

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

A Continued Meeting of the Grand Haven Community Development District's Board of Supervisors was held on **Thursday, November 7, 2013 at 10:00 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	Assistant Secretary
Raymond Smith	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Howard McGaffney	Wrathell, Hunt and Associates, LLC
Robert Ross	Vesta/AMG
Roy Deary	Vesta/AMG
Joe Montagna	Vesta/AMG
Barry Kloptosky	Field Operations Manager
Diane Layng	Resident
Bob Hopkins	Resident
Rob Carlton	Resident
Gary Noble	Resident
Ron Merlo	Resident
Al Lo Monaco	Resident
Carol Penrose	Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. Wrathell called the reconvened meeting to order at 10:04 a.m., and noted, for the record, that all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

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

Ms. Diane Layng, a resident, informed the Board and residents that, since she joined the community, water aerobics, croquet and bocce instructions have been free. She noted that participants pay a fee for yoga, which passes through AMG, with AMG retaining 10% and maintaining a log of the participants; the same procedure is followed for tennis lessons. Referring to the Board's decision regarding designating Tai Chi, as a club, so that AMG is not involved and does not receive 10%, Ms. Layng voiced her understanding that no one, resident or nonresident, can use the District's facilities to earn personal monetary gain. She encouraged the Board to define the District's policy on instructions so that all are treated objectively, not subjectively, and with no favoritism to any resident or group.

Mr. Bob Hopkins, a resident, indicated that the Post Orders were rewritten more than two (2) years ago and, in his opinion, they have not been put in the guardhouse. He asked that Supervisor Lawrence research that matter. Mr. Hopkins advised that, in the document posted, the guardhouse emergency numbers page contains "Flagler County Animal Control", which does not exist in Palm Coast. He stated that Palm Coast has its own animal control department and the telephone number is 986-2520; Flagler County is not allowed inside Palm Coast. In response to Supervisor Davidson's question, Mr. Hopkins clarified that the telephone number he provided is for the City of Palm Coast Code Enforcement; the City does not have animal control, specifically.

Mr. Hopkins questioned whether CERT or AMG is in charge, in the event of an emergency. Supervisor Chiodo indicated that CERT supersedes AMG. Mr. Hopkins wondered if that should be stated in the contract. Supervisor Davidson felt that it is explained. Mr. Deary stated that AMG's Emergency Action Plan relates to the facilities but not to emergency actions involving the entire community.

FOURTH ORDER OF BUSINESS

BUSINESS ITEMS

A. Continued Discussion: Requests for Proposals

i. Suggested Timetable

Supervisor Davidson indicated that the plan is to advertise on November 13, 2013, receive RFPs until December 13, with Board review on December 16, to develop a short-list of

firms; presentations will be held at the February 6, 2014 workshop and award of the contract will occur at the February 20, 2014 meeting.

Supervisor Smith pointed out that, in terms of working days and considering the Thanksgiving holiday, the time frame gives vendors less than a month to respond. He feels that this is not sufficient time for vendors to respond to an RFP of this magnitude and could dissuade potential respondents. Supervisor Smith questioned why the RFPs must be due on December 13, 2013, versus later.

Regarding the timing, Supervisor Davidson pointed out that the contracts are running month-to-month. The Board agreed to set the RFP due date as Monday, January 6, 2013. Supervisor Gaeta pointed out that the new due date must be modified on all documents.

ii. Security Services

******This item, previously Item 4.A.iii., was presented out of order.******

- **Redlined**
- **Clean**

The following changes were made:

Section 1: Change the due date to “January 6, 2014”

Section 3.2: Change the due date to “January 6, 2014”, in all three (3) locations

Supervisor Gaeta referred to the fourth bullet point, under “Service Requirements”, on Page 7, and asked if the guards prepare incident reports at the end of each shift and whether the reports are maintained at the guardhouse for a minimum of 30 days. Mr. Wrathell pointed out that the prior bullet point specifies that the Field Operations Manager shall be notified of any incidents or hazards immediately. In response to Supervisor Gaeta’s question about the last bullet point, in that section, Mr. Wrathell explained that it means that the contractor will adhere to the terms of the contract and that any other mutually agreed upon services will be written; any additional services must be agreed to in writing.

The following changes were made:

Page 8, ADDITIONAL INFORMATION: Change the time frame end date from “August 31, 2013” to “October 31, 2013”

Page 11: Change “8/26/13” to “11/7/13”

Page 13: Change “Flagler County Animal Control” to “Palm Coast Animal Control (Code Enforcement)” and “445-1188” to “986-2520”

Page 14, Item 2: Insert “e.” after “d.” with language provided in ABM’s email, with the language edited to state “Verify the name(s) daily, on the tee time list, and require person to present individual’s photo ID”

Regarding eliminating the emergency access code for gate entry, Mr. Kloptosky reported an issue with eliminating it. He contacted Emergency Services and the notice will be sent tomorrow to cancel the emergency access code. Undersheriff Rick Staley obtained permission to eliminate the code and will notify the sheriff’s department. Mr. Kloptosky stated that the only entity that found a problem with it was the fire department, which claims they would need to use their sirens at night, which could cause resident complaints. He proposed issuing fobs to the fire department.

The Board was against issuing fobs to the fire department. Mr. Kloptosky confirmed that he contacted all agencies involved. Supervisor Davidson advised that a public service email will be sent to residents.

The following change was made:

Page 14, Item 3.c.: Change the redlined sentence to “The vehicles enter the gates by dialing the Main Gatehouse, via the call box. Emergency vehicles enter via SOS siren.”

Page 16, F.4: change “violence” to “violence” in

Page 16, F.: Replace Item 1 with Item 4 and Item 2 with Item 3

Page 19, GUIDELINES FOR CAMERA FAILURE, 1.: Replace “Also report issue to Maintenance Field Supervisor” to “Also report issue to CDD Maintenance Field Supervisor then the CDD Field Operations Manager”

Page 19, GUIDELINES FOR CAMERA FAILURE, 2.: Change “Guards Supervisor” to “CDD Maintenance Field Supervisor then the CDD Field Operations Manager”

Discussion ensued regarding how the Post Orders are transmitted to security and the guardhouse and whether a copy is currently in the guardhouse. Supervisor Davidson pointed out that, once completed, the new Post Orders should be provided to security and placed in the guardhouse.

Page 24, A.3., second bullet point: Insert “by phone,” after “contact” and change “or” to “and then”

Page 25: Add “#5 The Crossings”

Page 29: Delete “2013”

Discussion ensued regarding the term of the initial contract.

Page 47: Change “first 12-month period from _____ to _____” to “period from March 1, 2014 to September 30, 2014”

Page 47: Delete “*Year 1 amount may be prorated if contract commencement after October 1, 2013”

Page 47: Change Year 2 term to “October 1, 2014 to September 30, 2015” and Year 3 term to “October 1, 2015 to September 30, 2016”

iii. Amenity Management Services

- **Redlines (*pagination does not match clean version*)**
- **Clean**

******This item, previously Item 4.A.ii., was presented out of order.******

Mr. Wrathell confirmed that all due dates, throughout the document, will be adjusted to coincide with the Security Services RFP due dates.

Discussion ensued regarding Page 5, regarding the policy providing for the amenity management company to retain 10% of the fees to recover its administrative and liability expenses, related to fee-based instruction by an outside person or entity.

Supervisor Davidson indicated that the question arose regarding whether the 10% requirement includes resident instructors. Supervisor Davidson stated that the Board previously discussed this matter and decided that, if a resident is providing fee-based instruction involving a physical activity, which could increase the District’s liability exposure, the instructor must provide liability insurance for the classes and name the District as an insured; however, the resident instructor would not be subject to the 10% administrative fee because they are not under the direct employ or considered a subcontractor of the amenity manager. Supervisor Lawrence concurred and noted that the instructional fee would be collected by the instructor and not passed through the amenity manager. Supervisor Davidson discussed removing the ability of the amenity manager to retain the 10% administrative fee, from any instructors, from the contract.

Discussion ensued regarding the District’s liability exposure when instruction occurs in a non fee-based class or activity. Supervisor Smith asked if a non fee-based instructor must also provide liability insurance, naming the District, meaning that instructors, such as the water aerobics instructor, would need to obtain liability insurance. Supervisor Smith suggested that the wording be modified to state that the situation will be handled according to Board policy.

Supervisor Smith asked Mr. Deary if the 10% is an amount that would affect bids on the contract. Mr. Deary voiced his opinion that bogging down the RFP process with discussion of the 10% administrative fee is not worth slowing the entire bid process. Supervisor Davidson reiterated the suggestion to eliminate the amenity manager's ability to retain the 10% administrative fee.

Mr. Deary recalled that the District and the amenity manager both used to retain a percentage of the instructional fees by outside instructors. Mr. Deary noted that, subsequently, the District waived collecting its fee and questioned why the District should care, at this point, about the amenity manager's financial relationship with subcontractors; he wondered why it is the District's business. Mr. Deary believes the Board is getting bogged down on that issue, as well. Supervisor Smith agreed with Mr. Deary's comments.

Regarding changes, Supervisor Smith pointed out that the current contract states that the amenity manager has exclusive right to offer all personalized instruction. Mr. Deary confirmed that those are the terms of AMG's contract and, if the Board changes the provision, it will change AMG's contract.

Supervisor Gaeta suggested that Item J., on Page 6, state "See Amenity Rules and Policies" so that the Board could amend the Amenity Rules and Policies. Supervisors Smith and Lawrence supported Supervisor Gaeta's suggestion.

The following change was made:

Page 6, Item j.: Change entire section to "Tennis, yoga, fitness and other instructions or lessons shall be offered at reasonable pricing for the sole purpose of the residents of Grand Haven and their guests, according to the Amenity Policies and Procedures, subject to Board discretion.

Page 6, Item i.: Remove the second sentence, beginning with "Amenity Manager...."

Ms. Layng asked if these changes will give the amenity manager authority to determine who will or will not be subject to paying the 10% administrative fee. Supervisor Davidson replied no, it is subject to the Board's discretion.

Page 7, Item b.: Delete "/Bocce Courts/Basketball/Racquetball Courts (Turf Excluded)"

Page 8, Item b.: Add "21. The above applies to all other amenities such as Croquet, Basketball, Bocce, Shuffleboard, etc."

Page 8, Item b.17: Delete "/bocce/basketball/racquetball/croquet" and ", excluding turf"

Page 15: Remove “, 2013”

Page 23: Replace the first paragraph with “**THIS MANAGEMENT SERVICES AGREEMENT** (the “**Agreement**”), is entered into this day, _____, 201__ (the “**Effective Date**”), by and between _____, whose address for purposes of this Agreement is _____ (the “**Management Company**”), and the **GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special purpose government organized and existing in accordance with Chapter 190, whose address for purposes of this Agreement is c/o Wrathell, Hunt and Associates, LLC., 6131 Lyons, Road, Suite 100, Coconut Creek, Florida 33073 (“**CDD**”).”

Page 23, C.1.: Change “_____, 2013” to “March 1, 2014 and ending on September 30, 2014”

Page 23, C.3.: Change “twelve months of this agreement” to “term of this Agreement (March 1, 2014 through September 30, 2014)”

Page 34: Delete “for Fiscal Year 2013-2014”

Pages 39, 40 and 41: Replace “2013” with “2014” in all locations

Page 42: Change “first 12-month period from _____ to _____” to “period from March 1, 2014 to September 30, 2014”

Page 42: Delete “**Year 1 amount may be prorated if contract commencement after October 1, 2013*”

Page 42: Change Year 2 term to “October 1, 2014 to September 30, 2015” and Year 3 term to “October 1, 2015 to September 30, 2016”

Supervisor Gaeta pointed out that the Table of Contents page numbers might need to be revised, due to additions and deletions, which may shift the pages.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, the Amenity Services and Security Services RFPs, as amended, and authorizing advertisement on November 13, 2013, with a due date of January 6, 2014, was approved.

Mr. Deary voiced his appreciation for the Board’s thoroughness in developing the RFP documents, amounting to about an eight (8)-month process. Mr. Deary noted that the Board has

not acknowledged the concern the situation creates for the two (2) vendors, and particularly, their employees, who are feeling concern and stress about being “in limbo”. Supervisor Davidson thanked Mr. Deary for his comment. Mr. Deary recalled that AMG requested an increase in its contract, the past summer, and pointed out that, with the month-to-month extension situation, AMG would be under contract from October 1, 2013 to February 28, 2014, with no adjustment to its contract. Mr. Deary asked the Board to consider implementing the requested adjustment for December, January and February or until the District awards the contract. In response to Supervisor Chiodo’s question, Mr. Deary advised that the requested increase was approximately 2.5% or about \$1,000 per month. Mr. Deary explained that AMG incurred the expense of pay increases for some employees, in an effort to help them through their feelings about their jobs being “in limbo”. Mr. Deary noted that the Board might feel differently about the current length of this process if its District employees were left “in limbo” for eight (8) months. Supervisor Lawrence acknowledged Mr. Deary’s comment and Supervisor Chiodo added that the District might lose an employee placed in these circumstances.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, the AMG 2.5% fee increase, not-to-exceed \$1,050 per month, beginning December 1, 2013 and extending until the new Amenity Services contract is awarded, was approved.

FIFTH ORDER OF BUSINESS

Upcoming Regular Meeting/Community Workshop

- **BOARD OF SUPERVISORS MEETING**
 - **November 21, 2013 at 9:30 A.M.**
 - **December 5, 2013 at 9:30 A.M.**
 - **January 16, 2014 at 9:30 A.M.**

Mr. Wrathell indicated that the next meetings will be on November 21, 2013, December 5, 2013 and January 16, 2014 at 9:30 a.m.

- **COMMUNITY WORKSHOPS**
 - **February 6, 2014 at 10:00 A.M.**

Mr. Wrathell advised that the next workshop will be on February 6, 2014 at 10:00 a.m.

SIXTH ORDER OF BUSINESS

SUPERVISORS' REQUESTS


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

SEVENTH ORDER OF BUSINESS


ADJOURNMENT

There being nothing further to discuss, the meeting adjourned at.

**On MOTION by Supervisor Chiodo and seconded by
Supervisor Gaeta, the meeting adjourned at 11:26 a.m.**



Secretary/Assistant Secretary



Chair/Vice Chair

713 ***ACTION/AGENDA ITEMS:***

714

715 1. **ACTION ITEM:** Assess cul de sacs throughout the community for xeriscaping plan and
716 landscaping issues

717

718 2. **ACTION ITEM:** Mr. Barraco to continue to provide the status of certifications.

719

720 3. **AGENDA ITEMS:** Continued Discussion: SFWMD Final Notice of Noncompliance
721 Permit Conversion and Transfer to Operating Entity – Pelican’s Nest Permit

722

723 4. **ACTION ITEM:** Mr. Adams to work with Mr. Barraco to update asset map

724

725 5. **ACTION ITEM:** Mr. Barraco to obtain cost estimates to dredge Lake E-5 and for
726 disposal of dredged material

727

728 6. **ACTION ITEM:** Mr. Barraco and Mr. Adams to complete an analysis of the system
729 and recommend remedies and solutions to flooding issues; also, meet with SFWMD to
730 get their input regarding the problems created by their design and make sure that
731 SFWMD understands that these properties are in imminent danger

732

733 7. **AGENDA ITEM:** Public Hearing to adopt Amended Rules of Procedure

734

8. **ACTION ITEM:** Mr. Adams to provide unaudited year-end financial statements

735

9. **ACTION ITEM:** EarthBalance to attend CDD meeting in the Spring to give wetland
736 report

737

10. **ACTION ITEM:** Send notice to PLCA for web posting of new irrigation rates; Mr.
738 Cramer to attend UOC meeting to answer questions regarding new rates; notify HOAs
739 and condo associations of rate changes

740

11. **ACTION ITEM:** Mr. McCarthy to meet with Mr. Adams to make corrections to
741 Irrigation Report

742

12. **ACTION ITEM:** Mr. Adams to request written response from PLCA regarding illicit
743 discharge

744

13. **ACTION ITEM:** Mr. McAuley to relay the CDD’s plan to remove the spikerush in
745 Lake D-7 and replace it with other littoral plants to the board of Costa del Sol