanding matters, including this. Mr. Clark felt that was a good idea.

Regarding the bankruptcy, Supervisor Davidson asked if the CDD can add to the list of money it is owed. Mr. Clark indicated it depends on what is being added but concluded yes, they should add it. Supervisor Davidson discussed amounts and asked if the R.A. Scott matter could be included. Mr. Clark indicated monetary claims that arose before the bankruptcy will be



treated through the bankruptcy plan, the litigation trustee. He did not expect to receive payment at the meeting.

Supervisor Davidson referred to the \$29,000 owed by the Creekside Athletic Club and asked if the remaining funds in the 2004 master infrastructure bond could be used, since that was an obligation of the developer. Mr. Clark indicated he will research it to see if it matches.

Supervisor Davidson asked Mr. Bob Million, a resident, to speak about his experiences with LandMar's negotiations and suggest additions to the CDD's wish list.

Mr. Million recalled the discussions about infrastructure and whether the work was completed correctly. He asked if there is any recourse. He noted the developer went through bankruptcy but recently sold the development company allowing them to continue their real estate business. He questioned if they can excuse the liabilities in the bankruptcy, have they done that and kept the assets.

Mr. Clark explained the bankruptcy process essentially cleanses the sins of past for the debtor. Chapter 7 is liquidation where everything is sold and funds are divided. This situation is Chapter 11 which is a reorganization with the intent to allow the company to emerge and do business again. In LandMar's case, most of the baggage was secured debt and, due to the real estate market, their secured debt was generally more than the properties were worth. Most of the bankruptcy has been to resolve the claims of the secured debtors and to determine the shape of the company in the future. The CDD has unsecured claims, such as the money being discussed and ongoing contractual claims which include the indemnity related to the R.A. Scott matter, the agreement with the District to fund any shortfall from the development process. He noted the ongoing contractual items tend to get washed out in the bankruptcy process. He discussed issues faced by the CDD in pursuing debtors in a bankruptcy.

Mr. Million indicated the residents have ongoing obligations to maintain items for which they do not receive a benefit and asked Mr. Clark if there is something the residents can do to mitigate that. Mr. Clark discussed portions paid by the golf course and future actions the CDD could take to better split it.

Supervisor Davidson discussed his calculations of about \$44,000 to which he feels the District is entitled and asked Mr. Clark's opinion. Mr. Clark indicated, if the District approaches it that way, they need to determine what they want to get for that, meaning the property transfers and the operational issues such as the conflict over the parking lot. Mr. Clark suggested trying to reach an agreement. Supervisor Davidson noted the \$44,000 is in addition to the \$50,000

previously discussed, plus a written agreement that, going forward, they will pay the tax expenses on the parking lot and any other items on the CDD's list. Supervisor Davidson asked for the Board's input. Supervisor Chiodo was agreeable to Supervisor Davidson's calculations and not seeking the funds related to Marlin Drive. Supervisor Lawrence was agreeable and asked if there is anything in writing regarding the pump house, as the CDD owns it but the golf course operates it. Regarding stormwater management, Supervisor Lawrence noted Hampton Golf pays for management of algae on the ponds and he felt they should include a requirement that Hampton Golf must pay for any repairs on the stormwater ponds.

**On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, designation of Supervisor Chiodo as the Board's representative, along with District Counsel, in the settlement negotiations related to the LandMar bankruptcy, was approved.**

**d. District Manager**

There being no report, the next item followed.

**SEVENTH ORDER OF BUSINESS**

**BUSINESS ITEMS**

**a. Discussion: Vacant Seat Appointment Process (CW/MK)**

**• Questions for Interviews**

***\*\*\*This item was presented out of order.\*\*\****

Supervisor Davidson reviewed the suggested interview questions and asked for suggestions from the Board. The Board eliminated Questions #2, #3, #5, #6, #8, #10, #11 and #12. Questions #7 and #15 were combined with removal of "Not pertinent to Candidates Pollinger or Trautwein" and Questions #1, #4, #9, #13 and #14 remained.

**• Supervisors' Individual Rankings**

***\*\*\*This item was presented out of order.\*\*\****

Mr. Kozak collected and tallied the Supervisors' individual rankings of the candidates.

**• Master Ranking List**

***\*\*\*This item was presented out of order.\*\*\****

Mr. Paton announced the results as follows with the lowest scores representing the highest collective rankings:

Rank #1	Applicant F	(5 points)
Rank #2	Applicant C	(11 points)
Rank #3	Applicant D	(13 points)
Rank #4	Applicant A	(15 points)
Rank #5	Applicant B	(18 points)
Rank #6	Applicant E	(22 points)

- **Determine Number of Applicants for Interviews**

***\*\*\*This item was presented out of order.\*\*\****

Supervisor Davidson suggested inviting the top three (3) ranked candidates. Supervisor Chiodo agreed with Supervisor Davidson. Supervisor Lawrence felt that anyone who applied should be interviewed; however, he agreed to go along with the majority vote. Ms. Gaeta agreed to go along with the majority vote.

Supervisor Davidson opened the floor to audience comments.

Ms. Diane Layng, a resident, voiced her opinion that it should not be an issue of time, as appointment of the fifth Board Member is an important issue. She recommended that the process remain confidential and that the names of the candidates to be interviewed not be released to the public. Mr. Clark indicated the names and ranking sheets are a part of public record and must be made available, if someone requests them. Ms. Layng iterated that the CDD does not have to eblast or publish the information. Mr. Clark replied affirmatively, the CDD is not obligated to publish the information, it only needs to be provided if someone requests it.

- **Issue Invitations for Interviews to be Conducted at January 6, 2011 Workshop**

***\*\*\*This item was presented out of order.\*\*\****

At the Board's direction, Mr. Paton announced the candidate's names to be interviewed, in alphabetical order, as follows:

John Pollinger

Ray Smith

Charlie Trautwein

Supervisor Davidson indicated the questions will be forwarded to the applicants and the interviews will be conducted on January 6, 2011, beginning at 10:00 a.m. Each applicant will be allotted 30 minutes. Discussion ensued regarding the interview format and whether the applicants can remain for each other's interview. Mr. Clark indicated the Board can request that

applicants leave the room but cannot require it. Each applicant will be invited to give a presentation answering each of the previously discussed questions, followed by a question and answer session.

**b. Discussion: Blended Mission Statement and Vision Statement (CW)**

Mr. Paton reviewed the blended mission statement and the vision statement for the Board's consideration.

Supervisor Chiodo noted the mission statement does not mention establishing policy, which is one of the CDD's primary functions. Supervisor Davidson questioned the term socially responsive. Supervisor Lawrence felt the mission statement should be brief and memorable and include mention of safety and security.

Supervisor Davidson asked Management to distribute copies of each Board Member's blended mission statement and vision statement to each of the other Board Members.

Supervisor Lawrence suggested opening development of the mission and vision statements to public input. Supervisor Davidson noted these are the Grand Haven CDD Board of Supervisors' mission and vision statements. It was clarified that Supervisor Lawrence wishes to allow the community to develop their own mission and vision statements.

The Board deferred this item to the next meeting, once the final Board Member is appointed. Once it is completed, it will be opened to the public for comment.

**c. Consider Establishment of Ad Hoc Fact Finding Group to Investigate Latest Proven Technology in Road Resurfacing (TL)**

Supervisor Lawrence recommended advertising for and establishing an ad hoc fact finding group to investigate the latest technology in road resurfacing.

Supervisor Gaeta noted the road resurfacing project is one that extends over a number of years and questioned whether the CDD currently employs the most qualified engineering firm to help the Board make decisions or would they be better off looking at a firm with a stronger emphasis on civil engineering, with an architectural component. Supervisor Chiodo noted an ad hoc group would only be for a year and would look at the latest technology in road resurfacing, not evaluating the CDD's road pavement plan over the next ten (10) years. Supervisor Chiodo also questioned whether the current District Engineer is qualified and capable of assisting the CDD, in this regard. Supervisor Gaeta felt a new District Engineer may alleviate the need for an ad hoc group. Supervisor Chiodo noted they may not find a single engineering firm that has all

of the capabilities the CDD needs; there are various types of issues. Supervisor Lawrence voiced his support of revisiting the issue of the current District Engineer.

**d. Appointment of Infrastructure Reinvestment Liaison**

- **IR/CIP Spreadsheet (TL)**

**On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, appointing Supervisor Lawrence as the District's infrastructure reinvestment liaison to create a combined spreadsheet for infrastructure reinvestment and capital investment projects and incorporating Mr. Kloptosky's field observations, was approved.**

**e. Continued Discussion/Update: Hampton Golf Assessment Detail/Tax Bill/4% Discount (MK/SC)**

Mr. Kozak recalled previous discussion and Hampton Golf's allegation that the CDD improperly charged a fee. He confirmed, after further investigation, the CDD's billing was correct. He reviewed the tax bill showing the correct billing.

**f. Discussion: Establishment of Annual Performance Objectives for the District Manager and Operations Manager (TL)**

Supervisor Lawrence suggested the Board needs to establish annual performance objectives for the Operations and District Managers.

- **Provide Proposed Annual Performance Objectives for January Workshop**

Supervisor Lawrence suggested requesting each to develop and provide the Board with their proposed annual performance objectives for the Board's review at the January workshop.

In response to Mr. Paton's question of the performance objective timeframe, the Board requested objectives for Fiscal Year 2011.

- **Annual Performance Objectives for the Engineer and Attorney**

Supervisor Lawrence asked the Board's opinion of whether annual performance objectives are necessary for the District Engineer and District Counsel. The Board agreed to request objectives from both the District Engineer and District Counsel.

Discussion ensued regarding the evaluation timeframe.

The Board requested that all parties provide their objectives by January 4, 2011 and those be forwarded to the Board by Management, prior to the workshop.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, requesting the Operations Manager, District Manager, District Engineer and District Counsel to provide draft annual performance objectives for Fiscal Year 2011 to the Board at the January workshop, was approved.**

- **Evaluation of Operations Manager**

Supervisor Lawrence referred to the Operations Manager's last evaluation and voiced his opinion that the Board did not do justice or address giving Mr. Kloptosky feedback or an appropriate salary adjustment. He suggested the Board reconsider this matter soon. Supervisors Chiodo and Davidson preferred to address it in March.

- g. **Discussion: Potential Cost Savings (TL)**

Supervisor Lawrence indicated these are items he wanted to bring before the Board and asked the appropriate method for addressing them. Supervisor Davidson indicated most items of this nature are placed under Open Items and remain there until addressed or resolved. Supervisor Lawrence was agreeable to including these items in the Open Items list.

- **Switch to LED Street Lights – Eliminate High Sodium Bulbs and Ballasts & Reduce Electricity Costs**
- **Request FPL To Provide Energy Audit to Identify Potential Savings – Last Done in 2007**
- **Evaluate Purchasing Propane Tanks to Be Able to Obtain Most Competitive Pricing on Every Order Rather Than Being Tied to One Supplier Who Owns Tanks**

- h. **Clarification of August 2008 Board Resolution (TL)**

- **Provide Resolution Proposed by Supervisor Halley to Board for Discussion**
- **Does Resolution Prohibit Board from Hiring Resident for Staff Position?**
- **Does Resolution Prohibit CDD from Hiring a Resident Who Does Contractor Work? (i.e., would a resident contractor be prohibited from bidding on a painting project, a tile project, a dock restoration project, etc?)**
- **Clarification Needed: This Resolution Does Not Prohibit Our Contractors (i.e., AMG) From Hiring a Resident as an Employee or a Resident Contractor to Perform Work Our Contractor is Responsible for Performing in their Contract with the CDD**

This item was discussed during the Sixth Order of Business, after the Amenity Center Manager's Report.

**EIGHTH ORDER OF BUSINESS**

**OPEN ITEMS**

**a. Crossings Road**

Mr. Kozak will meet with Mr. Ray Tyner and city staff tomorrow.

**b. Pergola Replacement**

**c. Safety & Security Ad Hoc Fact Finding Group**

Supervisor Chiodo indicated there has been no update recently; the group is still working and was given an issue related to Northpark Road. Supervisor Chiodo will obtain a report prior to the next meeting.

**d. Exterior Window Options – Village Center**

Mr. Kloptosky provided an update earlier in the meeting. Mr. Kloptosky asked if the Board wished for him to proceed with obtaining firmer costs. Supervisor Davidson confirmed the answer is no, regarding hurricane protection, because of the high cost.

**e. Resident Directory**

**f. Pickleball**

Pickleball was addressed during the Sixth Order of Business. Supervisor Davidson noted it can be removed from the Open Items list.

Supervisor Davidson added the following to Open Items:

- Supervisors’ Town Hall Meetings
- \$50,000 Payment to the City
- Sailfish Drive Drainage
- Notice the Exercise Room Policy Amendment
- Review the Field Operations Manager Bidding Procedures

Supervisor Chiodo added the following to Open Items:

- Wild Oaks Signage Change Request

Supervisor Chiodo recalled an individual resident’s offer to pay for the change to the Wild Oaks sign and questioned whether the Board voted on the issue. Supervisor Davidson stated the legal name is “The Estates at Grand Haven”, which is not what the residents are requesting. Supervisor Davidson suggested that, if the Board is to approve it, they should only approve the legal name, not “The Estates at Wild Oaks”, as the resident wants.

Discussion ensued regarding village signs within the CDD and establishing the Board’s position on changing the wording of signs.



**On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, establishing the Board's policy to be that the CDD Board accepts the village signage, as identified by the developer and as stated on the existing signage, be the official signage language, was approved.**

In response to Mr. Paton's question, the Board confirmed Management is to respond to the resident's request to change the sign. This item is resolved and should be removed from the Open Items.

Supervisor Lawrence added the following to Open Items:

- Agreement with Hampton Golf for Stormwater Ordinance Repairs, Pump House Operation and Golf Course Parking Lot

Ms. Gaeta asked if Hampton Golf will receive monies when the stormwater issue is resolved with the city or if the money will come to the CDD. Supervisor Lawrence was of the understanding that the city intends on writing a check to the Grand Haven CDD.

## **NINTH ORDER OF BUSINESS**

## **CONSENT AGENDA ITEMS**

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

- a. **Approval of Minutes**
  - **October 21, 2010 Regular Minutes**
  - **November 4, 2010 Community Workshop**
  - **November 18, 2010 Regular Meeting**
- b. **Unaudited Financial Statements as of November 30, 2010**

**On MOTION by Supervisor Chiodo and seconded by Supervisor Gaeta, with all in favor, the Consent Agenda items, as presented, and with the Boards' previously submitted revisions to the meeting minutes, were approved.**

Supervisor Gaeta referred to Page 4 of the unaudited financial statements and asked what are stopbars and arrows. Mr. Kloptosky indicated it relates to painting on the street, cross-walk painting, arrows and signs. Supervisor Gaeta asked why solar pool heating installation, in the amount of \$25,000, is still listed under infrastructure reinvestment. Mr. Kloptosky indicated he

received the report but did not disseminate it, as there is an inconsistency or typo on a chart; he hopes to have the report soon. Supervisor Davidson asked that the solar report be added to Open Items.

**NINTH ORDER OF BUSINESS**

**SUPERVISORS' REQUESTS**

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

Regarding stormwater management, Supervisor Lawrence indicated he met with Mr. Jay Livingston, a local attorney working on the stormwater ordinance issue, and Mr. Charlie Faulkner, a representative of local landowners. Supervisor Lawrence reported that the city manager agreed to a rebate of two (2) year's of fees to anyone who was charged but should not have been. Grand Haven's potential rebate would be approximately \$200,000. Supervisor Lawrence indicated the city manager said, on record, that he feels Grand Haven has a deal with them where the CDD is being reimbursed, quarterly, for algae treatments and therefore, would not be included. Supervisor Lawrence asked for the Board's approval to hold off on discussions about billing the city for the algae treatments for the last two (2) years, as he does not want to receive only \$24,000 and risk losing out on the \$200,000.

Supervisor Lawrence reported that the city is moving slowly; their first attempt at a revised ordinance included billing owners of undeveloped land a large sum, which was not previously done. The city since withdrew that. Supervisor Lawrence noted Mr. Livingston is willing to meet with Mr. Clark. He recommended the Board consider putting added pressure on the city by having Mr. Clark send a letter to the city manager demanding the CDD be removed from the ordinance, because it is not on it appropriately, and that the CDD be reimbursed. Mr. Livingston is also willing to give a presentation to the Board.

Mr. Charlie Trautwein, a resident, asked if the reimbursement offer is retroactive. Supervisor Lawrence stated it is not retroactive to a date certain. Mr. Trautwein pointed out the longer the city delays, benefits the city. Supervisor Lawrence acknowledged that they will only reimburse for 24 months, regardless of how long they delay; if they delay another two (2) years, they will still only reimburse for 24 months.

Supervisor Gaeta referred to the Gate Access Pass Committee and asked Supervisor Chiodo if those on the committee turned in their keys, as the committee has sunset. Discussion ensued regarding who had keys. Supervisor Davidson indicated only one (1) set of keys was established for the CERT Team and they are kept by him, as the head of CERT. Mr. Kloptosky

indicated he was told Mr. Bob Hopkins has keys and was allowed to have them. Mr. Kloptosky suggested the Board consider rekeying the facility.

Mr. Kloptosky asked to work with the Board regarding potential issues with rekeying, such as master keys and distribution of them.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, rekeying the entire facility and entrust one (1) set of keys to the duly authorized representative of the Grand Haven CERT Team, was approved.**

Supervisor Gaeta asked Supervisor Chiodo if a letter was sent to the committee advising them to stop any actions they were taking. Supervisor Chiodo replied affirmatively. Supervisor Gaeta advised that it is not happening, members continue to take action. Supervisor Chiodo indicated the Board must be notified when there is a violation such as this. Mr. Kloptosky indicated the security company was told to inform him when something like that happens.

**ELEVENTH ORDER OF BUSINESS**

**ADJOURNMENT**

**On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, the meeting adjourned at 1:33 p.m.**



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Secretary/Assistant Secretary



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Chair/Vice Chair