

**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, August 21, 2014 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 (<i>via telephone</i>)	Assistant Secretary
Tom Lawrence	Assistant Secretary
Raymond Smith (<i>via telephone</i>)	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Rick Woodville	Wrathell, Hunt and Associates, LLC
Scott Clark	District Counsel
Jim Sullivan	District Engineer
Barry Kloptosky	Field Operations Manager
Ashley Higgins	Grand Haven CDD Office
Robert Ross	Vesta/AMG
Jim Manfre	Flagler County Sheriff
Rick Staly	Flagler County Undersheriff
Michael Lutz	Sergeant, Flagler County Sheriff's Office
Team Members	Florida Forest Service, Region 3 Mitigation Team
Murray Salkovitz	Resident
Bob Hopkins	Resident
Brad Shaff	Resident
Jim Gallo	Resident
David Reisman	Resident
Rob Carlton	Resident
Ron Merlo	Resident
Gary Noble	Resident
Lisa Mrakovcic	Resident
Ginger Richards	Resident
Frank Benham	Resident
Mike Wrigh	Resident
Tom Anastasio	Resident
Gene Baldrate	Resident

Tom Byrne
Maggie Shelko
Pat Maloney

Resident
Resident
Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. Wrathell called the meeting to order at 9:36 a.m., and noted, for the record, that Supervisors Davidson, Chiodo and Lawrence were present, in person. Supervisors Gaeta and Smith were attending via telephone.

SECOND ORDER OF BUSINESS

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

CONSULTANTS, GUEST REPORTS & PRESENTATIONS

• **Awards of Appreciation to Florida Forest Service, Region 3 Mitigation Team**

Supervisor Davidson, on behalf of the District, acknowledged the members of the Florida Forest Service (FFS), Region 3 Mitigation Team. He presented photographs of the type of work performed by the Team and explained the benefit to the District, in the event of a fire. Supervisor Davidson estimated that the completed work would have cost the District \$300,000. He commended the Team and read the letter of gratitude sent to FFS:

- Adam H. Putnam, Commissioner of Agriculture*
- Jim Karels, Director of Forestry*
- David Core, Assistant Director of Forestry*
- Jeff Vowell, Chief Field Operations*
- John Kern, Deputy Chief Operations, Region 3*
- Anthony Petellat, District Manager, Bunnell*
- Timber Weller, Government Operations Consultant, Bunnell*
- Patrick Gurnee, Forest Area Supervisor, Region 3*

Re: Grand Haven Community – Region 3 Fire Mitigation Team – Letter of Appreciation

Dear Florida Department of Agriculture and the Florida Forest Service:

We are writing to you today to express our sincere gratitude for the Florida Forest Service Fire Mitigation Program and to recognize the exemplary team of fire mitigation specialists who have served our community.

Before continuing on, please allow me to introduce to you our Grand Haven community. Grand Haven is a 1,315-acre Florida Special District (formed under Florida Statute 190) that is located in the City of Palm Coast and within the County of Flagler. Grand Haven is an upscale, gated community of approximately 1,899 single-family homes plus an eighteen-hole golf course. Home values in Grand Haven range from \$200,000 to \$1,000,000. The community is located on and is adjacent to the Intracoastal Waterway from the east; the community is nestled within a dense forest of large trees and protected preserves from the north, west and south. Our community represents approximately 3,000⁺ Florida voters.

Normally, citizens complain about how tax dollars are spent but “not this time.” From the decision makers to the men and women carrying out the fire mitigation work, every individual involved with supporting this program should be commended and appreciated for a job well done in protecting the residents of Florida.

For your reference, please see the attached Region 3 Fire Mitigation Team Project Completion Report. As referenced, this Team worked in Grand Haven from March 3 to July 10, while responding to fires and other priorities within the Bunnell Fire District. The Crew worked in Grand Haven for approximately 40 service days or 202.6 equipment hours. Florida Forest Service estimates that 658 structures were potentially protected at an estimated property value of \$220,021,000.

With sincere appreciation, we would like to acknowledge the following Florida Forest Region 3 Team Members, who have provided an exemplary public service to the Grand Haven residents:

- a) Anthony Petellat, District Manager, Bunnell*
- b) Timber Weller, Government Operations Consultant, Bunnell*
- c) Patrick Gurnee, Forest Area Supervisor, Region 3*
- d) John Craig, Senior Forest Ranger, Region 3*
- e) Kirk Bush, Forest Ranger, Region 3*
- f) Ricardo Reyes, Forest Ranger, Region 3*
- g) Thomas Hensler, Forest Ranger, Region 3*
- h) James Hubble, Forest Ranger, Region 3*
- i) Tenadore Dean, Forest Ranger, Region 3*
- j) Erika Treadway, Administrative Assistant*

Not only do these fine individuals put their lives on the line in a fire but they are proactively planning for and protecting against future fires that could result in the loss of life and property to communities in Florida.

Should a big fire arise in Palm Coast, the residents of Grand Haven will know that they are in good hands with the Florida Forest Service - Region 3 Fire Mitigation Team on the job!

*With sincere appreciation,
Dr. Stephen Davidson, Chairman*

Grand Haven CDD - Board of Supervisors

Supervisor Davidson presented recognition plaques to the Team and read:

Award of Appreciation

Presented to _____

Thank you for your outstanding contribution to the Grand Haven Wildfire Mitigation Project 2014.

The Citizens of Grand Haven

FOURTH ORDER OF BUSINESS

PUBLIC COMMENTS (3-Minute Rule; Non-Agenda Items)

Mr. Murray Salkovitz, a resident, indicated that he became aware that the security cameras at the gates do not capture the license plates of exiting vehicles. He requested that the CDD conduct a study or determine the cost for the cameras to capture that information, as it would be very useful to establish a timeline of exiting vehicles.

Supervisor Davidson reminded the audience that this portion of the meeting is for public comments on non-agenda items. He recommended that Mr. Salkovitz restate his request during the Seventh Order of Business.

Mr. Bob Hopkins, a resident, asked if the Community Information Guide will be distributed to advertisers. He stressed that he did not “sign on” to give out his email address. Mr. Hopkins suggested that, if advertisers will receive the guide, an email should be sent to all residents advising them. He indicated that he will have his email address removed from District records if distributed to advertisers.

Mr. Clark recalled discussion regarding whether the District can do anything to protect the privacy of the information contained in the guide. He indicated that a guide produced by the

CDD is a public record and, technically, anyone could request the information and the District must provide it. Mr. Clark explained that residents were given the option to opt in or opt out, with regard to their email addresses.

Ms. Higgins stated that all advertisers were notified that they would not receive a copy of the guide. She confirmed that no advertisers, outside of Grand Haven, will receive a copy.

Supervisor Lawrence asked if the Board could pass a motion putting constraints on what residents could do with the guide, such as giving it to people outside of Grand Haven. Mr. Clark replied “not really”; when the District produces the guide and distributes it, it becomes public record. Mr. Clark advised that it is beyond the District’s power to prevent residents from giving the guide to someone else. Supervisor Lawrence recalled that AMG previously produced the guide and asked if AMG produced it again, whether the guide would no longer be public record. Mr. Clark indicated that the guide is still public record, if public funds are used; in the scenario proposed by Supervisor Lawrence, an argument could be made that the District is indirectly trying to violate public records law. Mr. Clark advised that it might not be public record if the GHMA or AMG produced and funded it.

Mr. Brad Shaff, a resident, suggested that the District include a page advising residents of the intent of the guide.

FIFTH ORDER OF BUSINESS

CONSENT AGENDA ITEMS

A. MINUTES

- i. Approval of July 3, 2014 Community Workshop Minutes**
- ii. Approval of July 17, 2014 Regular Meeting Minutes**

B. UNAUDITED FINANCIAL STATEMENTS

- i. Approval of Unaudited Financial Statements as of July 31, 2014**

Mr. Wrathell reported that assessment revenue collections were at 101%.

Mr. Wrathell presented the Consent Agenda Items for the Board’s consideration.

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

Mr. Wrathell noted that, due to the next meeting being scheduled for early September, that agenda will contain the Unaudited Financial Statements as of July 31, 2014, again, as the Unaudited Financial Statements as of August 31, 2014 will not prepared in time for the meeting.

Supervisor Smith asked where the advertising revenue for the guide is included in the Unaudited Financial Statements. Mr. Wrathell suspected that it was included in “Interest and miscellaneous”. Mr. Wrathell indicated that Management will prepare a schedule reflecting revenues received related to the guide.

SIXTH ORDER OF BUSINESS

STAFF REPORTS

A. District Engineer

Mr. Sullivan recalled the Board’s request that he review expansion options for the Creekside parking lot, to increase parking. He advised that the project is in design and he hoped to submit permit requests in about three weeks. Mr. Sullivan anticipated presenting design information at the next meeting.

Regarding the Board’s request for options for increasing parking at The Village Center, Mr. Sullivan indicated that the survey work is nearly complete; if possible, options will be presented at the next meeting.

In response to Supervisor Davidson’s question, Mr. Sullivan confirmed that the Creekside parking lot expansion plan has not been submitted for permitting.

B. Amenity Manager

Mr. Ross indicated that AMG will open the Café on Saturday; it will be open until 8:00 p.m. He noted that pub trivia will resume.

Supervisor Lawrence recalled that the Board asked Mr. Ross to track parking in the District’s parking lots. Mr. Ross reported that Wednesday is the busiest parking day. Supervisor Lawrence asked Mr. Ross to provide a report on parking, each month.

Supervisor Davidson questioned why Wednesday is busiest. Mr. Ross explained that Wednesdays and Fridays are the busiest days because of the “Move to Music” activity held each day, with 50 to 60 participants.

C. Field/Operations Manager

Mr. Kloptosky recalled meeting with Councilman Jason DeLorenzo recently regarding permitting issues. He explained that the Marlin Drive pump house project was delayed due to a

zoning issue. Councilman DeLorenzo spoke to Mr. Ray Tyner, Palm Coast City Planner, and the recommended solution is that the CDD create a binding lot agreement joining the two lots. Mr. Kloptosky advised that PBM Constructors, Inc., (PBM) is working with the City; the necessary documentation to accomplish this step was completed and forwarded to Mr. Clark for review. He noted that this process might involve a small filing fee.

Mr. Clark stated that he reviewed the documents and advised that the District's choices are to proceed with the recommended process and pay the \$50 filing fee, as opposed to spending a lot of money filing a federal lawsuit.

Supervisor Davidson asked Mr. Kloptosky to confirm that this issue was created within the City of Palm Coast Planning and Zoning Division, which previously allowed two incursions along the same border. Mr. Kloptosky concurred and reviewed photographs of the Marlin Drive pump house parcels. He indicated that the City believes that no permit was obtained for construction of the original pump house and the pump house encroaches on the property line because it does not meet the setback requirements. Mr. Kloptosky reiterated that the City's solution is for the District to submit a binding lot agreement, which should resolve the issue, moving forward. He discussed two previous projects, when the sheds were installed and when the Marlin Drive fence area was expanded, where the City allowed encroachments.

Mr. Clark noted that an issue arose with regard to a certain property line creating issues for projects in another location and asked if the additional lot should be joined, as well. Mr. Kloptosky believed that the third parcel was zoned for recreation and did not know if it would be possible to join it with the others. Mr. Clark felt that attempting to do so could make the situation worse.

In response to Mr. Kloptosky's question, Mr. Clark confirmed that the request to join the properties must be submitted to the City of Palm Coast.

On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, authorization for the Chair to execute the agreement and an Affidavit of Indemnity, stating that the District is the same as the party named in the deeds, when the parcels were acquired, was approved.

Mr. Kloptosky noted that the City sent a large packet of information for the contractor, Nidy Sports Construction Company, Inc., (Nidy), to complete, related to the pickleball court permit request. He felt that he and Supervisor Davidson should meet with Mr. Tyner regarding this issue because the last time the District was asked to complete the packet, Mr. Tyner assisted. Mr. Kloptosky expressed his opinion that the information requested by the City is not necessary for the scope of work, which includes installing an asphalt surface and fence.

Supervisor Davidson inquired about whether Nidy was previously confronted with similar requirements to build this type of court. Mr. Kloptosky replied that Nidy had not and that they are quite frustrated by the City's requirements. Mr. Kloptosky reported that Nidy builds pickleball and other courts throughout Florida. Nidy was surprised by the City's requirements because, typically, they are not required to obtain a permit for the court; generally, a permit is required for the fence but not the court. Mr. Kloptosky noted that Nidy was frustrated to the point that they did not want to be bothered with the job.

Supervisor Smith noted that Mr. Kloptosky's report is nearly the same as his report at the last workshop and asked if a meeting with Mr. Tyner was scheduled. Mr. Kloptosky replied no, Mr. Tyner was out of the office until last week; Councilman DeLorenza met with Mr. Tyner last week. Mr. Kloptosky hoped to schedule a meeting for next week. In response to a question, Mr. Kloptosky voiced his opinion that Supervisor Davidson, as Chair, would be the best person to accompany him to the meeting with Mr. Tyner. Supervisor Davidson recalled previously working with Mr. Tyner on the same packet of information; he has experience. Supervisor Davidson noted that he attended the meeting with Councilman DeLorenzo and advised him of the history of chronic obstruction or difficulties with the City's Building Services and Planning and Zoning Division; additionally, he reminded Councilman DeLorenzo of Grand Haven's 3,000 voters, which got his attention.

Supervisor Chiodo suggested contacting all candidates in the upcoming election.

Supervisor Gaeta asked if the City has a matrix regarding what is required for each type of permit, which could be provided to the District. Mr. Kloptosky stated that he requested the information many times but rarely receives a satisfactory response; he receives the "runaround" because the City "does not want to take the time" to provide it. Mr. Kloptosky indicated that his calls to the City are usually not returned and, if he receives a call from the City, it is an argumentative attitude and he is told "that is not the way we do it". Mr. Kloptosky voiced his

opinion that “it is a broken system”. Supervisor Gaeta asked if these issues can be discussed with Mr. Tyner. Mr. Kloptosky stated that the issues were previously discussed with Mr. Tyner.

Supervisor Davidson recalled advising Mr. Tyner that, in addition to having 3,000 voters, the District is a special purpose government, a sovereign entity, that the City continually obstructed and that it must stop. He explained that the District requested to have Mr. Tyner designated as the Building Services point person for the District’s permit requests; otherwise, the District’s voters would be informed to a greater extent.

Supervisor Chiodo asked if Mr. Tyner can appoint himself as the point person. Supervisor Davidson felt that Mr. Tyner can do so. Supervisor Lawrence suggested that every submission begin with Mr. Tyner.

Mr. Jim Gallo, a resident, recommended notifying the pickleball players to attend a City Council meeting, in September or October, prior to the election; if the District has about 50 people attend, the City Council will resolve the issue, as they have with other issues.

Mr. Kloptosky presented photographs of the Clubhouse Pier and Gazebo and advised that the project was completed. He recalled discussion, at the workshop, regarding whether a water source can be installed on the pier. Mr. Kloptosky reported that an email was received from the Planning and Zoning Division advising that installation of hose bibs on a pier is prohibited but can be installed at the entrance to the pier; additionally, use of fresh water is discouraged, as it attracts manatees. Mr. Kloptosky surmised that the District can install a hose bib at the entrance to the pier but would probably need to use reuse water, since fresh water is discouraged.

Supervisor Davidson asked if a hose can be extended to the Gazebo. Mr. Kloptosky commented that everyone else does. Ms. Leister pointed out that reuse water would be an issue due to the nitrates it contains. Mr. Kloptosky concluded that neither fresh nor reuse water could be used.

Mr. Kloptosky advised that the Center Park paver project was completed and presented photographs.

Mr. Kloptosky recalled Ms. Leister’s suggestion to continue the pavers around the semicircles. He noted that Austin Outdoor (Austin) provided an \$11,000 proposal to landscape the area, which would be destroyed, if the Board eventually approved pavers for the area. Mr. Kloptosky recommended proceeding with the installation of pavers prior to landscaping the area.

Additionally, the longer the Board waits, the more difficult it will be to match the pavers. Mr. Kloptosky presented a proposal for \$17,550.

Supervisor Lawrence stated that he does not observe many people walking in the semicircles and asked about converting those areas to grass; he did not believe that the semicircles serve a functional purpose. Mr. Kloptosky indicated that both sides have shaded benches but conceded that installing grass is an option. Mr. Kloptosky questioned if Supervisor Lawrence's suggestion would constitute a change in infrastructure.

Mr. Clark felt that the only concern would be if bond money was used for the improvement; however, it would probably not be a practical issue, compared to removing the tennis court or a building.

Supervisor Davidson pointed out that the areas that already have pavers could be landscaped. Mr. Kloptosky concurred. Ms. Leister noted that the landscaping plan can be adjusted but the paving project is "forever", once it is completed; pavers would be a worthwhile investment.

Mr. Kloptosky discussed the proposed scope of work.

Supervisor Davidson asked if any other major landscaping projects were budgeted for Fiscal Year 2015. Ms. Leister recalled that landscaping funds are available to complete the paver project during Fiscal Year 2014.

Mr. Kloptosky reiterated that the proposal was \$17,550 and permitting costs would probably be extra. Supervisor Gaeta asked if a new permit will be required. Mr. Kloptosky was unsure whether the project could piggyback on the previous permit; however, it should only require submittal of another drawing, which would not be difficult. Supervisor Gaeta supported completing the project.

Supervisor Lawrence questioned how much it would cost to install grass. Ms. Leister advised that the curbs must be demolished and the cost could be nearly the same, in addition to future maintenance of grass. Ms. Leister recalled that the cost for the project was approximately \$8,000 two years ago; she and Mr. Kloptosky were surprised by the significant increase in cost over two years. Supervisor Lawrence supported the paver project, if the cost is comparable to installing grass.

Supervisors Chiodo and Smith were in favor of pavers.

Mr. Kloptosky noted that the cost will be \$17,550 plus the engineering and permitting fees and sod.

On MOTION by Supervisor Gaeta and seconded by Supervisor Chiodo, the semicircle paver project, in a not-to-exceed amount of \$20,000, was approved.

Mr. Kloptosky indicated that four additional SOS boxes were installed at the gate entry locations, which provides easier access for emergency services to enter the community.

Mr. Kloptosky recalled prior issues with The Village Center's wireless audio system. He advised that contractor rewired the system and it appears to be working; however he wanted the Board's opinion, as he is holding the final payment. Mr. Kloptosky noted that he signed a proposal to order a seventh desk microphone; he will also order longer gooseneck microphone stands, which should enhance the audio.

The Board agreed to release of the final payment.

In response to Supervisor Gaeta's question, Mr. Kloptosky indicated that the cost for six new gooseneck stands is \$420; the money was not budgeted but Mr. Kloptosky advised that he can find the money somewhere in the amenity budget.

Mr. Kloptosky recalled the LED streetlight presentation at the last workshop and expressed his disappointment with the presentation. He felt that the presentation was vague and unclear. Mr. Kloptosky stressed that the presentation was not what he envisioned. He acknowledged the potential savings by converting to LED lights but wants to research it further, prior to the Board considering the conversion.

Supervisor Chiodo noted that, while the presentation was "a little rough", the concept must be understood and fully examined because, if the savings estimates are close to accurate, the Board should consider the transition to LED lights. Mr. Kloptosky stated that he wants to explore the concept and he spoke to other sources.

D. District Counsel

i. Palm Coast DRI Hearings

Per Mr. Clark's report, pursuant to the comments, at the July meeting, by Mr. Jim Cullis, of Grand Haven Realty, the DRI applications were withdrawn.

ii. Cullis Transaction

Mr. Clark advised that, based on the Board's approval, at the August 7, 2014 meeting, he proceeded to draft documents to complete the exchange transaction for the Ninth Green and Wild Oaks easement properties.

Mr. Clark referred to the aerial diagram of the easement area that was provided by Mr. Cullis, and recalled that the concept discussed on August 7 was related to the 1.71-acre stormwater easement. He noted an issue with the amount being paid and the exchange of values. Mr. Clark recalled that the concept shifted to the 1.71-acre stormwater easement, plus a conservation easement over a larger portion of Tract K, which created the ability to give more value and work out the numbers; the deal was reached based on that concept. He was confident that the discussion referred to Tract K, north and west of the bicycle pathway, which might not have been clear, based on the drawing received. Mr. Clark reviewed the drawing, which encompassed a larger area than he recalled from the meeting. He felt that the portion of Tract K, in back of some lots, is still a District amenity that might be useful to the community. Mr. Clark advised Mr. Cullis of his understanding that the easement would stop at the bicycle path; Mr. Cullis has not responded.

Mr. Clark recalled that the District has open issues with the St. Johns River Water Management District (SJRWMD) regarding conservation easements and pointed out that the District is dedicating uplands as a conservation easement, which should be brought to their attention, as it might benefit the District.

Mr. Clark advised that negotiations with Mr. Cullis are on track to complete the deal and he hoped to present a final agreement for consideration at the next meeting.

Supervisor Lawrence recommended pursuing what the District wants.

Supervisor Chiodo was advised by Mr. Cullis that he had a preliminary meeting with Ms. Denise Beven, Palm Coast Senior Environmental Planner; Mr. Cullis was not pleased with Ms. Beven's comments during the meeting. Mr. Cullis indicated that the District might want to contact Mr. Tyner to stress that this transaction is in the best interest of the CDD. Supervisor Chiodo indicated that he forwarded the information to Mr. Clark.

The Board agreed to Mr. Clark's recommendations regarding this matter.

iii. Employee Handbook

Per Mr. Clark's report, the District Manager prepared a proposed first draft of the Employee Handbook. Staff is currently reviewing it and it will be presented at a future meeting.

iv. Golf Course Pond Compliance

Mr. Clark recalled that the Board asked him to begin considering the level of control that the District can exert over the stormwater ponds located on the golf course. The Board was concerned about the upcoming nitrate rules and, while the District can control its own system, it might not have control over other discharges that flow through the system.

Mr. Clark researched the ownership of the ponds on the golf course. He advised that the CDD owns and controls some ponds bordering the golf course and the Board can adopt management practices for those ponds. Mr. Clark explained that there are ponds on the golf course, which are owned by the golf course; therefore, the District does not have the same level of control over them. He questioned if the golf course ponds serve a stormwater purpose or whether they are water hazards and determined that the answer was mixed; some ponds do not interact with the stormwater system but some do. Mr. Clark located the original permit from SJRWMD, which has a final, as-built drainage plan showing many of the golf course ponds having drainage connections to the stormwater system. He surmised that golf course issues, such as fertilizer, could become the District's issue.

Mr. Clark stated that he reviewed the CC&Rs to determine if it contained provisions regarding the golf course. He noted that the golf course is essentially excluded from the legal description and master CC&Rs, which would make it difficult for the District to take a position, based on the CC&Rs.

Mr. Clark felt that, by rule, the Board could adopt practices related to the maintenance, operation and function of the District's stormwater system and facilities. He noted that, eventually, the Board might need to develop regulations defining pond maintenance and best practices. Mr. Clark discussed a regulation that another District adopted, which forced those draining into the District's system to meet certain engineering criteria and execute indemnities. He reiterated the recommendation that the Board begin developing regulations to protect the District, in the future.

Supervisor Davidson recalled that the District developed Best Management Practices (BMPs) for the common and private areas bordering the ponds; however, they were not directed at the golf course. He questioned if the golf course can be required to abide by the District's existing BMPs.

Mr. Clark stated that the existing BMPs are the starting point. He discussed the lack of an enforcement mechanism over the golf course, other than a rulemaking procedure. In response to Supervisor Davidson's question, Mr. Clark confirmed that the rulemaking procedure would be similar to the District's other rules and involve a public hearing. Mr. Clark anticipated pushback from Escalante Golf (Escalante). He believed that the District's master stormwater permit gives the District access rights, as the operating entity, to take measurements and monitor the ponds.

Mr. Wrathell asked if adopted rules would give the District the ability to maintain the golf course ponds and bill Escalante, if they are not maintaining them sufficiently.

Mr. Clark felt that the adopted rules could create that ability and the ability is already in the SJRWMD permit. He discussed the possible approach of entering into an agreement with Escalante requiring them to maintain the ponds and, if they do not, the District can do so and bill them. Mr. Clark suggested that the Board consider discussing this with Escalante to develop a partnership.

Supervisor Lawrence favored developing a partnership with Escalante. Supervisor Smith agreed that the District should attempt to partner with Escalante but, in parallel, proceed with the rulemaking process. Supervisors Chiodo and Gaeta concurred.

Regarding Escalante, Mr. Wrathell noted that they have not paid their portion of the Marlin Drive pump house repair project.

v. Wild Oaks Sidewalks

Mr. Clark stated that, because of the wording and nature of the CC&Rs, the District has the maintenance obligation for the sidewalks but the level of maintenance would be of the District's choosing. He discussed potential liability if the sidewalks are not maintained. Mr. Clark voiced his opinion that the District can and should allocate the sidewalk maintenance expense to the Wild Oaks community, since it is unique to Wild Oaks.

▪ **Discussion: CC&R Definitions 1.1.2 Area of Common Responsibility**

****This item, previously Item 8.F., was presented out of order.****

Mr. Clark recalled discussion of whether the CDD should maintain all of the sidewalks. He stated that, per his analysis of the most recent version of the GHMA documents, the definition of "Areas of Common Responsibility" includes sidewalks. He pointed out that the definitions for "Common Areas" clarify who has maintenance responsibility. Mr. Clark stated that "Areas of Common Responsibility" are areas that are given to the GHMA for maintenance

and contains a notation that the GHMA can enter into a contract with the CDD for maintenance or the developer may convey those areas to the CDD. He clarified that the sidewalks were not conveyed to the CDD and he found no evidence that the CDD agreed with the GHMA, or any other entity, to maintain the community sidewalks, other than in Wild Oaks. Mr. Clark concluded that, unless an agreement is located, the District does not have community-wide sidewalk maintenance responsibilities.

Supervisors Chiodo and Lawrence were not aware of any agreement with the GHMA. Supervisor Lawrence questioned if Mr. Clark's comments implied that the GHMA has maintenance responsibility for sidewalks. Mr. Clark indicated that he does not give advice to the GHMA; however, that is his interpretation.

Supervisor Smith asked if the sidewalks were included when the developer conveyed the amenities and the roads. Mr. Clark indicated that he researched the public records to locate all records relating to all property transfers. Mr. Clark noted that, generally, all of the sidewalks are located within the lot boundaries; therefore, they would not have been transferred to the CDD, unless the developer was splitting off pieces of lots, which generally does not occur. Supervisors Chiodo and Lawrence did not recall the sidewalks being conveyed to the District.

Mr. David Reisman, a resident, voiced his opinion that 1.1.2 clearly and explicitly states that, if sidewalks are privately owned, maintenance is the CDD's responsibility. Mr. Clark indicated that he read it but that was not his interpretation. Mr. Reisman asked what part Mr. Clark disagreed with and read:

"1.1.2 "Areas of Common Responsibility" shall mean and refer to maintenance, repair and management of the Common Areas, and the street shoulders, walkways, sidewalks, street lighting, and signage along all rights-of-way now or hereafter located on the Property, whether said rights-of-way are privately owned, dedicated to the public, or conveyed to the State of Florida or any municipality or governmental body thereof."

Mr. Clark explained that the passage defines the areas but does not specify who is responsible for maintaining the areas.

Mr. Reisman asked if areas of common responsibility are CDD items.

Mr. Clark referred to 2.2, which states:

“The Association shall be fully responsible and liable for the operation, maintenance, and repair of all Common Areas and Areas of Common Responsibility.”

In response to Mr. Reisman’s question, Mr. Clark agreed that sidewalks are an area of common responsibility but 2.2 specifies who is responsible and the CDD is not the responsible entity. He explained that the GHMA may contract with the CDD, for maintenance; however, it did not.

Mr. Reisman asked the Board to consider entering into a contract with the GHMA to maintain sidewalks.

Supervisor Lawrence felt that the District needs an opinion from the GHMA. He expressed his understanding that the sidewalk is his responsibility, as a resident, not the GHMA.

Mr. Reisman noted that the GHMA referred him to the CDD.

On behalf of the GHMA, Mr. Rob Carlton stated that their counsel advised that the sidewalks, with the exception of Wild Oaks, are the responsibility of the individual property owners. He indicated that this position was the reason he referred Mr. Reisman to the CDD.

Mr. Reisman asked for GHMA’s counsel to provide the information in writing.

Supervisor Gaeta asked if GHMA would consider paying the CDD to maintain the sidewalks. Mr. Carlton pointed out that, no matter who maintains the sidewalks, the property owners pay for it. Mr. Carlton explained that, if GHMA assumes responsibility for sidewalk maintenance, the GHMA fees would be adjusted to compensate for the expense.

Mr. Reisman suggested that, if GHMA maintains the sidewalks, it could be done for the same price that the CDD pays, which is 50% of what an individual resident would pay.

*****The meeting recessed at 11:19 a.m.*****

*****The meeting reconvened at 11:29*****

E. District Manager

i. Upcoming Regular Meeting/Community Workshop

- **BOARD OF SUPERVISORS MEETING**
 - **September 4, 2014 at 3:00 P.M. Regular Meeting**
 - **September 4, 2014 at 5:00 P.M. Public Hearing**
- **COMMUNITY WORKSHOP**
 - **September 18, 2014 at 10:00 A.M.**

This item was discussed later in the meeting.

SEVENTH ORDER OF BUSINESS

CONSULTANTS, GUEST REPORTS & PRESENTATIONS

A. Safety and Security/Crime Reports [*Sheriff Jim Manfre, Flagler County Sheriff's Office*] 11:00 A.M.

Supervisor Davidson introduced Sheriff Jim Manfre, Undersheriff Rick Staly and Sergeant Michael Lutz, of the Flagler County Sheriff's Office (FCSO).

Supervisor Davidson indicated that, recently, there were incidents in Grand Haven.

Sheriff Manfre acknowledged that, no matter what he reports, he understands that his words will not take away the feelings of those that have been crime victims.

In terms of crime, Sheriff Manfre indicated that Grand Haven and Flagler County have many natural and demographic statistics that work in their favor. Regarding demographics, he noted that 50% of the population is over 50 years old. He pointed out that the area is rural and rural areas tend to experience less crime; additionally, the surrounding urban areas do not blend in because the community is separated from them by parks and the intracoastal waterway. Sheriff Manfre advised that gated communities tend to be safer, not because they are gated but it is because the residents have a higher socioeconomic factor. He pointed out that Grand Haven is separated from the rest of the community, which contributes to lower crime rates.

Sheriff Manfre referred to CompStat and indicated that it is a process using computer models to determine where crime is occurring, on a weekly basis, so that FCSO's resources can be directed to those areas. He advised that he reviews the crime statistics on a shift-by-shift basis and knows where crime is occurring; his office is proactive. Sheriff Manfre explained that, oftentimes, there are spates of crime in communities. His office has suspects in both burglaries and the recent larceny; they are actively pursuing those cases and hope to make arrests.

Sheriff Manfre stressed that residents should be vigilant but not afraid of crime. He discussed that valuables should never be left in plain sight. Sheriff Manfre advised residents to never leave purses or wallets in their vehicle at gas stations. Likewise, garage doors should be closed. Sheriff urged residents to know their neighbors and noted that, when you care about each other, you can prevent many things from occurring.

Sheriff Manfre discussed burglary incidents about ten years ago; the perpetrator was caught and went to jail. When he was released, similar burglaries resumed but the man received a ten year sentence, as a result of Sheriff Manfre and residents efforts.

Sheriff Manfre noted that the District took measures to assist in the security of Grand Haven. He felt that implementing the smart amenity access card (SAAC) system is a significant security development for Grand Haven. Sheriff Manfre believed that the CDD is doing everything it can to secure Grand Haven. Regarding security patrols, Sheriff Manfre advised that Grand Haven is patrolled often; however, crimes are committed when no one is watching, which is why it is important for residents to have a partnership with FCSO. Sheriff Manfre urged residents to provide tips or information.

Supervisor Lawrence asked Sheriff Manfre to discuss Neighborhood Watch.

Sheriff Manfre expressed his opinion that nothing is more important than Neighborhood Watch. He explained that Neighborhood Watch provides an opportunity for residents to participate and be effective in a community. Sheriff Manfre encouraged residents to become involved and noted that his office will provide speakers, information and presentations to make Neighborhood Watch interesting.

- **Grand Haven Security Audit**

Supervisor Chiodo asked if Grand Haven should conduct a security audit.

Undersheriff Staly recalled previous security audits in Grand Haven, conducted by security providers. He stated that the previous audits should be used as a blueprint and, if the District wants an update, a security provider might conduct a free security audit. Undersheriff Staly advised that Sergeant Lutz, or a member of the Citizen Observer Patrol (COP), can conduct a security audit. He advised that a proper security audit, by a private consultant, could cost greater than \$10,000 for a community the size of Grand Haven.

Supervisor Davidson recalled that Sergeant Lutz provided Grand Haven's actual crime statistics at the last meeting. Sergeant Lutz summarized that, over the past 13 months, there were six burglaries, and a few larcenies, overall.

Undersheriff Staly indicated that, in gated communities, residents often forget about crime prevention because they feel safe and secure. He noted that crime is generally a matter of opportunity. Undersheriff Staly reminded residents to lock their vehicles, close their garage

doors, activate their alarm systems, etc. He suggested that the District's newsletter reinforce crime prevention because, in a gated community, it is easy for residents to become lax.

Sheriff Manfre noted an increased number of larcenies but the number of burglaries decreased. He advised that systems are available for purchase to mark personal property. Sheriff Manfre stressed that property should be marked.

Undersheriff Staly indicated that the Sheriff's Office utilizes the website LeadsOnline, which is a database to help locate missing property, etc. He noted that citizens can register and also upload the serial numbers, photographs, etc., of their property, at no charge.

Mr. Shaff agreed that crime prevention is a partnership. He felt that residents understand their part in the partnership but there are things, such as inside crimes, that should be discussed. Mr. Shaff voiced his opinion that the CDD should conduct a security audit because the community needs help to determine if there is a common element that can be stopped, either at the gates or by another means; the community needs assistance in reducing the number of people who are entering the community and committing crimes.

Supervisor Gaeta indicated that the District conducted a security audit recently, when the security contract was renewed. She recalled that four or five other companies completed audits, as well. Supervisor Gaeta noted that, as Sheriff Manfre stated, much of the crime in Grand Haven is internal.

Sheriff Manfre advised Mr. Shaff to immediately call 9-1-1 if there is a crime incident and an officer will be dispatched. If there is a neighborhood issue, Neighborhood Watch is the conduit, as it is connected to Sergeant Lutz. Sheriff Manfre indicated that, if Mr. Shaff is still unsatisfied, he should contact him directly.

Mr. Shaff recalled that, last year, the community had two identical robberies; one occurred when the residents were in their home. He felt that these incidents had a commonality which is not the type that Neighborhood Watch addresses. Mr. Shaff questioned what happens after reporting an incident to Neighborhood Watch and who is looking for commonalities in crimes.

Sheriff Manfre advised that FCSO reviews information to identify commonalities on a shift-by-shift basis.

Mr. Shaff asked about the outcome of the two identical robberies that occurred last year. Sheriff Manfre asked if Mr. Shaff meant burglaries, not robberies. Mr. Shaff replied

affirmatively, he meant burglaries. Undersheriff Staly recalled that, with the second burglary, the canine unit uncovered leads; however, an arrest cannot be made until there is probable cause. Sheriff Staly discussed collection of evidence and evidence databases and explained that, sometimes, the case cannot be immediately solved because the information is not in the databases but, if the person is arrested for another crime and evidence is entered, it could lead to an arrest for other crimes. Mr. Shaff agreed that, "probably everyone is doing a good job"; however, victims should be notified. Mr. Shaff recommended that Neighborhood Watch periodically compile a list of crimes and provide the status of the case.

Mr. Salkovitz indicated that he is the Chair of Neighborhood Watch and noted that Mr. Shaff was previously a member of Neighborhood Watch, until he became upset when he wanted to conduct a security audit and present it to Neighborhood Watch. He advised Mr. Shaff that conducting security audits is a CDD matter. Mr. Salkovitz stated that Neighborhood Watch works closely with Sergeant Lutz and has been able to utilize private detectives to solve crimes at Creekside, etc. He stressed that Neighborhood Watch is not involved in security, although Mr. Shaff believes that it should be.

Mr. Vic Natiello, a resident, indicated that he is a member of Neighborhood Watch. He felt that some residents do not understand that investigations are not simply having a COP member or Sheriff's car drive down the street. Mr. Natiello pointed out that, often, unmarked vehicles are in the community; residents do not always observe everything that occurs behind the scenes. He stressed that FCSO has been very responsible to utilize information received from Neighborhood Watch. Mr. Natiello advised that COP offers home checks for people who are away from home.

Sheriff Manfre stated that FCSO has a vacation notification system where a Sheriff will drive by homes; however, neighbors should also work together to watch each other's homes. He explained that the Star Program will conduct a security audit of individual homes and identify weaknesses in security and offer suggestions.

Supervisor Davidson reviewed the structure of security at Grand Haven. He advised that the FCSO has policing powers over the public, common and private residences. Supervisor Davidson urged homeowners to utilize the Star Program. He discussed additional programs offered by FCSO.

Supervisor Davidson stressed that the CDD has no policing powers, meaning, the CDD has no power to arrest or investigate. He explained that the CDD has authority over the public common areas for the purpose of maintaining them and controlling access. Supervisor Davidson discussed the recent addition of the database, GAD and SAAC systems, which enable the District to know who enters the community and control use of the amenities. He pointed out that the District can control amenities but it cannot control the sidewalks or roads. Supervisor Davidson recalled that Grand Haven was marketed as a gated, private club community; however, in reality, it is a CDD, which is a public entity, meaning it cannot exclude public entry and passage. He explained that the gate provides access control; Grand Haven is not a private community.

A resident asked if a non-resident can be denied access through the gates. Supervisor Davidson replied no. The resident asked who to report it to if a person was denied access. Supervisor Davidson indicated that Mr. Kloptosky should be notified.

Supervisor Davidson indicated that GHMA has no policing powers but has authority over private residences and enforces the CC&Rs. He stated that the CDD can reasonably control access; however, individual residents should exercise reasonable preventative security measures.

Supervisor Davidson explained that Neighborhood Watch is a nongovernmental volunteer organization that has no policing power. It is not directly or organizationally related to GHMA or CDD. He stated that Neighborhood Watch aids in the collective eyes and ears of the community and works with FCSO community liaison, Sergeant Lutz.

Sheriff Manfre discussed the structure and powers of FCSO and noted that individual municipalities have the ability to create their own unit of law enforcement. He explained that the City of Palm Coast does not have its own police force; it contracts with FCSO for law enforcement services.

- **Security Fence at Waterfront Park Road**

******This item was discussed out of order.******

Supervisor Davidson recalled a meeting with FCSO to discuss Waterfront Park and the possibility that people are accessing Grand Haven via Waterfront Park. He stated that the CDD investigated whether a fence could be built along the boundary but found that the CDD does not own property in that location; it is owned by private residents and the City of Palm Coast. Supervisor Davidson advised that, if continuing crime was reported in that area, Councilman

DeLorenzo would be willing to ask the City Council to consider installing a fence and share the cost with the District.

Supervisor Davidson asked if the area presents enough of a security issue that the District should begin addressing it with the City Council. Undersheriff Staly replied no. Supervisor Chiodo felt that it is a perspective issue that is important to residents. Supervisor Lawrence recalled collaborating with the City to install a small fence in an area with an egress issue. Supervisor Davidson noted that the circumstances are different. Sheriff Manfre offered to approach the City Manager with this matter.

Mr. Natiello recalled that the fence described by Supervisor Lawrence was a small fence to prevent vehicles from entering; he felt that more perspective is necessary when considering fences.

Supervisor Davidson pointed out that Grand Haven was not designed as a fenced, walled community. He identified homes adjacent to the intracoastal and noted that SJRWMD and other entities would not allow a fence in that area. Supervisor Davidson discussed the difficulty in eliminating all areas of potential penetration. He noted the walking trail along the area.

- **Pedestrian Security Fence at Wild Oaks**

****This item was discussed out of order.****

Supervisor Davidson indicated that residents in Wild Oaks suggested installation of a pedestrian fence for an open walkway.

****Sheriff Manfre left the meeting.****

Undersheriff Staly felt that the CDD probably cannot install the pedestrian fence for the same reasons that it cannot restrict public roads; it is a public sidewalk.

Undersheriff Staly advised residents that the FCSO Citizen's Police Academy starts in October; it is great opportunity to learn about FCSO.

Mr. George Suhaj, a resident, stated that he was asked by the Wild Oaks residents to investigate the security problem at the front gate and presented a petition. Mr. Suhaj acknowledged that the District cannot stop access into Grand Haven. He explained that residents want to deter people from trying to enter. Mr. Suhaj presented the concept of closing off the pedestrian gate and installing a gate which requires a key card. He felt that a key card gate would deter the "everyday, opportunist criminal" from walking through an open gate. Mr. Suhaj

voiced his opinion that more people are entering through the pedestrian walkway and utilizing the District's amenities and facilities.

Supervisor Davidson noted that a large number of people from Forest Park are utilizing the Dog Park. He noted that signs should be installed at the Dog Park, as it is an amenity that the CDD can control. Regarding enforcement, Supervisor Davidson indicated that people could be instructed to leave and, if necessary, issue a trespass. He recommended discussing the issue with the Forest Park HOA and proceeding with issuing trespasses, which could eventually lead to an arrest. Supervisor Davidson was informed of instances of people feeding wildlife in Wild Oaks and advised that Florida Fish and Wildlife Conservation Commission (FFWCC) has the power to arrest people for feeding wildlife. He urged residents to take a picture of the violator and contact FFWCC.

Supervisor Davidson wondered if spending funds to install the proposed gate is the best way to start. He felt that installing signage, arresting trespassers and discussions with neighboring communities might be a better initial approach.

Supervisor Lawrence asked Mr. Clark to comment.

Mr. Clark agreed with Undersheriff Staly's comments; a gate could be installed but the District must provide public access. He discussed the operational issues related to installing another gate. Mr. Clark pointed out that Mr. Suhaj's suggestion of a key card gate does not allow public access, it would only allow access to residents.

Mr. Suhaj stated that the gate could have an intercom system. Mr. Clark noted that an intercom system then involves the Main Gate guards and cameras would likely be needed; Mr. Suhaj's suggestion would come with costs.

Supervisor Davidson recalled that the construction in Wild Oaks is causing about 100 calls per day to the guards and the addition of a pedestrian call box would further increase the number of calls that the guards must attend to, which could result in needing to have two or three guards on duty.

Supervisor Gaeta requested an explanation of what a pedestrian gate would accomplish and asked the audience if the increased disruptions at the gate coincided with the increased construction activities in Wild Oaks.

Supervisor Gaeta advised that an email was sent this morning relative to certain accusations being made that the District is not monitoring and the cameras are not working.

Mr. Kloptosky stated that he sent an email to the Board, in response to a resident email regarding a break-in. He noted that the email contained incorrect information about how the camera system operates. Mr. Kloptosky read his response:

“There is some incorrect information stated in the email. Grand Haven has security cameras at all entry gates. We complete an audit of all cameras in the community regularly to ensure that every camera is functioning properly. Any issues that are identified on the audit are corrected immediately by our security camera company. The gate cameras record an overview of incoming and outgoing traffic on DVR recorders. All entrances also have license plate tag cameras that record vehicle license plate numbers. The images remain on the DVR memory chips and are accessible for up to 60 days, depending on the volume of traffic that passes through the gate. We assist law enforcement on a regular basis, per their request, by providing copies of the vehicle images and the vehicle tag numbers for vehicles entering the community. To date there have been no requests by law enforcement for any recorded vehicle information regarding the incident at the address listed in the email complaint. It is possible that the deputy that was investigating the incident was not aware that we had the information on record. If the Sheriff’s Department requests any information regarding any incident, we are happy to provide it.”

Discussion of the pedestrian security fence at Wild Oaks and the security fence at Waterfront Park Road was deferred to the next workshop.

- **Call Box & Number 9 System**

This item was deferred to the next workshop.

EIGHTH ORDER OF BUSINESS

BUSINESS ITEMS

A. Evaluation: Proposals for Landscape Maintenance Services

i. Proposers

- **Affordable Lawn & Landscaping, Inc.**
- **Austin Outdoors**
- **OneSource Landscape Maintenance**
- **Valley Crest Landscape Maintenance**

ii. Rank Proposals/Determine Shortlist/Schedule Oral Presentations

Mr. Wrathell indicated that each Board Member previously provided their ranking sheet. He felt that the rankings, along with pricing, were sufficient enough information that presentation would not be necessary. In response to Supervisor Davidson's question, Mr. Wrathell confirmed that the results were indisputable and undeniable.

Mr. Wrathell advised that Austin Outdoor (Austin) was ranked #1 with 495 points, OneSource Landscape and Golf Services (OneSource) was #2 with 383 points, ValleyCrest Landscape Maintenance was #3 with 331 points and Affordable Lawn & Landscaping, Inc., ranked #4 with 243 points. He noted that the #1 ranked contractor was the lowest priced.

On MOTION by Supervisor Gaeta and seconded by Supervisor Chiodo, with all in favor, acceptance of the rankings, with Austin Outdoor ranked #1 with 495 points, OneSource Landscape and Golf Services was #2 with 383 points, VallyCrest Landscape Maintenance was #3 with 331 points and Affordable Lawn & Landscaping, Inc., ranked #4 with 243 points, was approved.

Supervisor Chiodo advised that Austin was not the lowest price, when considering the three-year contract. Mr. Wrathell concurred and advised that price was only one component of the rankings.

Supervisor Smith recalled the District's long-term relationship with Austin and pointed out that OneSource, ranked #2, is very qualified. He felt that it would benefit the community to allow them to give a presentation to understand the differences that OneSource could bring to the community and so that the Board does not simply follow the "well beaten path". Supervisor Smith wanted to be sure that Austin was selected because the Board reviewed the alternatives in detail.

Supervisor Davidson noted a point difference of 112 between Austin and OneSource. Mr. Wrathell indicated that Austin received 495 out of a possible 500 points. Supervisor Chiodo voiced his opinion that a presentation by OneSource was not necessary, based on the rankings. Supervisor Gaeta concurred with Supervisor Chiodo. Mr. Clark stated that the Board must follow the process and proceed with the results.

On MOTION by Supervisor Gaeta and seconded by Supervisor Davidson, with Supervisors Gaeta, Davidson, Chiodo and Lawrence in favor and Supervisor Smith dissenting, authorizing execution of a contract with Austin Outdoor for Landscape Maintenance Services, was approved. (Motion passed 4-1)

Supervisors Lawrence and Davidson thanked the other bidders.

B. Consideration of/Decision on: Additional Tasks for Horticultural Consultant (at current hourly rate)

i. Inspection of all CDD Utility Access Easements

- **Determine Areas Where Existing Vegetation Are/Or Will Damage CDD Utility Structures**
- **Make Recommendations Regarding Necessity For Repositioning, Replacement Or Removal Of Offending Vegetation**
- **Re-inspection and Approval After Inspection of all CDD Utility Access Easements Performed**

ii. Inspection of Condition and Builder Plans for Development Work on CDD Pond Bank

- **Re-inspection and Approval After Inspection of Condition and Builder Plans for Development Work on CDD Pond Bank Performed**

Supervisor Davidson indicated that the additional tasks were discussed at the previous workshop.

****Supervisor Chiodo stepped out of the room, prior to the vote.****

****Supervisor Gaeta left the meeting.****

Mr. Wrathell pointed out that a quorum no longer exists, since Supervisor Chiodo stepped out; therefore, the vote will be postponed.

C. Continued Discussion: Fiscal Year 2014/2015 Proposed Budget

Mr. Wrathell indicated that the third flower rotation, for \$14,000, was added to the proposed budget, per the discussion at the last workshop. He advised that the line items related to aquatics were adjusted to match the aquatic contracts, which will be presented later in this meeting.

****Supervisor Chiodo returned to the meeting, in person.****

D. Consideration of/Decision on: Aquatic Systems, Inc., Revised Master Agreements

*****This item, previously Item 8.G., was presented out of order.*****

- i. Pond Maintenance #0225-6**
- ii. Lake Watch #0851-6**
- iii. Aeration Maintenance #5290-8**

The Aquatic Systems, Inc., agreements were presented for the Board's consideration.

On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, the Aquatic Systems, Inc., Pond Maintenance #0225-6, Lake Watch #0851-6 and Aeration Maintenance #5290-8 revised Master Agreements, were approved.

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, expansion of the Horticulturalist's tasks to include all items under 8.B.i., and 8.B.ii., was approved.

Discussion returned to the proposed budget.

Mr. Wrathell questioned whether the Board wanted to include the Parcel K assessments in the budget, resulting in those assessments being on the tax bill. He recalled that the District has an agreement regarding how those properties would be assessed; therefore, he recommended that the existing agreement be amended, with the District agreeing to not levy operation and maintenance (O&M) assessments on those properties but, if the conditions change, Mr. Cullis would be responsible for paying the assessments.

Mr. Clark summarized that the District would not levy O&M assessments but Mr. Cullis would agree, contractually, to pay those assessments if the contract is not completed. Mr. Wrathell stated that the Board must make a decision by September 15 and reiterated his recommendation that the District amend its agreement with Mr. Cullis regarding O&M assessments on those properties. Mr. Clark questioned if, under Mr. Wrathell's plan, those properties that would not be assessed in Fiscal Year 2015 could be assessed, in the future, if Mr. Cullis obtains an entitlement. Mr. Wrathell replied affirmatively; he noted that Mr. Cullis previously acknowledged the assessments on the properties and amending the agreement would better protect the District, if Mr. Cullis agrees to the assessments being reduced to \$0.00. Mr.

Wrathell expressed his concern that, in the future, Mr. Cullis might try to challenge the past O&M assessments and the agreement gives credibility to Mr. Cullis' acknowledgement of the assessments. Mr. Clark pointed out that there is a split, as the District must still assess for debt service, until the contract on the property closes, which will be after September 15. Mr. Clark agreed that there is a question regarding whether the District can impose O&M assessments on property with no entitlements; at some point, it becomes subject to challenge. Mr. Clark noted that the debt service remains and, since the District cannot walk away from those assessments, the District plans to pay the remaining debt service assessments at the closing. Mr. Wrathell believed that, regarding debt service, for the purposes of the budget, the debt service must be assessed, regardless. Mr. Clark stated that he will contact Mr. Cullis, prior to the budget public hearing.

Mr. Wrathell advised that the Board has until the public hearing to make a decision regarding whether to remove the four units from the proposed budget.

A resident asked if this means that the District will waive Mr. Cullis' assessment obligation.

Mr. Wrathell stated that it is not a matter of waiving the assessment obligation. He explained that, for years, Parcel K was assessed for six units and about two years ago, Mr. Cullis bought down the debt assessments from six to four units and entered into an agreement with the District, whereby the District would only assess four units but, if the property was ever developed for six units, Mr. Cullis would owe the District back assessments for the extra two units. Mr. Wrathell noted that, currently, Parcel K is not entitled; therefore, Mr. Cullis cannot build on it. He indicated that the thought was to amend the agreement so that Mr. Cullis acknowledges the validity of the assessments but reduces the amount to \$0.00, for now, and, if the property is developed, Mr. Cullis must pay the back O&M assessments.

E. Continued Discussion: Capital Plan [TL] (to be provided under separate cover)

*****This item, previously Item 8.D., was presented out of order.*****

Supervisor Lawrence suggested that, at the next workshop, the Board should review the Capital Plan and identify items for Mr. Kloptosky to commence work on.

Mr. Kloptosky recalled that Mr. Ross approached the Board about expending approximately \$6,000 for new kitchen equipment; per discussion at the May 1 workshop, the equipment was purchased but the item was not removed from the Fiscal Year 2015 Capital Plan.

Mr. Wrathell noted that the Capital Plan is a “living” document, previously entitled as a “draft” and questioned if it would be best to no longer include it as an exhibit to the budget. He noted past political issues and that the Capital Plan is revised numerous times during the fiscal year.

Supervisor Davidson favored keeping the Capital Plan in the budget but ensuring that it is labeled “draft”.

*****Supervisor Gaeta returned to the meeting, via telephone.*****

Supervisors Chiodo and Gaeta agreed with Supervisor Davidson.

*****Supervisor Smith returned to the meeting, via telephone, advising that he was briefly away.*****

F. Discussion: Proposed Amendments to Rules, Policies and Fees for All Amenity Facilities

*****This item, previously Item 8.E., was presented out of order.*****

- i. Addition of Golf Course Clubhouse Pier to Community Gazebo Policies**
- ii. No Stiletto Heels**

Supervisor Davidson stated that the section now includes the Golf Course Clubhouse Pier, Community Gazebo and no stiletto heels into the District’s policies. Discussion ensued regarding the no “stiletto heels” statement.

*****Supervisor Smith left the meeting.*****

Mr. Clark recommended modifying the verbiage, as stiletto heels suggests gender discrimination. He proposed that the policy prohibit unsafe footwear, such as stiletto heels. The Board and Mr. Kloptosky suggested alternate wording for the policy. Mr. Clark felt that the policy should state that the person assumes the risk. A resident recommended advising users to be aware of gaps between the boards. Mr. Clark noted that the concept is not to create a prohibition, it is to warn. Mr. Clark suggested that the policy include a warning about walking the pier “at your own risk” and posting a warning sign.

Supervisor Davidson felt that the grand opening announcement should include an explanation of the reason for the gaps between the boards and that the gaps present a tripping hazard to those with narrow heeled shoes.

Mr. Kloptosky recalled discussion regarding renting the pier for events, such as weddings, and asked if the Board wanted to include that in the policies. He questioned if “no fishing” from the piers should be included in the policies.

Mr. Wrathell suggested that the policy describe the pier as a tripping hazard and that users do so at their own risk. Mr. Clark felt that this might be the best method, as there could be an issue with only identifying certain hazards. The Board agreed to the statement “Due to FIND required deck board spacing, proper footwear required on pier.”

Discussion ensued regarding whether to prohibit fishing on the piers and how to enforce clean up, if fishing is allowed. Mr. Clark recommended that failure to clean up could be an Amenity Rule violation, using the warning and suspension process. Supervisor Davidson noted that the current fishing policy does not address fishing from the piers and suggested adding the statement “Fishing from the piers requires complete cleanup, upon exiting the premises.” Mr. Clark pointed out that the policy must be stated in a way that creates a violation.

Mr. Clark advised that Page 18 contains a “Fishing Pier Facilities Policy”. Supervisor Lawrence clarified that this policy refers to the fishing pier in the pond by Creekside, it is not related to the two piers leading into the intracoastal. Mr. Clark felt that the policy should be the same. Supervisor Davidson recommended expanding the scope of this item to include all of the District’s piers and a statement that failure to cleanup is a violation of the Amenity Rules. Supervisor Davidson pointed out that Item 5., addresses cleanup. Mr. Clark advised that the current terms “please respect” does not express that it would be a violation; he suggested the statement “Persons fishing are required to clean and remove any debris from the pier.” Regarding a comment about violations, Mr. Clark indicated that the violation aspect is covered under Item 1, of the current violations.

Supervisor Gaeta asked if the “Fishing Policy”, on Page 25, could be expounded to state “Persons violating the fishing policy may be subject to..... from further fishing off of the pier and lakes or retention ponds.” Mr. Clark noted that this section already states that fishing, in any location, is subject to the “Fishing Pier Facilities Policy”, on Page 18. Supervisor Lawrence advised that the policy refers to catch and release, which is related to fishing in ponds, not the intracoastal; therefore, that portion must be clarified.

Mr. Kloptosky referred to the “Clubhouse Gazebo Policies”, on Page 24, which mentions the Golf Course Clubhouse Pier. He pointed out that the policy references a reservation form for the Center Park Pier, which exists; however the District does not have a reservation form for the Clubhouse Pier. He noted that the policy also contains a statement prohibiting stiletto heels and questioned whether it should remain.

Mr. Clark advised that the stiletto heels reference will be changed.

In response to a question, Mr. Clark confirmed that he will coordinate with Management's Staff regarding the changes discussed.

Supervisor Davidson confirmed that the "*** *No stiletto heels are allowed on walkway of Clubhouse Pier.*" line should be removed from Page 24.

Mr. Kloptosky recalled discussion, at a previous meeting, about amending the Post Orders so that the updated length of 14 days for visitor passes corresponds to the Amenity Policies. Supervisor Davidson pointed out that the change would involve the Post Orders, which can be changed at any time.

Mr. Kloptosky noted previous discussion regarding an AMG policy requiring residents to sign in at the podiums, when using amenity facilities. He indicated that it was discussed because a resident refused to sign in, on the grounds that it was not in the Amenity Rules. Mr. Kloptosky stated that AMG requires amenity users to sign in so that usage of the amenity facilities can be tracked. In response to a question, Mr. Kloptosky confirmed that residents identify which amenity they are using, on the sign in sheet.

It was suggested that requiring residents to sign in and to identify the amenity they are using would allow the District to track the amenity usage when there is damage. Discussion ensued regarding creating an Amenity Policy that requires the amenity user to sign in and identify their destination, along with where to insert the policy in the Amenity Policies. Supervisor Gaeta recommended including it on Page 9, under "General Grand Haven Amenity Facility Usage Policy". Supervisor Davidson proposed adding the sentence "All Patrons and Daily Guests using the Amenity Facilities must sign in indicating amenity usage or activity."

Mr. Clark questioned if a public hearing on the Rules was advertised. Mr. Wrathell believed that it was not and noted that at least 30 days notice is required. Mr. Clark recalled previously raising the question of the public hearing; however, the Board decided against it, as it did not plan to amend the Rules. Mr. Wrathell recommended that, once the Board is satisfied with the Rules, it can authorize Management to advertise the public hearing.

G. Discussion: CC&R Definitions 1.1.2 Area of Common Responsibility

******This item, previously Item 8.F., was presented out of order.******

This item was discussed during Item 6.D.

H. Discussion: Unauthorized Digitization and Utilization of GH Resident Email Addresses

This item was discussed during the Fourth Order of Business.

NINTH ORDER OF BUSINESS

OPEN ITEMS

Supervisor Lawrence recalled a statement, earlier in the meeting, indicating that, if a guest visits a resident but is not on the daily log and the resident cannot be reached, the guard is required to allow the visitor access to the community. He voiced his understanding that, if the guest is not on the resident's list or the daily log and the resident cannot be reached, the guard should turn the visitor away.

Supervisor Davidson pointed out that nobody can be turned away.

Supervisor Lawrence clarified his belief that this is what the District is doing. He felt that the visitor should only be granted access if they mention that the roads are public roads; if the visitor is there to visit a specific resident and the person cannot be reached and is not on the list, he would not want that person to be allowed into the community. Supervisor Lawrence reiterated his belief that, currently, in this situation, the visitor is turned away.

Mr. Clark advised that the District can inform the visitor that the resident did not authorize the visitor's entry; the visitor might then leave or might know that they are entitled to enter, at which time, the guard must allow them to enter. Supervisor Chiodo felt that, in that situation, the guard should record the person's name and information. Supervisor Gaeta recalled that the Post Orders instruct the guard to inform the visitor that they are unable to contact the resident and ask the visitor to return at another time; however, if the visitor insists, the guard must allow entry and record their license plate.

Mr. Clark noted the difficulty of this situation if a visitor is seeking entry but the resident does not want them to enter because they have a restraining order or for another reason; in a situation such as that, the guards should contact the Sheriff to report the situation.

Supervisor Gaeta felt that, in this type of situation, the District must protect the residents. Supervisor Davidson stressed that the District cannot refuse entry. Mr. Clark cautioned against implying that the District must protect, as it implies that the District has powers that it does not have.

TENTH ORDER OF BUSINESS

SUPERVISORS' REQUESTS

Supervisor Davidson indicated that a Certified Emergency Response Team (CERT) drill was held. He advised that CERT needs a new laptop computer and noted that the District budgets \$500 for CERT.

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, authorizing the purchase of a laptop computer for the Certified Emergency Response Team's usage, in a not-to-exceed amount of \$650, with the laptop to be owned by the District, was approved.

In response to Supervisor Gaeta's question, Supervisor Davidson confirmed that Item 8H., was previously discussed.

Regarding the Ninth Order of Business, Mr. Kloptosky indicated that Items D, E, and G could be removed. The Board agreed.

ELEVENTH ORDER OF BUSINESS

ADJOURNMENT

There being no further business to discuss, the meeting recessed.

On MOTION by Supervisor Chiodo and seconded by Supervisor Lawrence, with all in favor, the meeting adjourned at 1:40 p.m.

Mr. Wrathell confirmed that the next meeting will be held on September 3, 2014 at 3:00 p.m., with the public hearing commencing at 5:00 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair