

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

A Regular Meeting and Public Hearing of the Grand Haven Community Development District's Board of Supervisors was held on **Thursday, February 16, 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  
Peter Chiodo  
Marie Gaeta  
Tom Lawrence  
John Pollinger

Chair  
Vice Chair  
Assistant Secretary  
Assistant Secretary  
Assistant Secretary

**Also present were:**

Matt Kozak  
Doug Paton  
Scott Clark  
Howard McGaffney  
Roy Deary  
Barry Kloptosky  
Louise Leister  
Renee DeAngelis  
Marti Garziglia  
Al Lo Monaco  
Rob Carlton  
Gene D'lorio  
Ivan Burk  
Vic Natiello  
Dennis Seiferheld  
Alan Rothman  
Gary Noble

Wrathell, Hunt & Associates, LLC  
Wrathell, Hunt & Associates, LLC  
District Counsel  
Amenity Management Group (AMG)  
Amenity Management Group (AMG)  
Operations/Field Manager  
Horticulturalist  
TAG Member  
TAG Member  
TAG Member  
TAG Member  
TAG Member  
TAG Member  
Resident/TAG Member  
Resident  
Resident  
Resident

**FIRST ORDER OF BUSINESS**

**CALL TO ORDER/ROLL CALL**

Mr. Kozak called the meeting to order at 9:35 a.m. He noted, for the record, that all Supervisors were present, in person.

For the benefit of the public, Mr. Kozak indicated the public hearing will be held at 12:00 p.m.

**SECOND ORDER OF BUSINESS****PLEDGE OF ALLEGIANCE**

All present recited the Pledge of Allegiance.

▪ **Tennis Court Drainage Repairs Project Update**

***\*\*\*This item was an addition to the agenda.\*\*\****

Mr. Kloptosky felt many rumors and misinformation are circulating with regard to the tennis court resurfacing project. He stated many are of the misconception that this matter just came up and the District is spending money unnecessarily, which is not true. He noted this project was first discussed three (3) years ago. Mr. Kloptosky explained the problem with clay spilling off the courts, creating safety hazards and maintenance issues on the sidewalks, due to improper drainage around the courts. Palm trees are growing under the courts and lifting the clay. He recalled that this project was discussed and approved during budget season. Mr. Kloptosky clarified this is a community infrastructure issue; it is not a means of ‘catering’ to the tennis community.

Ms. Leister presented renderings of the final project. She explained the project outline includes removing the damaged landscaping, most of which is in poor condition. The Washingtonia palms will be removed, as many are dying and diseased; they grow too tall and many have roots growing inside the courts. The project includes regrading, installing drains and correcting the drainage problem. A trough-like curbing will be installed around all of the courts so the clay can be reclaimed, as it washes off the courts, before it reaches the sidewalks and new landscaping. The water fountains will be moved, creating access for the handicapped. Ms. Leister discussed the irrigation issues in the area and installation of drip irrigation, to avoid overwatering. She detailed the landscaping planned for the area, once the drainage issue is resolved. Ms. Leister stressed that removal of the Washingtonia palms is necessary and noted locations of other types of trees. Ms. Leister reviewed the renderings and explained the drainage trough surrounding the courts.

Mr. Kloptosky explained that the trough will be formed concrete to collect the court runoff before it spills into the new landscaping.

Ms. Leister continued reviewing the landscape plans, noting the new design will allow the amenities to be seen, rather than hidden. The area will be pretty and functional.

Supervisor Davidson noted that the pergolas in the renderings are conceptual; they are not included in this project. The Board has not authorized the expenditure or their construction.

In response to Supervisor Gaeta's question, Ms. Leister confirmed the planned changes will be ADA compliant.

Mr. Vic Natiello, a resident, recalled the Board approved the repair of one (1) light pole; however, he feels all eight (8) light poles, on the original courts, are defective. He asked if something will be done to avoid having water gather in the u-bolts, causing structural issues. Mr. Kloptosky indicated those were reviewed but the bolts are beyond repair; eventually, they must all be replaced but he will take preventative measures to slow the process, until they can be replaced.

Ms. Leister discussed the process to remove the Washingtonia palms, noting it will be extremely noisy and a lot of machinery must enter the tennis court area, creating injury potential. She stated the work can be completed faster and safer if the courts are closed. S.E. Cline and Austin Outdoor have both asked that the courts be closed while they are working.

Mr. Kloptosky indicated Cline's initial timeframe was five (5) to seven (7) weeks; however, it could possibly be completed in four (4) to five (5) weeks, if the courts are closed. Mr. Kloptosky estimated a savings of approximately \$4,100 by closing the courts rather than having to accommodate and monitor open courts. Ms. Leister indicated the landscape work should take a couple of days, once Cline is finished.

Supervisor Chiodo recommended repairing all light poles during the time the courts are closed. Mr. Kloptosky noted the light pole repairs are unbudgeted.

Supervisor Davidson indicated he contacted the Palm Coast Tennis Facility regarding accommodating Grand Haven players, during construction, and they will offer a 50% discount and utilization of their reservation system during March. The fee would be \$5 per day or \$50 for the month. Residents can reserve court times and show their Grand Haven Amenity card to receive the 50% discount.

Ms. Leister discussed community complaints regarding the noise when a palm tree was removed last year, which only took a short amount of time. She wondered about the public's response to this project and felt closing the courts makes sense.

Discussion ensued regarding the probable work schedule and the possibility of opening the courts on the weekends.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, closure of the tennis courts during periods of heavy construction, contingent upon opening the courts on the weekends, if possible, was approved.**

Mr. Dennis Seiferheld, a resident, questioned the water fountain being moved outside the courts. Mr. Kloptosky indicated the fountain in question is by Court #7 and he will discuss the water fountains during his report, as part of the ADA compliance matter. In response to Mr. Seiferheld's additional question, Mr. Kloptosky confirmed the fountains inside the court area will not be removed.

### **THIRD ORDER OF BUSINESS**

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

There being no audience comments, the next item followed.

### **FOURTH ORDER OF BUSINESS**

### **STAFF REPORTS**

#### **A. Amenity Manager's Report**

Mr. McGaffney introduced members of the Tennis Advisory Group (TAG) to speak regarding the first-come-first-serve tennis reservation system versus a lottery. Mr. McGaffney recalled the survey results were 108 to 97 in favor of maintaining the current, first-come-first-serve, system.

Ms. Renee DeAngelis, of TAG, voiced the opinion of a large group of TAG members who feel other reservation system options should be explored. Historically, the District used a phone in, first-come-first-serve system, which worked well until there was a glitch with some new employees. That issue caused the Board to require tennis reservations to be made in person to visually observe that the reservation was properly recorded. It was believed that the new system was to be temporary; however, the in-person system has remained. The TAG members feel that the current system does not well serve the majority of the players, as one must be there

prior to 7:00 a.m., in order to secure a court. This system only serves those that are able to sit for more than an hour, very early in the morning. People have resorted to unfairness to secure court time or trying to 'beat the system'. It was noted that this behavior takes place early in the morning when staff is not present to observe it. TAG members have heard of these problems over the past few years. It was suggested that a change is necessary. Ms. DeAngelis indicated she conducted research and Grand Haven is the only local community utilizing this type of system. Others use a card or phone-in system. She suggested a 60-day trial period using the card system.

At Supervisor Davidson's request, Ms. DeAngelis explained the previously used phone-in system. Calls were taken beginning at 8:00 a.m., and the courts were reserved on a first-come-first-serve basis, without having to personally appear to make the reservation.

Ms. Marti Garziglia, of TAG, indicated tennis is the largest amenity under CDD control and voiced her disappointment that management of the amenity has other responsibilities. She recalled the purpose of the TAG, as liaison to the Board, regarding tennis matters. Ms. Garziglia indicated TAG recently voted to approve a trial card reservation system which would result in a reservation policy that is fair, equitable, cost free and not an inconvenience to resident tennis players. The card system was to be presented to the Board for approval, on a trial basis; however, two (2) TAG members rescinded their votes. Ms. Garziglia felt that, after a polling of reservation preferences by club management, it is obvious that the CDD must rethink the management of the tennis program. The tennis community needs professional tennis management to handle the issues, including reservations, round-robins, social events and a return to competitive play. She hoped the Board would consider a 60-day trial card reservation system. Should the Board reject the trial system, she recommended modifying the current first-come-first-serve reservation system to include signup at 4:30 or 5:00 p.m., rather than mornings.

Supervisor Davidson asked if league play has decreased. Ms. Garziglia replied affirmatively.

Mr. McGaffney introduced Mr. Rob Carlton and Mr. Al Lo Monaco.

Mr. Carlton, of TAG, indicated TAG is not a policy-making or voting committee; it is an advisory committee to advise Mr. McGaffney about tennis issues. He stated the group found themselves in a meeting being pressured into voting on a card reservation system. Mr. Carlton explained he rescinded his vote because, upon further thought, he felt the group is not a voting

group and only a few members of the committee were present at the vote. He feels the entire process was not valid.

Mr. Carlton read a statement, on behalf of Mr. Joe Loria, who could not attend today's meeting. Mr. Loria's statement spoke in favor of the current reservation system.

Mr. Carlton spoke of Mr. McGaffney's survey of members, noting 55% prefer the current system, while 45% support a change. He felt the matter of the difference only being ten (10) votes is not material and speculated that some questionable votes, which were left in the survey, would have resulted in a greater variance, had they been removed. Mr. Carlton indicated 75% of the TAG committee recommends continuation of the current reservation system. He stated that Ms. DeAngelis and Ms. Garziglia resigned two (2) weeks ago; thus, 100% of the committee agrees with the current system.

Mr. Carlton felt that, although the reservation matter has become quite divisive and will only get worse, a trial period or another survey will be disastrous. Mr. Carlton voiced his opinion that Mr. McGaffney has been pressured, harassed, threatened and intimidated about this issue. He felt everyone should move on from this subject.

Supervisor Chiodo asked Mr. Carlton's opinion of changing the signup time. Mr. Carlton indicated he has not had time to think about it. Mr. Carlton stated the issue really only involves the 8:00 a.m., and 9:30 a.m., timeslots, three (3) months out of the year. He felt shifting the time will not alleviate the problem.

Mr. Al Lo Monaco, of TAG, recalled Mr. McGaffney's report of the survey results at the previous meeting and his opinion that the subject was closed. He feels that further consideration of the issue is a waste of time.

Mr. Gene D'lorio, of TAG, indicated he is opposed to a lottery system or a trial of another system. He indicated he does not like the lottery system, based on his experience at the Player's Club. He read from a statement he received and questioned the validity of the survey wording and the votes in favor of the lottery system. Mr. D'lorio felt an automated, computer controlled, call-in system could be a solution, going forward.

Mr. Ivan Burk, of TAG, spoke in favor of the current system and indicated he has had no one object to it.

Mr. Natiello, of TAG, felt the TAG has accomplished a lot; however, they will never agree on this issue. He does not believe that 75% of the people who responded to the survey

play often enough to matter in the survey. He stated the tennis community is a small percentage of the community and it would be a waste of money to have a tennis professional run the club; it is just an amenity.

Mr. Alan Rothman, a resident, spoke in favor of the current reservation system.

Supervisor Davidson recommended deferring further discussion on this item to the next workshop.

Supervisor Chiodo recalled the numerous discussions on this matter and felt that, unless there is something new, it must be put aside. He recommended reevaluating the TAG's usefulness.

Supervisor Lawrence felt the decision is best made by the residents who play tennis. He noted the closeness of the survey results, in that nearly half will be unhappy if the current system remains; however, the majority should rule. He spoke in favor of the TAG continuing.

Supervisor Gaeta agreed with Supervisor Lawrence.

Supervisor Pollinger acknowledged the passion for the amenities. He feels it is the Board's responsibility to listen to the residents and make decisions. He felt if the issue is still going on six (6) years later, the Board should listen to what is going on. Supervisor Pollinger recalled a discussion about changing the reservation time and the possibility of making a rule that players cannot book the same time, every day of the week. He stated both sides should open their minds and come to a reasonable conclusion. He felt the vote was nothing more than an attempt to obtain opinions; it was not a binding vote. Supervisor Pollinger stressed the need to compromise. He felt discounting the minority, as it was such a high number, is not fair, as it demonstrates a large number of people are unhappy with the current system. Supervisor Pollinger spoke in favor of an automated phone system, which takes out the human element and allegations of favoritism. He stated the current system does not work fine, if there are so many with divergent opinions; it is the Board's responsibility to provide leadership and come to a decision.

#### **B. Field/Operations Manager**

Mr. Kloptosky indicated some of the entrance signs were installed. An email was sent regarding restriping; however, it could not be completed, due to the cold weather. They will attempt to complete it this Sunday. Regarding the tennis court light repairs, the footing will be poured on Friday and the light will be mounted on Monday. Mr. Kloptosky indicated the pergola

permit was received and materials should be delivered very soon. A schedule is pending regarding work. He noted the spa will need to be closed but they will try to keep the pool open, when possible. Mr. Kloptosky confirmed emails will be sent notifying residents of spa and/or pool closures related to the work, as well as tennis court closures during the drainage project.

Regarding the tennis court drainage project, Mr. Kloptosky indicated the Board originally budgeted \$89,000; however, he obtained revised quotes from Cline and the costs have increased. The first quote is \$94,850, which includes drainage and leaving the courts open during the work. The second quote is \$90,770, which includes drainage and closing the courts. Given there are still unknowns, Mr. Kloptosky requested consideration of a contingency, should he need extra money, during the project, and authorization to proceed, as necessary, with approval from the Chair and Management. Supervisor Lawrence was in favor. Supervisor Davidson recommended establishing a cap.

The City of Palm Coast denied the CDD's shed permit request; however, District Counsel is to send a letter to the city attorney.

**On MOTION by Supervisor Pollinger and seconded by Supervisor Gaeta, with all in favor, the S.E. Cline revised proposal for \$90,770, for tennis court drainage repairs, including a not-to-exceed 10% contingency over the originally approved \$89,000, for field changes, was approved.**

Mr. Kloptosky distributed a map of a site plan for a spec home on the corner of Marlin Drive and Waterside Parkway. A sidewalk encroaches on the Seagate lot. He asked if there is an agreement that could be used to address this and, if not, the sidewalk will need to be relocated. He noted relocation will be expensive. Seagate prefers to have the sidewalk removed. Mr. Clark indicated research of the easements is necessary to determine if it can remain. If it must be removed, the District can tell Seagate to remove it, at its own expense, as the sidewalk was there when the lot was purchased; however, the District may not find the result satisfactory. The District could also agree to share the cost. Alternatively, Mr. Clark indicated the District and the builder could agree to leave the sidewalk, with the District maintaining it; it is then not a title problem but could still be a sellable problem for the builder, when it is surveyed. The Board discussed informing Seagate of the option to relocate the sidewalk, at their own expense and to



the District's standards, enter into an agreement allowing the sidewalk and acknowledging the CDD will maintain it or sell the small portion of land containing the sidewalk to the District at a nominal cost of \$1. The Board agreed to have Mr. Kloptosky pursue this matter.

Mr. Kloptosky indicated he obtained a quote for aeration in Pond 4, off of Front Street, because of odors. He received a quote from Aquatic Systems for \$4,104.87 to install two (2) aerators but electrical costs would be additional. He noted an electrical source is already in place, meaning they will only need to run a line down the easement, which is relatively inexpensive. The Aquatic Systems proposal contained a \$90 semiannual charge for equipment maintenance. Supervisor Chiodo asked how confident Mr. Kloptosky is that this would solve the problem. Mr. Kloptosky indicated he is not prepared to answer, as he is not versed in aquatics. Mr. Kloptosky will follow up with Mr. David Cottrell, of Aquatic Systems, regarding this matter and have him discuss it at the next workshop.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, the Aquatic Systems proposal for installation of an aeration system in Pond 4, in a not-to-exceed amount of \$5,500, and pending further discussion at the March Workshop, was approved.**

Mr. Kloptosky indicated he spoke to the head building inspector who indicated the permit for the shed on Marlin Drive cleared his desk in two (2) days. He contacted The City of Palm Coast's Senior Planner in the Zoning Department explaining the problems with the permit request but feels no progress was made. Mr. Kloptosky was told that the area on the plat, between the road and the fence, was a buffer area and, technically, they are not allowed to cross the buffer. He questioned that the District has been crossing the buffer for years, to which the planner indicated that activity was grandfathered in. He informed the planner that the city issued a permit two (2) years ago to expand the area, move the fence and create an egress. Mr. Kloptosky detailed his discussions with the planner and her many questions, noting he ended the conversation asking the planner if she was speaking to him as a representative of the City of Palm Coast or as a resident with a personal opinion. Mr. Kloptosky informed the planner that he would request, in writing, a decision, as a representative of the city, as to whether she will deny the application or approve it. He stated, if it is denied, he wants to receive the reasons, in

writing. To date, he has not received a response. He contacted Mr. Ray Tyner, Planning Manager, along with Mr. Nestor Abreu, Community Development Director. Mr. Tyner left him a message advising him to schedule a face-to-face meeting with the person he has been communicating with.

Supervisor Pollinger voiced his opinion that the planner is not avoiding the appearance of conflict or an actual conflict. He recommended the District write a letter to the mayor and city manager, demanding that the individual recuse herself because it is obvious that there is the appearance of a conflict and the a decision on the matter is wanted, immediately.

Mr. Kloptosky noted he was told the shed would be approved if it were moved to the most north parcel; however, that is a soccer field.

Supervisor Davidson felt District Counsel should draft the letter to the mayor and city manager.

Regarding the paver project, Ms. Leister recalled that she contacted the city and was told a permit was not necessary; however, a stop work order was subsequently received, resulting in a \$300 fine, a \$500 permitting fee and requiring a survey. Ms. Leister felt this is evidence of a conflict of interest.

Supervisor Davidson indicated he, Ms. Leister, Mr. Kloptosky and T.J., met with the newest city council member to vent about various issues. He noted the ADA compliance requirements and concern about possible ‘stonewalling’ by the zoning department delaying installation of the pool lifts. Supervisor Davidson informed Councilman Jason DeLorenzo that the District will proceed, regardless of the permit, if it comes to a point of complying with the federal mandates, versus the city’s zoning department issues. Councilman DeLorenzo advised Supervisor Davidson to contact him, once the information is received, and that the city ‘had better’ expedite the permit.

Mr. Kloptosky spoke with the head building inspector regarding permitting related to the ADA compliance matters. Mr. Kloptosky feels the ADA compliance requirements are confusing and RGA Architect’s report contains inconsistencies. He met with an RGA recommended contractor Monday and indicated the contractor was equally confused. Mr. Kloptosky advised that he contacted RGA several times since and discussed several matters. Mr. Kloptosky stated he met with a playground contractor who provided him with a list of things that must be

completed on the three (3) playgrounds. He indicated the RGA report contained only one of the required changes and voiced his opinion that RGA's report is vague and useless.

Mr. Kloptosky brought in other contractors to perform the work. He noted conflicting opinions regarding whether every water fountain in the community must be ADA compliant, as the contractor felt that being 50% compliant was sufficient. Supervisor Pollinger felt that being 50% compliant means you are not compliant. Mr. Kloptosky indicated he will proceed with five (5) of the eight (8) water fountains, until he hears they must bring all of them into compliance.

The fitness center equipment relocation will be completed; however, the relocation will create trip hazards from electrical cords and overloading outlets. Mr. Kloptosky stated the contractor he is working with told him if there are multiples of the same equipment, only one (1) must be accessible; however, he felt RGA's report stated differently. Supervisor Chiodo and Mr. Kozak confirmed that RGA's information was the same as the contractor's. Mr. Kloptosky apologized for the misunderstanding.

Mr. Kloptosky discussed the playground needs, including transfer stations with railings, safety nuts on bolt ends, manufacturer safety decals and instructions on the equipment, swing heights and fasteners and transition requirements. Mr. Kloptosky indicated he contacted a contractor who will visit the CDD and perform an assessment of the playground compliance needs for a fee of \$250, which would be applied towards the costs, if he is selected to perform the work.

Mr. Kloptosky noted water fountain accessibility issues, which will require concrete installation. He obtained quotes to install railings on both piers.

Mr. Kloptosky recalled the ADA compliance parking issue at the guardhouse. He stated a handicapped parking space behind the guardhouse was recommended, along with installation of a ramp leading out of the building. Mr. Kloptosky felt a vehicle would not fit in the area, without creating a traffic hazard for cars entering and exiting. He stated a ramp in the proposed area would block the pedestrian walkway. He suggested creating a slope out of the guardhouse to a square, level platform, which branches off on both sides to an incline onto the paver walkway. Mr. Kloptosky stressed his opinion that the guardhouse location is not the proper place to install a handicapped parking space. He recommended locating one across the street, in the grass, by Grand Haven Realty's parking lot.

Supervisor Lawrence felt the issue of whether the parking space would be problematic, if located at the guardhouse, is practically a nonissue, as it will likely never be used. Supervisors Lawrence and Davidson agreed that the handicapped parking space should be installed at the guardhouse, if it meets the compliance requirements. Mr. Kloptosky spoke of the cosmetic appearance of a parking space in that area.

Supervisor Pollinger asked Mr. Clark if the District is required to provide ADA compliant workstations for contracted employees. Mr. Clark recalled RGA's opinion was yes; however, he is not sure. Supervisor Pollinger discussed the probable job requirements of the guardhouse employees, which would likely preclude someone needing a handicapped parking space from performing those tasks; therefore, alleviating the District of meeting the compliance requirement. Supervisor Pollinger questioned why anything needs to be done, if the job requirements are such that only an able-bodied person could be a uniformed guard. Ms. Leister stated, for example, a soldier with two (2) prosthetic legs, who can run in a marathon, but is technically disabled, is entitled to a parking space. Mr. Clark stated the issue is that the area has become a parking space, over time, which necessitates providing equal access. Mr. Clark felt the solution is to state that the area is not a parking space; thereby alleviating the need for a handicapped space. Mr. Clark stressed that the District cannot direct the security company to not hire disabled people. Mr. Kloptosky noted that the guards regularly park in the Grand Haven Realty parking lot; however, as it was recently sold and will no longer be available, he recommended installing two (2) parking spaces on the grassy area across from the guardhouse, so the guard has a place to park.

Given the time constraints, Supervisor Davidson recommended temporarily locating the handicapped parking space by the guardhouse, with the intention of moving it across the street, at a later date. Supervisor Lawrence and Pollinger disagreed with painting a space on the decorative pavers.

In response to a question, Mr. Clark clarified that, if a regular parking space is not provided, a handicapped parking space does not need to be provided. Discussion ensued regarding what can be accomplished by the March 15 deadline. Supervisor Lawrence felt the handicapped spots in the Grand Haven Realty lot should meet the requirements. The Board directed Mr. Kloptosky to proceed with the guardhouse ramp and do nothing regarding the parking space issue.

The Board discussed engaging a different ADA compliance firm. Mr. Kozak indicated he already forwarded the information to McCranie & Associates, Inc. He stressed, however, between the opinions of the various firms and the ADA hotline, no one seems to have a handle on the codes.

Mr. Gary Noble, a resident, noted the District employs two (2) maintenance workers and asked Mr. Kloptosky to explain, in his monthly report, what those employees do.

***\*\*\*The meeting recessed at 11:50 p.m.\*\*\****

***\*\*\*The meeting reconvened at 12:05 p.m.\*\*\****

#### **TIME CERTAIN: 12:00 PM PUBLIC HEARING**

#### **▪ Public Hearing to Adopt Amendments to the Policies and Fees for All Amenity Facilities**

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

- **Affidavits of Publication**
  - **Notice of Rule Development**
  - **Notice of Rule Making**

Mr. Kozak indicated the Board will hear comments and objections to the adoption of amendments to the policies and fees for all amenity facilities. He referred to the affidavits of publication, located behind Tab 5, noting that advertising requirements were met.

Mr. Clark detailed the significant changes to the document. A definition of family has been created, which defines a family numerically matching the capacity of the home with the facilities. A family is defined as “a housing unit with its lineal descendants but not to exceed two (2) members per the originally designed bedroom”. He explained the need to define family was derived from the possibility of overburdening the District’s facilities. Regarding renters, the definition further specifies that all parties be related to the person listed on the lease registered with the District. A definition of registered renter is provided and the procedure for registering was formalized, in an effort to avoid overburdening the facilities.

Mr. Clark stated the fishing policy was updated, providing that a violation of the fishing policy is a violation of the District’s rules and is subject to the penalties and potential suspension. Terminology related to the catch and release policy was updated and clarification that fishing is allowed in public areas but not behind privately owned property.

Mr. Clark indicated a notice of audio and video recording in the amenity facilities was included in the amended document.

Mr. Clark advised that the District's policies for the first offense of a violation were revised. The District has struggled with a zero-tolerance policy and the required actions, which some interpreted as 'heavy-handed'. The new policy provides for intervention and analysis of the situation, in search of solutions, prior to necessitating letters from District Counsel and conducting hearings.

Mr. Clark indicated the redlined version of the document will be the attachment to the resolution; the Board will be adopting the changes, as shown in the attachment, and authorizing the District Manager to promulgate a new document consistent with those changes.

**\*\*\*Mr. Kozak opened the public hearing.\*\*\***

Supervisor Davidson referred to the District's definition of family and asked if the Master Association, or others, can use the same definition regarding the number of individuals living in a residence. He noted a four (4)-bedroom home that had 15 people residing in it. Mr. Clark stated it is tricky to regulate what goes on in people's houses; that is a zoning issue and the HOA would need to determine what is in their documents and whether anything can be enforced. Mr. Clark explained how the District's definition was derived and that tying the definition to the amenity facility's capacity is permissible. Mr. Clark confirmed this is a District document related to the amenity facilities; it does not really help the HOA with their concerns.

Supervisor Gaeta referred to the annual user fee listed on Page 3 and questioned if a statement should be included stating what happens if a subsequent year's annual fee is not paid in full on the anniversary date. The Board agreed to the addition of a sentence stating "Failure to pay the fee will result in termination of use rights". Supervisor Gaeta referred to the fifth line from the bottom of the last paragraph, on Page 2, noting the word "of" should be inserted after "consist".

Supervisor Gaeta referred to Page 4 and questioned if guests will be provided with a pass. Supervisor Davidson confirmed a pass will be provided. Supervisor Gaeta asked if the CDD office should be informed and whether the CDD should track guests. Mr. Clark and Supervisor Davidson felt tracking guests would be cumbersome.

Supervisor Gaeta referred to the pool and spa rules and recommended inclusion of a statement that the lifts are for use by handicapped persons, only. The Board agreed with the addition. Mr. Clark will add language stating "Pool lift chairs and other ADA compliant devices are to be used only by those persons requiring such assistance". Supervisors Pollinger and Gaeta

felt the word “restricted” should be included in the statement. Mr. Clark confirmed the language will state “Chair lifts or other ADA compliant devices are restricted for the use of persons requiring such devices”.

Supervisor Pollinger referred to the “Renter” definition, on Page 3. The Board agreed to distinguish “Renter” and “Registered Renter” by separate definitions.

The following changes were made:

Page 4, RENTER’S PRIVILEGES, (1), Line 1: Delete “Property Ownerial”

Page 3, PHOTO IDENTIFICATION CARDS, Line 3: Delete the “\$10.00” fee statement and replace with the same verbiage used elsewhere in the document

Page 25, COMMUNITY GAZEBO POLICIES, Reservation and Parking, Lines 4 & 5: Delete sentence “The Gazebo may not be rented by the same party for the same day.”

Page 26, FISHING POLICY, Third Paragraph, Line 2: Change “policies” to “pond”

Page 29, 2., Second Offense, Second Paragraph, Line 1: Insert “the” after “by”

Discussion ensued regarding deactivation of amenity cards, as referenced on Page 29, and notifying the CDD office. Mr. Clark noted that a suspension will not take place without the Board approving it; therefore, the Field/Operations Manager should know about it.

Page 29, Note 3: After “privileges”, add “, with notification to the Field/Operations Manager and the Amenity Manager.

**\*\*\*Mr. Kozak closed the public hearing.\*\*\***

- **Consideration of Resolution 2012-7, Adopting Amendments to the Policies and Fees for All Amenity Facilities**

<b>On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, Resolution 2012-7, Adopting Amendments to the Policies and Fees for All Amenity Facilities, as amended and revised, was adopted.</b>
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▪ **Field/Operations Manager’s Report - Continued**

Mr. Kloptosky continued his report.

Mr. Kloptosky referred to the ADA compliance issue with The Village Center Café counter. He advised that RGA’s report indicated the countertop must be made compliant by lowering it or a section of it. Mr. Kloptosky indicated he met with Supervisor Pollinger and a

contractor and all felt the table service offered in the café is sufficient to comply with the ADA requirements. He noted the RGA report also calls for lowering a portion of the kitchen counter and the sink. Mr. Kloptosky questioned whether that is necessary, as employees use the kitchen; it is not for resident use. He recommended disassembling the counter and cabinet and cutting 2.5" off to lower the counter. Supervisor Pollinger pointed out, if the CDD hires an employee who needs it to be lower, the District must be in compliance.

Supervisor Pollinger discussed his dissatisfaction with RGA and questioned their credentials. Mr. Kozak indicated \$3,200 is owed to RGA; however, payment is being withheld. RGA has inquired regarding payment but Mr. Kozak did not respond to them. Mr. Kozak noted rescission of the previously approved \$2,500 scope of work is on the agenda. Once the Board rescinds approval, Mr. Kozak will send a letter to RGA detailing the items, which were not included in the report. Mr. Kozak advised against paying RGA the money owed for the work performed. Mr. Clark felt withholding the balance owed, simply because the Board is frustrated, will likely be a decision the Board regrets; however, if there are questions that remain unanswered, it is reasonable to withhold payment until the questions are answered. Mr. Kozak questioned the fact that RGA failed to include certain facilities in their report. Discussion ensued regarding whether the District can justifiably not pay for the work performed. Mr. Clark stated RGA may file suit, leading to the District spending more to defend itself than what is owed. Supervisor Chiodo recommended sending a letter detailing the deficiencies and citing final payment will not be made until all items are satisfactorily provided. Mr. Clark stated it is difficult to dispute paying a professional based on the quality of the product, particularly in an area such as this where the rules and codes are ambiguous and vague. Just because a second consultant gives a different answer than the first, does not give the District the right to refuse payment. Mr. Clark confirmed the District can proceed with rescinding the most recently approved \$2,500 authorization to obtain bids for the ADA repairs. The Board agreed to send a letter to RGA requiring them to provide what they were contractually obligated to provide. Mr. Kozak will email RGA.

Mr. Kloptosky discussed RGA's suggested cuts for access to the bocce and shuffleboard courts and his recommendation to make cuts at both ends of the courts, rather than in the locations suggested by RGA. He detailed the surfaces and necessary adjustments.



Mr. Kloptosky stated he is prepared to move forward with the necessary work; however, he is unsure of exactly what to do given the inconsistency of information. Mr. Kloptosky recalled the Board budgeted \$89,000 for compliance repairs. He estimated the costs to be \$300 for fitness center equipment relocation; \$5,500 for concrete work on the playground, ramps, fountain access, pad extensions and guardhouse ramp; \$4,650 for guardrails on both sides of two (2) piers; \$9,200 to retrofit five (5) of the eight (8) water fountains; \$1,000 to lower the Creekside kitchen counter and cabinet; \$3,000 for Wild Oaks paver walks to the dog park and gazebo areas; \$20,000 for four (4) pool lifts; \$5,000 for the Creekside croquet court paver walkway. These total approximately \$50,000. The pending items include the shuffleboard and bocce courts, playground equipment, guardhouse parking stall, Center Park paver and gazebo; he estimated these items will cost \$25,000. Mr. Kloptosky felt the completed work will come within the budgeted amount.

Mr. Kloptosky recalled his conversations with the City of Palm Coast Building Department regarding permits. He indicated the city has not started work on the compliance matters. Mr. Kloptosky asked the city to cooperate in this matter because of the pending deadline. The city agreed to permit the work by address, which will reduce the number of permits required. The head building inspector assured Mr. Kloptosky that he will push this through, as quickly as possible; however, he cannot take responsibility for zoning issues. Mr. Kloptosky indicated there could be a zoning issue because anything related to a concrete or paver walkway, or anything that could present a stormwater issue, becomes a zoning concern. He noted the city may require engineering specs for the pool lift footings.

Mr. Kozak indicated information was forwarded to the pool lift contractor and a response is pending.

The Board directed Mr. Kloptosky to proceed with the work, as discussed. Mr. Kozak will provide Mr. Kloptosky with Mr. McCranie's contact information. Supervisor Pollinger was confident with proceeding based on his, Mr. Kloptosky, and the various contractors' findings.

Mr. Carlton thanked the Board for their diligence in trying to comply but advised them to move ahead.

Supervisor Davidson asked Mr. Clark if the pools and spas should be closed on March 16, if the pool lifts are not installed, due to lack of inventory and/or permitting issues. Mr. Clark

advised the District to diligently document all third party delays. Mr. Clark felt that closing the pools would advertise noncompliance and create a worse problem.

Mr. Kloptosky was directed to contact Supervisor Davidson immediately, should any other issues arise prior to the next meeting.

**C. District Counsel**

There being nothing additional to report, the next item followed.

**D. District Manager**

- **Next Community Workshop/Regular Meeting**
  - **COMMUNITY WORKSHOP:**
    - **March 1, 2012 at 10:00 A.M.**
  - **BOARD OF SUPERVISORS MEETING**
    - **March 15, 2012 at 9:30 A.M**

Mr. Kozak advised that the next workshop is scheduled for March 1, 2012 and the next meeting will be held March 15, 2012.

**FIFTH ORDER OF BUSINESS**

**BUSINESS ITEMS**

**A. Approval to Publish Request for Qualifications – District Engineering Services in Daytona Beach News Journal**

Mr. Kozak presented the Request for Qualifications (RFQ) for the Board's consideration. Supervisor Davidson asked the submittal deadline. Mr. Clark indicated the RFQ should include a submittal deadline, such as 30 days from the date of publication. The Board agreed to set March 23, 2012 as the deadline for submissions.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, authorizing Staff to publish the RFQ for District Engineering services, in the Daytona Beach News Journal, with a submittal deadline of March 23, 2012, and to contact engineering firms recommended by the Board, was approved.**

**B. Questions for General Survey**

This item was deferred to the next workshop.

**C. Preparation for CWRR (Community-Wide Re-Registration)**

- **Office Procedure Organization Process**

This item was deferred to the next workshop.

**D. Discussion: Early Termination of AT&T DSL Lines**

Mr. Kozak indicated he attempted to obtain the agreement; however, it was a redlined version and the penalty amount does not match what he was told by AT&T customer service. In general, Mr. Kozak stated the District will save money by terminating. Supervisor Davidson asked that Mr. Kozak confirm the lines, prior to termination, to ensure the correct lines are terminated.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, early termination of the AT&T DSL lines, contingent upon confirmation from Mr. Gaeta of the lines to be terminated, was approved.**

**TIME CERTAIN: 12:00 PM PUBLIC HEARING****E. Public Hearing to Adopt Amendments to the Policies and Fees for All Amenity Facilities**

- **Affidavits of Publication**
  - **Notice of Rule Development**
  - **Notice of Rule Making**
- **Consideration of Resolution 2012-7, Adopting Amendments to the Policies and Fees for All Amenity Facilities**

This item was presented at 12:05 p.m., during the Fourth Order of Business.

**SIXTH ORDER OF BUSINESS****CONSENT AGENDA ITEMS**

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

**A. Approval of Minutes**

- **January 5, 2012 Community Workshop**
- **January 19, 2012 Regular Meeting**

**B. Approval of Unaudited Financial Statements as of January 31, 2012**

Supervisor Lawrence noted the District Counsel line item is over budget and asked Mr. Clark to notify the Board if they are asking him for unnecessary things. Mr. Clark felt they are not doing frivolous things.

- C. **Consideration of Resolution 2012-8, Amending General Fund Budget for Fiscal Year 2011**
- D. **Rescission of Approval of \$2,500 for RGA Group to Obtain Bids for ADA Repairs Construction**

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

## SEVENTH ORDER OF BUSINESS

## OPEN ITEMS

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

The Board Members turned in their questions for the satisfaction survey.

Regarding the Crossings Road, Supervisor Davidson indicated he submitted a request to the planning department, regarding their request for a survey of the Tract D section. Several parties are looking for an alternative, including the District making a donation to the county for wildfire mitigation, with the county, in turn, creating a firebreak in The Crossings Forest, from Tract D to Colbert Lane. If the city continues requesting engineering, designs and surveys, the District will use GPS and provide diagrams. Supervisor Davidson indicated if that is not sufficient, the District will take the matter higher.

Supervisor Gaeta reported on her meetings with the publisher for the community directory. Mr. Kloptosky received the revised purchase order but stated he is unsure where to code it. Supervisor Gaeta indicated the binders were ordered and the publisher agreed to meet with Ms. Tucker regarding formatting the data. The anticipated delivery date is April 1, 2012.

## SEVENTH ORDER OF BUSINESS

## SUPERVISORS' REQUESTS

Supervisor Lawrence indicated he scheduled a meeting on Friday with Mr. Jim Cook, Mr. Frank Benham and Mr. George Betz to discuss reinstating the LAKEWATCH Program. Volunteers will be needed.

Regarding speeding issues, Supervisor Pollinger spoke to Captain Carman about the data. Supervisor Chiodo confirmed a motorcycle deputy was on CDD property and issued numerous tickets. Supervisor Pollinger is researching pole-mounted radar signs.

Mr. McGaffney asked Mr. Clark to respond regarding potential liability issues with the proposed 5K Fun Run. Mr. Clark felt there are no problems and the event would be covered under the District's general liability policy.

Mr. Noble, a resident, noted that certain Supervisors are members of the Croquet Club and asked if they should recuse themselves from voting regarding the croquet court construction. Mr. Clark advised that those Supervisors are allowed to vote, as it is an item of general interest to the community, not a matter that particularly benefits them, more so than the general public. In response to Mr. Noble's question, Supervisor Davidson indicated the croquet court construction project will be discussed during budget discussions.

**NINTH ORDER OF BUSINESS****ADJOURNMENT**

The meeting recessed at 1:28 p.m.

<b>On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the meeting was continued to March 1, 2012 at 10:00 a.m.</b>
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Secretary/Assistant Secretary

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Chair/Vice Chair