

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

A Regular Meeting of the Grand Haven Community Development District's Board of Supervisors was held on **Thursday, November 21, 2013 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
Howard McGaffney	Wrathell, Hunt and Associates, LLC
Scott Clark	District Counsel
Alan Skinner	District Engineer
Robert Ross	Vesta/AMG
Joe Montagna	Vesta/AMG
Barry Kloptosky	Field Operations Manager
Jim Cullis	Grand Haven Realty
Louise Leister	Horticulturalist
Diane Layng	Resident
Bob Hopkins	Resident
Rob Carlton	Resident
Gary Noble	Resident
Ron Merlo	Resident
Al Lo Monaco	Resident
Judy Reese	Resident
Sherry Palmer	Resident
Kim Wilkinson	Resident
Paul Steggerda	Resident
Paula Foggia	Resident
Bee Davis	Resident
Kathy Chiddister	Resident
Debbie Deal	Resident
Vic Natiello	Resident
Charlie Greer	Resident
Olga and Nikolai Lagunchik	Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. Wrathell called the meeting to order at 9:39 a.m., and noted, for the record, that Supervisors Davidson, Chiodo and Lawrence were present, in person. Supervisor Gaeta was attending via telephone. Supervisor Smith was not present at roll call.

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. Paula Foggia, a resident, spoke of the pavers on Front Street and asked if the pavers will be continued to the gazebo. She noted that the gazebo needs a “facelift”. Ms. Foggia asked if these items can be placed on an agenda.

Mr. Wrathell indicated that he was informed that a number of residents wished to speak on this subject but allowed Ms. Foggia to speak on their behalf. It was noted that about 30 residents wished to speak.

Mrs. Olga Lagunchik, a resident, indicated that this is her third request to the Board to consider reviewing and dropping the “No Trespass” order against her son, which has been in effect for three (3) years. She acknowledged that what her son did years ago was not acceptable but he is “on the right track”. She asked that he be allowed to use the facilities. He is now a full-time college student. While she does not believe the Board is ignoring her, Mrs. Lagunchik reiterated that this is her third request. She indicated that she is willing to provide the Board with any information that they need and questioned why she did not receive any response to her previous request for consideration. Ms. Lagunchik voiced her opinion that society cannot simply reject a person forever for something that they did as a child. She suggested that the Board give her son an opportunity to participate in the community.

Mr. Clark thanked Mrs. Lagunchik for her comments and indicated that the Board addressed this matter. The Board directed that Mrs. Lagunchik’s son appear before the Board at the January meeting. There is a procedure to follow in which he is allowed to appear, bring witnesses and speak to the Board. Mr. Clark advised that this would have been done at the

December meeting; however, the meeting date was moved up, due to the holidays. He indicated that a letter was sent to Mrs. Lagunchik’s son, which should arrive today.

Mrs. Lagunchik confirmed that the letter has not arrived.

Mr. Clark asked that Mrs. Lagunchik’s son look for the letter and respond, in writing, confirming that he wishes to be placed on the January agenda. He stated that the procedure to be followed is outlined in the letter. The Board is prepared to devote time to this matter at its January meeting and render a decision.

Mrs. Lagunchik thanked the Board.

*****Supervisor Smith joined the meeting, via telephone, at 9:43 a.m.*****

FOURTH ORDER OF BUSINESS

CONSENT AGENDA ITEMS

A. MINUTES

- i. Approval of October 3, 2013 Community Workshop Minutes**
- ii. Approval of October 17, 2013 Regular Meeting Minutes**

B. UNAUDITED FINANCIAL STATEMENTS

- i. Approval of Unaudited Financial Statements as of October 31, 2013**

C. Best Management Practices for GHCDD Stormwater Detention Pond Bank Plantings

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

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

FIFTH ORDER OF BUSINESS

STAFF REPORTS

A. District Engineer

- i. Sailfish Drive Drainage Improvements Update**
 - Sailfish Drive Drainage Project Bid**
 - Additional Services Authorization**

Mr. Skinner recalled Mr. Kloptosky’s discussion, at a previous workshop or meeting, of the bids received for the Sailfish Drive Project. He noted that S.E. Cline (Cline) and Besch and Smith Civil Group, Inc. (Besch and Smith) were given the opportunity to bid; however, at the

last minute, Cline declined to bid, because they were “too busy”. Mr. Skinner acknowledged that the bid was higher than expected and wondered if the scope of work had changed dramatically since Cline gave its original estimate. He pointed out that Besch and Smith prefers not to have change orders to their contracts so they try to account for all possible situations, which is why the cost might have been higher than expected.

Mr. Skinner voiced his understanding, from Mr. Kloptosky, that the Board put this matter on hold, for now; however, he is willing to discuss it, if the Board wishes.

Supervisor Davidson stated his preference to delay the project until Cline can bid on the work. Regarding notification to Sailfish Drive residents, Mr. Kloptosky advised that he spoke to a resident who was okay with the delay, under the current conditions, as she believes that the project will still go forward, in the future. Mr. Kloptosky questioned if the Board should direct the District Manager to send a letter to the Sailfish Drive residents. Mr. Wrathell stated that he is willing to prepare a letter stating that the bid was too high.

Mr. Skinner indicated that additional services were provided by the District Engineer related to the Sailfish Drive Project, which were outside their contract scope. He presented a change order for \$1,500, for the additional services. In response to Mr. Kloptosky’s question, the change order relates to work performed that was not within the original scope of work for this project; the total project costs have not been expended.

Mr. Wrathell suggested cancelling the base contract for the Sailfish Drive Project and simply paying the District Engineer for the services performed, to date, on an hourly basis. Mr. Skinner discussed the project scope, under the current contract, and noted that work has been started for certain parts of the contract.

In response to Supervisor Lawrence’s question, Mr. Skinner confirmed that certain phases of the Sailfish Drive project were initiated or completed. Supervisor Lawrence agreed with Mr. Wrathell’s suggestion that the District Engineer bill the District for the work, as it is completed. Mr. Skinner advised that, from a bookkeeping perspective, keeping the contract open assures Genesis that they are not performing work on the project that is outside the scope.

Mr. Kloptosky stated that everything is in place, if the Board decides to rebid the work; therefore, there should be no additional costs until the contractor is selected and site management begins. Mr. Skinner indicated that he can adjust the change order to the actual costs, to date.

Supervisor Lawrence noted that the District will have a lot of permitting this fiscal year and the costs seem high; he does not expect this amount of money to be spent on every permit.

Mr. Kloptosky advised that this type of project is different; therefore, the City's permitting process is different, which is why the costs are higher. He noted that permitting for this project also involves issues related to the trees, which have not even started.

Supervisor Davidson confirmed that the change order should be reduced to reflect only the completed work.

Supervisor Lawrence advised that Cline always offers a low cost and has been the District's "go to" contractor for a long time but Cline is getting busy. He feels that it would be best for the District to find a similar contractor; however, he feels that Besch and Smith is not the correct contractor. Supervisor Lawrence asked Mr. Skinner to recommend contractors similar to Cline, who can provide the same quality of work within Cline's price range.

Mr. Skinner indicated that he will check with another contractor.

ii. Engineer's Annual Report Status for 2004A Bond

Mr. Skinner indicated that the District Engineer is required to review the facilities to confirm that they are being well-maintained and provide recommendations, if they are not being maintained. He advised that many of the items noted were previously observed, such as drainage issues in the men's shower, which is causing water to seep through the wall. Additionally, the spa skimmer has a leak issue and the aqua cells, which heat the pool, are near the end of their useful life. He noted a slope issue on the croquet court.

Supervisor Lawrence pointed out that all of the items mentioned are in the District's Capital Improvement Plan (CIP).

Supervisor Gaeta asked if Mr. Kloptosky met the other contractor that Mr. Skinner mentioned. Mr. Skinner replied no, as he is still researching the contractor to determine if they are appropriate for this type of work.

In response to Supervisor Davidson's question, Mr. Kloptosky confirmed that he has a copy of the District Engineer's report.

B. Amenity Manager

Mr. Ross presented the new format of the Amenity Manager's Report, which will include "Critical Incidents", "Resident Recommendations", "Resident Complaints" and a list of "Monthly Total Fees Collected".

Mr. Ross noted a tennis violation. He explained that the tennis courts were closed due to heavy rain; however, the players continued while the notice of closure was still in effect. Mr. Ross referred to an email that a resident sent to other residents stating "As of 1:30 there is no

rain and 3 hrs to go. I suggest to show up if there is no more rain regardless of the e-mail from the amenities office.” Mr. Ross took exception to the resident’s suggestion telling others to show up “regardless” of what the amenity office directed. He noted that the courts are closed, when necessary, to avoid accidents and damage to the courts; the courts are closed for valid reasons and it is a violation for a resident to advise otherwise.

Mr. Clark will research the appropriate action to take against the violator, such as whether a letter should be sent.

Supervisor Davidson noted that, not only did the person not follow the amenity rules; he encouraged about 50 other residents to do the same, which he feels is a “double violation” of the rules. He believes that the District should issue a letter to the resident.

Mr. Al Lo Monaco, a TAG Committee Member, stressed that the members would go along with the Amenity Manager; he does not believe that the TAG Committee backs the email sent by the resident. Supervisor Lawrence asked if it would be appropriate for the TAG Committee to send a letter to the person. Mr. Lo Monaco indicated that the TAG Committee does not send letters; issues are referred to Mr. Ross.

Supervisor Davidson indicated that, assuming District Counsel finds the appropriate stipulation in the rules, Mr. Clark will send an official letter of warning to the individual for violating the Amenity Policies and Procedures.

Mr. Ross presented an email request for newer elliptical machines. Supervisor Lawrence recalled that equipment is replaced, as necessary, and suggested replacing the old elliptical machines with Precor machines, when they are replaced. Mr. Kloptosky indicated that he was not aware of problems with any of the elliptical machines; funds are budgeted for a new treadmill. Mr. Kloptosky questioned if this is a matter of the resident simply preferring the Precor brand over the current machines. Mr. Ross believes that is the case.

Mr. Wrathell felt that an email response to this request, by Mr. Kloptosky or his staff, advising the resident of the equipment policy, is sufficient.

Mr. Ross reported the monthly total fees collected from November 1 through 20, 2013.

Supervisor Lawrence asked Mr. Ross to maintain a monthly and year-to-date document.

Mr. Clark indicated that his quick review of the District’s Rules did not reveal any specific direction to the Amenity Manager of what to do in inclement weather but there is language about use of the facilities in a safe manner. He advised against deeming the tennis email a violation and sending a certified letter. Mr. Clark recommended responding to the

person that the Board delegated to the Amenity Manager to determine when the facilities are safe or unsafe, due to inclement weather and the rules require residents to comply with those decisions, along with requesting that the resident comply, in the future. Mr. Clark indicated that he will draft the letter for Mr. Kloptosky to send.

Supervisor Lawrence noted that this person emailed a large number of people and voiced his opinion that Mr. Kloptosky should copy the same people, when he emails the letter to the resident.

Mr. Vic Natiello, a resident, voiced his opinion that, since the District's rules do not specifically address this type of situation, it would be better to e-blast the information, as all residents should know this. He discussed the lengths the TAG Committee went through so no one is hurt. He believes that it should be stressed to all residents that, when a facility is closed, it is closed; it must be clear to everyone.

Mr. Wrathell agreed that an e-blast to all residents is a good option.

Supervisor Lawrence questioned if Staff has the authority to "evict" players from the court and issue trespass notices if people play tennis while the courts are closed. Several replied yes. Supervisor Davidson indicated that an excuse for the email was that the Amenity Manager is not around all day and the courts have such good drainage now, they should be able to play, once the sun comes out. Mr. Ross noted that he received the same comment and acknowledged that the courts might become playable afterhours; however, that is a determination for the facilitator to make and, if they are not comfortable making the decision, they should contact Mr. Ross. In response to Supervisor Davidson's question, Mr. Ross confirmed that on duty facilitators are authorized to make the determination, in his absence but they can always contact him, if they are unsure.

Supervisor Davidson pointed out that the courts were damaged by the players.

Supervisor Chiodo asked Mr. Ross to make a point of checking the courts before he leaves, if he closed them earlier, due to inclement weather, and inform the facilitator of the conditions. He agreed that the facilitator should be authorized to open the courts, if the weather conditions change.

Supervisor Davidson summarized that District Counsel will prepare and Mr. Kloptosky will send a letter directly to the person who sent the mass email. Additionally, an e-blast will be sent to the community. Supervisor Davidson confirmed that the contents of the e-blast should be

separate; he does not want the actual letter to the resident to be included in the e-blast. Mr. Wrathell commented that the content will be similar.

Mr. Natiello felt that the e-blast should reference all amenities, not just the tennis facilities.

C. Field/Operations Manager

Mr. Wrathell suggested that the Board direct Mr. Kloptosky to research sound system options. Mr. Kloptosky indicated that he obtained proposals for a sound system last year; they were very expensive because of the Board's request for wireless microphones and the quantity requested.

Mr. Kloptosky distributed photographs of sample towing signs for Creekside and The Village Center parking lots. He noted that the first sign is standard and complies with tow signage requirements; Mr. Kloptosky was unsure if the other sign, which looks nicer, complies with the requirements.

The Board preferred the nicer sign, if it can be made to comply with the tow sign requirements. Mr. Kloptosky pointed out that these signs would cost approximately \$50 each; however, the Grand Haven sign posts are quite expensive. The Board agreed that the signs should be attractive and upscale.

Discussion ensued regarding upgrading the handicapped parking signage. Mr. Clark advised that he must review the requirements for those signs. Mr. Kloptosky noted that the sign posts cost about \$500 each. Mr. Wrathell suggested that the funds can be taken from somewhere else in the budget. Mr. Kloptosky concurred.

Ms. Diane Layng, a resident, recalled that, historically, overnight parking has been allowed, in The Village Center parking lot, per the Amenity Center's permission. Supervisor Chiodo clarified that this matter refers to those that are "illegally" parked, which means "without permission". Mr. Kloptosky pointed out that the towing company will not know which cars are parked overnight, with permission; once the signs go up, the towing company will randomly patrol the parking lots and tow at will. Discussion ensued regarding issuing permit signs for the vehicles to post on their windshields.

Supervisor Davidson indicated that this matter arose largely from a resident who uses The Village Center parking lot nightly to park their third car because they do not have room at their residence.

Supervisor Smith wondered if, rather than implementing the tow away signage, due to a single incident rather than a general problem, the Board could simply adopt a policy or resolution where warnings are given and the vehicle is towed on the third offense. Mr. Clark indicated that the towing statutes require signage; the District could face stiff penalties for towing without following the requirements. Mr. Kloptosky questioned if the statutes allow for exemptions, such as parking with a permit. Mr. Clark explained that the statute deals only with “unauthorized” vehicles.

Mr. Kloptosky reported that the Waterside Café repair project was completed and the Café is now open. He reviewed photographs of the completed work. Supervisor Lawrence directed Mr. Kloptosky to check into having a coating sprayed on the coils to extend their life.

Supervisor Davidson noted issues with the projector. Mr. Kloptosky confirmed that he will obtain prices for a new projector, along with a new sound system.

Mr. Kloptosky indicated that the Wild Oaks Bridge repair project is underway and is going well. He presented photographs and discussed the work being completed.

Supervisor Davidson raised a question about the conspan. Mr. Kloptosky advised that there is no structural problem with the conspans. This is a cosmetic matter, as the corner pieces do not line up and the contractor did not finish plastering the surface; the District could consider improving the appearance at a later time. Mr. Kloptosky confirmed that this is not an emergency issue. Supervisor Lawrence asked if the cosmetic work could be completed from the maintenance budget. Mr. Kloptosky indicated that he will obtain proposals.

Mr. Kloptosky advised that reregistration remains at 90%, with no new registrations.

D. District Counsel

i. Pier Adjacent to Golf Club

Mr. Clark indicated that the legal description and surveys for the deed are completed; he expects the deed any day now, along with payment of the taxes.

ii. Waterside Parkway Ownership

Mr. Clark reported that the City is prepared to sign the Waterside Parkway deed. He noted an issue regarding the easement language included. The City initially wanted broad easement language; however, he informed the City that this would not be appropriate. The final result was an easement for the repairing or replacing existing utilities and for emergency vehicle access; the new language is typical. Mr. Clark indicated that the City agreed to his proposed language and is in the process of signing the document.

iii. Pump House Agreement/Repairs

Mr. Clark indicated that he attempted to contact Mr. Leahy, after the workshop, to provide him with the draft of the new agreement and discuss the matter; no response was received. He referred to the documents transferring the pump house from Grand Haven Golf Club, LLC, to Hampton Golf. He advised that Hampton Golf's position was that they assigned it and are not responsible. Mr. Clark noted that the agreement states that Hampton Golf is not responsible for things happening after the transfer; however, the lack of maintenance happened before that. Mr. Clark believes that everyone is responsible, until a party steps up and takes responsibility; therefore, he advised Hampton Golf that their documents do not "get them off the hook".

In response to a question, Mr. Clark stated that Hampton Golf advised that they assigned it back to Grand Haven Golf Club, LLC, who, in turn, assigned it to Escalante, although he has not received that documentation.

Regarding Mrs. Lagunchik's matter, Mr. Clark indicated that, if he receives a letter from her son, the Board will essentially hold a hearing at the January 16, 2014 meeting, where the son will have the opportunity to speak and request to be reinstated. The Board will be permitted to ask questions and present evidence or details. The Board will then make a decision regarding whether it will rescind the no trespass order.

Supervisor Davidson noted that there are many anecdotal comments regarding this individual's behavior. As those with comments refuse to memorialize their comments and attach their names to it, it is only hearsay. Supervisor Davidson asked if this "hearsay" is admissible or if it can be brought up during the hearing. Mr. Clark indicated that the District's rules are more relaxed and hearsay may be allowed and considered; however, he believes that the Board must give it less weight than if people actually came before the Board to give the information, directly. Supervisor Chiodo asked if the Board can consider hearsay information passed on by third parties. Mr. Clark pointed out that information becomes less reliable the more links that it passes through. Mr. Clark stressed that the Board must make a responsible decision and, while their hands are not as tied as they would be in the court system, they must be satisfied that the information is coming from reliable sources. Supervisor Lawrence voiced his understanding that Mr. Ross and Mr. Kloptosky have evidence in the case and asked if they can bring it forward during the hearing. Mr. Clark indicated that he will discuss the evidence with Mr. Ross and Mr. Kloptosky prior to the hearing.

iv. Wild Oaks Lot 53 Pathway

Mr. Clark discussed correspondence he sent and received.

Ms. Debbie Deal, a resident, stated that she is not trying to destroy the pathway system; her concern is the liability that it puts on private property owners. She noted that her easement is clearly marked as a drainage access easement. Ms. Deal stated this particular pathway was not in place when her neighbors purchased their property. She acknowledged issues that the District inherited from the developer and questioned if this is a matter of sloppy recording and if it can be fixed. Ms. Deal believes that both adjacent property owners are open to suggestions; they just want the liability removed from their property. She discussed other situations within the community and voiced her opinion that this matter must be considered on an individual basis regarding how that property is deeded and recorded. Ms. Deal discussed her research related to the easement and advised that the City's opinion is that any easement that contains the word "easement" gives them the ability to install a pathway along the easement. She believes that the property owners and District should work together to find a way to eliminate the property owners' liability, with regard to the pathway that falls on their property.

Mr. Clark felt that, in order to eliminate the liability, the CDD must own the pathway, rather than the current property owners but the owners want to preserve ownership for setback purposes. Ms. Deal indicated that the pathway is not straight; therefore, they cannot deed the entire easement. Ms. Deal pointed out that the aerial photograph on the tax map is not correct. Mr. Clark explained that, if you own the property and there is an easement, there is no guarantee that the property owner does not have liability; general practice is to sue everyone.

Mr. Clark stated that one (1) option is for the District to acquire the easement. He discovered that this is a platted drainage/access easement; it is not a drainage access easement. Other easements refer to pedestrian access; however, this does not. Mr. Clark confirmed that the platting was sloppy. He found nothing in the R.A. Scott contract stating that the District contracted for the pathway to be built. The District would not have agreed because it would be an improvement to private property. The question of who built the pathway and when it was built remains a mystery.

Mr. Kloptosky indicated that Austin Outdoor informed him that they installed the coquina pathways in Wild Oaks; he can find out who contracted for them to be built and when they were installed.

Mr. Clark recalled that, with R.A. Scott, a number of things were directed to be done in the field, that were not part of the contract; this may have been the case with the pathway. He could not find where the District installed the pathway; therefore, he cannot recommend that the District remove it. This is policy question about how the District wants the easement to be used; does it want it to have a pathway or simply be for maintenance access to the pond. The Board must also determine if it wants to own it.

Ms. Deal wondered if the District could develop a policy stating that the pathways are for the use of residents and their guests and all property owners accept liability when they use the pathways. She questioned if there is another way to approach this matter, since the pathway creates a situation where the public walks on private property. Ms. Deal explained that she was advised that, as long as the property owner allows the pathway to remain, they are, in essence, inviting the public onto their property. She suggested that the pathway could be removed and grass could be installed.

Supervisor Lawrence noted that this is part of the contiguous coquina pathway. Ms. Deal advised that the area in question appears to be a shortcut to the lake.

Mr. Wrathell voiced his opinion that this area is an easement for the District to maintain the lake and asked if the matter could be solved if the District clarified the language to state that the easement is only for maintenance related purposes. Mr. Clark stated that, as the holder of the easement, the District has the privilege of limiting its own use of it to access only purposes. Mr. Clark explained that there is confusion and this sets precedence.

Supervisor Lawrence noted that this is not a matter between two (2) properties; it involves a pathway that extends throughout Wild Oaks and is intended for public use. He questioned if this situation occurs in other areas of Wild Oaks.

Ms. Deal was not sure how other properties are recorded; she only researched the pathway on her property and one (1) other. She noted that she did not see the word "pedestrian" but did not conduct an in depth search.

Supervisor Davidson asked Mr. Kloptosky if it would still be possible to use the Wild Oaks pathway system if this particular portion were removed; is this leg of the path necessary. Mr. Kloptosky indicated that the pathway is the only real access point to the lake, from that side of the street. Supervisor Davidson questioned whether there are other pedestrian exit and entrance points around the pond, which are contiguous, and whether this is an essential part of the pathway system. Mr. Kloptosky indicated that there are other entrance and exit points.

Supervisor Davidson reiterated that the options are for the pathway to be removed or the District could own the pathway, in order to remove the liability. Mr. Clark acknowledged that District ownership may alleviate the liability issue for the property owners but it might create more of a problem if it becomes a right-of-way, as it takes on more of the “public” access character. Supervisor Davidson explained that it is more advantageous for the area to remain private property. Mr. Clark voiced his interpretation that this is an easement for stormwater management and drainage for the lake; it is not a public easement. Mr. Clark does not want the City believing they can do whatever they want on the property simply because the current description uses the term “access”.

Supervisor Lawrence felt there is a larger, global question. In his opinion, this was installed as a coquina pathway for resident use. He assumes that Ms. Deal’s problem exists for other properties and, if the District removes it for Ms. Deal, it will set a precedent, which could eventually render the pathway system unusable. Supervisor Lawrence questioned if the CDD wants the “pedestrian” walkway to exist in Wild Oaks.

Supervisor Davidson indicated that this is site specific; it is not all of Wild Oaks. He explained that some easements are pedestrian, others are access and some are utility; it is not the same throughout the village.

Supervisor Lawrence stated that he wants to see the entire pathway network and the designations of the easements.

Discussion returned to whether the District could reword its “governing” documents. Mr. Clark indicated that he reviewed the CC&Rs for an understanding of the pathway system but it does not address it; the documents give the developer the right to create systems of trails on common property, which does not address pathways on easements on private lots. Mr. Clark suggested changing or adding language such that the liability falls on the person using the pathway and/or easement, rather than the property owner. Mr. Clark advised against the District accepting liability.

Supervisor Smith wants to know if this is a single, unique situation. Supervisor Lawrence felt that the Board cannot make a decision until it knows the “global” situation. Supervisor Lawrence suggested that Mr. Clark review the language related to the easement and coquina path behind the lots on Front Street.

*****The meeting recessed at 11:30 a.m.*****

*****The meeting reconvened at 11:43 a.m.*****

▪ **Discussion: Access and Rights of Declarant to CDD Amenities**

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

Mr. Wrathell indicated that Mr. Jim Cullis, of Grand Haven Realty, is present. He recalled that, at the last meeting, the Board asked him to contact Mr. Clark regarding Mr. Cullis' questions of whether the declarant has any special rights related to the CDD amenities and facilities. Mr. Wrathell stated that he discussed this with Mr. Clark and several Supervisors and the general consensus was that, unless Mr. Cullis can point to something specific that he believes gives him special rights, as the declarant, it is not efficient for the District to use District Counsel's time to research the matter.

Supervisor Davidson asked Mr. Clark and Mr. Cullis if they are aware of any special rights that the declarant has, which are different than a regular property owner. Mr. Clark stated that he is not aware of anything; however, he has not researched the matter.

Mr. Cullis stated that he is willing to assume the burden of the research. He is fine with being treated as a regular property owner; however, he requests that the Board establish a policy regarding any party that holds an event that might be a public service type event at the facilities and allowing discretion to e-blast the community.

E. District Manager

i. Upcoming Regular Meetings/Community Workshop

○ **BOARD OF SUPERVISORS MEETINGS**

- **December 5, 2013 at 9:30 A.M.**
- **January 16, 2014 at 9:30 A.M.**

Mr. Wrathell indicated that the next meetings are scheduled for December 5, 2013 and January 16, 2014.

○ **COMMUNITY WORKSHOP**

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

Mr. Wrathell advised that the next workshop is scheduled for February 6, 2014.

SIXTH ORDER OF BUSINESS

BUSINESS ITEMS

▪ **Discussion: Amending Amenity Facility Rules, Policies and Fees Versus Establishment of Administrative Guidelines**

- **Policy Worksheet for Instructional/Commercial Use of GHCCD Common Areas**

******This item, previously the first bullet point, under Item 6.C., was presented out of order.******

Supervisor Davidson presented a draft worksheet related to instructional and commercial use of the CDD facilities.

Supervisor Lawrence voiced his opinion that the Grand Haven facilities are for the residents, meaning that nonresidents should have no standing in the community other than as guests or as an instructor hired by AMG. He believes that the only discussion should be about commercial use by a resident and use by nonresidents, for those purposes, should be disallowed, with the exception of approval from the Field Operations and District Managers and payment of a minimum \$500 rental fee for the Grand Haven Room.

Supervisor Smith asked if it would be acceptable for the Amenity Manager to hire someone for entertainment or otherwise. Supervisor Davidson stated that the Amenity Manager can hire people for special events; those types of events are different than this discussion.

Discussion ensued regarding an appropriate rental fee and liability insurance. Supervisor Davidson questioned if nonresidents using the facilities should be allowed to e-blast the community or use the District's bulletin boards. Mr. Clark indicated that he is uncomfortable with the District giving the email addresses to others to use for commercial purposes. Mr. Wrathell suggested that this position would also apply to giving the emails to residents who could use them for commercial purposes. Supervisor Davidson preferred to discuss these matters only as they apply to nonresidents using the facilities. Supervisor Lawrence felt that use of the e-blast system should not be allowed but posting something on the bulletin board or placing it on the calendar should be okay.

Supervisor Gaeta stated that she is not in favor of allowing any nonresidents to rent the Grand Haven Room, at all. Supervisor Chiodo agreed with Supervisor Gaeta; nonresidents should not be allowed to rent the facilities. Mr. Wrathell voiced his opinion that the only reason it would make sense to allow nonresidents to rent the facilities is if it is profitable to the District and suggested that rental by nonresidents should be at the Board's discretion. Mr. Wrathell stated that the Board should reserve the right to charge a rental fee; leaving it open gives the District flexibility. Supervisor Gaeta reiterated her position that the answer should be no to all nonresidents; no caveats are needed. Supervisor Lawrence agreed to not allowing nonresidents to rent the facilities. Supervisor Chiodo concurred. Supervisor Davidson agreed.

Discussion turned to resident use of the facilities for commercial purposes. It was confirmed that the current rental fee is \$100, for the Grand Haven Room, regardless of purpose; the rental fee for Creekside is \$300.

Supervisor Lawrence voiced his opinion that the Grand Haven Room is for resident use and, if a resident wishes to use it for a commercial purpose, the fee should be no more than the regular \$100 rental fee.

Mr. Wrathell felt that the rental fee should be no different, if the resident commercial events and activities do not add extra wear and tear to the facilities.

Supervisor Gaeta stated that she is concerned about the additional impact on the facilities, if used for commercial purposes.

Discussion ensued regarding whether the rental fee should be different if nonresidents are allowed to attend the resident sponsored commercial events or activities. Supervisor Gaeta felt that parking becomes an issue, depending on the night, if the public is allowed to attend. Supervisor Lawrence expressed his opinion that the District should not allow a resident to hold a commercial event and invite nonresidents.

In response to a question, Mr. Cullis explained that most of his events are for residents; however, he might invite prospective buyers to a particular event. He estimated that two (2) or three (3) attendees, out of 100, might be nonresidents.

Supervisor Gaeta suggested requiring complete, written consent from the Field Operations and District Managers for permission to rent the facilities for commercial purposes. Supervisor Chiodo recommended that prior approval be required and, if it appears that the event will cause additional wear and tear, the rental fee should be increased.

Regarding the process, Mr. Wrathell suggested that the Amenity Manager should be the first step in the process; if they believe that there is an impact concern, the District Manager can give approval.

Ms. Layng recalled that the District already has a contract; renters must go through the Amenity Manager to rent the room. Ms. Layng suggested modifying the form to address excessive use, etc. Ms. Layng asked if all Grand Haven residents are invited to attend Mr. Cullis' promotional events. Mr. Cullis explained that is not always possible to invite all residents to attend, depending on the particular event. Ms. Layng stated that is a problem for her because if all residents are not aware, only a select few can "come in". Mr. Cullis pointed out

that a rule requiring “inviting every resident in the community” does not apply to any other residents who rent the facilities for their events, such as a wedding, etc.

Supervisor Gaeta indicated that she wants to limit the number of attendees to events and suggested that the information sent contain wording such that admittance is limited to the first 75 or 100 who RSVP. Mr. Cullis advised that he already does this; notices indicate that space is limited.

Regarding liability insurance, the Board agreed that liability insurance is not necessary, unless the activity involves alcohol or physical activity. Mr. Cullis indicated that some of his activities include beer and wine, which he obtains from the Club, which he presumes carries liability coverage. Mr. Cullis questioned if the District’s alcohol and beverage license covers the Grand Haven Room, as well as the bar. It was noted that the policy does cover the Grand Haven Room; however, Supervisor Davidson indicated that the Board wants the person hosting the event to also carry coverage.

Discussion ensued regarding use of the AMG e-blast system, which is separate from the District’s e-blast system, to notify residents of events. Noting that AMG’s system is separate from the District’s, Mr. Clark was unsure that the Board should take control of AMG’s system by setting policy. Discussion ensued regarding how AMG obtained emails. Mr. Kloptosky advised that the question on the reregistration forms was “Do you want your email address on the CDD and AMG system”; it was a single question so answering yes placed it on both systems. It was noted that the GHMA notifies residents via the AMG e-blast system.

Supervisor Davidson asked if these decisions must be added to the Amenity Rules or if it can simply be an administrative guide for the Amenity Manager. Mr. Clark indicated that these are administrative policies.

Supervisor Gaeta asked if the District should set a per annum limit on the number of commercial uses.

Supervisor Lawrence stated that rental should be first come, first served. Supervisor Chiodo felt that usage should be unlimited and limits could be put in place if there was abuse. Discussion ensued regarding what constitutes abuse or excessive frequency. Supervisor Gaeta questioned not limiting the frequency. Supervisor Lawrence reminded Supervisor Gaeta that these are administrative policies, which can be changed at the will of the Board; if trends are noticed, the policy can be changed. Supervisor Gaeta agreed.

▪ **Discussion: Chinier and Front Street Proposed Landscape Enhancements**

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

Ms. Leister discussed the plan for Chinier and Front Street. She noted that quite a few plants will be used to give more complete coverage, to begin with and rock is being used on Front Street to prevent parking and the possibility of people starting a fire. Ms. Leister believes that these plans should not be changed. If the District is considering reducing the number of plants, Ms. Leister stated that it can be done simply by reducing it by one-third, which would reduce the overall costs. The original plan was to not replant the area because it will eventually regain the appearance of a natural area; therefore, it is the Board's decision. She stated that the number of plants on Chinier could be reduced but the size could stay the same to maintain the height desired. In response to a question, Ms. Leister indicated that the original cost proposed was \$18,000, which included a portion of Front Street.

Ms. Leister discussed the type of growth that would eventually occur on Chinier, if it were left to grow on its own. Supervisor Davidson indicated that the current growth is mostly weeds and Chinese tallow; the St. Johns River Water Management District (SJRWMD) was concerned because Chinese tallow is the worst invasive plant they had ever seen. SJRWMD asked that the District hand pull the Chinese tallow every day, which was not practical.

Mr. Kloptosky presented before and after photographs of Chinier.

In response to Supervisor Gaeta's question, Ms. Leister clarified that the District cannot put anything into the area; the proposed plantings were to be around the outer edge. Ms. Leister reminded the Board that she originally planned to leave the area open and let it grow naturally; however, there was an extreme reaction by residents to the appearance, which prompted the proposed plantings. Ms. Leister reiterated that what to do with this area is entirely the Board's discretion.

Based on the planting plan that was shown to SJRWMD, Supervisor Lawrence asked if the District is obligated to do any planting. Ms. Leister indicated that the planting plan was only presented to SJRWMD for approval because the District wanted to add plants; SJRWMD does not want any planting in the area.

With cost savings in mind, discussion ensued regarding planting locations and quantity, to reduce the cost by 50%. Ms. Leister indicated that she will provide a proposal to plant the reduced area discussed and asked the Board to establish an amount so that work can proceed. Supervisor Davidson advised that the Board meets again on December 5, 2013 and can make a decision then. Supervisor Lawrence asked that the Front Street portion be split, so that the

Board has definitive pricing for it and Chinier, separately. Ms. Leister will provide two (2) proposals for the Board's consideration. Supervisor Chiodo asked that this item be included on the December agenda so that residents know it will be discussed.

A. Discussion: Revised CIP [TL]

Supervisor Lawrence presented the draft CIP. He recalled that he had to add the "Projects started in FY 2013 that will be paid in FY 2014" amount of \$89,037, which, in order to balance, required him to reduce the "Unknown/unexpected" line item from \$100,000 to \$40,183. The CIP was also adjusted to use the maximum amount that can be carried over from Fiscal Year 2013 into 2014. He summarized that the "Total" is \$816,000, with \$662,000 budgeted for Fiscal Year 2014, resulting in a shortfall of \$154,000, which is covered by the carried over Fiscal Year 2013 funds.

Discussion ensued regarding the amount allocated to the Sailfish Drive Project.

Supervisor Davidson suggested adding a new sound system to the CIP.

Supervisor Lawrence referred to his handout "Expected FY 2014 Capital Needs Based on 10 Year Plan". He stated that he reviewed it with Mr. Kloptosky and eliminated things that would not be completed and added items that they knew would be completed. He noted that a new sound system was not included; however, the \$16,100 "unknown/unexpected" line item will likely cover most of the cost for the new sound system.

Mr. Kloptosky indicated that he has proposals ranging from \$14,000 to \$25,000, for a new sound system; the difference relates to the Board's request for wireless microphones and the quantity of microphones desired. The Board felt that at least nine (9) wireless microphones are needed. Mr. Wrathell suggested obtaining quotes for systems with four (4) and nine (9) wireless microphones. Supervisor Gaeta requested that the Board listen to presentations from vendors. Mr. Wrathell suggested allowing Mr. Kloptosky to work with the vendors to select the best sound system. Mr. Kloptosky recalled that the proposals included replacing the speakers, as the current speakers could not work with the new system. Supervisor Chiodo asked that those presenting discuss what the District will get with four (4) microphones and, at incremental steps, up to nine (9).

The Board reviewed the list of "Draft 3 FY 2014 Capital Plan" items and suggested directing Mr. Kloptosky to complete all of the projects on the list, with the exception of "Expected Capital Needs (1)", "Unknown/unexpected", "Pump House Pipe Repairs - Interior (25% of \$57,000)" and "Pump House Pipe Repairs - Exterior (25% of \$15,000)".

Discussion ensued regarding the proposed cost for The Village Center pool deck drain repairs. Regarding the \$85,000 "Landscape Renovations" line item, which includes \$50,000 for vine removal, Supervisor Davidson reminded the Board that this only leaves \$35,000 for the landscape renovations for all of Fiscal Year 2014; it does not include the Chinier project.

In response to a question regarding whether the "Marcite Creekside Pool/Spa" is critical, Mr. Kloptosky advised that the marcite is "holding up" and the District might be able to sneak through another year without completing the work. Regarding The Village Center A/C repair job, Mr. Kloptosky advised that the project came in very close to the budgeted amount.

Supervisors Gaeta and Chiodo supported removing "Marcite Creekside Pool/Spa" from the list. Supervisor Lawrence suggested keeping it on the CIP but moving it to the "not approved" category.

Supervisor Davidson reiterated his concern regarding the limited amount budgeted for landscape renovations, after subtracting \$50,000 for vine removal. Supervisor Lawrence suggested asking Ms. Leister for the amount spent last fiscal year and to provide an estimate for Fiscal Year 2014.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, authorizing the Field Operations Manager to proceed with the projects listed on the "Draft 3 FY 2014 Capital Plan", including the "Club House Pier Repair", "VC A/C repair", "VC pool deck drain repairs - 1st third", "VC pool deck drain repairs - remaining", "Creekside road drainage repair" and "Projects started in FY 2013 that will be paid in FY 2014" line items, in the amounts specified, was approved.

The Board reviewed the "Expected FY 2014 Capital Needs Based on 10 Year Plan". Regarding the \$4,500 "Replace 3 cameras" line item, Mr. Kloptosky advised that the cost will be approximately \$1,200. The following items and amounts were approved:

Replace 3 cameras	\$ 1,200
Repair Sidewalks lifted by tree roots	\$10,000
Stop Bars/Arrows	\$ 3,500
Repaint Street Lights	\$34,345
Repair Wooden Walkway - North village	\$ 2,800

Creekside Shower Reconstruction	\$15,000
CAC Crosstrainer (only when needed)	\$ 1,825
CAC Treadmill (only when needed)	\$ 4,094
Convert Creekside pool lights to LED	\$ 5,000
Replace 4 Creekside pool heaters	\$24,500
Repair spa skimmer drain	\$ 2,000
Replace VC dishes, etc	\$ 1,000
Purchase VC chairs & lounges	\$ 3,800
Replace VC DE Separator Tank	\$ 1,650
Replace BOS Meeting Laptop	\$ 600

*****Mr. Clark left the meeting.*****

The following line items were eliminated from the list and will be handled under other maintenance expense categories, as needed: Replace Stop Signs, Replace Street Signs, Replace Creekside Pool Pump, Replace VC Café Small Freezer, Replace VC Fryer, Replace VC Rolling Freezer, Replace VC Reach in Refrigerator, Replace GH Room Disc Player, Replace Croquet Equipment and unknown/unexpected.

The following line items were placed "on hold": Repair Creekside Croquet Court, Replace VC bathroom sinks & counter, Replace Tennis Fence Posts and Repair Bocce Court.

On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, authorizing the Field Operations Manager to proceed with the projects listed on the "Expected FY 2014 Capital Needs Based on 10 Year Plan" including Replace 3 cameras, for \$1,200, Repair Sidewalks lifted by tree roots, for \$10,000, Stop Bars/Arrows, for \$3,500, Repaint Street Lights, for \$34,345, Repair Wooden Walkway - North Village, for \$2,800, Creekside Shower Reconstruction, for \$15,000, CAC Crosstrainer (only when needed), for \$1,825, CAC Treadmill (only when needed), for \$4,094, Convert Creekside pool lights to LED, for \$5,000, Replace 4 Creekside pool heaters, for \$24,500, Repair spa skimmer drain, for \$2,000, Replace VC dishes, etc., for \$1,000, Purchase VC chairs & lounges, for \$3,800, Replace VC DE Separator Tank, for \$1,650, and Replace BOS Meeting Laptop, for \$600, line items, in the amounts specified, was approved.

B. Consideration of Revised Post Orders

Supervisor Davidson presented the Revised Post Orders. The following changes were made:

Page PO-4, Item 1.a.: Change “YELLOW” TO “BLUE”

Page PO-10, Item 3: Delete “(see memo 01-2007)”

Mr. Bob Hopkins, a resident, recalled his statement, at the last meeting, and reiterated his opinion that the Post Orders are “all wrong”.

Supervisor Lawrence suggested that the Board approve this version of the Post Orders and, if the version referenced by Mr. Hopkins can be located, it can be compared to this version and the appropriate changes can be made, at that time.

On MOTION by Supervisor Gaeta and seconded by supervisor Lawrence, with all in favor, the Revised Post Orders, as amended, were adopted.

****Supervisor Chiodo left the meeting.****

Mr. Wrathell reminded the Board that the Board could not vote on any more items, as a quorum no longer exists.

C. Discussion: Amending Amenity Facility Rules, Policies and Fees Versus Establishment of Administrative Guidelines

- **Policy Worksheet for Instructional/Commercial Use of GHCDD Common Areas**

This item was presented out of order.

- **Day Guest Pass Policies Worksheet**

This item was not discussed.

- **All Guard Houses are Restricted to Security and Authorized Personnel Only**

This item was not discussed.

D. Discussion: Access and Rights of Declarant to CDD Amenities

This item was presented during the Fifth Order of Business.

E. Discussion: Chinier and Front Street Proposed Landscape Enhancements

This item was presented out of order.

F. Keeping Grand Haven Grand

This item was not discussed.

SEVENTH ORDER OF BUSINESS

OPEN ITEMS

This item was not discussed.

EIGHTH ORDER OF BUSINESS

SUPERVISORS' REQUESTS

Supervisor Davidson discussed and reviewed photographs of a recent tour of the community related to the Firewise Program. He stated that the maps will be updated with what must be done and provided to the Florida Forestry Service (FFS). Supervisor Davidson explained that FFS might perform some of the required mowing; however, they will not hand cut. He indicated that Ms. Leister will have Austin Outdoor spray the weeds and vines, where possible, immediately following the FFS crew.

Supervisor Lawrence thanked Supervisor Davidson for his efforts with this project.

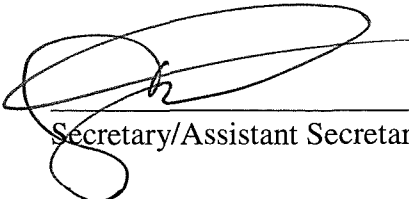
In response to Supervisor Lawrence's question, Supervisor Davidson confirmed that some of the money allocated to vine removal will be spent for chemicals to complete this phase of work; Ms. Leister will prioritize the work. Supervisor Lawrence asked that Ms. Leister present a plan, prior to commencing with any vine removal projects, specifically highlighting any areas where public relations work might be necessary, in order to avoid a situation similar to Chinier.

Supervisor Gaeta asked that the December Agenda include discussion of holiday bonuses for CDD employees.


NINTH ORDER OF BUSINESS

ADJOURNMENT

There being nothing further to discuss, the meeting adjourned at 1:45 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair