

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

A Regular Meeting of the Grand Haven Community Development District's Board of Supervisors was held on **Thursday, October 20, 2011 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 were:**

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

**Also present were:**

Matt Kozak	Wrathell, Hunt & Associates, LLC
Doug Paton	Wrathell, Hunt & Associates, LLC
Grant Misterly	District Engineer
Scott Clark	District Counsel
Barry Kloptosky	Field Operations Manager
Howard McGaffney	Amenity Management Group (AMG)
Roy Deary	Amenity Management Group (AMG)
Louise Leister	Horticultural Consultant
Paul LaMontaine	Austin Outdoor
David Click	RGA
Diane Layng	Resident
Pat Maloney	Resident
Frank Benham	Resident
Ron Merlo	Resident
Al Lo Monaco	Resident
Bob Hopkins	Resident
Bob Sarkisian	Resident
Lance Dodson	Resident
Jay Weisz	Resident
Joe Renzo	Resident

**FIRST ORDER OF BUSINESS**

**CALL TO ORDER/ROLL CALL**

Mr. Kozak called the meeting to order at 9:33 a.m. He noted, for the record, that all Supervisors 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)***

Ms. Diane Layng, a resident, requested consideration of installing American flags along Waterside Drive, on patriotic holidays.

Mr. Lance Dodson, a resident, asked the Board to consider taking action to address disrespectful drivers speeding throughout the neighborhood, specifically on Egret Drive, by installing speed limit signs.

Mr. Robert Sarkisian, a resident, echoed Mr. Dodson's comments regarding speeding on Egret Drive and the request for speed limit signs.

Mr. Jay Weisz, a resident, voiced his concern about the lack of customer service and inappropriate behavior at the CDD office. He indicated he went to the CDD office, for the first time in the six (6) years he has lived in Grand Haven, to turn in a gate card and have a gate access device (GAD) activated. He was told his GAD is illegal because it was purchased from someone other than the CDD office. He reported that his file was immediately pulled by CDD office staff and asked if his vehicles were current. CDD office staff informed Mr. Weisz that his vehicle information was not current so they would not proceed until he updated each VIN number and alleged that his actions were so illegal that he was creating a breach in security. Mr. Weisz noted he asked staff to call Mr. Kloptosky, who arrived and immediately approved activation of his GAD. He stated he could have been in and out of the office in a few minutes but was there for an hour-and-a-half, during which time he found the environment to be inappropriate and extremely unethical. Mr. Weisz reported that when he asked to speak to Mr. Kloptosky, an employee began crying hysterically, ran in and out of the office three (3) times and stated that 'nobody treats us nicely and we work so hard'. He reported that one (1) employee stood over him, while he was seated, and talked down to him, actions which he felt were aggressive physical behavior. After the situation was over, Mr. Weisz indicated the employee told him she is a Christian and did not treat anyone inappropriately at any time, a comment which he felt was a violation of his civil rights, as he was not there 'for religion', he

only wanted his GAD activated. Mr. Weisz voiced his surprise that an incident report was filed and forwarded to the CDD Board and noted that the report was not signed, so he is unsure who wrote the report. He felt the incident report is full of lies and incriminates him, which is libel. Mr. Weisz confirmed that, a month after, he received a letter from Mr. Clark advising him that should his behavior reoccur, his privileges will be discontinued and he could face expulsion from the premises. He indicated he is a certified coaching mentor and ran management training centers for many years, so he is perfectly aware of appropriate office behavior. He sat with the CDD office staff for a time and offered suggestions, which staff appreciated and indicated they would implement. Mr. Weisz noted the last thing he expected was to receive a letter from the CDD's attorney and did not appreciate the lies in the incident report. Furthermore, he sent a response to the Board but has not heard back. Mr. Weisz referred to Mr. Clark's letter and the statement that 'because of the frequency of incidents of this nature...'. He felt a red flag should go up to the Board that, if there are so many of these 'incidents' going on in the CDD office, it speaks to what is occurring in the office; people do not just wake up in the morning and decide to go give the CDD office staff a hard time. He reiterated this was his first visit to the CDD office and does not even know the staff but to be attacked and threatened is unbelievable.

Supervisor Pollinger questioned how Mr. Weisz lived in the community for six (6) years and was just now activating a GAD. Mr. Weisz clarified he always had a gate access card; he was attempting to turn in the card and activate the device. In response to Supervisor Pollinger's question, Mr. Weisz indicated he bought the GAD from someone who bought it from someone who left the community. Supervisor Pollinger stated there are a number of GADs that are not authorized and the process is to clean it up. Mr. Weisz recalled staff contended he is a breach to security and his question was how it was possible, as he had an access card for six (6) years. Staff became inappropriate when he questioned their comments.

Mr. Kozak thanked Mr. Weisz for his comments and discussion will take place later, regarding this matter.

**FOURTH ORDER OF BUSINESS**

**DISTRICT ENGINEER'S REPORT**

- A. Stormwater Outfall Update**
- B. Projects A & B Punch List**

Mr. Misterly reported that the contractor completed Projects A and B, a final inspection was completed and he requested the contractor address some additional items, which were also completed. A reinspection will be completed later today.

Mr. Misterly stated the contractor completed Project C; he will inspect them today and prepare a punch list.

In Project C, the water level was too high for the contractor to do anything effective on three (3) outfalls. Nothing was done on two (2) and dirt was placed around the third, to provide more stability. An outfall was added in The Crossings but has not been completed.

Supervisor Gaeta questioned how the outfalls performed during the recent storms. Mr. Misterly indicated he will know once he completes his inspections today.

#### **FIFTH ORDER OF BUSINESS**

#### **CONSULTANTS, GUEST REPORTS & PRESENTATIONS**

##### **A. RGA ADA Compliance Report (David Click) *(to be provided under separate cover)***

***\*\*\*This item, previously 5C, was discussed out of order.\*\*\****

Mr. Kozak recalled the District hired RGA Group to perform an ADA assessment throughout the community.

Mr. David Click, of RGA Group, presented a draft ADA Compliance Report. He indicated new accessibility design standards will take effect March 15, 2012. The new standards will include playgrounds, pools, spas, recreational boating facilities and golf facilities, all of which were not previously under ADA jurisdiction.

Mr. Click indicated the report is broken down into sections; the first is maintenance items that can be addressed by the District's maintenance staff. The second part relates to 1991 design standards, meaning items that had technical specifications under the previous design standards but were not built to be in compliance. The third section covers the non-safe harbored items, as previously identified. Mr. Click indicated each part contains an estimated construction budget amount to bring the area into compliance; however, the construction work could be bid.

Mr. Click reviewed the draft report detailing the recommended repairs and anticipated costs for the Creekside Athletic Club, \$5,000; Creekside pool area, \$16,000; Creekside play area, \$5,000; Creekside sports facilities, \$8,500; Marlin Drive fishing pier, \$1,000; Village Center

Clubhouse, \$4,000; Village Center pool area, \$16,000; Village Center playground, \$5,000; Waterfront Park, \$2,000; Waterside Parkway guard house, \$3,000 and Wild Oaks, \$6,500.

Mr. Click discussed the ADA requirements. He clarified that items falling under and in compliance with the 1991 standards are safe harbored, or grandfathered in, and the District does not need to do anything now; however, if construction takes place, it must comply with the newest standards.

Discussion ensued regarding enforcement of the standards and whether any appeals could be made. Mr. Click felt if the District could show they are in the process of addressing the issues and funds are included in the budget, they may get some leeway; however, he could not confirm this. Additionally, he advised that code enforcement probably would not be inspecting and enforcing, it appears they will allow litigation to be the enforcement means.

Supervisor Davidson reviewed the need for four (4) lifts and questioned if the District could declare one (1) pool and spa handicapped accessible. Mr. Click felt, based on the way the code is currently written and interpreted, they could not disallow handicapped usage of the other pool/spa facility. Mr. Clark felt there is room for interpretation of the code regarding whether all pools/spas must be compliant. Mr. Clark noted that this situation has opened the opportunity for people and law firms to look for ways to enrich themselves; the biggest threat is that this will become a money making venture for plaintiffs and the law firms that represent them.

In response to a question, Mr. Click confirmed the lifts, whether stationary or portable, must be accessible during all operable pool hours, without the person needing to contact pool staff or wait for anyone to mobilize it. A portable unit cannot be locked up and/or requiring onsite staff to access it. Mr. Kozak noted the only other alternative to the lifts would be to reconstruct the pools to have an area with a zero slope entrance. Mr. Click felt that approach would be cost prohibitive.

In response to a resident question, Mr. Click confirmed the individual utilizing the lift must be able to do so by themselves, with one (1) hand. He noted, through its many assessments, RGA has developed a relationship with the lift manufacturers, which could potentially drive down the cost, based on the volume.

Discussion ensued regarding the Creekside play area. In response to a question regarding the water fountain, Mr. Click indicated the play area is not required to have a water fountain; however, if there is one, there must also be another one which is in compliance. He confirmed

the current water fountain could be removed, thereby eliminating the need for a second one. Mr. Click explained, if something is provided for the general public, an accessible version must also be provided.

Regarding the Creekside sports facilities, Mr. Click indicated, although the croquet court does not need to be accessible, there must be an accessible route to both sides of the court and to the viewing area. He has discussed this with ADA officials who are even requiring this of all court sports facilities, including sand volleyball courts. Grass is not considered an acceptable, accessible ground cover.

Mr. Click indicated handrails are needed at the Marlin Drive fishing pier. The Board was of the opinion that since the pier complies with 1991 standards, no changes are needed until further construction takes place.

Regarding the Village Center clubhouse, Mr. Click indicated one (1) of each type of fitness equipment must be accessible.

Supervisor Chiodo asked if the estimated construction costs identified in the report include the 1991 design standards. Mr. Click replied affirmatively. Supervisor Chiodo asked if costs could be split, should the District decide to only address the non-1991 items. Mr. Click replied affirmatively.

Mr. Click indicated the Waterfront Park area requires only maintenance items which could be addressed by CDD staff.

Mr. Click noted there are no parking spaces at the Waterside Parkway guardhouse and at least one (1) ADA stall is required. Supervisor Davidson recalled that there is a parking lot right across the street and asked if that meets the requirements. Mr. Click felt it does not; as a ramp is installed, the ADA reps would like there to be a parking stall for any employee needing it. Supervisor Davidson questioned the requirement for an unmanned guardhouse. Discussion ensued regarding the other guardhouses and parking requirements. Mr. Click advised that if the main entrance guardhouse is brought into ADA compliance, no additional work is necessary on the remaining guardhouses.

Under 1991 standards, the Wild Oaks area lacks visibly marked parking spaces. As it is gravel, signage can be added but it does not need to be striped. Maintenance in this area is similar to the other areas. The benches in the dog park are non-safe harbored and should be

relocated next to a sidewalk or closer to an accessible paved surface. Discussion ensued regarding relocating benches.

Mr. Click anticipated hard costs of \$72,000, design/specifications of \$10,000 and a project contingency of \$7,200, for a total project cost of approximately \$89,000. He referred to Attachment B, providing a budget breakdown for each area, by maintenance, 1991 standards and non-safe harbored costs. The Board discussed the items falling under 1991 standards and the possibility of not addressing those items, at the present time, rather, addressing them only if future construction or changes dictate bringing them into compliance.

Mr. Click indicated the next phase is design and specification where construction documents are designed and specifications are written, followed by bidding the project.

Supervisor Pollinger spoke in favor of moving forward with the project, in order to be in compliance and avoid future litigation. He questioned if it is a permissible Board decision to begin removing amenities, rather than maintaining or bringing them up to the new standards. Referring to water fountains, benches, etc., he felt the District should look at making everything equally accessible, rather than making things nonexistent to avoid making it accessible.

Supervisor Davidson spoke in favor of removing all water fountains, as he feels they are a public health hazard and should never have been installed. He questioned whether they are really an amenity. Mr. Clark felt the Board has the discretion to remove such items but it would be helpful to have a reason other than reluctance to comply with the ADA standards. Mr. Clark cautioned against removal of major amenities that were funded with public money, as it likely violates the trust requirements regarding public access. For the Board's information, Mr. Kloptosky noted he receives a lot of response when the water fountains are broken; people want them to work. Discussion ensued regarding removing fountains in some areas and leaving them in other areas.

Ms. Leister confirmed pavers for the Waterfront Park and the gazebo will come from her budget.

Mr. Click responded to resident questions regarding the ADA requirements for various areas and private property.

Mr. Click will provide a revised proposal, based on the Board's discussions.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, authorizing RGA Group to commence the Part II Design/Specifications, draw up design pages, construction documents and all other materials necessary, in an amount not to exceed \$7,500, was approved.**

**B. Planet Award of Merit (LL)**

*\*\*\*This item, previously 5A, was discussed out of order.\*\*\**

Ms. Leister reported that Grand Haven CDD received the Planet Award of Merit for landscaping/environmental improvement. She thanked the Board and Austin Outdoor for their work and efforts in the community.

*\*\*\*The meeting recessed at 11:05 a.m.\*\*\**

*\*\*\*The meeting reconvened at 11:15.\*\*\**

**C. Update LRRP - Fiscal Year 2011-2012 (LL)**

*\*\*\*This item, previously 5B, was discussed out of order.\*\*\**

Ms. Leister provided an update of the landscaping budget and projects planned for Fiscal Year 2011-2012. She reported on an article recently published in the newspaper, stating certain types of trees should be cut and removed, which she indicated is incorrect. Reports from University of Florida and the US Forestry Service indicate trees should be cut and left onsite if an insect and larva is in the wood, in order to prevent spreading of the disease throughout the community and state. This information will be posted on the District website.

Ms. Leister discussed the condition of the fall flowers and treatment of problem areas. She explained the spring flowers planned for the community, which were already ordered. The North Park curbing will be taken apart and pavers will be installed within the next two (2) weeks, followed by the gazebo, main and south park areas. She reported on storm damage in the community, including downed trees, most of which were already dead. More trees will be removed, as they are dead or dying and are a hazard.

Since her last report, Ms. Leister reported the Montague islands and beds were repaired, vines were removed in various areas, dead and diseased trees were removed from the tennis courts, Waterside Parkway and natural areas throughout the community, flax lily was placed in flower beds, palm trees were pruned, crape myrtles were added to the North Gate and wax



myrtles were removed at the South Gate and Waterside Parkway and European fan palms were added at the main gate.

Ms. Leister indicated budgeted funds for Fiscal Year 2011 were left over because Austin Outdoor was unable to perform the work due to the outfall project, which became a priority. The Fiscal Year 2011-2012 budget includes repair of line-of-sight issues at Village View Parkway, North and South Park landscape repairs, replanting of the Waterside Parkway tennis area, completion of the Wild Oaks bridge abutments and flower bed changes in The Crossings. Brief discussion ensued regarding deficiencies of the previous landscape company and Ms. Leister confirmed the photographic evidence and documentation of the issues, should there be any litigation. Ms. Leister continued highlighting the planned projects, including tree removal and installation of a hedge in The Crossings, landscape corrections at the tennis courts, work on the Front Street circles, tree removal and palm pruning. Estimates were obtained and pavers will be installed in the gazebo and North and South Park areas. Landscaping will be completed and repaired in the parks to make it more water and environmentally friendly. She highlighted work and recommendations for The Crossings, the tennis court areas, croquet and bocce courts. The work reviewed should be completed during the fiscal year. Once the landscape issues are addressed this year, Ms. Leister recommended focusing on removing vines from the trees, to curtail entire tree removal due to the vines.

Ms. Leister noted the unused Fiscal Year 2011 landscaping funds and asked the Board to consider allowing the unfinished work to be completed and adding those funds into this year's budget.

Discussion ensued regarding drainage issues at the tennis courts and the impact on landscaping. Mr. Kloptosky indicated two (2) proposals were obtained, one for interior drains and the other for outside drains; he feels the outside drains proposed by Cline are more practical and cost-effective.

Mr. Lance Dodson, a resident, asked when the vines on trees near his home will be addressed. Ms. Leister indicated it will be sometime in the future.

Ms. Layng asked about the drainage issues at the croquet court. Mr. Kloptosky indicated the croquet court is a different issue; it was built improperly, as it is locked in concrete.

Ms. Leister responded to resident questions regarding landscaping.

- **Tree Issue - 11 Egret Drive (CW)**

***\*\*\*This item, previously Item 7D, was presented out of order.\*\*\****

Ms. Leister indicated she and Mr. Jason Shaw, a certified arborist, inspected the tree twice. She advised that the tree is healthy and does not need to be removed. She discussed the high cost of removing a tree of this type and size and did not recommend the CDD spend funds for removal.

Mr. Joe Renzo, a resident, indicated he has had problems with the tree, since moving into his home, including large branches falling and causing damage to his gutters and bushes. He discussed damage after a recent storm and his opinion that the tree is very large and dangerous. Supervisor Davidson advised that the level of service currently provided by the District does not allow it to pay for removal of the tree. Supervisor Davidson suggested the resident could pay the removal costs.

Supervisor Pollinger noted he is not generally in favor of removing healthy trees; however, the tree in question seems to be disproportionate to any around it and it is leaning towards Mr. Renzo's house. Supervisor Lawrence agreed with Supervisor Pollinger but questioned if a permit from the City of Palm Coast is necessary. Ms. Leister replied affirmatively. Mr. Renzo questioned who is responsible for cleaning up the debris left by the tree. As the tree is on CDD property, Supervisor Gaeta asked Mr. Clark to address the District's liability, should the tree fall on Mr. Renzo's house. Mr. Clark indicated the CDD could have liability if it is foreseeable that the tree will fall and it does nothing; however, if a healthy tree falls in a storm and causes damage, it is not a CDD liability but is a matter for the homeowner's insurance. In response to a question, Mr. Clark advised that making an exception is likely setting a precedent. Discussion ensued regarding whether to remove the tree. Mr. Renzo reported that his insurance company advised him that the CDD would be liable, should his home be damaged, as it has been notified of the potential hazard. Ms. Leister voiced her opinion that the arborist laws state that the District would not be liable if the tree is healthy, it would only be liable if the tree were dead or dying and they left it standing.

Supervisor Davidson asked Mr. Renzo if he is willing to pay for removal of the tree. Mr. Renzo indicated he does not feel he should be required to pay, as the tree is not on his property. Supervisor Gaeta questioned Mr. Renzo regarding why he did not pursue this issue sooner, when it might have cost less to remove the tree. Mr. Renzo indicated the tree is about the same size as it was when his house was built and he has reported issues since the beginning. Supervisor

Chiodo asked Mr. Renzo if he has filed any insurance claims for damage. Mr. Renzo replied no. The Board deferred decision on this matter pending further review by Mr. Clark, Mr. Kloptosky, Ms. Leister and the City of Palm Coast's forester. Supervisor Gaeta recommended ensuring that the tree is on CDD property. Ms. Layng asked if the trees in her backyard could be included in the evaluation.

**On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, authorizing the City of Palm Coast landscape architect and urban forester evaluate the Mr. Renzo and Ms. Layng's trees and render an opinion regarding whether the trees can be removed and whether the trees represent a true and present danger to adjacent structures and further authorizing Staff to obtain estimates for removal of the trees, was approved.**

## SIXTH ORDER OF BUSINESS

## STAFF REPORTS

### A. Amenity Manager's Report

- **Proposed Extension of Term**

Mr. Deary reviewed the letter he sent regarding AMG's contract and asking the District to consider adding another year, at the same yearly cost.

Supervisor Lawrence was in favor of extending the contract.

Supervisor Gaeta referred to emails received from Mr. Deary in response to her questions. Mr. Deary explained the new owner situation. It was noted that AMG still exists it just has a new owner. In response to Supervisor Gaeta's question, Mr. Deary indicated the sale of the company was January 1, 2011.

Supervisor Gaeta felt the Board does not have sufficient history to determine whether to extend the contract through 2013. She noted changes at the Café and Village Center and questioned the prices charged by AMG. She stated it is not the CDD's responsibility to ensure AMG's staff has job stability. Supervisor Gaeta voiced her concern that the Board was not notified of the sale and will the CDD be stuck with the new owner. Mr. Deary indicated he attempted to notify District Management of the stock sale in February. Supervisor Gaeta confirmed that, regardless, the Board was not notified. Supervisor Chiodo felt the termination clause of the contract protects the District from any problems and questioned Supervisor Gaeta's

issue. Supervisor Pollinger agreed with Supervisor Chiodo noting the level of service has not changed. Supervisor Davidson was in favor of extending the contract.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with Supervisors Davidson and Pollinger in favor and Supervisor Gaeta dissenting, extension of AMG's contract, as proposed, through 2013, was approved. (Motion passed 4-1)**

An addendum will be added to the contract indicating AMG is allocating \$30,000 from its annual contract as a subsidy to the operation of the Café.

Ms. Layng recalled that rental fees for tables were previously given to a charity and asked AMG to provide information regarding who is receiving the funds. Mr. Deary indicated the funds are used to purchase raffle prizes, gift certificates, etc. He noted the funds generated during the holiday season will be given to the same project, as in the past.

**B. Operations/Field Manager**

Mr. Kloptosky asked that the tennis court drainage issue and the pergola matter be included on the upcoming workshop agenda. He noted other items for capital discussion, including a canvas for the croquet course, the cost for a gator and replacement of the kitchen refrigerators. Mr. Kloptosky reported on a stop sign request and asked for the Board's direction. The Board agreed to the installation of the stop signs. In response to Mr. Kloptosky's question, the Board agreed to removal of a no parking sign located on Birdie Lane.

Mr. Kloptosky informed the Board that Mr. Darrin Heit is no longer employed by the District and Mr. Edward Bremes is the new employee.

Regarding the Hampton Golf invoices, Mr. Kloptosky indicated he met with Mr. Mark Bowlus regarding the held payment and whether payment will ever be released. Mr. Kloptosky's recollection was that the Board last directed him to mark all Hampton Golf invoices with 'hold'. Mr. Kozak will follow up regarding the status.

Mr. Kloptosky reported on adjustments at the north entrance gate.

Supervisor Pollinger indicated the traffic speed sign that was on loan was taken from the community. He notified the sheriff's office and attempted tracking it on the internal GPS but could not locate it. He detailed his interactions with the sheriff's office.

Supervisor Pollinger spoke of the speeding issues in the community and his desire to work with Captain Mark Carmen.

Supervisor Pollinger indicated the stolen sign is valued at \$4,800.

The Board directed Supervisor Pollinger to develop an e-blast regarding speeding issues, future enforcement and the stolen sign.

Mr. Kloptosky reported that proposals are pending from Bright House cable and AT&T regarding upgrading from DSL to high-speed internet. Tech tune up proposals are pending from Rapid Security Services and Team Logic IT. Mr. Kloptosky indicated AT&T was asking technical questions so he directed them to Mr. Tony Gaeta, of Dolphin Technical Services, Inc.

Mr. Kloptosky discussed the resident issue in The Crossings related to removal of trees and subsequent driveway issues that he wants the District to address. He voiced his opinion that this is not a CDD issue; rather, it is related to the house being built on fill and it should be taken up with the builder, not the CDD. The matter was referred to District Management and Counsel for a response. Supervisor Lawrence questioned if the District Engineer's opinion should be obtained. Mr. Kloptosky felt it was probably not necessary for the District Engineer to review it or give an opinion, as it is a private property issue that abuts a common area and reiterated his opinion that it is an issue for the builder.

- **Gate Entrance and Exit Signage**

Mr. Kloptosky presented sample gate entrance and exit signs. He indicated six (6) signs are necessary, at a cost of \$59 per sign; however, the poles cost \$450 each and the backers are \$215 each. The Board discussed other pole options. Mr. Kloptosky pointed out this is a main area and the importance of using the same poles as is the community standard. He estimated a total cost of approximately \$4,200 for all six (6) signs. A question was raised regarding other places to attach the signs, including the building or gate operator unit. Supervisor Davidson stressed the signage and consistency is needed in order to stop piggy-backing through the gates, damage to vehicles and any possible liability to the District. The Board deferred a decision and asked Mr. Kloptosky to explore sign location and/or pole alternatives.

Mr. Kloptosky provided the Board with proposed signage for the North and South entrances, regarding there being no guard on duty. A question was raised regarding the signs implying that vendors, such as lawn contractors, must use the Main Gate. Mr. Kloptosky felt

residents could instruct their lawn people to use the call box. This item will be discussed at the next workshop.

**SEVENTH ORDER OF BUSINESS****CONSENT AGENDA ITEMS**

***\*\*\*This item, originally the Tenth Order of Business, was discussed out of order.\*\*\****

**A. Approval of Minutes**

- **August 18, 2011 Regular Meeting**
- **September 1, 2011 Regular Meeting and Public Hearings**
- **September 15, 2011 Community Workshop**

**B. Approval of Unaudited Financial Statements**

- **As of August 31, 2011**
- **As of September 30, 2011**

**C. Approval of Requisitions**

- **Number 26, Reimbursement of Fees Paid by General Fund for Pond Projects A&B and Construction-related Fees (S.E. Cline Construction, Inc. Invoice 1757) 2008 Construction Account**

**D. Approval of Aquatic Systems, Inc., Aeration Proposal for Aeration Maintenance****E. Approval of Resident Registration Policies and Procedures**

Supervisor Davidson asked that this item be pulled from the consent items. He requested further discussion, at the next workshop, on gate access device Questions 10 and 12, renters lease Questions 1, 6 and 7 and miscellaneous Question 5.

Mr. Kozak indicated meeting minute revisions previously received from the Supervisors were made and are included on the signature copy.

Mr. Kozak presented consent items and asked for any additions, deletions or corrections.

**On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, the consent items, as amended, and with the exception of Item E, were approved.**

- **Grant of Easement Agreement - The Crossings (SD)**

***\*\*\*This item, previously item 7C, was presented out of order.\*\*\****

Mr. Clark discussed a revision to the agreement and suggested the Board approve it, pending District Counsel's revisions. Supervisor Davidson explained the work related to the agreement and that the CDD will pay for construction, not to exceed \$18,000, plus soft costs. The agreement also requires the District to provide \$1 million liability, which could probably be included in the general liability insurance policy.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, the Grant of Easement Agreement for The Crossings ingress and egress, with the county constructing and the CDD maintaining the secondary easement road, for emergency ingress and egress, pending District Counsel's revisions, was approved.**

### C. District Counsel

Mr. Clark provided his report and recommended discussion of Mr. Weisz' comments and the issuance of warning letters. He indicated three (3) warning letters were sent, as a result of the Board's desire to take a 'get tough', zero-tolerance policy on such matters. Mr. Clark felt Mr. Weisz is entitled to his point of view and request to be heard at a Board meeting. He discussed Mr. Weisz' request for a retraction and noted that sending a letter like this has legal significance, under the CDD's rules. When the District sends a letter that is deemed a first warning, it means the person is moved closer to receiving a suspension, termination or having other action taken against them. Mr. Clark advised that if someone responds and disagrees with the District's opinion of the situation, the District does not have the choice to just say they disagree and not respond; the Board is obligated to do more to resolve the matter. He suggested the Board consider other methods for handling grievances. Mr. Clark reiterated that the current procedure results in an official warning, which becomes a part of the District's record. He has concerns about what happens if the District is wrong, in the particular situation. He discussed another incident report where a member of the office staff alleges a resident made comments with a sexual overtone. A letter has not yet been sent as he would like the Board's feedback and, coupled with the other incidents, he has concerns regarding whether the office staff may be overreacting. He voiced his concern and recommended the Board rethink its process because, if this is the case and the District continues to send letters to people, which become a part of the public record, alleging things such as sexually inappropriate comments, could lead to problems.

Supervisor Lawrence agreed with Mr. Clark and suggested that the District should provide training to its employees.

Supervisor Davidson noted Mr. Weisz asked what was going to be done about the allegations against him. He also stated that the sexual innuendo episode and one (1) other matter did not happen at the CDD business office, they occurred at the Village Center, so it was not the same staff. Supervisor Davidson feels the CDD needs an audio recording system, which is on 24 hours per day, so that there is clear evidence of whether there is bad behavior on anyone's part. Supervisor Davidson questioned how else resolution of these situations can be determined because, while Mr. Weisz seems to be a nice gentleman, he believes the office staff's side, questioning why they would make it up.

Mr. Kloptosky voiced his opinion that Mr. Weisz' questions regarding the validity of the incident report, as it was not on Grand Haven letterhead or signed, should not be an issue of importance to the Board; the only thing of importance to him is that the report verifies what happened. Mr. Kloptosky indicated he spoke to Ms. Tucker and Ms. Farngoli, who remain adamant and have recreated the report on letterhead and signed it. Mr. Kloptosky questioned whether it would be fair to put the office staff through a questioning process.

Mr. Clark indicated, fair or not, the issue of due process requires the District to conduct an inquiry, if the person refutes the allegations. He felt the Board cannot weigh the various statements without all parties meeting to discuss it and including witnesses, if they are available. Mr. Clark stressed his opinion that the person is owed a response and to be heard. He wondered about a different step, prior to sending a certified letter.

Supervisor Pollinger acknowledged that the major concern for anyone receiving these letters is that they are final. He discussed other types of disciplinary action. The problem with the letter is it does not have an expiration of sorts; if the resident does something years after, they stand to lose their privileges. Supervisor Pollinger recommended consideration of establishing a time frame for the warning to be in effect, such as six (6) months.

Mr. Clark reiterated the Board's current policy is for him to send a certified letter for every incident. In response to Supervisor Davidson's comments, Mr. Clark confirmed his opinion that audio/video is essential, if the CDD is taking this position in saying zero tolerance; this is the cost of having such a policy, in order to verify, which may eliminate the need to have a face-to-face meeting. Supervisor Davidson indicated Ms. Tucker suggested the parties meet with



a mediator to discuss the situation, prior to sending letters. Mr. Clark felt that approach may be beneficial; however, one of Mr. Weisz' comments was that he felt the discussion ended well and everyone was okay, only to be blindsided by the letter he received. Mr. Clark indicated however the situation ends is irrelevant because, under the District's current policy, a certified letter is to be sent for any incident. Mr. Clark questioned the appropriateness of the District's current policy.

Supervisor Gaeta asked about a private meeting between Mr. Clark, Mr. Weisz, Mr. Kloptosky, Ms. Tucker and Ms. Farnicoli to discuss the matter and determine if the Board should rescind the letter. She pointed out that Mr. Weisz offered an apology in his letter and questioned why he would do so, if he truly had not acted inappropriately.

Supervisor Chiodo indicated he would want input from both sides before considering whether to rescind the letter.

Supervisor Gaeta felt it appears that inappropriate language may have been used when statements were made about breaking the law and violating something, which is different than not following a policy that some residents may not realize exists.

Supervisor Lawrence was in favor of trying to resolve the matters in a private meeting, as opposed to a 'jury trial' hearing situation.

Supervisor Davidson felt it is not necessary to have District Counsel present at this type of meeting and spoke in favor of appointing Supervisor Chiodo to act as the arbiter.

Mr. Clark asked if the process would include Supervisor Chiodo presenting his recommendations to the Board and taking action based on it, in lieu of a 'jury trial' phase. He noted that the 'jury trial' is required in the rules where the Board wants to suspend someone.

Supervisor Gaeta suggested leaving the Board out of the mediation process and schedule meetings for a time when the District Manager or some other party can be present. She feels the Board should be relieved of involvement and an unbiased person should be the conduit between the meeting and the Board, in order to remove the onus on the Board.

Supervisor Lawrence voiced his opinion that someone from the Board must hear both sides. Supervisor Pollinger feels having a Board Member participate shows the resident and employee that the Board takes the situation seriously.

Mr. McGaffney informed the Board of another serious incident of sexual harassment in the office and acknowledged that the meeting has run over and there may not be time to address

it. Mr. McGaffney confirmed the incident was written up and submitted to the District. Supervisor Chiodo agreed to sit as a neutral party at a meeting and report back to the Board.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, appointing Supervisor Chiodo to serve as a neutral party mediator for resident issues, was approved.**

## SEVENTH ORDER OF BUSINESS

## BUSINESS ITEMS

### A. Video Surveillance Tune Up Services

- Dolphin Technical Solutions
- TEM Systems, Inc.

This item was deferred to the continued meeting.

### B. Additional Areas of Major Security Concerns

- Security camera Blind Spots - Village Center and Creekside (BK)
- 'No Parking' Signage
- Speeding Solutions (JP)
- Resident Request for Roving Security Patrol (TL)

This item was deferred to the workshop.

### C. Grant of Easement Agreement - The Crossings (SD)

This item was discussed during the Seventh Order of Business.

### D. Tree Issue - 11 Egret Drive (CW)

This item was discussed during the Fifth Order of Business.

### E. Approvals of Fiscal Year 2012 Capital Plan (TL)

This item was deferred to the continued meeting.

### F. Preliminary 5-Year Assessment Projections (MK)

This item was not addressed.

### G. AMG Profit & Loss, Village Center Café - Amenity or Business (TL)

- Café Profit Sharing Between AMG & CDD (RD)

### H. Resident Directory (MG)

This item was deferred to the workshop.

**I. Jim Cullis Property Assessment Issue (PC)**

This item was deferred to the workshop.

**J. Analysis of Stormwater Credits/City of Palm Coast Stormwater Tax (MK/SD)**

This item was deferred to the workshop.

**K. Community Bank of Broward – Request to Close Account (CW)**

This item was deferred to the continued meeting.

**EIGHTH ORDER OF BUSINESS**

**OPEN ITEMS**

This item was not addressed.

**NINTH ORDER OF BUSINESS**

**SUPERVISORS’ REQUESTS**

This item was not addressed.

**ELEVENTH ORDER OF BUSINESS**

**ADJOURNMENT**

Supervisor Lawrence asked that the meeting be continued, with Items 7A, 7E, 7K being carried over. Supervisor Gaeta asked that discussion of the resident directory be included on the continued agenda. Supervisor Gaeta indicated she is meeting with Ms. Tucker regarding the resident directory and asked if the Board decided to include renters in the directory. Supervisor Davidson’s opinion was that anyone living in Grand Haven should be included.

Mr. Kozak reminded the Board that Supervisor Lawrence’s town hall meeting will be held November 3, 2011 at 5:30 at the Creekside Athletic Club. He confirmed the meeting will be advertised.

Supervisor Gaeta indicated numerous residents did not return the green sheet because they had no changes and asked what to do. The Board indicated the directory should contain the information currently on file and if nothing new was submitted, the old information should remain.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, the meeting recessed at 1:54 p.m., and was continued to November 3, 2011 at 10:00 a.m.**

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Secretary/Assistant Secretary

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Chair/Vice Chair