

**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, April 19, 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)
Roy Deary	Amenity Management Group (AMG)
Steven Winston	Amenity Management Group (AMG)
Barry Kloptosky	Operations/Field Manager
Tony Gaeta	Dolphin Technical Solutions, LLC
Al Lo Monaco	Resident
Bob Sarkisian	Resident
Ron Merlo	Resident
Bob Hopkins	Resident
Frank Benham	Resident
Avery Messina	Resident
Otto Bohmueller	Resident
Rob Carlton	Resident
Sylvia McMahan	Resident
Roy Search	Resident
Keith Marvin	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)***

Ms. Avery Messina, a resident, provided the CDD with letter statement regarding a recent incident.

Mr. Otto Bohmueller, a resident, asked the status of the Grand Haven Directory. Supervisor Gaeta indicated the directories are ready but have not been delivered. Upon receipt, the community will be notified, by email, regarding distribution. Mr. Bohmueller asked the quantity of resident responses. Supervisor Gaeta stated approximately 1,200 replied.

Mr. Bohmueller referred to a large oak tree behind his house, adjacent to a wooded area, which may have Brazilian pepper growing around it. Supervisor Davidson directed him to contact Mr. Bill Allen or Ms. Louise Leister.

Mr. Bob Sarkisian, a resident, spoke regarding ongoing speeding problems on Egret Drive; there is a new neighbor with a deaf child and he would like to see the speeding rules enforced. Mr. Keith Marvin, a resident, noted the quantity of children that have moved onto Egret and resident speeding is a big issue. Mr. Marvin acknowledged that the CDD is probably not willing to install signs about the children but feels there should be something they can do. Supervisor Chiodo asked if anyone contacted the police. Mr. Sarkisian replied affirmatively. Supervisor Chiodo advised that making multiple complaints is the way to get the issue resolved. It was noted that there are no speed limit signs along the road so maybe one could be installed. Ms. Sylvia McMahon, whose daughter is deaf, stated she would be happy with a speed limit sign.

Mr. Roy Search, a resident, voiced his opinion that the roads need to be lined. Supervisor Lawrence indicated he presented this issue to the Board when it was first brought to him five (5) years ago and the decision not to line the roads was the previous Board's decision. Supervisor Lawrence felt the District Engineer should weigh in on the matter.

- **Operation of Gate Access Devices [GADs], (*Jim Prieto, Door King*)**

Supervisor Davidson indicated the District is discussing ways to increase security regarding people entering the community and those utilizing the amenities. He noted the District has a history of unauthorized GADs and amenity cards. He explained that the CDD will begin controlling and enforcing a long-standing provision regarding beneficial user rights. Additionally, a large number of GADs were mass activated and have since been lost.

Mr. Jim Prieto, of Door King, indicated the problem with the mass-activated GADs is that the person distributing them was issuing cards without recording the recipient's names. Over the years, the Door King database was not maintained. He explained the procedure of maintaining the resident database directory and discussion ensued regarding ways to determine who holds the unknown GADs and ways to bring the system current. Mr. Prieto acknowledged that a database backup was not made and that the current system is not backed up; if the system crashes, the information will be lost.

Supervisor Davidson introduced Mr. Tony Gaeta, of Dolphin Technical Solutions, LLC, who created the District's current network. Supervisor Davidson asked him to comment regarding linking the District's resident database with Door King's system.

Mr. Gaeta indicated that Ms. Fagnoli was instructed on how to back up the Door King database, along with how to complete an export from Door King. He advised that the files are currently on the new server, installed in January, and that server is backed up daily onto a USB drive. He confirmed that Door King's database information is now on the District's server. He noted that District office staff is noting which Door King GADs are issued without any information listed.

Supervisor Davidson advised that three (3) sets of data files exist, which include Wild Oaks, The Crossings and a combination. Mr. Prieto felt this is necessary, as one entering The Crossings should not need to search through the entire database to find someone in The Crossings. Supervisor Davidson questioned if any mass-enabled GADs were located in The Crossings or Wild Oaks. Mr. Prieto felt the District will need to request the GAD numbers from residents. Supervisor Davidson stated the information should be obtained during the re-registration process.

Supervisor Lawrence asked Mr. Prieto to approximate the number of GADs that do not have a name associated with them. Mr. Prieto indicated the information can be obtained from

the database. Supervisor Lawrence suggested the District deactivate 20 unassigned GADs per week and deal with those people, as they come in. Supervisor Pollinger questioned why they would not deactivate all of them at once. Supervisor Lawrence voiced his opinion that doing so would create too much of a workload for the office staff. Supervisor Lawrence asked if card usage can be tracked, which would enable them to determine if the unassigned cards are being used. Mr. Prieto indicated that information can be located by running transaction reports. Supervisor Gaeta asked the age of Door King's system. Mr. Prieto advised that Door King has been there six (6) or seven (7) years. Supervisor Lawrence advised that this has been Grand Haven's system since its inception. In response to a question, Mr. Prieto confirmed that the software system has been updated.

Supervisor Chiodo asked if the entire database could be purged and recreated. Mr. Prieto replied affirmatively. Supervisor Davidson suggested that, after the re-registration process is completed, the unassigned GADs could be purged. Conversation continued regarding re-registration, current and future databases and entering or moving information.

Supervisor Lawrence asked Mr. Kloptosky if, during the community directory process, information was purged, for those that no longer live in Grand Haven. Mr. Kloptosky voiced his understanding that the issue is a lack of a way to connect his staff's Excel system and Door King's database system. Mr. Kloptosky felt Door King is waiting for the Board's approval to deactivate unassigned GADs. Mr. Kloptosky questioned Mr. Prieto's estimation of only about 70 unassigned GADs, as he feels there are a couple thousand, at last count. Mr. Prieto explained that the mass-enabled GAD situation is slightly different.

Supervisor Lawrence recalled that a former District employee mass-enabled GADs and kept them to distribute them and update the information; however, at some point, she stopped following through with the process, resulting in cards not having names assigned to them. In response to a question, Mr. Prieto confirmed that all three (3) databases must be reviewed to determine the total number of unassigned GADs.

Supervisor Davidson asked if it is possible to use the Door King system on the District pool facilities that have gates, which would require a GAD for access. Mr. Prieto indicated it can be done in exactly the same way but would require a fourth database. Supervisor Davidson stated they are looking at having "smart" amenity cards that contain a picture and can be used for access to the facilities. He asked Mr. Gaeta to comment on whether his perceived system can be

implemented. Mr. Gaeta indicated, based on his conversations with Door King, there is no true integration between the systems but he can create a process where the District's database can generate a file to provide to Door King. Supervisor Davidson summarized that the resident database could be used to generate a new amenity access card, with a picture and a bar code. Mr. Prieto indicated the District could change its card reader system and install one (1) for the entire facility.

Supervisor Lawrence recommended deactivating the GADs assigned to people who no longer live in Grand Haven. He reiterated his opinion that a certain number of unassigned GADs should be deactivated, on a weekly basis.

Mr. Bohmueller questioned the accuracy of the GAD data included on Ms. Tucker's Excel spreadsheet; he noted residents did not confirm their GAD number.

Supervisor Pollinger agreed with Supervisor Lawrence's approach.

Supervisor Davidson asked Mr. Gaeta if his company has experience installing systems with locking gates, to control access, and, if so, could quotes be provided. Mr. Gaeta replied affirmatively. Supervisor Davidson indicated if the District goes in that direction, the database solution that is being created should be designed to allow for it.

Supervisor Gaeta explained the data collection process for the community directory, along with the issues encountered.

Mr. Bob Hopkins, a resident, recalled the District's conversion to the Door King system and voiced his opinion that 99% of the errors in the system are created by the residents when they do not keep their information updated.

Supervisor Davison directed Mr. Prieto to provide a list of mass-enabled, unassigned GADs. In order for the GAD deactivation process to begin, Supervisor Lawrence asked that Mr. Kloptosky's staff generate a list of people no longer living in Grand Haven, for presentation at the next workshop.

**FOURTH ORDER OF BUSINESS**

**STAFF REPORTS**

**A. Amenity Manager's Report**

- **Recognition of AMG Staff**

Mr. McGaffney reported on a recent choking incident in the Café and commended Mr. Steven Winston, an AMG staff member, for his actions in saving the person's life.

Mr. McGaffney recalled Supervisor Davidson's numerous requests that he obtain information on a salt system for the pools. He advised that he is still in the fact-finding phase and is gathering additional information. Supervisor Davidson questioned if other communities are using these systems. Mr. McGaffney replied affirmatively; however, it is not favorable.

Supervisor Davidson reminded Mr. McGaffney of his request that utilization of the soccer fields be recorded, as this will play into future discussions regarding the area. Mr. McGaffney spoke of repairs to the goals and his feeling that use will increase during the summer and once the work is completed. Supervisor Davidson asked that he not delay and begin recording usage now, as budget discussions will start next month.

Mr. McGaffney presented an incident report for an incident that occurred at Creekside, a few weeks ago. Additionally, two (2) trespass notices were ordered and issued within a three (3)-week span, along with another arrest, within the past month-and-a-half. He indicated there are ongoing issues of residents not presenting ID upon request, requiring enforcement of District policy. He reported that a 'no trespass notice' was also issued to Ms. Messina's fiancé.

Mr. Wrathell indicated that the key element of the incident report was that a trespass was issued, a deputy was called to the scene, who defused the situation, in advance of an arrest. The reports and deputy's actions seem to be indicative of an issue perhaps going beyond what it should have, as far as anger and personalities getting involved. Mr. Wrathell voiced his opinion that, once a deputy arrived and determined the need to issue the trespass notice, the indication is that people were not being cooperative with staff. He acknowledged that someone may have felt offended by staff asking for ID; however, the Board's mission is to protect the community and facilities and, to that end, staff is authorized to request ID to ensure that users of the amenities live in the community. Mr. Wrathell reiterated that, given the deputy felt a trespass notice was necessary, it appears that the individuals involved were not as cooperative with staff as they could have been.

Ms. Messina indicated that she spoke with Sheriff Donald Fleming about the issue, who, in turn, spoke to the deputy. She advised that Sheriff Fleming said he would lift the trespass warrant, as soon as she provides her address/contact information to him. She stated she feels it is unfair for a resident to be treated as a nonresident. Ms. Messina indicated that Sheriff Fleming told her the deputy was not in the right place to write the trespass warrant and he had a talk with the deputy about his approach to the situation.

Ms. Messina indicated she entered to use the hot tub. Noting she is a young girl, Ms. Messina alleged that she was attacked. She said the issue was not about providing ID; it was because staff wanted to close the pool. Supervisor Davidson asked Ms. Messina if she had her ID with her. Ms. Messina stated she did not but said she provided her address when she entered and staff located it in the “white binder” and said okay. Supervisor Davidson voiced his understanding, based on the reports, that an ID was requested and none was available. Supervisor Davidson noted that everything to be discussed is part of District Rules, Policies and Fees for all Amenity Facilities and is published on the District’s website.

Supervisor Davidson presented the amenity rules and policies by which all residents and visitors must abide. Ms. Messina referred to Page 2, which states all residents must be aware of changes and that all residents will be notified of changes. Supervisor Davidson indicated a public hearing was held and the document will be included in the new community directory soon to be distributed, and is posted on the District’s website; the entrance signs to each facility indicates that an amenity ID card is required. Ms. Messina voiced her understanding but stated she is not at Grand Haven all the time and contended that no one goes online or looks up a policy until there is an issue. She realleged her position that she lives in the community and was attacked.

Supervisor Pollinger referred to her usage of the word “attacked” and asked Ms. Messina if she was issued an amenity card. Ms. Messina replied affirmatively. Supervisor Pollinger asked Ms. Messina if she finds it unreasonable for staff to ask her to produce it. Ms. Messina stated she does not find it unreasonable. Supervisor Pollinger asked Ms. Messina if she made a credit card purchase and was asked for her card but she did not have it, would she find it reasonable to ask the employee to look up her information. Supervisor Pollinger posed other situations. Ms. Messina stressed her feeling that everyone is looking at this as an ID issue and she feels the ID was not the problem; she told the facilitator that she did not have ID, he said okay and looked it up. Supervisor Pollinger asked if it could have been resolved if she had her card. Ms. Messina did not agree.

Supervisor Davidson referred to Item 6, on Page 8, of the amenity rules and policies, regarding patrons and daily guests and read, “Patrons and daily guests must have their ID cards or guest passes when requested by staff at any amenity facility. The Board of Supervisors, as an entity, the Operations Manager, the Amenity Manager, and its staff, shall have full authority to

enforce these policies.” He proceeded to Item 13, “Disregard of rules or policies may result in expulsion from the Amenity Facilities and a loss of Amenity Facilities privileges, in accordance with the procedures set forth.” Item 15 reads, “Patrons and/or daily guests shall treat all staff members with courtesy and respect.” Supervisor Davidson referred to the Expulsion from Premises section, on Page 25, and read, “#1. Hostile behavior that is a threat to other Patrons, Daily Guests, District Staff, Amenity Facilities Staff and/or District Property” falls under terms of expulsion. Further, it states, “such physical expulsion from the premises shall be undertaken only by local Sheriff’s deputies and not District or Amenity Facilities Staff...Staff are hereby delegated the authority to execute a trespass notice adequate to cause the Sheriff’s Department to expel the offending person. Upon issuance of a trespass notice, a copy shall be promptly transmitted to the District Manager. At the next Board of Supervisors’ meeting following issuance of the trespass notice, the Board shall discuss the notice and determine whether to ratify, extend or cancel the notice and the Board shall follow the procedures set forth below, in that regard.”

Supervisor Davidson indicated these items explain the process and stated Staff was not attacking; they were doing what they needed to do, as part of their job. He indicated the Board can continue the trespass order for 60 days or rescind it.

Mr. Clark indicated he has not received a copy of the trespass order or the sheriff’s report; however, the rules provide that the Board should consider and make a decision today on whether to discontinue or continue the trespass order. He noted that the Board should ask any questions they wish and hear from the involved party.

Mr. McGaffney indicated there were several opportunities by Ms. Messina and her fiancé to leave in a quiet manner, as reflected in his, the facilitator’s and the deputy’s reports. He clarified that “looking up” information when an ID is not presented is not an AMG policy. He stressed that they were left with no choice but to call the sheriff because staff cannot physically remove anyone. Mr. McGaffney stated the deputy’s report was clear; when the backup deputy arrived, there was discussion about what to do and, AMG’s facilitator asked the deputies to only give them a trespass notice, not take them to jail. Mr. McGaffney reiterated that ID was requested but not given, usage continued after they were asked not to and the sheriff was called. He indicated that the deputy asked Ms. Messina and her fiancé to “get out” and had to ask the gentleman several times to get out and the situation escalated to the trespass issuance.



Supervisor Gaeta asked Ms. Messina how she arrived at the pool. Ms. Messina indicated she arrived by car and her fiancé drove. Supervisor Gaeta asked if her fiancé has a driver's license. Ms. Messina replied affirmatively. Supervisor Gaeta asked Ms. Messina if her fiancé lives in Grand Haven. Ms. Messina replied affirmatively. Supervisor Gaeta asked if he lives in Grand Haven legally. Ms. Messina indicated the homeowner has called the office. Supervisor Gaeta asked for a yes or no answer. Ms. Messina replied affirmatively. Supervisor Gaeta asked if he is registered in the District's records as a person who legally lives here. Ms. Messina indicated she does not know what the District's records say because, as we have seen before, the Districts records are not completely up-to-date. Supervisor Davidson asked Ms. Messina what residence is listed on her fiancé's driver's license. Supervisor Gaeta asked what address is on his driver's license. Ms. Messina indicated she does not know. Regarding the request for ID, Supervisor Gaeta voiced her belief that, in Florida, you must carry a driver's license with you if you are driving a car. Ms. Messina's fiancé could have produced a picture ID, which would have proven he did not live in Grand Haven and, reminded Ms. Messina that, if that was the case, and he was there as her guest, there is a \$10 daily guest fee to use the amenities. Supervisor Gaeta stressed that there were two (2) issues.

Ms. Messina indicated she was told there was video and audio of the entire situation, so the Board can see that the facilitator came and told them but they did not know who he was or who he was going to call; they did not know what he did for his real job. She reiterated that she was "attacked" and does not understand, as a resident, why it is about her.

Supervisor Gaeta clarified that Ms. Messina was not attacked, she was asked, and reminded that there are rules and regulations that were adopted to protect the community and someone like Ms. Messina from someone who might come in. Supervisor Gaeta advised Ms. Messina that she put several people in jeopardy by not providing ID. Supervisor Gaeta asked Ms. Messina to think of it from the perspective of her being there alone and someone else came in, who did not have ID, and could pose a threat to her. Ms. Messina voiced her understanding but reiterated her opinion that the issue was not about ID.

Supervisor Gaeta asked if the sheriff has the ability to override a trespass order that was issued. Ms. Messina clarified that Sheriff Fleming said he is doing his own research and, once she provided her name and address, he stated he does not understand why the trespass order was

ever issued. The Board advised that the trespass order was not against her, it was against her fiancé. Ms. Messina further clarified that her fiancé is the person who spoke to Sheriff Fleming.

Mr. Clark advised that, should the parties wish to have the Board conduct a hearing, it should be scheduled for a different time, including the video and audio. At that time, all involved, including Ms. Messina and her fiancé, will have the opportunity to present evidence to the Board. The sole issue today is whether the Board wants to discontinue or continue the trespass order.

Supervisor Pollinger stated he does not take offense when he is asked for ID, etc. He feels the situation could have ended with simply showing an amenity card. Supervisor Pollinger reminded Ms. Messina that the trespass order was not issued to her; it was issued to her fiancé. Furthermore Supervisor Pollinger indicated he is not convinced that her fiancé is a Grand Haven resident or has an amenity card. Supervisor Pollinger felt the order should stand, unless evidence proves otherwise.

Supervisor Chiodo asked Ms. Messina if she wants a hearing. Ms. Messina replied affirmatively, indicating she wants the audio and video to be produced. Mr. McGaffney clarified that the conversation to which Ms. Messina is referring was a telephone conversation with him, at which time, he asked her if she is aware that the amenity centers are under video and audio surveillance; it does not mean that the specific incident is on video or audio and he has not reviewed it to confirm.

Mr. McGaffney reiterated that the simple issue is no ID was produced; she was told she could not use the facility as it was closing in 15 minutes, Ms. Messina told staff to look it up and proceeded on her way to use the facilities, was told the sheriff would be called, she did not care and continued to use the facilities. He stated it was no surprise to Ms. Messina when the deputy arrived. The reason the 'no trespass' was ordered was because there were several attempts to have Ms. Messina's fiancé leave the hot tub. Mr. McGaffney indicated the deputy and sergeant will both be at the meeting to be held later today. He voiced his opinion that, if not for his facilitator's input, there would have been more than a 'no trespass'. Mr. McGaffney stressed that he wants Ms. Messina and family members to be able to use the facilities in a safe, fun environment. He stated he is willing to withdraw the 'no trespass order', if Ms. Messina understands she must have ID the next time. He feels this is not a criminal act; rather, she and her fiancé were offended and embarrassed that they did not have ID with them.

Supervisor Gaeta pointed out that the Board will not rescind its rules; rules and policies are set to be enforced and not for the Board to give leeway because Ms. Messina is a young woman. While there may be exceptions, if the Board rescinds this, followed by others, then why have the rules.

Mr. Clark indicated the trespass order is one (1) option; he feels the need to call the sheriff arose as a result of Ms. Messina and her fiancé not following staff's request to leave. He advised that the Board can direct him to send the "first offense" letter, which starts the mechanism for a suspension of privileges, if the behavior continues; a repeat offense results in a long-term suspension.

Supervisor Lawrence voiced his opinion that nothing was presented that convinces him that Ms. Messina's fiancé lives in Grand Haven. If he is not a resident, he is a guest. Discussion ensued regarding the guest pass and that the resident becomes responsible if their guest violates the District's rules.

Supervisor Davidson asked if issuing the "first offense" letter means the trespass order is rescinded. Mr. Clark indicated he is providing options; meaning, the trespass is not the only option.

Discussion ensued regarding the Board's action. Mr. Clark reviewed the hearing process.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, authorizing District Counsel to send a "First Offense" notice to Ms. Avery Messina, and to Mr. Sergey Glasgolev, a notice of continuance of the trespass order issued to Mr. Glasgolev and conduct a hearing, upon request, was approved.**

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

Mr. Kloptosky notified the Board that replacement of the pool equipment fence at The Village Center and Creekside was completed; a six (6)-foot fence was installed at each site. Supervisor Davidson referred to the O&M expenses, noting there appears to be a double charge from A1A Fence. Mr. Kloptosky indicated two (2) checks were issued, a 50% deposit and payment of the balance.

Regarding ADA repairs within the community, Mr. Kloptosky indicated the City of Palm Coast issued all requested permits, the majority of the work is complete; however, the handrails

are still pending. Another remaining item is repair of the playground equipment. Mr. Kloptosky advised that he contacted several contractors and there is difficulty in identifying the equipment. He spoke with Mr. McCranie regarding issues related to installing additional ground equipment because of safe play radius requirement; there is not enough room. Mr. McCranie is exploring other options.

Supervisor Davidson advised that an article regarding ADA compliance will be included in the next issue of The Oak Tree.

Regarding the status of the pool lifts, Mr. Kloptosky voiced his understanding that the pool lifts have not been delivered or paid for. Mr. Kozak indicated additional information was sent to the city's permitting department and the permit remains pending.

Mr. Clark advised that an extension was granted for compliance with the pool lift requirements. He feels that the extension came about because it was perceived that many planned to utilize portable pool lifts, which are not okay, so the extension gives everyone more time. In addition to the May 21, 2012 extension date, the government solicited additional comment and suggested there could be a further extension of up to 180 days. Although he has not heard anything yet, Mr. Clark expects further clarification. Mr. Clark indicated he is still concerned about the spa issue. The motel/hotel and hospitality industry estimates they need approximately 300,000 lifts to comply; however, the supply is not sufficient to meet the demand. Even with a deposit, Mr. Clark was not confident that lifts would be delivered. Mr. Clark noted multiple bills are before congress and the senate to override the ADA compliance requirement, or allow portable lifts.

Supervisor Gaeta questioned if the rules will be different for the hospitality industry versus others, such as CDDs. Mr. Clark advised that there are some differences but hotel/motels and public entities are required to install at least one (1) lift.

Supervisor Lawrence asked if placing a pool lift order, prior to the deadline, provides the District some level of protection. Mr. Clark advised that there is no protection against a lawsuit being filed. It gives the District a good argument on the basis of permitting and lack of supply; however, nothing shields from a lawsuit.

Mr. Kloptosky provided an update on the completed ADA compliance work and the costs to complete. He indicated the costs for the completed items totaled approximately \$18,000. The pending items are the pool lifts, playground equipment and paver walkway to the horseshoe area.

Regarding the Marlin Drive shed project, Mr. Kloptosky indicated paperwork was submitted to the City of Palm Coast permitting department and should be moving forward.

Mr. Kloptosky reported that The Village Center pergola is progressing and should be completed in a week.

Mr. Kloptosky noted the fountain was repaired because the inside is settling and was in danger of falling. Supervisor Davidson indicated the total cost was approximately \$5,466. Mr. Kloptosky indicated those funds will come from the landscape renovation budget.

Regarding the bocce and shuffleboard courts, Mr. Kloptosky advised that Mr. McCranie's revised report has no ADA required repairs; however, some minor repairs are needed on the bocce court. Residents requested installation of awnings. He felt the Board previously approved \$3,000 but the cost to install two (2) awnings was \$5,200, so he is obtaining additional estimates.

Mr. Kloptosky reported on the tennis court drainage project and presented pictures. He recalled originally projecting five (5) to six (6) weeks for completion; the project is currently in its fourth week. He reminded the Board that the timeframe was set only for S.E. Cline's construction of the drainage; it did not include the actual resurfacing of the courts. An attempt was made to conduct the resurfacing project simultaneously with the drainage work, to minimize the downtime. He advised that, unfortunately, the Marlin Drive Pump House pumps were destroyed by a power surge and this pump house provides the water for irrigation throughout the community, golf course and to hydrate the tennis courts. The resurfacing was scheduled to begin yesterday and be completed at the same time as the drainage project; however, the resurfacing cannot take place while the pump house is down, as each court requires continuous 24-hour hydration, once resurfacing is completed.

Supervisor Davidson recalled the same problem with the pump house a year ago and asked if they could be protected with a surge protector. Mr. Kloptosky indicated he researched it before but received no information regarding whether it is cost effective; private entities do this but it is expensive and none will guarantee that it will work. Supervisor Lawrence asked Mr. Clark if the District has any recourse against FPL, for costs due to the power surge. Mr. Clark indicated probably not, unless FPL did something out of the ordinary to cause the surge. Mr. Kloptosky indicated the cost to replace the motors and pumps is approximately \$17,000, with the District being responsible for 25% of the costs.

Mr. Kloptosky advised that, as a result of this issue, the tennis court project will run beyond the original time frame because the resurfacing cannot continue until the pumps are replaced. He was informed that the pumps and motors must be specially made and the install date should be known within a week or two (2). In response to a question, Supervisor Davidson confirmed that this information will be posted on the website and an e-blast will be sent. Discussion ensued regarding the content of the information to be disseminated.

Mr. Kloptosky continued presenting photographs and updating the Board regarding the status of the tennis court drainage project and discussing the status. Mr. Kloptosky identified aspects of the project that were unknown, prior to initiating the project, resulting in additional costs. He recalled previous discussion regarding the light poles. He advised that three (3) need to be replaced and asked if it should be completed now. Mr. Kloptosky did not obtain a firm estimate but the anticipated cost is \$3,000 per light pole. Mr. Kloptosky indicated the Board originally approved \$89,000, plus a 10% contingency and, with the additional work previously discussed, the entire budget, including the contingency, will be used.

**On MOTION by Supervisor Chiodo and seconded by Supervisor Lawrence, with all in favor, authorizing the Field/Operations Manager to proceed with replacement of three (3) tennis court light poles, as described, in a not-to-exceed amount of \$10,000, was approved.**

Mr. Kloptosky stressed that, if not for the pump house issue, the tennis court drainage project is on schedule. He noted the landscape portion was not figured into the original schedule and estimated it will take a week to complete, once the other work is finished. Regarding the time frame, Mr. Kloptosky estimated the project will go over by about two (2) weeks. Supervisor Chiodo recommended estimating three (3) weeks extra, so expectations are not increased. Discussion ensued regarding the necessary extra work on the drainage project.

A resident asked if it would be possible to open a few courts, during the resurfacing process, rather than waiting for all courts to be resurfaced. Mr. Kloptosky indicated he will explore that possibility.

Mr. Rob Carlton, a resident and tennis player, thanked the Board and Mr. Kloptosky for their efforts.

*\*\*\*The meeting recessed at 11:55 a.m.\*\*\**

*\*\*\*The meeting reconvened at 12:07 p.m.\*\*\**

### **C. District Counsel**

Mr. Clark indicated the R.A. Scott hearing is coming up. He feels the case is at a time where the District will make its point or the matter will progress towards a trial. The issue is difficult but he feels the law is as the District interpreted it; they are entitled to be held only to the terms of the written contract. There were a handful of rogue cases where contractors were allowed to make additional claims. Mr. Clark advised that R.A. Scott's counsel, Mr. Webster, understands and is arguing those cases but the District's position is that those cases do not fit this situation; therefore, he will argue that the judge should not allow this case to proceed. Mr. Clark was unsure if this will work and noted some judges are reluctant to dismiss. Mr. Clark asked the Board to consider sending a representative to the hearing, to put a face on the District. The Board agreed to have Supervisor Chiodo appear.

Mr. Clark recalled a question regarding the election process. He explained the election procedure set forth in Chapter 190, which requires the District to follow the general election process. In multi-district/multi-seat entities, the general election code requires people to qualify for a particular seat; if two (2) qualify for a seat, they run against each other for that particular seat. The District has no flexibility on this matter.

Regarding the deaf child sign issue discussed at the last workshop, Mr. Clark indicated it is a tough issue from both a legal and a policy standpoint. He advised that it is clear in the law that special districts do not have traffic control policing powers; the District can only request enforcement from the local authorities. The question of signage and striping is more difficult. Mr. Clark stated the literal answer is that the District does not have the authority; however, this and other districts have done it before. As long as no one objects to it, there is no consequence. Mr. Clark felt if the local government challenged the District and told them to remove a sign, they would be compelled to do so. Speed bumps are a similar issue. Supervisor Gaeta wondered if a "Children at Play" sign could be installed. Mr. Clark stated the question is whether the District should place a sign. Regarding this particular issue, Mr. Clark indicated he reviewed the Florida DOT stance, which states that studies show that signage is not effective. Furthermore, the District may increase its liability by installing such signage. Mr. Clark confirmed that the

District cannot install a speed limit sign setting a lower speed limit. Regarding striping, an attorney general opinion would allow the District to do so.

Supervisor Lawrence was against installing signage regarding children playing, etc., but felt that two (2), 30 miles per hour speed limit signs should be installed, along with utilizing the radar unit. Mr. Clark indicated the District can contract and pay the local authorities for additional patrols.

Supervisor Davidson discussed the planned utilization of a speed-measuring device. Supervisor Pollinger will contact the local authorities regarding the neighborhood with a high concentration of children and the community’s concerns about speeding in the area.

Supervisor Pollinger reported that he located a vendor for the speed-measuring device but it is taking time to receive one. Regarding the deaf child issue, he confirmed that studies reveal signage does nothing and, on the contrary, can give the child and parents a false sense of security.

Discussion ensued regarding the number and location of the speed limit signs on Egret.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, authorizing the installation of two (2), 30 miles per hour speed limit signs on Egret, was approved.**

**D. District Manager**

- **Next Community Workshop/Regular Meeting**
  - **COMMUNITY WORKSHOP:**
    - **May 3, 2012 at 10:00 A.M.**
  - **BOARD OF SUPERVISORS MEETING**
    - **May 17, 2012 at 9:30 A.M**

Mr. Wrathell advised that the next workshop is scheduled for May 3, 2012 and the next meeting will be held May 17, 2012.

**FIFTH ORDER OF BUSINESS**

**BUSINESS ITEMS**

**A. Notice of General Election - November 6, 2012 – Seats 2 & 4 (4-Year Terms)**

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



- **Consideration of Resolution 2012-11, for Placing Special District Candidates on General Election Ballot**
- **Qualifying Period: Noon, June 4, 2012 – Noon, June 8, 2012**

**On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, Resolution 2012-11, for Placing Special District Candidates on General Election Ballot, was adopted.**

**B. Reimbursement Request Policy and Procedures**

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

- **Private Property Damage**

Supervisor Davidson indicated this matter relates to Mr. Joe Renzo's request for reimbursement for damages to his home, caused by a tree located on District property. He referred to a discussion with District Counsel, as it relates to Supervisor Pollinger's comments about Ms. Leister practicing law. Supervisor Davidson stated his thought is, since the District has this continuing battle with residents wanting everything in writing, the District needs to stop these things; meaning Mr. Renzo's belief that every time he has a property damage claim, he can have the repairs made and submit the bill to the CDD. Supervisor Davidson indicated he suggested to District Counsel that the District should have a written statement or policy advising residents that, should an event occur, prior to arranging for any emergency repairs due to extreme circumstances, the resident is required to report the incident to the CDD Field Operations Manager. The Field Operations Manager would investigate, contact a contractor or consultant, if appropriate, determine the District's responsibility and liability and arrange for repair by the CDD selected contractor, with direct payment to the contractor. Supervisor Davidson stated his position is that residents should not be allowed to find their own contractor and present a bill for payment.

Mr. Clark indicated his concern is that trees occasionally break. He advised that there is well-established law regarding these matters and people carry insurance for these items. Mr. Clark cautioned against doing something that suggests the District will take more responsibility than the law requires. Mr. Clark advised that the District cannot be held liable for passive actions, such as dead trees, unless the person can establish that the District knew of the problem

and did not take reasonable steps. Usually, liability relates to active actions. Regarding the common areas, he voiced his concern about establishing an expectation that if something happens, the District will cover it.

Regarding Mr. Renzo's repair bill, Supervisor Lawrence suggested submitting it to the CDD's insurance carrier to determine whether it will be paid. Supervisor Davidson voiced his desire to have a written policy. Supervisor Pollinger disclosed that his wife is friends with Mrs. Renzo and the couples socialize; he voiced his opinion that Mr. Renzo will continue trying to prove his point that the tree should have been removed and that is what is motivating him. Supervisor Pollinger agreed that residents should not be allowed to have work performed and then submit a bill to the District; rather, if something happens the District should look at it first. Supervisor Davidson suggested advising residents who feel they have a property claim to report damage to the Field Operations Manager.

Supervisor Lawrence felt the Board is overreacting to one (1) person. Supervisor Gaeta concurred with Supervisor Lawrence. Supervisor Lawrence recalled his time as Field Operations Manager and discussed repairs made by the District.

Mr. Clark voiced his concern that putting a policy in writing will increase the number of incidents. Supervisor Davidson felt the policy would be primarily having something to refer residents to when they submit a bill for repairs. Supervisor Pollinger stated he has a problem with paying for anything, after the fact. Supervisor Gaeta felt recognizing this situation just opens a "Pandora's Box". Supervisor Lawrence questioned what the Board would have done if Mr. Renzo submitted the bill to the District. Supervisor Davidson indicated that is what was done. Mr. Clark recommended the Board send the bill back to Mr. Renzo stating, as previously discussed, the tree was healthy and, as there is no evidence that the CDD had any responsibility, the CDD declines to pay.

Supervisor Davidson clarified that his question is whether the District should have a written statement.

Mr. Wrathell cautioned against submitting minor issues to the insurance company, as the District's rate would likely increase.

Supervisor Davidson summarized that the District's position is for District Counsel to return the bill to Mr. Renzo and continue without a written policy for these types of property claims. Supervisor Pollinger pointed out that, given the cost for District Counsel to write the

letter, the District may as well pay the bill. Supervisor Davidson clarified that the District Manager should write the letter. Mr. Wrathell indicated the letter will state that the Board discussed the issue and feels it is not the District's responsibility. Supervisor Davidson reiterated his belief that the District should have a written policy on such matters but no other Supervisors voiced support.

**C. Disaster Debris Monitoring and Removal Services**

***\*\*\*This item, previously Item 5D., was presented during the Eighth Order of Business.\*\*\****

- **Flagler County Contractors**
  - **Debris Monitoring: Eisman & Russo, Inc.**
  - **Debris Removal: AshBritt Environmental**
    - ***Alternate: Palm Coast Standby Contracts/Contractors***

**D. Data Solutions - Phase 1**

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

- **Obtain Requirements and Determine Solution**

Supervisor Davidson indicated the District has a good idea of what it wants the system to do. The next step is for Dolphin Technical Solutions, LLC to interview all parties to gather information and develop three (3) different potential software applications that could be loaded into the Districts existing network. From there, the project could go to bid to acquire software and have it installed, or the District could hire Dolphin to do it. Supervisor Davidson presented the Dolphin Technical Solutions, LLC quote of \$3,600 to perform this phase of work. Supervisor Lawrence questioned how the \$3,600 amount was calculated. Supervisor Davidson felt the proposed cost includes the time to interview staff and research devices.

**On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, the Dolphin Technical Solutions, LLC proposal to develop an IT Treatment Plan/Requirements and provide three (3) different potential software applications for the system, in an amount not to exceed \$3,600, were approved.**

**E. Milestones to CWURR (Community-Wide Universal Re-Registration) (SD)**

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

- **Implementation Process**

- **Beneficial User Rights Clause Implementation and Procedures**
- **Final Drafts, Registration Forms**
- **Draft, Gate Access Device (GAD)/Amenity Access Card (AAC) Field Operations Manual (*to be provided under separate cover*)**
- **Database Management**

Supervisor Davidson explained that the information on the registration forms is fine; however, it may need to be reformatted, once the data solution is implemented. In response to Supervisor Gaeta, Supervisor Davidson indicated he is discussing the information and format of the forms with Dolphin Technical Solutions, LLC. Supervisor Gaeta asked Mr. Clark's opinion regarding whether the District can include a statement on the form whereby the person agrees to return all GADs upon sale of property or when they no longer reside in the District. Supervisor Pollinger questioned how that could be enforced. Mr. Clark indicated the statement can be included. Supervisor Gaeta felt signing the form was enforcement enough. Supervisor Davidson summarized the statement to be, "I/We agree to return all GADs and amenity access cards to the CDD office upon sale of property or transfer of beneficial user rights". Supervisor Gaeta clarified the wording should be added to owner and renter forms.

On a grammatical matter, Supervisor Gaeta suggested changing the wording to ask if the District has permission to publish the information. Mr. Clark indicated he prefers the current wording because it asks them to provide the information and tells them what it will be used for; he does not want to give the opportunity to "opt out". Mr. Clark clarified that the process was to get permission but the District does not want to go too far and give the impression that people have a right to not be listed unless they give permission. Mr. Clark's suggestion is to state "If you would like to be listed, please provide your information".

## **SIXTH ORDER OF BUSINESS**

## **OPEN ITEMS**

Supervisor Gaeta distributed copies of the Community Directory. She indicated the cost and size of the directory increased, due to everyone being included, along with the inclusion of the Policies and Procedures. Supervisor Gaeta reviewed her cost analysis, comparing the final counts with the originally quoted scope of work. She indicated that the publisher charged a fee to reformat the margins on the backside of each page. Supervisor Gaeta acknowledged that the publisher performed this work; however, her contention is that it was done without receiving

permission from her. For this reason, she feels the \$231.25 reformatting fee is not valid. Supervisor Gaeta explained the use of salmon page inserts. She referred to the cost for text page drilling listed on the final invoice but contended that it was not broken down by the quantity of pages. Supervisor Gaeta voiced her displeasure with the publisher's work and the final invoiced charges.

Supervisor Davidson asked if the publisher was holding the directories, pending final payment. Supervisor Gaeta confirmed that the publisher is prepared to deliver the directories. Supervisor Gaeta continued voicing her issues with the work performed.

Going through the final invoice, on a line-by-line basis, Supervisor Davidson asked Supervisor Gaeta to identify the line items she feels the District should not pay and why. Supervisor Gaeta argued the cost of the text page drilling. Mr. Wrathell pointed out that the proposed cost for text page drilling, under the original scope of work, was the same as what is listed on this invoice. Supervisor Lawrence felt the difference is minimal and recommended paying the publisher. Mr. Wrathell noted that the directory increased from the originally planned 220 pages to 285 and the price difference between the quote and final invoice appears to directly reflect the increase in size. Mr. Wrathell felt that any issues would amount to a few hundred dollars, at most, and questioned if it is worth fighting over.

In response to a question, Supervisor Gaeta confirmed that AMG will contribute \$7,500 towards the cost. Supervisor Lawrence and Mr. Wrathell commented that the District is still paying less than half the cost. Supervisor Gaeta stated, regardless, she is going to try to negotiate the invoice because the publisher performed work without permission. Supervisor Gaeta recalled that the District had to pay for the Crystal Reports used to input the data. Mr. Wrathell reminded the Board that the District has now completed the process of setting up the template for future directories and the reality is that, going forward, the initial work is done.

Supervisor Pollinger referred to the directory and noted that his wife is going to be unhappy when she finds her email address included in it. He confirmed that neither his or his wife's email address should be listed but both are. Supervisor Gaeta indicated the information contained in the directory was received from the CDD office.

## SEVENTH ORDER OF BUSINESS

## CONSENT AGENDA ITEMS

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

### A. Approval of Minutes

- **March 1, 2012 Continued Meeting**
- **March 1, 2012 Community Workshop**
- **March 15, 2012 Regular Meeting**

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

Mr. Wrathell noted expenditures are at 49%, halfway through the fiscal year; however, this does not include the March invoices. He stated that the District is on the path to exceed its budget. Supervisor Davidson recapped the major expenditures. Supervisor Lawrence recalled the Board's decision that any capital overages would be taken from the reserve and the 2013 capital plan budget would be reduced by the 2012 overage.

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

▪ **Open Items – Continued**

Discussion of the Community Directory resumed.

Supervisor Chiodo indicated he would like to further discuss the Community-Wide Universal Re-Registration (CWURR) matter at the next workshop, as he has some issues with it.

Supervisor Davidson asked if several Supervisors could distribute directories at the same time, in the same place. Mr. Clark advised against it; it would be performing an official CDD function outside of an advertised meeting. Discussion ensued regarding initial distribution dates, method and notification to residents. Volunteers will be used for distribution.

Supervisor Davidson reviewed the following guidelines for distribution:

- ❖ Residents/Owners photo ID and acknowledgement of receipt by signature will be required. (In response to a question, Mr. Clark confirmed the District has the right to require a signature, in order to receive the directory.)
- ❖ Every Owner is eligible to receive one (1) directory per parcel owned. If requested, owners of multiple parcels may receive one (1) copy of the directory for each parcel owned, at a later date, and after peak demand has been met.

- ❖ Owners may purchase, at a later date and as available, one (1) additional directory for \$15, payable by check or money order only, payable to the Grand Haven CDD, *Memo: Grand Haven Community Directory.*
- ❖ Registered Renters may purchase, at a later date and as available, one (1) Community Directory for \$15, payable by check or money order only, payable to the Grand Haven CDD, *Memo: Grand Haven Community Directory.* Registered Renters will be required to acknowledge receipt of the Directory in writing.
- ❖ No cash transactions are possible at the time of distribution.

Supervisor Davidson provided alternate language for the e-blast.

Pending availability of the Creekside facility/room, the following distribution dates and times were selected:

Tuesday, May 1, 2012	9:00 a.m. – 12:00 p.m.
Wednesday, May 2, 2012	1:00 p.m. – 4:00 p.m.
Thursday, May 3, 2012	5:30 p.m. – 8:30 p.m.

In response to a question, Supervisor Davidson clarified this process is strictly for distribution. If there are any problems or issues, including residents who are not registered, those matters must be dealt with during normal business hours, at the CDD office.

Supervisor Davidson reviewed his handout of corrections to the General CDD Principles and Guidelines page of the F.O.M. Office Procedures Manual.

**EIGHTH ORDER OF BUSINESS**

**SUPERVISORS REQUESTS**

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

Supervisor Chiodo referred to his comments regarding the CWURR process and stated it does not mean he is opposed to it; he feels the objective must be defined and the Board must determine what it will cost to achieve those objectives.

Supervisor Davidson confirmed that the District Engineer candidate interviews will be held at the next workshop and the CWURR process will be discussed.

- **Disaster Debris Monitoring and Removal Services**

***\*\*\*This item, was presented out of order.\*\*\****

- **Flagler County Contractors**

- **Debris Monitoring: Eisman & Russo, Inc.**
- **Debris Removal: AshBritt Environmental**
  - ***Alternate: Palm Coast Standby Contracts/Contractors***

Mr. Wrathell indicated that the county and city have emergency preparedness agreements in place. He asked Mr. Clark to research whether the District can piggyback on the county or city agreements or if it must obtain bids for these services. Mr. Wrathell discussed terms that should be included in this type of contract, including adhering to FEMA requirements, etc.

Supervisor Davidson presented the CDD file for 48 River Trail Drive, which was created in 2007. He pointed out that Ms. Cheryl Esposito owns the residence but does not reside there. Her sister, Ms. Tracy Esposito, who is Ms. Messina's mother, is renting the residence without a lease or being a properly registered renter. Amy, Avery and Addison Messina are listed as the children of Ms. Tracy Esposito. Ms. Avery Messina's fiancé is not listed as residing at 48 River Trail Drive. A call was received two (2) days after the incident to add the fiancé as a resident. Supervisor Davidson feels they are of the misunderstanding that simply calling to add the fiancé makes him a Grand Haven resident but it does not.

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

There being no further business, the meeting adjourned.

<p><b>On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, the meeting adjourned at 1:39 p.m.</b></p>
---



---

Secretary/Assistant Secretary

---

Chair/Vice Chair