

**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, May 17, 2012 at 9:30 a.m.**, at the **Grand Haven Village Center, Grand Haven Room, 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:**

Craig Wrathell	District Manager
Matt Kozak	Wrathell, Hunt & Associates, LLC
Scott Clark	District Counsel
Howard McGaffney	Amenity Management Group (AMG)
Barry Kloptosky	Operations/Field Manager
Susan Wimmers	Resident
Bill Allen	Resident
Joe Renzo	Resident
Chip Howden	Resident
Ron Conklin	Resident
Delos Anderson	Resident
Ann Dolce	Resident
Rob Carlton	Resident and Master Association President
Ron Merlo	Resident
Frank Benham	Resident
Diane Layng	Resident
Carol Penrose	Resident
Bob Sarkisian	Resident
Linda Rolla	Resident
Gary Noble	Resident
S. Lipari	Resident
Jim Cullis	Resident
Fred Ciaburri	Resident
Linda Demkar	Resident
Vic Natiello	Resident
Eugene Holland	Resident
Tom Byrne	Resident

**FIRST ORDER OF BUSINESS**

**CALL TO ORDER/ROLL CALL**

Mr. Wrathell called the meeting to order at 9:36 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)**

Mr. Bill Allen, a resident, reported on the progress of the Brazilian Pepper Project. To date, he has treated approximately 160 nonbearing seedlings and small trees, as well as 35 bearing trees. His supply of the treatment chemicals is nearly exhausted and he will suspend treatment for the summer. Mr. Allen stated that the problem persists within the community. He will continue the treatments at a later time, if the District supplies him with Pathfinder.

In response to Supervisor Davidson's question regarding what can be done with the bearing trees, Mr. Allen indicated that the landscaper should remove them, prior to December, when the berries ripen. The Board thanked Mr. Allen for his efforts.

Mr. Joe Renzo, a resident, recalled problems related to a pine tree on CDD property that hangs over his property. He noted that this is the fifth or sixth time there has been a problem with the tree. Mr. Renzo reported that his the tree branches falling from the tree continually damage his gutters, requiring replacement of the gutters. The most recent incident was reported to Mr. Kloptosky, who had a staff member remove the debris. Mr. Renzo stated that the incident smashed his gutter, which has been replaced for the third time. He advised that, in the past, a branch fell and damaged the rain sensor on the gutter. Mr. Renzo acknowledged receipt of the Board's denial of his request for reimbursement of the repair costs related to the most recent damage. He voiced his opinion that the Board's decision is not fair or right; the Board should take responsibility for the common ground tree. He asked the Board to take care of the tree. He recalled the Board's indication, after the rain sensor incident, that the tree would be trimmed; however, to date, the tree has not been trimmed. Mr. Renzo feels trimming will not solve the problem; the tree should be removed. He appealed to the Board to reflect on how they would

feel if their home was continually being damaged and they were forced to pay for repairs caused by someone else's tree.

Supervisor Davidson indicated this item will not be discussed today and asked Mr. Wrathell to include it on the next workshop agenda.

Mr. Chip Howden, a resident, noted that the playground at The Village Center has a metal slide and asked the Board to review the community playgrounds and develop a long-range plan to install appropriate equipment, along with planting shade trees.

Mr. Howden advised that the city is reinstating a utility franchise fee. The newspaper is reporting that the cost to the average homeowner will be \$6 per month, based on 1,000 kilowatts. Mr. Howden noted a recent District bill and estimated an increase of approximately \$2,000, based on the figures. He recommended that the Board evaluate this.

Mr. Howden recalled that residents are still waiting for their stormwater refunds from the city. He met with the city council and has written letters asking if they will send the refund. He has had no reply and feels the city will not issue the refunds.

Mr. Ron Conklin, a resident, reported on the pickleball court improvements. He recalled presenting a plan to Mr. Kloptosky regarding the creation of two (2) courts within the current area. He researched and found several local companies that perform this type of work. Mr. Conklin indicated the project would be a one (1)-time cost to the District and would require little maintenance. He asked the Board to consider this project.

Mr. Frank Benham, a resident, spoke of the city's utility franchise fee. He feels it is not fair for residents to pay assessments to cover the CDD's stormwater system and then be charged a franchise fee, by the city, for their stormwater system. He feels Grand Haven residents will be double taxed. Mr. Benham suggested trying to obtain reimbursement from the city.

Ms. Diane Layng, a resident, voiced her concern for the safety of the community. Regarding the call boxes, she suggested that the Board evaluate whether the North and South Gate call boxes are necessary. She noted that commercial vehicles often times use the call boxes to enter the community, which means there is no record or tracking of who enters. Ms. Layng advised the Board that vehicles are passing others along Waterside Parkway, which is a very dangerous situation. She suggested that the Board consider lining the street in order to keep vehicles in their own lanes and remind drivers not to pass. Ms. Layng spoke about the crossing bars and wondered if residents understand that the crossing bars are for pedestrians, who have the right-of-way. She asked the Board to revisit these matters.

Mr. Jim Cullis, a resident, recalled his prior request to the Board to reconsider the assessments on his newly acquired property. He indicated the Board was agreeable and, per the requirements, he paid off the debt assessments on two (2) units related to the property. Mr. Cullis advised that the property has not been platted yet but asked the Board to enter into an agreement with him stating that, if he does not replat within 12 months, he will pay the difference of what the excess assessments would have been. He would like to delay replatting until he locates a builder.

**FOURTH ORDER OF BUSINESS**

**STAFF REPORTS**

**A. Amenity Manager’s Report**

Mr. McGaffney had nothing to report.

**B. Field/Operations Manager**

Mr. Kloptosky indicated that he received a request from Mr. Mark Bowlus for gate access cards for his head chef and lead staff members. He asked the Board’s direction on this matter. Mr. Wrathell indicated this item will be considered later.

Mr. Kloptosky recalled resident inquiries regarding power washing curbs and gutters throughout the community and Waterside Parkway. He recalled that the Board previously did not want to address the issue due to the time and cost factors. Mr. Kloptosky acknowledged that many curbs require cleaning and asked the Board’s opinion. Supervisor Lawrence stated that curbs used to be cleaned and he is in favor of cleaning them. Supervisor Davidson asked Mr. Kloptosky to calculate the cost to have his staff complete the curb cleaning project versus hiring an outside company. Supervisor Davidson directed Mr. Kloptosky to obtain one (1) or two (2) outside quotes.

Mr. Kloptosky stated that residents requested repairs to the fence on the south side of the community, lining the entrance to Hershel Park. He indicated it is a utility fence located on a county right-of-way, meaning District funds cannot be used for the repairs. He advised the residents of this limitation. Mr. Kloptosky stated only certain areas can be repaired by the CDD. The county reports that they take no responsibility for maintaining the fence; they only granted the developer the right to install it. Supervisor Lawrence recalled that the county required the developer to install the fence; he feels they should not abandon maintenance of it and recommended pressuring the county. Mr. Kloptosky indicated the county referred him to the parks and recreation department, who confirmed that the county will not maintain the fence but

will give the District permission to repair it. Supervisor Davidson recommended further research of the matter.

Mr. Kloptosky reported that the aerator was installed in Pond 4 and is running 24 hours per day. He discussed the need to stock the pond with shellcracker fish, to alleviate fly problems. He presented a \$640 quote from Aquatic Systems to stock the pond. He noted problems with the oxygen levels in the lake, which he is trying to resolve. Supervisor Davidson questioned if the situation has improved with the change of season. Mr. Kloptosky stated that it comes and goes. Supervisor Davidson recommended proceeding only after the oxygen issue is resolved so the fish can do what they should. The Board agreed. A resident noted the problem is throughout the community, not just isolated to Pond 4. Mr. Kloptosky confirmed he has only received complaints this year regarding Pond 4.

Ms. Carol Penrose, a resident of Osprey Circle, indicated she contacted Mosquito Control about the flies and was advised that they are the result of pollution in the lakes.

Mr. Kloptosky reported that he followed up with the sheriff's office regarding the trespass orders issued and the address was changed to include both amenity centers.

Mr. Kloptosky advised that a home is being built on Willow Oak Way and a request was made for the CDD to move a light pole that is in the way. Supervisor Davidson questioned how this is the CDD's problem. Supervisor Pollinger indicated most streetlights in Wild Oaks are located between two (2) homes; however, this particular light is positioned in the middle of the homeowner's lot. Supervisor Pollinger feels the homeowner's request is reasonable, as it would sit in the middle of his driveway, if not relocated. Mr. Kloptosky had a contractor review the issue and a quote is pending. Mr. Kloptosky confirmed that staff already relocated a speed limit sign that was located ten (10) feet in on the homeowner's property. Supervisor Chiodo asked if the streetlight could be removed, rather than relocated. Mr. Kloptosky felt that is not an option, as the next nearest light is too far away.

Mr. Kloptosky reported that the Front Street Pier railing repair was completed. The ADA compliant handrails are being constructed and will be installed soon.

Regarding other ADA compliance issues, Mr. Kloptosky indicated he received a letter from Mr. McCranie regarding the playground issue. Mr. McCranie contacted the Department of Justice regarding a requirement to install additional ground equipment and the District's limitation because the safe play radius requirement could not be maintained; there is not enough room. According to Mr. McCranie, the Department of Justice advised that the District does not

have to install the additional equipment, as it would be a hardship. Final installation of the pier railings and an access walkway to the horseshoe pits are the only remaining ADA compliance items to be completed. Mr. Kloptosky recalled that the original estimate for compliance work was \$90,000; however, the final figure is approximately \$18,000, not including the required pool lifts.

Mr. Clark indicated that, as of yesterday, there is no update regarding whether the compliance deadline will be extended beyond May 21, 2012.

Mr. Kloptosky indicated that he received the Marlin Drive shed permit. He will order the sheds. He confirmed that everything from the rented sheds will be moved to the new sheds and the rental agreement can be terminated. The tennis court light repair project was completed. The Village Center Pergola Project was completed and the final inspection took place yesterday. Final payment will be made pending satisfaction of a few punch list items. The pump house pumps and motors were installed; the pump houses are running and nightly irrigation can resume. The tennis court resurfacing project can now proceed; however, rain is impeding the work. Mr. Kloptosky acknowledged that completion by May 21, as he previously anticipated, will not happen because of numerous delays. He projected another two (2) weeks of work. Supervisor Chiodo stressed that an update must be provided to the community as soon as possible.

Mr. Kloptosky reviewed photographs of street conditions on Ibis; the road surface is deteriorating and breaking away from the subsurface. He is obtaining estimates to have the entire circle resurfaced, as patching will not alleviate the problems. Mr. Wrathell recommended addressing the issue soon, as it will get worse with time.

Mr. Kloptosky advised that the tennis court resurfacing project is over budget, in excess of the 10% contingency. He presented photographs of items encountered during the work, including installation of additional drainage ports and additional underground piping. He reported that the tree root mats caused erosion under the sidewalks, resulting in more cracking than anticipated requiring extra costs to replace sidewalk slabs. Mr. Kloptosky recommended removing the old sidewalk, in its entirety, and installing a new one. S.E. Cline's quote is pending. Mr. Wrathell stated that the approach is to cure all of the problems at one time, while the contractor is already on site. Mr. Kloptosky detailed the proposed work and estimated that, above the original contract and 10% contingency, the additional work currently puts the project \$5,773.20 over budget, not including the sidewalk replacement work just described. Mr.

Kloptosky felt the additional time needed is minimal. The Board authorized Mr. Kloptosky to proceed with complete replacement of the sidewalks in the tennis court area.

Supervisor Chiodo believed that the FPL sidewalk repairs, on Waterside Parkway, were completed and questioned why the cones remain. Mr. Kloptosky confirmed that the repairs were completed but not to his satisfaction. The new sidewalk has a crack, which FPL agreed to repair, and the work should commence on Monday.

### **C. District Counsel**

Mr. Wrathell indicated that he spoke to Mr. Cullis regarding the letter presented today and his request to reduce the number of assessable units from six (6) to four (4). He noted Mr. Cullis' pay down of the debt assessment on two (2) of the units. Regarding Mr. Cullis' request to reduce the operation and maintenance (O&M) assessment from six (6) to four (4), Mr. Wrathell felt the request is reasonable, considering he is willing to enter into an agreement, whereby he pays the necessary assessments to make the District whole, should he develop six (6) units, rather than four (4). Mr. Wrathell felt the only negative to this arrangement is the loss of two (2) assessable units.

Mr. Clark advised that Mr. Cullis presents a sensible solution. He discussed the handling of the debt assessment and pay down. Mr. Clark noted that the O&M assessment is different and, should they develop six (6) units, the District would be obligated to make the necessary adjustment. Mr. Cullis is simply asking for the adjustment now. Mr. Clark recommended approving the request and entering into an agreement with Mr. Cullis.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, Grand Haven Realty's request to reduce O&M assessable units from six (6) to four (4), subject to execution of an agreement between the District and Grand Haven Realty providing that, should Grand Haven Realty develop six (6) units, rather than four (4), Grand Haven Realty must make payment on the additional units from the time the agreement was executed, was approved.**

- **Eugene Holland: Erosion on District Property Abutting His Property**

Mr. Clark advised that this matter has come before the Board a number of times. He reviewed photographs of Mr. Holland's property and concluded that his driveway remains within the boundaries of his property. Mr. Clark discussed the buffer area next to Mr. Holland's

property. He provided and reviewed the history of the property, beginning with the developer. Mr. Holland attests, in his letters, that his driveway sustained damage, as a result of erosion on CDD property. Mr. Clark toured the site and concluded that the driveway issues are not caused by anything on the CDD's property; rather, responsibility lies with the developer. The CDD did not perform any work, which would result in it having liability for Mr. Holland's driveway issues. Furthermore, the property has strict environmental limitations, which do not allow for the improvements proposed by Mr. Holland. Mr. Clark reiterated his belief that this is a matter of defective work by the home builder.

Mr. Kloptosky concurred with Mr. Clark's statements. He referred to the second paragraph, on Page 2, of Mr. Holland's April 6, 2012 letter, calling to question whether Mr. Kloptosky is certified to render an opinion on the matter. Mr. Kloptosky stated, for the record, that his opinion has merit, as he is a Florida licensed, certified building contractor. He referred to the second paragraph, on Page 1, of the same letter, whereby Mr. Holland states that Mr. Kloptosky became "arrogant, disrespectful, offensive, abusive and confrontational...". For the record, Mr. Kloptosky defended his demeanor during the telephone call, denied all of Mr. Holland's allegations and concluded that it was Mr. Holland who hung up, not him.

Mr. Eugene Holland recalled a few years ago when the District removed dangerous trees from CDD property and the tree trunk fell onto his driveway, causing cracking. Since that time, he has repeatedly brought this matter to the Board's attention and the problem continues to worsen. He noted that, eventually, the driveway will fall onto the District's property and asked what will be done. Mr. Holland pointed out that this is a serious condition, as the slope drops four (4) feet over an eight (8)-foot span, which is a 50% drop, far exceeding any standard building codes. He questioned what happens if someone falls down the slope and is injured on the District's property.

Mr. Holland acknowledged that it does not look like the Board will give him a favorable ruling and questioned why. Given their position on this matter, Mr. Holland asked the Board to tell him what they expect him to do.

Supervisor Davidson stated that the District obtained an expert opinion, which indicates the problem is related to construction deficiency. He advised that the only thing the District could do is back up Mr. Holland if he makes a complaint to his home builder, Seagate. Supervisor Davidson suggested that the builder should install a retaining wall, along with a fence. Mr. Wrathell felt Mr. Clark should draft a letter reiterating what was said and Mr.



Holland could use that as a basis for a lawsuit against the builder. Supervisor Lawrence questioned if the statute of limitations has expired.

Mr. Clark advised that this would normally be beyond the statute of limitations; however, in construction matters, there is a rule for latent conditions and the time period is still in effect. Mr. Kloptosky voiced his opinion that Seagate has significant structural warranties in place and this matter would fall under that. Mr. Kloptosky noted numerous houses along the same street with this same problem and offered them to Mr. Holland, in making a case against the builder. Furthermore, Mr. Kloptosky pointed out that the builder began constructing subsequent driveways differently, with a control cut, once the problems became apparent, which supports the claim against the builder.

Mr. Holland reiterated his opinion that the District is responsible for repairing the damage.

**On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, authorizing District Counsel to prepare a letter to Mr. Holland outlining the District's findings and opinion of where his recourse lies, was approved.**

- **Piggyback on City/County Disaster Debris Monitoring and Removal Services Contract**

Mr. Clark detailed his understanding that the city has various contractors under contract, in the event of a disaster requiring massive debris removal. The Board asked Mr. Clark to determine whether the District should piggyback on the city/county disaster debris removal contracts or go to bid to find its own contractors for emergency events. Mr. Clark indicated the District has certain bid requirements for specific areas but this matter is different, in that it does not involve bidding a project for repair or maintenance. Mr. Clark noted this would involve bidding on an emergency situation that may never occur and questioned how bids could be made in this situation. He acknowledged the impossibility of going to bid in an emergency situation. Mr. Clark stressed the importance of the work being performed by experienced contractors. As a public entity, the District must ensure that the work is performed and documented in such a way that it can apply for FEMA and grant monies.

Mr. Clark indicated he reviewed the city's debris removal agreements and recommended that the District piggyback on the city's disaster debris removal services contracts.

Mr. Wrathell suggested contacting the city and/or county about the piggybacking concept and to gauge their willingness to enter into an agreement.

Supervisor Lawrence noted a benefit of this arrangement is that the work should be performed and documented such that it would be easier for the District to apply for FEMA reimbursement.

Mr. Clark reported that the hearing on the District's motion to dismiss was held on April 27, 2012. He noted it is difficult to obtain a favorable ruling on a motion to dismiss. The District argued the position of sovereign immunity, stating it can only be sued for written things it agreed to and, since R.A. Scott did not do the things in the contract, they cannot sue the District. The judge understood the District's argument but could not rule in its favor because there was nothing wrong with the wording in the complaint; however, he left the door open for the District to bring back additional evidence. Mr. Clark indicated that he is gathering information to provide to the court. On another point of argument, the judge agreed with the District's position that a sovereign government cannot be sued on an unwritten contract on the basis that it is fair; agreements must be in writing. This leaves the argument of the delay claims and the issue of the oral contract regarding the dirt and R.A. Scott's contention that the District disposed of the dirt it agreed to give them. These issues are being addressed and he is attempting to end the case without a trial.

#### **D. District Manager**

- **2,319 Registered Voters in District as of April 15, 2012**

Mr. Wrathell indicated that, as of April 15, 2012, there were 2,319 registered voters residing within the boundaries of the District.

- **Next Community Workshop/Regular Meeting**

- **COMMUNITY WORKSHOP:**

- **June 7, 2012 at 10:00 A.M.**

- **BOARD OF SUPERVISORS MEETING**

- **June 21, 2012 at 9:30 A.M**

Mr. Wrathell advised that the next workshop is scheduled for June 7, 2012 and the next meeting will be held June 21, 2012.

*\*\*\*The meeting recessed at 11:33 a.m.\*\*\**

*\*\*\*The meeting reconvened at 11:42 a.m.\*\*\**

## **FIFTH ORDER OF BUSINESS**

## **BUSINESS ITEMS**

### **A. Consideration of Resolution 2012-12, Approving the District's Proposed Budget for Fiscal Year 2013 and Setting a Public Hearing Thereon Pursuant to Florida Law**

Mr. Wrathell presented Resolution 2012-12 and the proposed budget for Fiscal Year 2013, for consideration. He noted that the District has gone over budget several years in a row, primarily attributed to unforeseen capital expenditures, which often occur with an aging community. He indicated that this budget reflects assessment increases of \$58.60 for admin & field operations and \$13.89 for infrastructure reinvestment. Mr. Wrathell advised that these figures do not include the loss of Mr. Cullis' two (2) assessable units; therefore, the increase in assessments would be higher than what is reflected in the current proposed budget. The debt service assessments remain unchanged from the prior year. He pointed out that the figures in the proposed budget anticipate payment in March; those paying earlier will realize a savings of up to 4%. Overall, a total change of \$72.49, per unit, is anticipated. The Golf Club assessment is slated to reduce by \$305.

From a revenue perspective, Mr. Wrathell indicated the proposed budget anticipates an assessment revenue increase of approximately \$140,000 over last year, which corresponds with the increase in assessments. Other revenue estimates remain unchanged.

Regarding expenditures, Mr. Wrathell advised that most line items were unchanged or had only slight increases or decreases. General Counsel legal fees were increased from \$50,000 to \$65,000 and litigation fees increased from \$50,000 to \$60,000. In general, legal costs have been higher due to things such as the R.A. Scott litigation. Mr. Wrathell stressed that this budget was prepared by looking back at expenditures, the timing of payments and whether bills were received after the end of the fiscal year, etc. The water service expenditure reflects an increase from \$78,000 to \$104,000, due to anticipated additional irrigating because of the drought conditions. With the purchase of a new truck, automobile insurance is now a budget line item. The flood insurance premium increased from \$1,444 to \$4,514. The landscape maintenance and contract services line item increased from \$519,036 to \$529,417. Mr. Wrathell noted that the palm tree-pruning item may be included in the new contract, so it might be removed. As the irrigation repairs and replacement item was over budget, the expenditure was increased from

\$12,000 to \$17,500. Payroll was increased from \$247,770 to \$261,941, to account for an additional maintenance employee. The movie license fee was increased from \$1,672 to \$2,647, to reflect the actual expense.

Mr. Wrathell referred to the total infrastructure reinvestment line item, noting that, at a later date, the Board will discuss which projects to include. Overall, the total expenditures are expected to increase from \$2,913,775 to \$3,045,667.

Mr. Wrathell referred the debt service fund budget, on Page 15, and noted that it remains the same. The District has built up a fund balance surplus of \$27,078, which is good. He discussed how the surplus could be used to offset an increase in assessments or for other purposes. Mr. Wrathell indicated that Hampton Golf is now Escalante.

Mr. Wrathell reminded the Board and residents that this is a proposed budget and it will be discussed further, over the next few months.

Mr. Wrathell presented Resolution 2012-12 for consideration. He noted that the approved proposed budget will be transmitted to both Flagler County and the City of Palm Coast and the resolution will be amended, accordingly.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, Resolution 2012-12, Approving the District's Proposed Budget for Fiscal Year 2013 and Setting a Public Hearing for September 6, 2012 at 5:00 p.m., at this location, as amended, was adopted.**

**B. CWURR (Community-Wide Universal Re-Registration) (SD)**

*\*\*\*This item, previously Item 5E, was presented out of order.\*\*\**

- **Rationale**
  - **Recommended Action Plan/Response to Recent Incidents**

Supervisor Davidson introduced Ms. Susan Wimmers, a resident.

Ms. Wimmers stated she is a victim of crime within Grand Haven. She gave a history of her service to the community. Ms. Wimmers stressed the importance of security within the community and making it a priority, as lack of security impacts home values. She indicated she would like there to be factual dissemination of information to residents; paranoia is setting in amongst residents.

Ms. Wimmers detailed a recent late night home invasion, where she had to flee her home. She feels she was saved by having participated in the STAR Program presented by the police, several years ago, to provide residents with information about better protecting themselves and increasing security at their homes. She recommended the District hold this event again. Ms. Wimmers confirmed that the burglar broke her window and entered the home but he was gone by the time the police arrived and there were no fingerprints.

Ms. Wimmers recommended that homeowners be more vigilant about the security of their homes. She acknowledged that the community has safeguards in place but speculated that there are not enough, given the current environment. She spoke of the need to improve security at the gates, have better control of gate access devices (GADs) and more control of renters in the community. She noted that neighbors are not helping neighbors, out of fear; her own neighbor told her that she heard noises, breaking glass and the doorbell but did not come to the door, until the police arrived. Ms. Wimmers confirmed that the perpetrator did not enter the home because of the alarm.

Supervisor Pollinger advised against leaving the home during a burglary, stating Ms. Wimmers would have been safer in the home, since she was unarmed, and could have encountered the burglar while he was fleeing the scene.

Mr. Tom Bern, a resident and Neighborhood Watch Member, indicated there is a false sense of security because Grand Haven is a gated community. He reminded of the importance of neighbors helping neighbors to help avoid incidents. He indicated that Neighborhood Watch is holding a meeting on Wednesday, with two (2) deputies in attendance. He acknowledged that there is usually little interest in the program but Neighborhood Watch is trying to educate the community about how to communicate happenings, reduce rumors, and disseminate correct information.

Supervisor Davidson presented a draft of strategies to enhance security and reduce unauthorized overutilization of the District's facilities and amenities. He reviewed confirmed recent incidents involving drug related trespassing and arrests, general trespassing, break-ins and home invasions. In response to a question, Supervisor Davidson confirmed that the sheriff was notified of each of these incidents. Supervisor Gaeta advised that she was informed about many incidents where the residents did not notify the sheriff, Neighborhood Watch or any other entity. Supervisor Gaeta stressed that residents need to be aware of whom to contact and urged to notify the proper parties when something happens.

Regarding his proposed strategies, Supervisor Davidson discussed the need to begin deactivating the mass enabled and unassigned GADs. He explained the Beneficial User Rights (BUR) clause and conducting a compliance review of known rentals and taking necessary actions to enforce the clause. He suggested including technology and database items in next year's budget to better manage access.

Supervisor Gaeta asked if the District can restrict access into the community when a home is in foreclosure. Mr. Clark felt that an owner's status should not be changed because of a foreclosure situation or bankruptcy. Mr. Clark recommended monitoring the situation so the District is aware when ownership actually changes.

Supervisor Davidson discussed rollout of amenity smart cards, after re-registration, and the anticipated costs to utilize personnel. He noted that the District could also consider installing five (5) electronic gates.

- **Appointment of CDD Liaison to Review All incidents Affecting Safety and Security of Residents and Protection of CDD Assets**

Supervisor Davidson asked the Board to consider appointing a CDD liaison to review all incidents affecting the safety and security of residents and protection of the CDD's assets. Supervisor Pollinger stated that apathy develops in a gated community and residents need to be willing to come out and be involved.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, appointment of Supervisor Pollinger as the CDD Liaison to review all incidents affecting safety and security of residents and protection of CDD assets, was approved.**

Discussion ensued regarding increasing resident interest in safety, security and reporting incidents, along with the upcoming safety meeting in the community. Mr. Bern discussed who was invited to the meeting and how it will be structured. Ms. Wimmers pointed out that information about the various Neighborhood Watch captains is incorrect. Supervisor Gaeta recommended inviting Southern States Management Group, the management company of the condominiums.

Mr. Vic Natiello, a resident, voiced his opinion that Neighborhood Watch needs to find serious block captains.

- **Milestones**
  - **Implementation Process**
  - **Beneficial User Rights Clause Implementation and Procedures**
  - **Registration Forms**
  - **Field Operations Manual: Gate Access Device (GAD)/Amenity Access Card (AAC)**
  - **Database Management**
  - **Update Strategy – Blending GAD and CWURR**
  - **Compliance Review of All Rental Units**

Supervisor Davidson asked that this subject be included as a discussion item on the next workshop agenda. Supervisor Lawrence asked that the Board start making decisions.

Ms. Wimmers questioned if an unproportionate amount of time is being focused on the amenity facilities and access cards versus safety in the community at large. She asked if that is a misconception on her part.

**C. Award of Contract: District Engineering Services**

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

- **Ranking of Respondents**

Mr. Wrathell recalled that three (3) firms, CPH Engineers, Inc., Finley Engineering Group and Genesis Group, presented at the last workshop. Mr. Wrathell indicated that he received ranking forms from all Supervisors, with the exception of Supervisor Pollinger, who left the workshop early. The Board was in agreement that only the ranking forms from those Supervisors who sat for all presentations should be considered.

Mr. Wrathell read the rankings, lowest to highest, with highest being the #1 ranked firm. Finley Engineering Group received 64.5 points, Genesis Group received 117 points and CPH Engineers, Inc., was ranked #1, with 121 points.

- **Acceptance of Ranking and Authorization to Negotiate Fee Schedule with #1 Ranked Firm**

<p><b>On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, the rankings, as presented, were approved.</b></p>
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**On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, authorizing Staff to negotiate a fee schedule with the #1 ranked firm, CPH Engineers, Inc., was approved.**

**D. Appointment of CDD Liaison to Coordinate with Department of Emergency Services**

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

Supervisor Davidson volunteered to serve as the CDD liaison to coordinate with the Department of Emergency Services.

**On MOTION by Supervisor Chiodo and seconded by Supervisor Pollinger, with all in favor, authorizing Staff to negotiate a fee schedule with #1 ranked firm was approved.**

**E. Distribution of Community Directory**

**\*\*\*This item, previously Item 5D, was presented out of order.\*\*\***

- **Debrief Initial Distribution Process (MG/PC/SD)**

Supervisor Davidson advised that 690 directories have been picked up, to date, and another 25 are on hold for pick up; a total of 715 are accounted for.

Supervisor Chiodo indicated the distribution process ran smoothly, with only a few issues regarding information, which were quickly resolved.

Supervisor Davidson pointed out that update sheets were made and, in about a month, they will be available for residents to pick up and insert into their directories. Supervisor Lawrence recommended delaying distribution of the update sheets until after distribution of the directories is opened to registered renters. Supervisors Gaeta and Lawrence supported waiting a few months. As the only cost is printing, Supervisor Chiodo recommended doing it each month and having the updates available for those who want them.

Supervisor Gaeta stated her experience was good, aside from a few spreadsheet errors; residents were patient. She reported that some residents questioned how many more times they will be asked to complete information sheets. She told the residents that the information was requested because the District did not have it. Supervisor Gaeta noted that some residents returned their green sheets to The Village Center; however, she does not know where they went from there, as the CDD office did not receive them.



Supervisor Davidson reported that his experience was positive, with only a few issues involving renters requesting copies. Supervisor Gaeta indicated that there were two (2) incidents involving threats.

- **Shipping/Mailing to Out of Area Owners**

Supervisor Davidson recalled previous discussion and the thought that no directories should be mailed. He asked the Board if they want to adopt a policy on this matter. Discussion ensued regarding shipping, general distribution to someone other than the property owner and what types of identification should be required.

- **Owner Authorization for Third Party to Pick Up Directory**

Supervisor Gaeta voiced her opinion that the same procedure should be applied in this situation, whereby the third party should have to present a copy of the ID of the resident for whom they are picking up the directory. Supervisor Davidson felt that the requirement is excessive. The Board agreed to allow a third party to pick up a directory, provided they present written permission; the resident's photo identification is not required.

- **Registered Renters**

Distribution for registered renters will take place in the future.

**F. Concerns Regarding New Amenity Card Procedures (PC)**

This item was not discussed.

**G. Update: RGA Architects, LLC (MK)**

*\*\*\*This item was discussed during the Eighth Order of Business.\*\*\**

**H. Update: LAKEWATCH (TL)**

*\*\*\*This item was discussed during the Eighth Order of Business.\*\*\**

**SIXTH ORDER OF BUSINESS**

**OPEN ITEMS**

These items were discussed at other times during the meeting or not addressed.

**SEVENTH ORDER OF BUSINESS**

**CONSENT AGENDA ITEMS**

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

**A. Approval of Minutes**

- **April 5, 2012 Community Workshop**

Supervisor Davidson presented the April 5, 2012 Community Workshop Minutes and asked for any additions, deletions or corrections. The following change was made:

Lines 400, 402, 404 and 406: Change “Fitzpatrick” to “Kilpatrick”

- **April 19, 2012 Regular Meeting**

Supervisor Davidson presented the April 19, 2012 Regular Minutes and asked for any additions, deletions or corrections. The following change was made:

Line 345: Delete “suspending her amenity facility privileges for 60 days,

Line 346: Insert “a notice of” before “continuance”

**B. Approval of Unaudited Financial Statements as of April 30, 2012**

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, the Consent Agenda Items, as amended, were approved.**

**EIGHTH ORDER OF BUSINESS**

**SUPERVISORS’ REQUESTS**

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

- **Fish Stocking – Continued Discussion**

Supervisor Lawrence asked to revisit the discussion of fish stocking on Pond 4 for the purposes of eliminating the fly problem. He voiced his opinion that such action sets a precedent for taking the same action on other lakes and pointed out that the costs will be higher than just \$600 to stock, as aerators will be necessary, too, bringing the cost to about \$5,000, per pond. Mr. Kloptosky indicated he was advised by Aquatic Systems that this problem is seasonal and happens roughly twice per year.

- **Tennis Court Sidewalk Replacement – Continued Discussion**

Mr. Wrathell asked for a decision on the tennis court sidewalk replacement, by S.E. Cline, as previously discussed by Mr. Kloptosky.

**On MOTION by Supervisor Chiodo and seconded by Supervisor Lawrence, with all in favor, authorizing Staff to proceed with the sidewalk replacement, at the tennis courts, as recommended by Mr. Kloptosky, in a not-to-exceed amount of \$10,000, was approved.**

- **Deactivation of Gate Access Devices (GADs) – Continued Discussion**

Supervisor Lawrence voiced his opinion that all mass-activated GADs that have not been used in the last 45 days should be deactivated.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, deactivation of the 1,409 mass-activated GADs, not used in the last 45 days, was approved.**

- **Community-Wide Universal Re-Registration – Continued Discussion**

Supervisor Lawrence asked that this item be continued to the next meeting so the Board can take action. He feels it is continually being discussed but no action is being taken. Supervisor Davidson felt that there is more to discuss. Mr. Wrathell suggested gathering estimated costs but noted that, if the monies are included in the Fiscal Year 2013 adopted budget, the Board is actually approving the program and costs when it adopts the budget. Mr. Wrathell advised that a specific motion is not necessary.

- **Update: LAKEWATCH (TL)**

***\*\*\*This item, previously Item 5H, was presented out of order.\*\*\****

Supervisor Lawrence advised that LAKEWATCH does not provide worker's compensation or general liability insurance. The District's insurance company informed Mr. Wrathell that, should anyone be injured while volunteering, the District's insurance would cover it. Mr. Wrathell advised that the District's carrier recommended tracking the volunteer hours for verification purposes, if needed. This situation will cause an adjustment to the District's coverage. The District could require volunteers to sign a waiver. The Board agreed to cover volunteers.

Discussion ensued regarding the work to be performed by the LAKEWATCH volunteers. Mr. Kloptosky was asked if the field staff could perform the LAKEWATCH monitoring, rather than volunteers. Mr. Kloptosky felt that was fine; however, his staff is currently maxed out with work. Mr. Wrathell suggested asking Aquatic Services to provide a proposal for monitoring the lakes.

- **Update: RGA Architects, LLC (MK)**

Mr. Kozak indicated that, a few weeks ago, he spoke to Mr. Bill Henry, of RGA Architects, LLC. Mr. Henry inquired about what the District wanted to do and noted the

outstanding invoice. At that time, Mr. Kozak realized that District Counsel had not yet sent a letter to RGA advising of the District's position on the matter. Mr. Kozak stated that he informed Mr. Henry of the District's dissatisfaction with the information provided by RGA, their performance, the deficient work product and overall lack of responsiveness. He went on to tell Mr. Henry that the District felt the information was not provided in a timely fashion, omitted certain areas and was not in final report form; he advised him that District Counsel is preparing a letter to RGA regarding these matters. Mr. Henry told Mr. Kozak that he does not want to enter into responding to letters from legal counsel, as those must be reviewed and addressed by his legal counsel, which will increase the costs for everyone. Mr. Henry asked for informal notification of the issues. Mr. Kozak stated that he sent an email to Mr. Henry regarding the outstanding amount of \$1,400 and advising him that the District is contesting payment of the entire amount. In response, Mr. Kozak received an email asking for consideration of payment of at least some of the amount owed; RGA wants to compromise.

Supervisor Gaeta questioned the amount, believing it was \$3,200. Mr. Kozak stated there was an invoice that was paid prior to the District withholding payment; the actual amount is \$1,400. Mr. Wrathell recommended telling Mr. Henry no. The Board agreed.

Discussion returned to the deactivation process and how to proceed with the additional GADs to be deactivated, after the initial batch. It was noted that, to obtain a new GAD, the resident must present a current driver's license, along with the deactivated GAD. Supervisor Davidson will draft an e-blast. This item will be included on the workshop agenda.

▪ **Appointment of a CDD Liaison with the City on Stormwater Matters**

Supervisor Lawrence recalled the stormwater fee charged by the City of Palm Coast and other matters related to billing.

**On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, appointment of Supervisor Lawrence as the CDD liaison with the City of Palm Coast, on stormwater matters, was approved.**

**NINTH ORDER OF BUSINESS**

**ADJOURNMENT**

There being no further business, the meeting adjourned.

**On MOTION by Supervisor Pollinger and seconded by Supervisor Chiodo, with all in favor, the meeting adjourned at 1:52 p.m.**

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Secretary/Assistant Secretary

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Chair/Vice Chair