

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

A Continued Meeting of the Grand Haven Community Development District's Board of Supervisors was held on **Thursday, February 3, 2011, at 11:00 a.m.**, in the **Grand Haven Room, Grand Haven Village Center, 2001 Waterside Parkway, Palm Coast, Florida 32137.**

Present at the meeting and constituting a quorum were:

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

Also present were:

Craig Wrathell	District Manager
Matt Kozak	Wrathell, Hunt & Associates, LLC
Doug Paton	Wrathell, Hunt & Associates, LLC
Barry Kloptosky	Operations Manager
Brian Simms	District Engineer
Howard McGaffney	Amenity Center Manager
Scott Clark	General Counsel
Vic Natiello	Resident
Chip Howden	Resident
Bob Hopkins	Resident
Al LoMonaco	Resident
Tony Gaeta	Resident
Sandy Trautwein	Resident
Ron Merlo	Resident
Frank Benham	Resident
Ray Smith	Resident
Hal Herber	Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. Wrathell reconvened the Continued Meeting at 11:32 a.m., noting, for the record, that Supervisors Davidson, Lawrence, Chiodo, Gaeta and Pollinger were present, in person.

Supervisor Davidson stated the major business item is the consideration of expenditures for pond outfalls and, after Board discussion, resident/audience input will be allowed, prior to a

decision being made. He clarified that the Board did not want to hear resident or audience input unrelated to the Continued Agenda items.

SECOND ORDER OF BUSINESS

STAFF REPORTS

A. District Counsel

i. Letter to City of Palm Coast Regarding Stormwater Ordinance

Mr. Clark stated, after the last meeting, he and Supervisor Lawrence exchanged correspondence regarding this ordinance. Supervisor Lawrence indicated that the atmosphere and the mood of the city had taken a positive turn and, in light of that, Mr. Clark felt it was not the time to send the letter that he planned to send. Mr. Clark stated he heard there was a meeting on Tuesday and the first reading was tabled until the 15th. His recommendation was to hold off sending the letter for two (2) weeks. Supervisor Lawrence concurred.

Supervisor Lawrence indicated that the bulk landowners are negotiating with the city over their fees. There may be a lawsuit filed, depending upon that outcome. The city council demanded that the city manager have the revised ordinance brought forward on February 15th, which will be the first reading and the second reading will be two (2) weeks later. In that ordinance, in writing, is a provision for credit, going back to April, 2008. Supervisor Lawrence feels they are well positioned to get money back, for both the CDD and the resident property.

Supervisor Davidson asked how the April, 2008 date was determined for the credit, when they have been receiving charges since 2004. Supervisor Lawrence explained that the ordinance was passed in 2004 and did not call for charging unplatted land. When the Town Center CDD was platted, large bills were generated to those on large tracts of land in the Town Center; the people objected and had an attorney conduct a detailed review of the 2004 ordinance. Based upon that review, in March, 2008, the city manager acknowledged some issues with the ordinance; however, he did not acknowledge that it was illegal. At that point, the city manager, with concurrence by the city council, agreed that they would revise the ordinance and, from that point forward, provide a rebate, which is where the April, 2008 date comes from. He indicated it would take a lawsuit to get them to agree to rebates prior to that date. Supervisor Lawrence will attend the February 15th meeting and report back to the Board at the next regular meeting.

THIRD ORDER OF BUSINESS

BUSINESS ITEMS

A. Consideration of Expenditures for Pond Outfalls

A chart was displayed for the Board's reference. Supervisor Davidson summarized their current situation with regard to the pond outfalls and the amount they currently have for this project. He indicated that they need to prioritize the repairs if they are over the amount they currently have.

Supervisor Davidson made a motion to combine items 1 through 15, in terms of the phasing, separate out the landscape repair and asked the Field/Operations Manager and the District Engineer to discuss with Cline what is listed as contracted amounts, versus what might be able to be done on a time and materials basis, and then complete the work. Supervisor Lawrence seconded the motion.

Supervisor Chiodo clarified that the proposal on the table was to complete the repairs on the left-hand side, plus items 15 and 18, adding approximately \$15,000 to the \$194,000, and did not include any landscaping. They would ask the District Engineer and the Field Operations Manager to coordinate with Cline to complete the work on a not-to-exceed \$210,000 basis, or a time and materials, in order to utilize their resources. He stated the project will be paid from the remaining bond money, plus infrastructure reserve funds. Supervisor Davidson specified that \$60,000 of the 2008 bond funds are dedicated to the repair of the mitered end sections and the pond outfalls.

Supervisor Chiodo stated, assuming \$60,000 from the bond funds and that Cline is not able to bring the figure below \$210,000, they will need \$150,000, minus the landscaping. Supervisor Davidson pointed out that there is landscape rejuvenation money in the budget that was not spent elsewhere, which could be transferred over.

Supervisor Gaeta asked if the proposal included the golf course ponds. Supervisor Davidson advised the golf course ponds were excluded. He suggested that someone notify the golf course of this project.

Supervisor Lawrence stated there is \$258,831 in the budget for infrastructure reinvestment so there is sufficient capital to complete the work without a special assessment.

Supervisor Davidson opened the meeting for public comment.

Mr. Vic Natiello, a resident, advised there are many lakes that are accessible by going through CDD property, without having to go over anyone's easement. He suggested that it

might be more cost effective to enter at other access points and not cut through anyone's property, to avoid possibly re-rooting a tree or damaging a utility cable box. With regard to the report from the ad hoc committee, Mr. Natiello advised it includes charts and data that Mr. Howden may wish to look at to revise the hazard rankings.

Supervisor Davidson suggested that Mr. Kloptosky and Mr. Simms look at other access points. Mr. Simms stated most of the ponds have an easement around them and if it is abutting a road, they can access the ponds, in most cases. Mr. Kloptosky pointed out that the area being discussed, between the two (2) ponds, was recently re-landscaped. Supervisor Chiodo stated, before the work is done, they should find the least expensive solution, from an intrusion and a reconstruction standpoint.

Mr. Wrathell pointed out the long-term implications of giving up their easements and rights-of-way, noting that it will be more difficult, in the future, to reclaim and access them.

Mr. Chip Howden, a resident, commended everyone working on this project. He requested that the Board, engineer and Mr. Kloptosky clarify what needs to be done so that there are no further delays.

Supervisor Gaeta recommended sending an e-blast to the residents once the work commences, communicating what is being done.

Supervisor Lawrence asked who will be in charge of this project and asked Mr. Wrathell for his recommendations. Mr. Wrathell stated, in other districts that he manages, the District Engineer plays a direct role in the process, in concert with the Operations Manager. He advised, Mr. Kloptosky has the knowledge and sensitivity to come up with alternative ways to access the work that needs to be done but it needs to be a cooperative effort. Mr. Wrathell indicated the project manager will be Mr. Kloptosky. Supervisor Davidson agreed, with the District Engineer on call, as a consultant.

Mr. Bob Hopkins, a resident, stated, as a point of order, there is a motion on the floor.

Mr. Clark indicated that the Board needs to approve two (2) projects. The first project will include the most urgent repairs, with a cost up to \$60,000 or whatever they wish to spend from the bond funds. He stated they need to decide which part of the project falls within that scope because he needs the Board to make a specific finding in order to access the bond funds. The rest of the repairs will be a separate project that he will make a different finding for.

Mr. Simms stated, for Phase 1, which includes ponds 18 and 19, the cost is \$49,300, plus landscaping. For Phase 2, which is ponds 13 and 14, the cost is \$36,020. Supervisor Chiodo pointed out both phases, together, exceed \$60,000 and do not meet the criteria. Mr. Simms indicated they can choose whichever phase they want, or if a particular pond does not meet the cost requirements, it can be taken out and made a separate phase, for the future. Mr. Clark indicated that they can use all of the bond funds and a small amount of infrastructure reinvestment. Supervisor Chiodo clarified that the first amount will come out of the bond money and the remainder will come out of the infrastructure reinvestment. Mr. Clark advised he will consider each phase separately.

The previous motion was withdrawn by Supervisor Davidson. Supervisor Lawrence withdrew the second.

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, with regard to Stormwater Pond Project "A", for Phases 1 & 2, authorizing the Chair, with the input of District Counsel, to enter into a contract with Cline, in an amount not to exceed \$86,000, was approved and the Board makes a finding, as part of the record, that the work involves a repair and/or reconstruction to a public construction work of the District, under urgent circumstances, where the Board finds that failing the repair, that there is a substantial likelihood of an interruption of an essential governmental service.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, with regard to Stormwater Pond Project "B", authorizing the Chair, with the input of District Counsel, to enter into a contract with Cline for all other work not included in Project "A", contained within Pond Priorities 1 through 15 of the District Engineer's presentation of today, in an amount not to exceed \$124,000, was approved and, as to Project "B", the Board finds that the project is a corrective action to restore an existing public facility to a safe and functional condition, or a preventive or corrective action to maintain the existing public facility in an operational state, or to preserve the facility from failure or decline.

On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, implementing Stormwater Pond Projects "A" and "B" with the Operations Manager serving as lead project manager, calling upon the District Engineer and the Horticultural Consultant, as needed, with time being of the essence and, if a problem arises, the project manager immediately consulting with the Chair to resolve the issue in a timely fashion, was approved.

Supervisor Chiodo stated once the project manager has a figure for the landscaping, he should bring it back to the Board for consideration. Supervisor Lawrence stated once the project manager establishes a timeline for the project, it should be communicated to the Board and to the community.

B. Consideration of Resolution 2011-3, Electing Officers of the District

Mr. Wrathell suggested, now that Mr. Pollinger has been appointed, he should be nominated and that the Board passes a motion to amend the slate of officers, electing Mr. Pollinger as Assistant Secretary.

Supervisor Davidson nominated Mr. Pollinger to serve as Assistant Secretary.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, Resolution 2011-3, Electing the Officers of the District, appointing Mr. John F. Pollinger to serve as Assistant Secretary, with the remaining slate of officers unchanged, was adopted.

C. Consideration of Landscape Maintenance Services Agreement Between GHCDD and Austin Outdoor [2-Year Contract with 3-Year Option] (SC)

Mr. Wrathell stated District Counsel was authorized to prepare an agreement with Austin Outdoor. Mr. Clark advised the agreement has not been prepared. He indicated that the Board previously approved the numbers and authorized the contract. Mr. Wrathell requested a motion authorizing the Chair to execute the agreement once it is prepared.

On MOTION by Supervisor Lawrence and seconded by Supervisor Pollinger, with all in favor, authorization for the Chair to execute the Landscape Maintenance Services Agreement Between the Grand Haven CDD and Austin Outdoor [2-Year Contract with a 3-Year Option], once it is prepared, was approved.

D. Consideration of Resolution 2011-4, Relating to Outfall Repairs (SC)

This item was addressed under Item 3A.

E. Consideration of Code of Conduct, Full Board Signatories

Mr. Wrathell requested a motion to add Supervisor Pollinger to the signatories on the Code of Conduct.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, adding Supervisor Pollinger as a signatory on the Code of Conduct was approved.

FOURTH ORDER OF BUSINESS

ADJOURNMENT

There being no further business, the Continued Meeting was adjourned.

On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, the Continued Meeting was adjourned at 12:13 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair