

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

A Regular Meeting of the Grand Haven Community Development District's Board of Supervisors was held on **Thursday, November 15, 2012 at 9:30 a.m.**, in the **Grand Haven Room, Grand Haven Village Center, 2001 Waterside Parkway, Palm Coast, Florida 32137.**

Present at the meeting were:

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

Also present were:

Craig Wrathell	District Manager
Scott Clark	District Counsel
Howard McGaffney	Amenity Management Group (AMG)
Barry Kloptosky	Field Operations Manager
Joanne Smith	Resident
Suzanne Lynch	Realtor
Shirley Florio	Resident
Rob Carlton	GHMA President
Vic Natiello	Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. Wrathell called the meeting to order at 9:39 a.m., and noted, for the record, that Supervisors Davidson, Gaeta, Pollinger and Chiodo were present, in person. Supervisor Lawrence was attending via telephone.

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. Joanne Smith, a resident, indicated that the retaining wall adjacent to her property at 37 Jasmine Drive is beginning to bow and holes are developing in the lawn. She believes that repair and maintenance of the retaining wall is the CDD's responsibility, as a portion of it is on the CDD's common area property. Ms. Smith's position was based on the covenants and restrictions, which state that the property was transferred from the developer to the CDD and that the CDD would be responsible for the care, maintenance, repair and replacement of improvements on common area property. She felt that it makes more sense to repair the retaining wall before it falls down.

Ms. Smith voiced her understanding of the Board's issue regarding who built the wall but feels that the issue is between whoever owns the land and whoever built the wall; she is simply a neighbor on one (1) side. Ms. Smith advised that she is willing to take care of the portion of the wall sitting on her property but the CDD should be responsible for the south side.

Mr. Clark stated that, in 2002, the developer transferred the common area property to the CDD. He confirmed that the covenants and restrictions contemplated the transfer and that maintenance responsibilities may be transferred to the District. Mr. Clark indicated that the difficulty is that the common area was transferred without the retaining wall. The Smith's lot was transferred to the homebuilder, ICI, in 2004 and a home was built. The retaining wall was subsequently built on CDD property, without permission. He explained that this matter was addressed several years ago and the Board's decision was that the wall should not have been built; however, the CDD does not wish to assume responsibility, since it was not approved.

Mr. Clark acknowledged the maintenance issues with this retaining wall but cautioned the Board that, if the District takes over maintenance in this situation, other requests will follow. He reminded the Board of Mr. Eugene Holland's repeated requests for repairs, which he felt were related to the CDD but which were ultimately resolved by the builder. Mr. Clark felt that, from a policy standpoint, there is little difference in this request. He explained that the builder built improvements that are not the District's responsibility. Mr. Clark noted that there are questions regarding possible South Florida Water Management District (SFWMD) restrictions on the area; however, he does not believe there is a SFWMD-related problem.

Mr. Clark summarized that the problem is an improvement that the District did not sanction, which needs maintenance; the Board must make a decision. He noted that if the District allows an improvement made by another to remain in place for 20 years, the District

would lose its rights to the property. Mr. Clark explained that the District can avoid the adverse possession situation by entering into an agreement with the other party.

Mr. Clark recalled the Board's decision, in 2009, was that it did not want the wall removed; however, it did not want to assume maintenance, either.

Supervisor Chiodo questioned if the District would be viewed as spending money to benefit a single resident, if it assumed maintenance of the retaining wall. Mr. Clark felt that the District has latitude, as the wall sits on CDD property but remains a policy issue. Supervisor Chiodo asked if the District could enter into an agreement to maintain the wall, in exchange for assessing the individual property owner for the cost. Mr. Clark indicated that Supervisor Chiodo's suggestion is acceptable; however, the logistics are difficult, as the District must budget for an item that may not occur and levy the assessment at the beginning of the year. Mr. Clark felt that it would be easier for the property owner to pay the costs directly to the CDD or to the contractor.

In response to Supervisor Gaeta's question, Ms. Smith confirmed that she has not contacted ICI because she feels that, since the wall is not on her property, she does not have an issue with ICI. Ms. Smith stated that, in 2009, ICI sent a letter indicating that the purpose of the retaining wall was to hold back fill dirt for landscaping purposes and that it would be in the best interests of everyone to leave the wall, as is. She asked Mr. Clark to comment on what would happen if the CDD does nothing and the wall falls and injures someone or creates damage.

Mr. Clark stated that, if the wall fell, he would advise the Board to fix the problem, which may include removal of the wall. Ms. Smith asked what if the wall is removed and the removal causes damage. Mr. Clark indicated that the District could remove the wall now and not be responsible for the damage on Ms. Smith's property. Mr. Clark explained that the wall is trespassing on the CDD's property. Ms. Smith voiced her opinion that, if the District is willing to spend money to remove the wall, repairing it seems more prudent.

Supervisor Gaeta questioned if the retaining wall was built to code and if it was illegally built. Mr. Clark replied affirmatively, that is the assumption.

Mr. Wrathell asked if the wall serves any purpose to the CDD. Mr. Kloptosky replied no, adding that ICI's letter confirms that it has no bearing on the CDD's property.

Mr. Clark recalled that, at the Board's urging, Mr. Holland addressed his concerns with SeaGate, who eventually repaired the problem.

Ms. Suzanne Lynch, Ms. Smith's sister and realtor, stated that this situation is different from Mr. Holland's, as the wall is on the CDD's property, not Ms. Smith's. Ms. Lynch noted that Ms. Smith is willing to maintain the part that is on her land. Ms. Lynch questioned why Ms. Smith should be the party to address this with ICI, stating that it is a matter between the CDD and ICI.

Supervisor Pollinger voiced his opinion that ICI essentially expanded a lot, illegally, and that the District cannot maintain the retaining wall, which provides a landscaping enhancement and expanded lot to a single homeowner.

Ms. Smith contended that, if anything happens, it would be willful negligence on the District's part. Mr. Wrathell suggested that if the District has liability concerns, it can remove the wall, as it serves no purpose to the District.

Supervisor Lawrence explained that ICI built the retaining wall so that the property could be landscaped. He acknowledged that if the wall is removed, the property owner will likely experience erosion and this should be incentive for Ms. Smith to enter into an agreement with the District to pay to maintain the wall. Supervisor Lawrence suggested that, if Ms. Smith is not willing, the District should inform ICI that the wall was illegally built and must be removed.

Mr. Kloptosky confirmed that the wall is deteriorating and it is a matter of time before it collapses. He noted that the District's only concern is why a wall was built on its property without permission. Mr. Kloptosky stated that the cost to remove the retaining wall is approximately \$2,500, plus the cost to fill the area. He suggested that, if the District removes the wall, the homeowner could have ICI build a new retaining wall on her property or install a stabilization mat.

Supervisor Davidson felt that the most practical solution is for Ms. Smith to enter into an agreement to maintain the retaining wall, since she is the party that benefits from it.

Ms. Smith questioned why the covenants and restrictions that apply to all other common area property, which are the District's responsibility, do not apply in this case. Supervisor Pollinger suggested that Ms. Smith's situation is unique.

Mr. Clark stated that the former owner knew of the issue and should have disclosed it; their failure to inform her does not automatically make the District responsible. Regarding liability, Mr. Clark indicated that a maintenance agreement must also specify which party is responsible for insuring the retaining wall. Mr. Clark recommended that the homeowner carry the liability insurance.

Supervisor Lawrence urged Ms. Smith to enter into a maintenance agreement with the District.

Ms. Smith asked the District to prepare an agreement for her attorney to review.

Supervisor Gaeta questioned if District Counsel should contact ICI. Supervisors Davidson and Pollinger felt that ICI's response would be to remove the retaining wall.

Mr. Clark will draft a maintenance agreement with the understanding that liability falls with the homeowner.

FOURTH ORDER OF BUSINESS

CONSULTANT, GUEST REPORTS & PRESENTATIONS

- **Supervisor John Pollinger Service Award**

Supervisor Davidson presented Supervisor Pollinger with an award for his service to the District.

Supervisor Pollinger thanked the Board and Staff for their recognition.

FIFTH ORDER OF BUSINESS

CONSENT AGENDA ITEMS

A. Approval of Minutes

- **October 4, 2012 Community Workshop**
- **October 18, 2012 Regular Meeting**

Mr. Wrathell presented the October 4, 2012 Community Workshop and the October 18, 2012 Regular Meeting Minutes.

B. Approval of Unaudited Financial Statements as of September 30, 2012

Mr. Wrathell presented the Unaudited Financial Statements as of September 30, 2012 for the Board's consideration. He explained that the District's collections were at 101% and, overall, revenues exceeded expenses by approximately \$79,000. Mr. Wrathell noted that expenditures are expected to exceed budget by about \$160,698. He explained that the budget amendment to be considered later contains a slightly higher amount than reflected in the financials because there may be additional invoices accruing back to Fiscal Year 2012.

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

SIXTH ORDER OF BUSINESS

STAFF REPORTS

A. District Engineer

There being no report, the next item followed.

B. Field/Operations Manager

******This item, previously Item 6C., was presented out of order.******

Mr. Kloptosky reported that there was a recent incident with the Creekside pool equipment, where flow restriction caused a burnout in the pool heater. Mr. Kloptosky obtained a proposal of \$7,490 from Duda Pools to correct the problem, including replacement of the heater and new pipes. He indicated that the correction is similar to what was completed at The Village Center pool. Delivery of the pool heater is anticipated this week and work should commence next week.

Mr. Wrathell suggested classifying the costs in infrastructure reinvestment as an unbudgeted expense. Supervisor Lawrence agreed.

Supervisor Lawrence questioned if an insurance claim can be made. Mr. Kloptosky stated that he will inquire; however, he was unsure whether insurance will cover it, as it is an equipment issue. Mr. Kloptosky indicated that he approved a 50% deposit for the work and coded it to unbudgeted general infrastructure. Mr. Wrathell asked Mr. Kloptosky to coordinate to have the expense recoded as an unbudgeted expense called Creekside pool repairs. In response to a question, Mr. Wrathell confirmed that, for now, this expense will not be applied to the capital general infrastructure.

Mr. Kloptosky indicated that the eagles have returned to Grand Haven and signs are up.

- **Water/Irrigation Analysis**

Mr. Kloptosky indicated that this matter is still pending with the City. An irrigation technician will evaluate the situation, along with the District's technician. Supervisor Chiodo suggested contacting a City Council member if the technician fails to visit tomorrow.

Mr. Kloptosky reported that he provided Management and District Counsel with a draft policy regarding staff use of the gym facilities and asked for their comments. Supervisor Davidson suggested that the agreement include a liability clause. The Board agreed to the draft prepared by Mr. Kloptosky, with the addition of a standard liability release statement.

Mr. Kloptosky recalled that the Board approved holiday bonuses for staff and asked whether bonuses will be considered this year. Mr. Kloptosky stated that staff received a separate bonus check in an amount to net \$100, after taxes. Supervisor Davidson supported the concept

and suggested referring to it as a gift, rather than a bonus. Mr. Wrathell indicated that it cannot be called a gift.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, staff member holiday compensation, the same as last year, was approved.

Mr. Wrathell indicated that he spoke with Mr. Kloptosky regarding overtime compensation for employees that are on call during the weekend. He noted that Mr. Kloptosky attempts to regulate those employees' hours to avoid overtime. Mr. Wrathell stated that it is difficult to regulate the hours during the week to coordinate with the on-call hours and reach 40 hours per week. Mr. Wrathell indicated that the on-call work is typically related to something that should not wait an entire weekend to be repaired or addressed.

Supervisor Chiodo asked if the request is to pay overtime to on-call personnel if they are called in and whether the pay would be for time on the job or include travel time, as well. Mr. Kloptosky felt that is a Board decision. Mr. Kloptosky explained that there are only two (2) field staff members and they are on call every other week. He noted that the person might be called in several times on the same day and/or throughout the weekend, making it difficult to do anything with their family, etc. Mr. Kloptosky indicated that he is looking for an incentive for the employee to come in, something to boost morale. Mr. Wrathell suggested paying time-and-a-half for the actual work time, as opposed to travel time. Mr. Clark felt that, in the case of on-call work, employment law might find travel time to be work time too, as it is unscheduled. Mr. Kloptosky was in favor of paying time-and-a-half for the actual work and travel time. Supervisor Gaeta agreed with Mr. Kloptosky. Supervisor Pollinger voiced his opinion that field staff should consist of four (4), rather than just two (2), in order to manage the community. The Board supported paying overtime for on call work, including travel time. Mr. Wrathell and Mr. Clark confirmed that approval by motion was not necessary.

- **Solar Heating Options (Domestic Hot Water)**

Mr. Kloptosky indicated that he contacted FPL regarding a separate monitoring device to determine usage related to heating domestic water but they are unwilling to accommodate this request. He recalled that this matter is not addressed in the fiscal budget and recommended delaying further research until the District is prepared to consider switching to solar. Mr.

Kloptosky advised that he also contacted the propane provider regarding isolating usage. Supervisors Chiodo and Lawrence stressed that usage must be known before the District can consider solar heating for its domestic water.

- **Resident Issue: Shirley Florio, 15 Lakeview Way**

Mr. Kloptosky recalled previous Board discussions regarding residents who want extra GADs for family or others, due to health-related issues, etc. He discussed a resident who obtained written acknowledgement from their doctor indicating that the access is necessary. Mr. Kloptosky asked for the Board's input regarding decision-making on a case-by-case basis.

Supervisor Davidson suggested authorizing issuance of one (1) GAD to a relative of residents with a medical problem, who provide a doctor's note.

Ms. Shirley Florio, a resident, indicated that her request is to have her daughter's GAD reinstated, as she has always had a GAD. Ms. Florio stated that her daughter is a nurse.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, authorizing issuance of one (1) GAD to a non Grand Haven relative of a resident based on medical necessity and who provide a doctor's note, on a case-by-case basis, was approved.

Regarding the water irrigation analysis, Mr. Wrathell reported that Mr. John Moden provided a methodology of how the stormwater fees were assigned to the District's parcels. Management is reviewing the information to determine the logic behind the fees.

C. Amenity Manager

*****This item, previously Item 6B., was presented out of order.*****

Mr. McGaffney discussed the conditions of the Creekside pool heater. He noted that Creekside experiences many power fluctuations, which can cause electrical issues. Supervisors Lawrence and Gaeta questioned whether an insurance claim can be filed. Mr. McGaffney explained that the system is shutting down, as it should during the outages, which is causing the other issues; he feels that that this is not an insurance matter.

Mr. McGaffney noted that certain residents find it necessary to publically degrade himself and his staff. He reported that, last night, a threatening incident occurred, along with harassment of an employee. Mr. McGaffney asked the Board to consider amending the amenity policies, as they pertain to the Café, because alcohol is served. He proposed a change enabling

him to ban an offender from the Café. The Board indicated that a procedure is included in the policies. Mr. McGaffney stated that the current procedure involves warnings, etc.; he wants something stronger, when it involves the Café.

Mr. Clark felt that the policy contains a list of activities for which Mr. McGaffney could ask the person to leave. The matter of suspending someone is brought to the Board and follows a different process. Mr. Clark stated that Mr. McGaffney has latitude to ask a person to leave.

Mr. McGaffney indicated that a holiday tour of residents' homes will be held on two (2) nights. He reported that the event has already sold out. The holiday tree lighting event will also take place. Tickets for the holiday tour are \$5 each and all proceeds will go to Project Share to purchase toys for underprivileged children in the county.

Supervisor Davidson advised that he received comments regarding the \$2 cover charge for Pub Trivia Night and asked Mr. McGaffney to explain the rationale. Mr. McGaffney stated that during these types of events, most establishments require a minimum purchase; however, many people do not order food or drinks to cover the \$150 fee to hold the event. He noted that some patrons ordered nothing but water and, for this reason, a \$2 cover charge to defray the event costs was implemented.

D. District Counsel

- **Bankruptcy Update**

This item was addressed below.

- **GAD Policy**

- **Consideration of Resolution 2013-1, Adopting Policies and Fees for Issuance of Gate Access Devices**

Mr. Clark recalled previous action regarding the GAD policy and the issue of zero dollar leases. He created a definition for a below market lease, meaning below 80% of full market value, based on HUD's determinations for the area. Mr. Clark indicated that leases below 80% will be scrutinized more closely and be ineligible for GADs and SMAACs, unless the renter is an immediate relative of the property owner.

Supervisor Lawrence suggested establishing 70% as the cutoff amount. Supervisors Davidson and Gaeta disagreed with lowering the threshold.

Supervisor Pollinger agreed with Mr. Clark's suggestion.

Mr. Rob Carlton, resident and GHMA President, indicated that the HOA is reviewing this type of policy and was advised by their counsel to refer to HUD's figures, with no percentage consideration.

Mr. Vic Natiello, a resident, felt that the percentage should be higher, such as 90%, unless the renter did not utilize the amenity facilities and GADs, etc.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, inclusion of the definition of an appropriate lease as a lease which is at least 80% of the HUD fair market rental information MSA for Palm Coast, was approved.

- **District Contraction**

Mr. Clark indicated that the contraction documents have not been filed. He will review the information provided by Management and begin the process with the City.

Mr. Clark stated that an insurance claim regarding a driver who ran over a light pole in the District has been pending. The claim was processed; however, he found the release inadequate, as it required the District to release the party from any other claims for property damage. Mr. Clark explained that he wanted the driver to release the District from personal injury; however, State Farm would not agree to those terms. He stated that State Farm is prepared to issue the District a check for approximately \$3,800 to settle the claim. Mr. Clark felt that, in this case, it is probably best to accept the payment and move on.

Supervisors Davidson and Gaeta noted that this is the first they are hearing of this incident.

Mr. Kloptosky indicated that this matter was handled in the standard way. The resident hit a street light and caused damage. The resident submitted the claim to their insurance. He stated that normally, the money is received and there is no release to sign but, in this instance, State Farm is requiring the release. Mr. Kloptosky stated that Mr. Clark became involved when he forwarded the release to him for his input.

Supervisor Davidson asked if there is concern that the resident could sue the District for personal injury. Mr. Clark replied affirmatively, stating that it is currently a concern. Mr. Clark reiterated that State Farm will not include language releasing the District from personal injury liability; therefore, the District will not receive payment unless it signs State Farm's release. Mr.

Clark indicated that the District could try approaching the resident apart from State Farm but he confirmed that there is already concern. Mr. Clark noted that this appears to be a property damage claim and recommended acceptance of the payment.

On MOTION by Supervisor Lawrence and seconded by Supervisor Pollinger, with all in favor, acceptance of the State Farm payment and execution of a release, was approved.

Regarding the bankruptcy, Mr. Clark indicated that the District would amend its claim; however, the litigation trustee is spending money quickly so the District might not recover any of it. He advised that the prior claim was tossed, as it did not include a specific amount. The new claim includes the actual amount paid to R.A. Scott, litigation expenses, attorney's fees, expert witness fees, deposition and transcription fees, the Creekside reimbursement amount and the costs paid to the City to complete the park. The total claim is \$473,000. Mr. Clark voiced his feeling that the District will likely receive nothing.

E. District Manager

- **Upcoming Regular Meeting/Community Workshop**
 - **BOARD OF SUPERVISORS MEETING**
 - **December 6, 2012 at 9:30 A.M.**

The next meeting is scheduled for December 6, 2012 at 9:30 a.m.

- **COMMUNITY WORKSHOP**
 - **January 3, 2013, at 10:00 A.M.**

Mr. Wrathell indicated that the next workshop is scheduled for January 3, 2013.

*****The meeting recessed at 11:37 a.m.*****

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

SEVENTH ORDER OF BUSINESS

BUSINESS ITEMS

A. 37 Jasmine Drive

This item was previously discussed.

B. Consideration of Resolution 2013-2, Amending the General Fund Portion of the Budget for Fiscal Year 2012

Mr. Wrathell presented Resolution 2013-2 for the Board's consideration. He explained that the amended budget reflects actual expenditures versus the original budget. Mr. Wrathell stated that revenues were better than expected; however, expenditures were over budget, resulting in a deficiency of approximately \$179,000.

On MOTION by Supervisor Chiodo and seconded by Supervisor Davidson, with all in favor, Resolution 2013-2, Amending the General Fund Portion of the Budget for Fiscal Year 2012, was approved.

C. Consideration of CPH Engineers Proposal for Fee Reduction

- **Invoice 81126**
- **Letters and Invoices**
- **Invoice Analysis**

Mr. Wrathell reviewed the summary of costs totaling \$20,826.53. He indicated that the Board recommended payment of 50% of the total costs. CPH Engineers requested full payment of \$6,227.60 for the Roadway Evaluation Report and \$774.31 for the Sailfish Drive Report, as they performed the work, per the Board's direction. CPH Engineers is willing to settle for 50% payment, or \$6,912, of the remaining invoices totaling \$13,824. Mr. Wrathell summarized that CPH Engineers will accept payment of the \$6,227.60, \$774.31 and \$6,912, for a total payment amount of \$13,914.22, which amounts to a 33% reduction.

Supervisor Lawrence felt that the Board should refuse CPH's request and stress that \$10,413.27 is the District's final offer. He stated that the Board and Mr. Kloptosky found CPH's professional competency lacking. Supervisor Lawrence suggested that the District should discuss with CPH its concerns regarding the integrity of their fees, as engineer rates were charged for Mr. Markovitz, who is not an engineer. He stated that CPH's invoicing reflects a lack of integrity. Supervisor Lawrence recommended that the District allow this matter to go to court, if CPH is unwilling to accept \$10,413.27.

Supervisor Gaeta agreed with Supervisor Lawrence's statements, adding that Mr. Blaney is also not an engineer. Supervisor Gaeta felt that CPH is not entitled to full payment for the roadway report because, in her opinion, Mr. Kloptosky provided them with the information.

Supervisor Chiodo stressed that, in responding to CPH Engineers, he wants to use the words “professional competency and integrity of thieves” to reinforce that they will be made to look bad if this matter goes to a public debate. Noting that the Board is emotionally involved, Supervisor Chiodo asked Mr. Clark for his opinion.

Mr. Clark recalled his previous comments regarding disputes with professionals about the time spent performing work and reiterated that it is a difficult argument to win, as it is subjective. Generally, the recourse is to terminate and move on. Supervisor Gaeta contended that CPH resigned, they were not terminated. Mr. Clark clarified that CPH only resigned when the District advised them that they would be terminated. Mr. Clark indicated that the District can write letters; however, he recommended that the District only take it so far, as the amount being argued about is only \$3,500. Mr. Wrathell questioned the likelihood of CPH suing the District for the difference. Mr. Wrathell advised the Board to issue a check for the \$10,413.27 amount, along with informing them that the District will pay no more and reminding them that they recognized deficiencies in their billing and/or services provided, as they were willing to accept a discount. Supervisors Pollinger and Davidson felt that less should be said, simply send a check advising them of the payment amount and the District’s opinion that the matter is closed.

Mr. Kloptosky asked if cashing the check ends the matter or if CPH could still seek the remaining costs. Mr. Clark felt that the District would need to do more than simply send a check in order to enforce a restrictive endorsement. Mr. Clark noted that even a restrictive endorsement is not necessarily defensible. Mr. Clark voiced his opinion that CPH Engineers would not want to go public over \$3,500, when the issue is that the District let them go because they were not satisfied with the service.

D. Consideration of Genesis Group Fee Schedule/Agreement for Services

- **District Engineering Services Guidelines**
- **Comparison of Hourly Engineering Fees by Title**

Mr. Wrathell indicated that Genesis Group agreed to revise their fee schedule, per the District’s request. He noted that the services guidelines were provided to Genesis.

Supervisor Lawrence stated that Genesis’ nearest office is Jacksonville and his recollection that they agreed to not charge an hourly rate for travel time; they would only charge for meeting time. Mr. Clark asked if that statement relates to all work or only travel time for meetings. Mr. Wrathell stated his interpretation was that it related only to travel time for a meeting. Supervisors Chiodo and Gaeta agreed. Mr. Wrathell felt that the District should be

reasonable and pay travel time for engineering work. This provision will be included in the Engineering Services Agreement.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the District Engineering Services Guidelines and Hourly Engineering Fees Schedule and authorizing District Counsel to prepare an Engineering Services Contract for submittal to Genesis Group, were approved.

In response to a question regarding whether the new District Engineer should attend the next meeting, Mr. Wrathell felt that it is important for the District Engineer to attend meetings.

Supervisor Lawrence stated that there are capital improvement issues to be addressed and voiced his feeling that the District Engineer should attend.

Supervisor Gaeta suggested holding telephone conferences with the District Engineer, rather than having them attend in person. Other Board Members felt it is important for the District Engineer to attend in person. Mr. Wrathell stressed the importance of face-to-face contact in developing a relationship.

The Board wishes for the District Engineer to comment on the Sailfish Drive, road resurfacing and The Village Center parking lot projects at the next meeting. Management or Mr. Kloptosky will provide the necessary documents to Genesis.

E. Consideration of Policy Regarding Removal and/or Addition of an Amenity to Existing Amenity Package

Supervisor Davidson reviewed the proposed policy. He stated that the portion in blue, under Special Interest, on the last page, should be removed; the yellow and gray portions should remain. The term public hearing should be removed and the policy should state that review will take place at a meeting. Supervisor Davidson noted several grammatical and punctuation errors requiring correction; otherwise, he feels the policy is complete.

The policy will be included as a Consent Agenda Item at the next meeting.

F. Grand Haven Property Information Form

Supervisor Davidson reviewed the updated form that was distributed.

Supervisor Lawrence voiced his opinion that there are still problems with the forms and suggested asking a focus group to complete them and garner their input regarding the forms. Supervisor Davidson asked that the group be comprised of the CDD Board, the Master Board,

the ADC and all others involved in government with sensitivity to the project, rather than opening it to others. Supervisor Lawrence agreed but felt that the form must still be reviewed by a focus group of uninformed people.

Supervisor Gaeta voiced her belief that the information collected was to be the matrix for the database and questioned if time is of the essence.

Supervisor Davidson stated that there is a misunderstanding. The form was designed by the database creator, as an intake method for use by staff. Residents will complete it, in part, with trained volunteers assisting with full completion. Supervisor Davidson indicated that the form is not intended to be completed in full by the resident; it is intended to be a functional tool of the office staff to enter information into the database. Supervisor Pollinger felt that, as the form can be difficult or frustrating, it should not be released for the public's use until it is tested.

Supervisor Lawrence voiced concern about utilizing a difficult form and causing chaos.

Supervisor Davidson indicated that Dolphin Technical Solutions was expected on site now; however, their client Johns Hopkins' main server was underwater, as a result of Hurricane Sandy, and required rebuilding. As a result, Dolphin is now scheduled to arrive the last week of November, which pushes the District's project into mid December.

Supervisor Lawrence pointed out that the District does not have a plan of how to approach this project.

Supervisor Davidson indicated that the District can begin assembling volunteer groups, determine timing, etc. He suggested seeking input from the office staff.

Discussion ensued regarding advertisement that multiple Board Members will be present to work on the form. Mr. Clark confirmed that brief minutes would be required.

The Board discussed information required in order to complete the form, which will require people to bring certain documents with them.

Supervisor Davidson discussed edits. He noted that acknowledgement of liability, on the signature page, should be changed to acknowledgement.

The Board reviewed and suggested people to include in the focus group. Mr. Wrathell asked Supervisor Davidson to coordinate the focus group meeting to evaluate the Grand Haven Property Information Form. The meeting will be advertised for December 11, 2012 at 10:00 a.m., at Creekside, in the main area.

G. Keeping Grand Haven Grand

Supervisor Davidson indicated that the CDD office mailed 143 beneficial user rights (BUR) transfer form letters and 50 owners have returned the forms transferring their BURs to the tenants. He noted no objection from those 50.

Discussion ensued regarding the call box information section on the Property Information Form. Regarding title, on Page 1, it was suggested that an “other” option be added to include other titles, such as reverend, general, etc. Supervisor Lawrence questioned if the form should include a definition page to clarify the terms used on the form. Regarding the form, as it relates to the Community Directory, Supervisor Gaeta voiced her opinion that it is important to advise residents of what information will and will not be included in the Directory. Supervisor Lawrence felt that all information that will be included in the next Directory should be included on this form, to avoid additional forms in the future. Supervisor Gaeta reiterated her concerns. Supervisor Pollinger pointed out that it should be sufficient to ask if the party wants to be included in the Directory; the District should not have to include a question regarding how they want to be included or how the information is formatted.

Discussion returned to Keeping Grand Haven Grand.

Supervisor Davidson indicated that he heard from the Flagler County Association of Realtors (FCAR). A presentation to FCAR will be scheduled to review the program and forms.

H. W-9 Information Memorandum (*for informational purposes*)

Mr. Wrathell presented the W-9 Information Memorandum for the Board’s information. He indicated that Management will send a letter to the party who inquired.

EIGHTH ORDER OF BUSINESS**OPEN ITEMS**

Supervisor Davidson presented the Wi-Fi revised proposal, which does not include Creekside. Mr. Wrathell noted that this item was previously approved.

NINTH ORDER OF BUSINESS**SUPERVISORS’ REQUESTS**

Supervisor Gaeta apologized for the delay in sending the email regarding the Community Directory and the green sheets. She explained that her email is drafted and she will work with the CDD office staff.

Supervisor Gaeta will meet with Mr. Mark Bowlus regarding how employees are gaining access into the community. She noted that Mr. Bowlus does not wish to pay the \$5 GAD fee for his employees, nor do the employees wish to pay it. In preparation for her meeting, Supervisor Gaeta questioned if golf course invitational members could be offered the option to purchase a GAD. The Board agreed that nonresident golfers should not be able to obtain GADs.

Supervisor Davidson indicated he met with the company that plans to install two (2) cell towers within Grand Haven. They sent notices for a neighborhood meeting. The company plans to install a 150' tower; however, the current PUD/MPD has a code restriction of 60'. Supervisor Davidson noted that some communities are planning to fight the towers. The second tower is proposed for Waterfront Park but the company may seek a secondary location, as there is concern that the City will charge too much rent. Supervisor Davidson advised that the District has land that could be rented. Discussion of possible locations ensued.

TENTH ORDER OF BUSINESS**ADJOURNMENT**

There being nothing further to discuss, the meeting adjourned.

On MOTION by Supervisor Pollinger and seconded by Supervisor Davidson, with all in favor, the meeting adjourned at 1:23 p.m.

Secretary/Assistant Secretary

Chair/Vice Chair