

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

A Regular Meeting of the Grand Haven Community Development District's Board of Supervisors was held on **Thursday, November 17, 2011 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
Grant Misterly	District Engineer
Tim Taylor	District Engineer
Barry Kloptosky	Field Operations Manager
Roy Deary	Amenity Management Group (AMG)
Mark Duda	Duda Pools, Inc.
Frank Benham	Resident
Al Lo Monaco	Resident
Bob Hopkins	Resident
Sandy Trautwein	Resident
Rob Carlton	Resident
Gary Noble	Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. Wrathell 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)**

There being no reports or comments, the next item followed.

FOURTH ORDER OF BUSINESS

DISTRICT ENGINEER'S REPORT

A. Stormwater Outfalls

Mr. Misterly indicated the project is nearly complete and a punch list was issued to the contractor for Projects A, B and C. He reported that one (1) item must be completed on Project A. Mr. Misterly felt the contractor has not done any of the Project C punch list items. Mr. Misterly will work with Mr. Kloptosky to ensure those items are completed.

Mr. Misterly notified the Board that he will be leaving ATM and introduced Mr. Tim Taylor, Vice President of ATM, who will take over supervision of the District's work.

Supervisor Lawrence acknowledged the physical work is almost complete and asked where things stand on the money ATM owes to the District. Mr. Misterly advised that he hopes to have everything completed by his last day, December 2, 2011. On the payment side, he felt ATM is on track to reimburse the District by the end of this year; it was split into monthly payments, with the last payment to be made in December. Mr. Wrathell confirmed that payments are on schedule and recalled the amount owed was approximately \$49,000, of which, about \$16,000 worth of invoiced work was credited towards the amount owed and ATM paying off the difference by the end of the calendar year.

Supervisor Gaeta asked if the District Engineer has certified all of the work. Mr. Taylor indicated, once S.E. Cline finishes the punch list items, Mr. Misterly will certify the work, prior to leaving ATM.

FIFTH ORDER OF BUSINESS

STAFF REPORTS

A. Amenity Manager's Report

Mr. Deary spoke during the Field/Operations Manager's report.

B. Field/Operations Manager

Mr. Kloptosky advised that resident Eugene Holland requested that the CDD replace his driveway, due to erosion on CDD property causing his driveway to crack. He stated his opinion

is that the driveway problems are not related to the CDD property; rather, they are because the home is built on fill. Mr. Kloptosky indicated Mr. Holland called him yesterday and was curt with him. He confirmed Mr. Holland hung up before the situation could be explained to him. Mr. Kloptosky asked the Board to approve District Counsel drafting a letter to Mr. Holland supporting Mr. Kloptosky's opinion of why the driveway problem is not a CDD issue. Supervisor Lawrence wondered if it made better sense for the letter to come from the District Engineer explaining the technical side of the District's opinion.

As Mr. Holland asked the District to respond, Mr. Clark advised that the District should accept Mr. Kloptosky's opinion, reject Mr. Holland's request and have him, as District Counsel, send a letter to Mr. Holland notifying him of the Board's decision. Mr. Kloptosky was not opposed to having an engineer review the area; however, Mr. Clark did not feel further review is necessary.

On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, acceptance of Mr. Kloptosky's opinion and recommendation on the Mr. Eugene Holland driveway issue, as discussed, and authorizing District Counsel to send a letter to Mr. Holland, was approved.

Mr. Kloptosky reported that the eagles in Wild Oaks are there again this year and signs are up. The Audubon Society is usually on site daily and residents can observe.

Mr. Kloptosky advised that he authorized overtime for office staff, due to extra work on the directory. He notified Management. Mr. Wrathell noted a specific budget was created for the directory. He was informed that Ms. Tary Tucker worked additional time but that she did not put it on timecards. Mr. Wrathell wants to ensure that, if the budget goes over, the Board is aware of it. Mr. Kloptosky indicated he contacted Ms. Lamaruggine, in Management's office, who confirmed funds are available and it will not go over budget.

Supervisor Davidson felt they do not want unnecessary hours to be put in overanalyzing, etc. Supervisor Chiodo questioned if the extra hours were at the standard, hourly rate. Mr. Kloptosky indicated he did not discuss that. Mr. Wrathell voiced his understanding that Ms. Tucker is a part-time employee, so the pay should be at the normal, hourly rate. Mr. Kloptosky

confirmed that he advised Ms. Tucker that he must be made aware of these types of things prior to the extra hours being incurred, not after-the-fact.

Mr. Kloptosky recalled that the Board previously approved repair work on Sailfish Drive for a not-to-exceed amount of \$12,500 and presented Cline's proposal for \$11,708, which should include all issues discussed regarding the scope of work. He also presented a proposal for the North Park Circle repair, for \$4,300. Mr. Kloptosky reminded the Board that he expects the \$4,300 proposal to come in \$1,000 less, if both projects are completed at the same time, thus reducing mobilization costs. Mr. Wrathell confirmed the Board previously approved both items, by motion, so Supervisor Davidson can execute the proposals. Mr. Kloptosky advised that the work will start next week, with the majority of it commencing after Thanksgiving.

Regarding the tree issue at 11 Egret Drive, Mr. Kloptosky indicated he met onsite with the City of Palm Coast's forester, whose determination was the same as Ms. Leister's. He reported that the forester informed him that, if the tree was on city property, she would not issue a permit for its removal because it is a healthy tree. Mr. Wrathell felt no further action is necessary regarding this matter.

Regarding the lift truck, Mr. Kozak indicated Mr. Kloptosky located a 1999 F-350 van with a lift that is suitable for the District's needs. The purchase price was \$14,000 and Management is in the process of securing insurance.

Regarding the pergola project, Mr. Kloptosky recalled the Board previously authorized Skyway Builders to proceed with the project, subject to a performance bond. Mr. Kloptosky indicated Skyway subsequently advised him they are too busy and want to withdraw their bid. Mr. Wrathell indicated the next lowest bidder was VerdeGo, at \$66,251. Supervisor Davidson noted that amount is about \$22,000 more and questioned if Skyway really withdrew because of the performance bond requirement. Mr. Kloptosky indicated they only withdrew after notification of the requirement. Supervisor Davidson asked Mr. Kloptosky to give his opinion on whether requiring a performance bond from contractors that the District has worked with and/or who have a reliable reputation complicates things or increases the contractor's reluctance to work with the District. Mr. Kloptosky indicated that requiring things is always complicated but recommended informing of the requirement up front, on future bids. Supervisor Gaeta questioned whether the District has ever asked Cline for a performance bond. Mr. Wrathell reminded the Board that the reason he recommended requiring the performance bond comes

from his experience and, since the bid was 33% less than that of the second lowest bidder, it raised a red flag.

Supervisor Pollinger noted that if the District is going to require a performance bond, it should be required for all projects or set a threshold amount.

Mr. Kloptosky reviewed the bid process for the pergola project, noting he personally selected the contractors to bid, based on previous experiences. He indicated he knew Skyway would be the lowest bidder because, historically, they always come in lower. He then dissected the bid and removed things he knew he could have done cheaper by someone else and renegotiated with Skyway to obtain the best possible price for the project. Mr. Kloptosky felt he may not have the negotiation ability with VerdeGo. Supervisor Chiodo summarized the process outlined by Mr. Kloptosky was that the contractors submitted bids and Skyway was the lowest, then he went back to Skyway and worked with them, modifying the conditions to make it less expensive. Mr. Kloptosky clarified that Skyway did not feel comfortable with certain components so their bid did not include those components, which he knew up front. Mr. Kloptosky confirmed Skyway did not bid on certain elements of the contract that the other contractors included. Supervisors Davidson and Chiodo suggested that the bids were comparing apples and oranges. Mr. Kloptosky denied the suggestion, stating it was a refusal on Skyway's part to add those components, so they would have had to be added in. Supervisor Chiodo asked if the other bids all contained those components. Mr. Kloptosky replied affirmatively. Supervisor Davidson questioned the proposed costs of those components and whether it amounted to roughly the \$22,000 difference between Skyway's bid and the others. Mr. Kloptosky replied no. Supervisor Davidson asked how much the difference was. Mr. Kloptosky estimated the difference was \$1,600.

Supervisor Lawrence asked Mr. Clark to comment on the District's legal requirement, given the project went out for bid but the lowest bidder backed out; can the project be rebid or is the District obligated to take the next lowest bidder. Mr. Clark advised that this project is below the threshold for requiring bids; however, once the bid process is used, the District should adhere to its policies and procedures. Mr. Clark recalled discussion several years ago about the possibility of tainting the District's reputation, when bids are received and then attempts are made to renegotiate with the selected bidder. Mr. Clark noted that led to the District having a problem getting contractors to bid on projects. Mr. Clark advised, from a practical and legal

perspective, if the District wants to take the next lowest bid, they can; however, if the Board plans to negotiate with that contractor, it would be better to just go through a rebid process.

Discussion ensued regarding the original thoughts about the cost of the pergola project. Supervisor Lawrence recalled the original figure was \$20,000 to \$30,000; however, based on the Skyway bid, \$45,000 was put in the newest capital plan but that figure will now need to be changed to \$66,000. Supervisor Chiodo questioned whether the District should proceed with the pergola. Supervisor Lawrence suggested utilizing the resident survey process. Supervisor Pollinger voiced his concern that every time something costs money, the District takes it down and does not replace it, such as the fountains. Supervisor Davidson wondered if the current design could be redesigned so it would be less expensive to build. Mr. Kloptosky explained the design process and indicated this was the result. Mr. Kloptosky confirmed people regularly ask the status of the pergola. Supervisor Chiodo was in favor of utilizing the survey process. Supervisor Gaeta questioned how long the bids are good for. Supervisor Davidson suggested using the \$45,000 in the capital plan and \$20,000 from the contingency line item and proceeding with the project. Supervisor Pollinger noted the Board's responsibility to maintain the facilities and infrastructure. Supervisor Gaeta agreed with Supervisor Pollinger, stating the original structure was removed and she feels something must be put back.

Regarding the matter of requiring a performance bond, Mr. Wrathell indicated he would not ordinarily recommend one on a project of this size; however, he did so, in this case, because Skyway's bid was so much lower. He indicated he would be less concerned about requiring it for the remaining contractors, as they are within the same range. Supervisor Lawrence suggested leaving the decision regarding whether to require a performance bond to Mr. Kloptosky and the requirement should be made known up front. Supervisor Lawrence voiced his agreement that the Board told the public this was going to be completed, so it should be done, using the next lowest bidder.

Mr. Wrathell indicated the Board can consider approaching Skyway and asking if they will proceed if the performance bond requirement is removed. Mr. Kloptosky indicted Skyway told him that his business was slow at the time he bid on the project, so he bid to keep his workers employed and with a very low profit margin; however, business has picked up and he is no longer comfortable doing the job, in a reasonable time frame. Mr. Kloptosky stated he asked

if they were still willing to complete the project in the future, if they cannot do it now, but Skyway was not able to commit to a future time frame so they chose to back out.

Supervisor Davidson indicated he is familiar with VerdeGo as a landscaping business and asked Mr. Kloptosky to detail his experiences with them as a builder of intricate structures. Mr. Kloptosky stated VerdeGo used to do a lot of hardscaping. Mr. Kloptosky indicated he reviewed pictures of recent work, which looked okay; however, he has not inspected actual projects. Mr. Kloptosky felt VerdeGo seemed to understand the scope of work, bid appropriately and answered questions with understanding of the project.

Based on his earlier statements, Mr. Kloptosky questioned Mr. Clark regarding whether he recommends renegotiating. Supervisor Chiodo suggested he could work with them on value engineering and in a way that will not adversely affect the District's reputation.

Mr. Frank Benham, a resident, suggested asking VerdeGo if there is any simple change that could be made to the design to lower the cost. Mr. Kloptosky indicated he already did that during the design process. Mr. Benham acknowledged Mr. Kloptosky's input but asked if he ever asked VerdeGo. Mr. Kloptosky questioned why he would need to ask the bidders, if he, himself, already knows what costs less; he felt the contractor would look to cut back on the design aesthetics, which he does not feel would look as good. The Board agreed that Mr. Kloptosky should ask the question.

Mr. Bob Hopkins, a resident, asked how the Board did not know there was going to be a \$20,000 overrun. Supervisor Davidson clarified these are the bids received and acknowledged that the original estimation was much lower than the bids. Mr. Hopkins voiced his opinion that the District already has a reputation and suggested rebidding the project.

Mr. Al Lo Monaco, a resident, asked if the District researched the cost of canvas covers. Supervisor Gaeta brought up the hurricane codes. Mr. Kloptosky indicated the downside of those covers was the heat and they are not consistent with the aesthetics of the community.

Ms. Sandy Trautwein, a resident, questioned if the bids are still valid. Mr. Kloptosky indicated contractors typically will honor their bids, within a reasonable amount of time. In response to Ms. Trautwein's question, Mr. Kloptosky estimated the project would take two (2) to three (3) weeks to complete.

Mr. Rob Carlton, a resident, felt the matter has gone as far as it can and the Board cannot start going back on the bids; the lowest bid was unbelievably low. He felt the project should proceed.

On MOTION by Supervisor Davidson and seconded by Supervisor Pollinger, with all in favor, acceptance of VerdeGo, as the second lowest bidder, to complete the pergola project in a not-to-exceed amount of \$66,251, with Mr. Kloptosky attempting to value engineer the terms of the proposal and subject to satisfactory inspection of VerdeGo projects, was approved.

Supervisor Chiodo indicated \$49,000 for ADA compliance is included in the capital plan, which includes \$16,000 for pool lifts. He asked District Counsel to comment on the risk if the District decides to designate one (1) of the pools as the accessible pool and spa facility and only install the lifts at that facility. Supervisor Davidson asked that Mr. Clark defer comment until his report.

Mr. Kloptosky asked Mr. Deary to comment on the spa issue.

Mr. Deary indicated the spa has been closed this week. He advised that, at some time over the weekend, a large amount of muriatic acid was put in the spa, which created a problem and probably damaged the heater and marcite surface. They have communicated with the pool chemical vendor and a plan for correction of the problem is in place. Mr. Kloptosky indicated he received an estimate of \$3,035 from Duda Pools, Inc., for replacement of the heater and the marcite bid is pending; he estimated the cost to be about \$2,000. Mr. Deary stated the pool chemical provider is also a general contractor who performs this type of work and they estimated the marcite work to be about \$2,000. Mr. Kloptosky confirmed the pool heater estimate includes an upgraded heater.

On MOTION by Supervisor Chiodo and seconded by Supervisor Lawrence, with all in favor, authorizing Mr. Kloptosky to work with Mr. Deary and the other vendors, order an upgraded spa heater, proceed with the spa repairs and to negotiate for the best price, was approved.

Regarding pool sanitation, Supervisor Davidson asked if it is possible to use a salt generator system on a pool of this size. It was recommended that the Board seek an expert opinion.

C. District Counsel

Mr. Clark reported that he and Mr. Kozak participated in a conference call regarding the ADA assessment. They were told there may have been miscommunication, at the last meeting, regarding the 1991 ADA compliance code and involving a statement about \$11,000 worth of improvements that would not have to be done unless the facility is improved. RGA noted a problem with that approach because those facilities were built in 1998, or later, and should have complied with the 1991 codes, at the time. Mr. Clark indicated RGA's opinion is that there is a significant risk to the District if it is not in compliance with things that should have been done, including the list of \$11,000 worth of 1991 code related items. Regarding further discussion on the pool and spa lifts, he noted that RGA's interpretation of the regulations continues to be that the District is required to have four (4) lifts. Mr. Clark posed the question of risk in not having four (4) lifts, indicating RGA identified risks of litigation. He confirmed there are law firms currently advertising for ADA litigation cases based on violations of ADA codes. There are also several activist groups whose mission is to seek out and enforce ADA compliance matters. Mr. Clark indicated he believes the new regulations going into effect on March 15, 2012 will create an irresistible target for those firms and groups. He stated the legislation is written such that no advance notice of noncompliance is required; the first notice will be the District receiving notification that it has been sued for ADA violations. Mr. Clark speculated that people, working in conjunction with these lawyers or groups, will come in and scout communities for violations to file lawsuits. Mr. Clark felt the lawsuits generally will not result in monetary damages, rather, an order or injunction compelling the District to make changes they did not make, plus payment of attorneys and consultant fees, which are designed to be substantial. He warned that the middle district of Florida seems to be a hotbed of this type of litigation and Grand Haven could be a target.

Supervisor Pollinger agreed with District Counsel's opinion. Mr. Clark advised the Board to comply with the recommendations of the hired consultant.

Supervisor Gaeta recommended this issue be discussed with Mr. Troy Railsback, as well. Discussion ensued regarding the number and type of pool and spa lifts.

Regarding the R.A. Scott litigation, Mr. Clark indicated the motion hearing was cancelled by Scott's counsel due to a water leak issue at their office; the hearing is rescheduled to February 24, 2012.

Mr. Clark indicated he was asked to review the outstanding water charges owed by Hampton Golf and determine a means of enforcement; however, he could not locate any agreement regulating water usage charges. Supervisor Lawrence advised that the CDD is billed for the water and then bills Hampton Golf, based on meter reading; however, he does not feel there is an official document. Mr. Clark questioned whether the District has the right to impose a lien, absent an agreement; it is risky strategy. Mr. Clark recommended he send a demand letter or threat to discontinue service, with the Board's further action dependent upon the the response. Supervisor Lawrence discussed a conversation he had with Mr. Mark Bowlus, who informed him the golf club is about to be sold. Supervisor Lawrence questioned how the District can ensure payment if a new owner takes over. Discussion ensued about usage, payments and possibly revalving so service could be cut off, if necessary.

Mr. Clark advised that the District provide Hampton Golf with a statement of account, as of today, showing what they owe and he will include it in a demand letter outlining the District's knowledge of a possible sale and informing them service may be cut.

Mr. Clark recalled the matter of Mr. Jay Weisz, a resident, who voiced his feelings about the CDD's handling of the customer service issue and subsequent receipt of a notification letter from District Counsel. Mr. Clark advised that, after the October meeting, he had a discussion with Mr. Weisz. He noted that, at the November 3 continued meeting, the Board decided to take no further action; however, Mr. Weisz continues to email Mr. Clark and contact Management's office demanding an answer and/or a retraction. Mr. Clark indicated he can send a cease and desist-type letter to Mr. Weisz but that will likely not stop the situation.

Mr. Clark advised that Mr. Weisz wants a retraction of the warning; however, that cannot be done, as it is a matter of public record. He suggested the Board consider including a time limit in future warning letters. He also recommended adding a step before a letter is sent by District Counsel. Mr. Clark felt the Board should consider sending a letter notifying Mr. Weisz that the warning letter has expired.

Supervisor Lawrence agreed with Mr. Clark's approach, not only for Mr. Weisz but sending an expiration letter to all of those that received these letters. Mr. Clark advised against

sending it to all persons issued warning letters; rather, just Mr. Weisz, who took the time to come before the Board.

Supervisor Davidson noted the sexual harassment issue involving other parties still needs to be addressed. Mr. Clark indicated, when a violation occurs, there should be a sit-down discussion; however, he understands the Board's reluctance, as discussed at the November 3 meeting. Mr. Clark felt there ought to be a recommendation to the Board after someone reviews the situation, prior to the District sending a letter automatically. Supervisor Chiodo stated he felt that was the intent of his responsibility. It was noted that some parties declined to participate. Supervisor Pollinger stated he would have a problem receiving a letter like the one sent to Mr. Weisz, especially absent any expiration date. Mr. Wrathell voiced his concern that it would become a political issue if a Board or Staff member is put in the mediator position.

Discussion ensued about improving the process.

Supervisor Davidson indicated Mr. Weisz asked that the first letter be rescinded and that the Board issue an apology; thus, he is concerned that the current letter may not resolve the issue with Mr. Weisz.

On MOTION by Supervisor Lawrence and seconded by Supervisor Pollinger, with all in favor, authorizing District Counsel to send a letter to Mr. Jay Weisz advising that the previous letter has expired and the Board considers this matter closed, was approved.

Mr. Clark indicated an AMG employee filed a sexual harassment incident report. The report does not allege a crime but does report creation of a hostile workplace and unwanted sexual advances. Mr. Clark noted this is an AMG employee; however, he does not recommend leaving it to AMG, as this occurred on the District's premises. He feels the episode demonstrates why the Board needs to have the means to proceed cautiously because if they immediately send a letter referencing the allegations, it becomes a part of the public record and is a serious matter. He stated the Board needs to investigate the claim and make a recommendation regarding what type of action should be taken. Mr. Clark advised that the matter be investigated and suggestions be reported back to the Board, regarding a course of action.

Supervisor Chiodo reported that he spoke to Mr. McGaffney regarding this matter. He indicated the person in question spoke to Mr. McGaffney. He recommended the parties not be required to come before the Board; rather, the Board should appoint a person to hear both sides. Mr. Clark discussed possible steps in handling and documenting this situation.

Supervisor Pollinger voiced his concern about the time lag in dealing with these types of matters, pending the next Board meeting. Discussion ensued regarding a method for addressing serious situations in a timely manner.

Regarding the current situation, Mr. Wrathell wondered if Mr. McGaffney could provide written notification that he met with both parties and explain that they consider the matter closed. Mr. Clark was agreeable.

Supervisor Gaeta mentioned that some Board Members were not fully aware of what occurred in this situation.

Supervisor Lawrence discussed the need to provide proper training to on-site staff. Mr. Clark felt training is useful but does not want this to appear as a concession that the Board agrees with resident comments. Supervisor Pollinger feels training will empower the employees, demonstrates the District's dedication to its employees and reduces the reoccurrence of issues.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, appointment of Supervisor Lawrence as lead coordinator on customer service training for AMG and CDD Staff, was approved.

Mr. Clark discussed recent legislation, which preempts local government regulation of firearms and noted Section 24 of the CDD's "General Facility Provisions" prohibits firearms. In order to avoid severe penalties, he feels this provision should be suspended until rule amendments can be made.

In response to Supervisor Davidson's question, Mr. Clark confirmed the law allows people to carry concealed weapons in public spaces; however, governmental public meetings, courthouses, etc., are excluded. Mr. Clark advised that the Board can restrict it during meetings.

On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, suspension of the firearm policy in the CDD's rules, until a new policy can be drafted and adopted, was approved.

Mr. Clark asked that all suggested rule amendments and changes be provided so they can be discussed at the December workshop and meeting.

Supervisor Davidson referred to the District documents and a provision that says when exceeding a certain number of occupants, the property owner can receive a special assessment for excessive use of the facilities. He asked if the District can use this provision. Mr. Clark said the Board could set a limitation that matches the deed restrictions and limit the beneficial use number or impose an additional charge. Mr. Clark indicated the Board will need to determine the definition of a family and quantify the numbers.

Supervisor Davidson asked if return of the gate access devices and amenity cards could be a required condition for closing on a home. Mr. Clark felt the District has neither the ability nor means of enforcement to stop a closing. The District's remedy is deactivation.

Supervisor Davidson relayed the suggestion of creating a vendor/contractor registration fee of \$100. Vendors and contractors would be required to register with the CDD office proving they are licensed. Mr. Clark felt this is not a good idea.

*****The meeting recessed at 11:53 a.m.*****

*****The meeting reconvened at 12:03 p.m.*****

D. District Manager

There being nothing to report, the next item followed.

SIXTH ORDER OF BUSINESS

BUSINESS ITEMS

A. Video Surveillance Tune Up Services

- **Dolphin Technical Solutions**
- **TEM Systems, Inc.**
- **Team Logic, IT (to be provided under separate cover)**
- **Rapid Security Solutions (Declined Offer to Bid)**

Mr. Kozak reviewed the proposals included in the agenda package. He confirmed the District has sufficient DVRs for the security needs, which is why additional DVRs are not included in the proposals.

Mr. Kozak indicated the Dolphin Technical Solutions proposal has been reduced by \$1,000, from the last proposal presented, because Mr. Tony Gaeta was able to obtain a reduced price on the server.

Regarding the Board's previous question about a middle-ground type of server, Mr. Kozak indicated Dolphin strongly recommends the robust server it has proposed. Mr. Wrathell discussed server needs and abilities.

Mr. Kloptosky distributed information received from Team Logic, IT and indicated it contains costs for a fixed camera instead of webcams. Given the planned re-registration process, Supervisor Gaeta voiced her opinion that Team Logic's server recommendation is adequate for the District's current needs but she is unsure if it is suitable for future growth. Supervisor Gaeta indicated Team Logic's proposed server does not contain enough room to hold the database application. Supervisor Gaeta advised that she will recuse herself from the vote.

Mr. Kozak continued reviewing the proposals. He confirmed TEM Systems, Inc., does not perform IT work. He pointed out that TEM's proposed cameras hook directly into the computer, which saves a DVR port. Supervisor Davidson felt TEM is proposing cameras but setting them up like webcams. Supervisor Chiodo noted Dolphin's current proposal contains domed cameras.

Mr. Kozak indicated Rapid Security Solutions backed out of bidding.

Supervisor Davidson noted difficulty in reading and totaling Team Logic's proposal. Regarding the server proposed, Mr. Kozak indicated Team Logic's server allows up to five (5) users and Dolphin's allows up to five (5) but will cost additional to expand upon the number. Supervisor Davidson indicated Team Logic is a local business and Dolphin is in New York but can travel to Florida. Supervisor Gaeta voiced her concerns about Team Logic's service abilities and overrun costs.

Supervisor Chiodo asked Mr. Kloptosky to comment on his interactions with Team Logic and his knowledge of their expertise. Mr. Kloptosky indicated Team Logic responded quickly to all inquiries but he finds their proposals confusing and they become more complicated when questions are asked.

Mr. Wrathell suggested that one (1) company could set up the system and then switch to another IT provider, at a later date.

Supervisor Pollinger felt the proposals should be reviewed by someone who is tech-savvy. Mr. Wrathell felt the decision comes down to the Board's level of confidence and trust in whom it is dealing with. Supervisor Davidson felt that is the unknown factor, regarding both Dolphin and Team Logic. Mr. Wrathell voiced his opinion that Dolphin has invested the most time and effort in their proposal and recommended going with the company that has invested the time.

Supervisor Chiodo voiced his support for Dolphin.

Supervisor Lawrence was torn, as he feels most comfortable with Mr. Gaeta but there is the issue of the large difference in the proposed cost.

Supervisor Davidson indicated he worked with Team Logic on a project and with Mr. Gaeta during the assessment phase of this. He felt Mr. Gaeta was aware of the macro-level of what the District is doing and was knowledgeable about trying to work with Bright House cable, familiar with the telephone systems and had a broader view. The Team Logic personnel were more technical but failed in running wiring and had to hire a subcontractor. Supervisor Davidson voiced his support for Dolphin.

Mr. Kloptosky agreed with Supervisor Davidson and noted Team Logic did not spend nearly the same amount of time onsite evaluating the District's needs. He feared Team Logic might have missed something and was not confident they could keep to their proposal, based on the limited amount of time they spent investigating.

On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor and Supervisor Gaeta recusing herself from the vote, the Dolphin Technical Solutions proposal, as presented, in a not-to-exceed amount of \$9,550, was approved. (Motion passed 4-0)

B. Additional Areas of Major Security Concerns

- **Security Camera Blind Spots - Village Center and Creekside (BK)**

Supervisor Davidson discussed security camera blind spots and suggested the District have Dolphin review the cameras, during their visit, and make recommendations for the areas.

Supervisor Gaeta indicated she spoke to someone at Dolphin regarding three (3) cameras on the north side of the building that were not counted in the camera replacement. Dolphin recommended a single PTZ camera that scans back and forth, rather than installing three (3) replacement cameras. Discussion ensued regarding the necessary camera image quality. Mr. Wrathell felt obtaining a recommendation and estimate would assist the Board in making a decision.

This item was deferred to the next workshop.

- **‘No Parking’ Signage**

Supervisor Pollinger discussed sign locations and indicated it is progressing. This item can be removed from future agendas.

- **Speeding Solutions (JP)**

Supervisor Pollinger is researching speed sign options. Supervisor Davidson asked if the Board supports purchasing a more tamper-proof speed sign for installation in the community. The Board replied affirmatively.

- **Resident Request for Roving Security Patrol (TL)**

Supervisor Lawrence recalled resident requests for a roving security patrol, due to security concerns within the community. Supervisor Chiodo questioned how to measure success. Supervisor Pollinger voiced his issue with paying for police services when it is already being paid for in the property taxes; people should call the sheriff's office. Supervisor Pollinger felt the community issues could be addressed by hiring unarmed security. Mr. Kloptosky indicated that the unarmed security cost is \$800 per month for the vehicle lease, \$13.98 per hour regular rate and \$20.97 per hour for holidays or overtime for the officer, with no minimum number of hours. Mr. Kloptosky stated the lease rate could be adjusted, depending on the number of hours or days per week the District wants it on the premises.

Supervisor Davidson felt this item would be a use of the resident survey tool.

If the Board agrees to a roving patrol, Supervisor Pollinger recommended utilizing them from 8:00 p.m., to 1:00 a.m.

Mr. Kloptosky indicated most of the unlawful activity occurring in the community happened prior to 7:00 p.m., usually from 4:00 p.m., to 6:00 p.m. In response to a question, Mr. Kloptosky confirmed it is juvenile-type activities.

Resident Bob Hopkins recalled discussion years ago regarding this matter and whether the District wanted to spend \$50,000 for security to protect against minor incidents. He questioned how much the District wants to spend when the problems are, basically, nuisance issues.

Resident Frank Benham asked if the District has hard data on the incidents. He questioned if the Board is addressing a real problem or only a perceived problem.

C. ADA Assessment: RGA (to be provided under separate cover)

- **Handicap Accessible Pool Count**

This item was addressed during the Fifth Order of Business.

D. Sharing of ADA Compliance Deadline/Requirements with GHMA (MG)

Supervisor Gaeta suggested discussing the ADA compliance deadline and requirements with Mr. Railsback, of the GHMA. She believed the GHMA budgeted \$4,000 to address their ADA compliance issues.

E. Continued Discussion: Community Directory

- **E-blast Regarding Deadline (Sept. 30) for Additions/Edits to Community Directory; Document To Publisher (MG)**

Supervisor Gaeta reported that the meeting with the publisher was pushed back to the end of the month; however, the data is ready to turn over to the publisher.

Mr. Benham clarified that the “city” library listed in the directory is actually a “county” library. Mr. Benham recommended reviewing Pages 20 through 23, as several items are incorrect or not in the correct location.

Supervisor Gaeta confirmed the rules will be a separate document.

Mr. Clark questioned including his email in the directory, as it will imply residents should email him, which has a cost factor to the District. The Board agreed to remove all of Mr. Clark’s information from the directory.

Supervisor Gaeta indicated Mr. Kloptosky felt the organizational chart may need to be revised.

The community directory will be discussed further at the next workshop.

- **Distribution Mechanism (MG)**

Supervisor Gaeta recommended sending an e-blast to residents thanking them for their patience and letting them know the directory is forthcoming.

Supervisor Gaeta proposed distribution of the directory by the Village Center and notifying residents, by e-blast, to pick them up there, once they are available. She recommended that distribution be crosschecked against the database; the resident must show proof of residency and will be required to initial upon receipt. If someone is not on the list, they will be sent to the CDD office to resolve the situation.

Supervisor Lawrence questioned requiring ID to obtain a resident directory; he found it uncomfortable. Supervisor Gaeta felt it would prevent distribution of multiple directories to the same home and to nonresidents of the community.

Supervisor Kloptosky recalled discussion with the CDD office staff who felt some directories should be in their office to facilitate distribution to new residents.

Supervisor Chiodo supported not distributing to people whose name is not on the database list and requiring them to go to the CDD office.

Mr. Hopkins asked if he could be granted permission to pick up directories for a number of homes where he is the caretaker. Supervisor Davidson recommended he provide an email or other correspondence from the owner authorizing him to obtain the directory.

F. Discussion: Compilation of All Proposed Amenity Rules Changes [Publication Prior to Universal Re-registration] (SD)

Board Members are to bring the remainder of the recommended rule changes to the next workshop for discussion.

G. Discussion: Town Hall Meetings (SD)

This item was deferred to the next workshop.

SEVENTH ORDER OF BUSINESS

CONSENT AGENDA ITEMS

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

A. Approval of Minutes

- **October 6, 2011 Community Workshop**
- **October 20, 2011 Regular Meeting**

B. Approval of Unaudited Financial Statements as of October 31, 2011

C. Retroactive Approval of Pergola Proposal from Skyway Builders Plus Cost for Performance Bond

Mr. Wrathell presented the consent agenda items for the Board's consideration, noting Item C is no longer under consideration.

Regarding the Unaudited Financial Statements as of October 31, 2011, Mr. Wrathell noted it was discovered that, since February, Austin Outdoor was billing according to the old agreement. He indicated he spoke to Austin and is working on a process where Austin will give credits on their invoices to account for the overpayments.

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, the consent agenda items, except Item C., as presented, were approved.

▪ **Sixth Order of Business – Business Items Resumed**

H. Savings/Money Market Account Options (CW)

Mr. Wrathell recalled the need to close the Community Bank of Broward account and reviewed the account options behind Tab H. He discussed minimum requirements, wiring fees and interest. He recommended EverBank, FineMark, Intracoastal Bank and Broward Bank of Commerce.

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, authorizing the District Manager to open savings/money market accounts at EverBank, Intracoastal Bank, FineMark Bank and Broward Bank of Commerce, with a maximum initial deposit of \$249,000 per bank, and to draft the appropriate resolutions and execution by the Chair, were approved.

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

This item was deferred to the next workshop.

J. Review of 5-Year Assessment Projections (*previously distributed*)

This item was deferred to the next workshop.

K. Parade of Homes or Similar Events Open to the Public (SD)

Supervisor Davidson discussed establishing a policy for requests to open the community to the public for special events such as a Parade of Homes, Realtor/Builder Open Houses, etc.

He recommended the requestor be required to hire the District’s guard to ensure the community’s same level of service.

Mr. Wrathell suggested that any exceptions to the established policy must come before the Board for consideration. He stated the policy is, if an event is open to the public, which impacts the District’s services, the entity hosting the event must hire a guard for the hours the event is taking place and, if any special accommodations are requested, they must come before the Board.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, reaffirming the District’s policy that, for events which are open to the public and impact the District’s services, the entity hosting the event must hire a uniformed guard for the hours the event is taking place and, if any special accommodations, different from the policy, are requested, they must come before the Board for consideration, was approved.

L. Ad Hoc Fact Finding Group: Resident District Services Satisfactions Program (Revision 1)

This item was deferred to the next workshop.

M. Future Meeting Agendas (MG)

- **Paper Copies**

This item was deferred to the next workshop.

N. Discussion of CDD E-blasts/Publication in Oak Tree (SD)

- **New Registration Procedures (Assignment of BUR)**
- **Wildfire Mitigation and Your Background**
- **Red Bay Tree/Ambrosia Beetle Epidemic - CDD Policies**
- **Rejuvenation of GH Lakewatch Program**
- **Speeding Devices**

These items were deferred to the next workshop.

O. Business Plan: Program Descriptions (BOS)

This item was deferred to the next workshop.

EIGHTH ORDER OF BUSINESS

OPEN ITEMS

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

This item was not addressed.

NINTH ORDER OF BUSINESS

SUPERVISORS' REQUESTS

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

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

TENTH ORDER OF BUSINESS

ADJOURNMENT

There being no further business, the meeting adjourned.

<p>On MOTION by Supervisor Pollinger and seconded by Supervisor Davidson, with all in favor, the meeting adjourned at 1:30 p.m.</p>
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Secretary/Assistant Secretary

Chair/Vice Chair