

**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, January 9, 2014 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 ( <i>via telephone</i> )	Assistant Secretary
Tom Lawrence	Assistant Secretary
Raymond Smith	Assistant Secretary

**Also present were:**

Craig Wrathell	District Manager
Howard McGaffney	Wrathell, Hunt and Associates, LLC
Scott Clark ( <i>via telephone</i> )	District Counsel
Barry Kloptosky	Field Operations Manager
Patrick Leahy	General Manager, Escalante Golf
Vic Natiello	Resident
Gary Noble	Resident
Judy Hackstaff	Resident
Chip Howden	Resident
David Reisman	Resident
Bob Hopkins	Resident
Rob Carlton	Resident
Sharon Downes	Resident
Ron Merlo	Resident
Bob and Carol Schwarzlow	Residents
David Alfin	Resident
Gene Baldrate	Resident

**FIRST ORDER OF BUSINESS**

**CALL TO ORDER/ROLL CALL**

Mr. Wrathell called the meeting to order at 10:05 a.m., and noted, for the record, that Supervisors Davidson, Chiodo, Lawrence and Smith were present, in person. Supervisor Gaeta was attending via telephone.

**SECOND ORDER OF BUSINESS**

**PLEDGE OF ALLEGIANCE**

All present recited the Pledge of Allegiance.

**THIRD ORDER OF BUSINESS**

**DISCUSSION ITEMS**

**A. Vehicle Registration**

Mr. Wrathell recalled discussion, at the last meeting, regarding a resident who was unhappy about the District's requirement that residents provide copies of their vehicle registrations; the resident also believed that the language used in District correspondence regarding the matter was not appropriate. The Board asked Mr. Clark to discuss the matter with the resident.

Mr. Clark indicated that he spoke to the resident, who is the Flagler County Sheriff. He stated that the Sheriff's primary concern was his interpretation that the language in the follow-up postcard to residents was telling the resident that their vehicle registration expired. Mr. Clark advised that the Sheriff felt very strongly that the wording was inaccurate or gave an inaccurate impression. He noted that they also discussed the entire re-registration process and whether he, as a resident, not the Sheriff, had objections to it, which he did not. The Sheriff was supportive of the re-registration process but recommended that it take place less frequently and felt strongly that the follow-up postcard should be revised to clearly state that the District's records are not current, rather than indicating that the property owner's vehicle registration is not current.

Mr. Clark proposed new language to the Sheriff, rewording the first sentence to read "This postcard serves as notice that the GHCCDD Master Resident Database does not contain a copy of the current motor vehicle registration for one (1) or more vehicles in your household." and inserting the word "current", in the next sentence, to read "current valid registration".

Mr. Clark indicated that, although it will cost the District an additional \$600 to purchase new follow-up postcards, the Sheriff still believes that new postcards are necessary. As a sign of goodwill to the Sheriff, Mr. Clark advised the Board to purchase new follow-up postcards.

Mr. Clark confirmed that he has no pause with obtaining vehicle registration information from residents and the Sheriff gave no indication that he believed the District was doing something illegal or does not have the right to obtain the information. Mr. Clark feels that the Sheriff's position is that obtaining the information is more intrusive than he would like it to be.

Mr. Clark stressed that there is nothing illegal about the District collecting the information or its program to manage the GADs; he encouraged the Board to continue its current program.

Supervisor Chiodo noted that it was suggested by the Sheriff that the District renew its resident information every three (3) to five (5) years, rather than annually. He believes that renewing the information every two (2) years is reasonable.

Supervisor Gaeta recalled that the Board thoroughly discussed the frequency for re-registration and believed that anything less than annually would compromise the entire project. She noted that most people register their vehicles every year. She suggested that, if the District re-registers residents every two (2) years, residents should be asked to provide their new vehicle registration information only if it has changed.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, the follow-up postcard wording, as amended, and sending the new postcards, were approved.**

Supervisor Davidson discussed the “Neighbor to Neighbor” program run by the GHMA. He noted that approximately 25% of the new households visited are renters. Part of the program is to catch the property owners who are renting their property to someone and simply gave them their GADs. Supervisor Davidson noted that the District loses some of its ability to track these types of situations if the re-registration frequency is reduced.

Supervisor Chiodo voiced his opinion that renters are not an issue in this scenario.

Supervisor Davidson advised that, under the current process, GADs are deactivated if a response is not received after a specified amount of time.

Supervisor Lawrence felt that annual re-registration keeps residents in the habit of providing the information and allows the District to catch those who have unauthorized GADs. He supports annual re-registration.

Supervisor Smith supports annual re-registration, noting that home turnover is approximately 10% per year and re-registering every two (2) years would result in 20% turnover; he believes the District should maintain its current policy.

Supervisor Gaeta voiced her opinion that annual re-registration is more manageable for everyone.

Supervisor Davidson pointed out that the Board does not need a motion to continue with its existing process.

**B. Resident Directory: New Printed Version vs. Electronic Version [BOS]**

Supervisor Davidson recalled discussion about possibly creating an electronic version of the Resident Directory and password protecting the information so that the information was not accessible by everyone.

Mr. Clark advised that information on a District website is public record and “password protecting” it goes against public records laws; therefore, the District cannot restrict access.

Supervisor Lawrence asked if AMG could create a password protected resident directory.

Mr. Clark indicated that AMG or the GHMA are at liberty to maintain a restricted access directory. He feels better about the GHMA maintaining a resident directory than AMG, as AMG is under contract with the District and asking them to do it could imply that AMG is acting on the District’s behalf.

Supervisor Lawrence supports an electronic directory to save the cost of printing the Resident Directory. He believes that the GHMA could create a read-only electronic directory.

Supervisor Davidson wondered if the District could give property owners a CD, containing the information, in lieu of a printed directory. Mr. Clark replied affirmatively. Supervisor Gaeta pointed out that some property owners might not have a computer. Supervisor Gaeta believes that the resident information should remain with the CDD. Supervisor Lawrence suggested making both hard copies and CDs available. Mr. Wrathell suggested producing a directory every two (2) years and offering a CD of the changes, in the off years.

Supervisor Davidson summarized that the District will continue printing the Resident Directory and investigating the cost to produce a CD, in alternate years.

Mr. Vic Natiello, a resident, pointed out that a CD of information can be easily uploaded onto the internet within a matter of minutes; software can “undo” a read- only CD.

Mr. Kloptosky recalled Mr. Clark’s conversation with the Sheriff and asked if he discussed the Sheriff’s treatment of the CDD staff member, as it remains an open issue and the District has policies regarding this type of matter. Mr. Clark stated that he did not discuss it with the Sheriff. In response to a question, Mr. Kloptosky indicated that the conversation was on the telephone so there is no audio of the Sheriff’s portion of the conversation; however, he has audio and video of the staff member’s portion of the conversation. Mr. Kloptosky recalled that the

staff member was very upset. Supervisor Gaeta felt that the Board might want to consider this matter, as the District's policy does not allow residents to speak to employees in such a way; residents are to follow a code of conduct and it should not matter what political office the resident holds. Supervisor Gaeta suggested including this matter as a discussion item on the next agenda, with the possibility of District Counsel discussing the matter with the Sheriff. Supervisor Lawrence was uncomfortable with Supervisor Gaeta's suggestion of approaching the Sheriff about the incident; he will not take a position on the matter since the District only has the staff member's side of the incident.

Mr. Clark stated that the Board did not ask him to address this matter with the Sheriff. He noted that the District adopted a policy to not address these situations, initially, at Board Meetings. Mr. Clark advised that, under the current policy, if the Board wants to follow up with the Sheriff, the Chair or another person should intervene and have a conversation with the Sheriff in an attempt to resolve the issue. He was unsure if those steps took place.

Supervisor Davidson noted that he has participated in these types of discussions; however, he felt that he cannot call the Sheriff's behavior into question, as the District only has a one (1)-sided version of the incident. Mr. Kloptosky voiced his understanding.

**C. Non-Resident Full Golf Members/Gate Access Devices**

***\*\*\*This item, previously Item 3.D., was presented out of order.\*\*\****

Supervisor Davidson indicated that he asked for this matter to be on the agenda. He recalled that he was at Houligan's and was accosted by nonresident full golf members who informed him that many golfers are leaving due to the frustration of not having GADs. It was suggested that nonresident full golf members be allowed GADs. Supervisor Davidson directed Mr. Kloptosky to speak with the golf course manager to develop a system for GADs but with the District still having control.

Mr. Kloptosky indicated that he spoke with Mr. Patrick Leahy, of Escalante Golf (Escalante), regarding allowing nonresident full golf members to have GADs. He acknowledged past opposition but noted that the District has more control over the GADs, with its new system. Mr. Kloptosky stated that Mr. Leahy is willing to provide updates of the golf members' names.

Mr. Leahy confirmed that nonresident full golf members expressed their displeasure to him. Escalante is trying to bring golfers into the club and make it successful, which is good for the community and its property values. He noted that they want golfers to be able to gain access

without waiting up to 35 minutes, at times, to pass through the gate. Mr. Leahy stated that the District's policy has hampered Escalante's ability to increase business.

Supervisor Chiodo recalled that he previously opposed this; however, the reality of the situation is that the homes in Grand Haven are enhanced by the golf course and its membership. He believes that it might be a good idea to allow nonresident full golf members to have GADs, given the economic times and the District's ability to control the GADs.

In response to Supervisor Smith's question, Mr. Leahy indicated that there are currently eight (8) nonresident full golf members; two (2) were lost. He explained that the lack of GADs is not a barrier to getting full golf members; however, it is a barrier to keeping them, as they experience long wait times at the gate.

Supervisor Davidson noted that this currently relates to a small number of golfers; however, if Escalante decides to market the golf course, the number could increase greatly. He felt that, if the number increases greatly, the Board must reconsider allowing GADs.

Mr. Leahy stressed that Escalante is asking for the opportunity to prove itself. In response to Supervisor Gaeta's question, Mr. Leahy indicated that allowing GADs would assist the golf course when residents move but maintain their full golf membership.

Supervisor Smith voiced his opinion that the risk in allowing GADs is minimal, the reward is marginally helpful and removes a minor impediment to access; he does not view it as a breach of the security level that the District has in place. He suggested trying it for one (1) year.

Supervisor Lawrence agreed with Supervisor Smith and noted that the viability of the golf course is essential to Grand Haven. If it can help the golf course; it helps the community.

Mr. Natiello voiced his opinion that this has minimal positive impact; however, if the Board approves it, he believes that time limitations for access should be set.

A suggestion was made to limit access to 6:30 a.m., to 10:00 p.m., and that the golf membership documents contain language advising that they will lose their GAD if given to anyone.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, approving, on a one (1)-year trial basis, nonresident full golf members to be issued a gate access device, with functioning of the GAD limited to 6:30 a.m., to 10:00 p.m., was approved.**

**D. Amending Amenity Facility Rules, Policies and Fees Versus Establishment of Administrative Guidelines**

*\*\*\*This item, previously Item 3.C., was presented out of order.\*\*\**

- **Policy Worksheet for Instructional/Commercial Use of GHCCD Common Areas**
- **Day Guest Pass Policies Worksheet**

Supervisor Davidson indicated that this is a consent item pursuant to the Board’s discussion at the last workshop.

**On MOTION by Supervisor Gaeta and seconded by Supervisor Lawrence, with all in favor, accepting the Administrative Guidelines, as stated, was approved.**

Supervisor Davidson noted that these policies do not need to be inserted into the Amenity Facility Rules, Policies and Fees, as they are administrative guidelines.

▪ **Master Association’s Assertion “GHMA can regulate Common Areas” [RS]**

*\*\*\*This item was an addition to the Agenda.\*\*\**

Supervisor Davidson advised that this item is included as a discussion item during the Workshop, following this meeting; however, he wants to discuss it while District Counsel is in attendance.

Mr. Clark confirmed that he received Supervisor Lawrence’s emailed questions.

Supervisor Smith indicated that the GHMA published a letter containing language that he interpreted to say that the GHMA had legal authority to regulate common property, which is different from his understanding.

Mr. Clark stated that he has not reviewed and analyzed the association documents for the various villages, as the Board did not direct him to do so. He explained that the GHMA’s authority is contained in the declarations that are filed. There is no single, general answer that defines all situations; it makes a difference whether the covenants govern all of the property or just the lots. Mr. Clark advised that documents are done by the plat and declarations being recorded, which describe the lots and specifies what property owners can or cannot do on their lots. In that case, those things do not apply in common areas or CDD-owned common areas. Another method is to record restrictions on the unplatted land, which would apply to all of the

land. Mr. Clark noted that, with that method, common areas can sometimes fall under restrictions that should only apply to lots.

Mr. Clark summarized that the question is whether the GHMA has the right to enforce restrictions on a common area, adjacent to lots owned by the CDD. He stated that it depends on whether those restrictions are binding on the common area; a case-by-case determination is made by reviewing the various declarations. Mr. Clark advised that, if the declaration says that “the following restrictions apply to lots”, then they do not apply to common areas; however, if they apply to the common areas and were put in place prior to the CDD owning those common areas, the District might be subject to the restrictions.

Mr. Clark addressed Supervisor Smith’s question whether “right to adopt rules and regulations governing the operation of the common areas are supplement the CCD’s rights or does it usurp them”. He felt that it tries to usurp them; however, the question is whether the common areas were subject to the wording in the declaration when they were recorded. If they are not in the declaration, then the GHMA cannot adopt regulations that affect the District’s common area.

Mr. Clark recalled that a “Florida-Friendly” Landscaping law was passed that gives governmental entities more control and the ability to circumvent provisions of declarations that are not “Florida-Friendly”. Noting that he has not thoroughly researched the matter, Mr. Clark voiced his belief that the District might have authority to say no to the restrictions, even if they apply to CDD property, and circumvent them on the basis of the “Florida-Friendly” regulations.

Supervisor Smith’s next question was “does authority to adopt its own regulations regarding the common areas override the CDD’s regulations”. Mr. Clark felt that the answer is the same; the District might be able to override GHMA practices that are not “Florida-Friendly”.

Supervisor Smith recalled that the CC&Rs for the newer villages occurred years after the original documentation on development of the area. He stated that, for March Crossing, the CC&Rs were not recorded for four (4) or five (5) years after development and the common areas were already defined.

Mr. Clark agreed that there are several timing considerations, such as when the declarations were recorded, when the CDD was created and when the land was conveyed to the CDD. Additionally, some of the later declarations contain language regarding the CDD, which could override the GHMA’s attempt to control the common area. Mr. Clark emphasized that he



has not reviewed the documents nor has he completed a neighborhood-by-neighborhood analysis because the Board has not directed him to do so.

Supervisor Lawrence stated that the GHMA is trying to enforce standards that the District established, which are in the community's best interests. He asked if there is a way for the District to authorize the GHMA to enforce the CDD's standards.

Mr. Clark believed that there might be a way. He recalled that the District passed a resolution encouraging adoption of those policies.

Supervisor Davidson confirmed that the District adopted "Best Management Practices" (BMPs) and recently updated them.

Regarding what the CDD can do to bolster the GHMA's ability to enforce the District's policies, Mr. Clark will review the subject and present suggestions at the next meeting.

In response to Supervisor Davidson's question, Mr. Rob Carlton, GHMA President, confirmed that the GHMA will help the District enforce its policies, if possible.

Supervisor Smith voiced his opinion that the CDD structure is not an optimum management structure for running a community such as Grand Haven. He believes that the structure is awkward. He stated that the Board cannot talk to each other outside of meetings and suggested that the District consider turning over all amenities, with the exception of the roads, to the GHMA.

Supervisor Davidson disagreed and pointed out that this letter was addressed to homeowners regarding their responsibilities for certain portions of their lots; it has nothing to do with the governmental structure or CDD entity and its responsibilities. He stressed that the matter was previously discussed and it would cost a lot to do as Supervisor Smith suggests. Supervisor Davidson reminded Supervisor Smith that this issue is about lake banks and the responsibility that the GHMA put forward to individual lot owners; it is not involved with or directed towards the CDD.

Supervisor Gaeta asked how this action would affect those grandfathered in, with regard to the "Florida-Friendly" landscape requirement. Mr. Clark indicated that he must research the information. Supervisor Gaeta felt that it would be advantageous for District Counsel to research this matter and discuss it at a future meeting.

Supervisor Chiodo questioned the broadness of what Mr. Clark is being asked to investigate. Mr. Clark believed that the "Florida-Friendly" matter is not a difficult provision for

him to review. Supervisor Chiodo voiced his opinion that Supervisor Gaeta is requesting investigation on a broader scale. Supervisor Gaeta stated that she is not.

Supervisor Davidson asked Mr. Carlton to explain the letter sent by the GHMA.

Mr. Carlton stated that the intent of the letter was to address lake bank planting; it had nothing else to do with the CDD. He indicated that the CDD developed BMPs for lake bank planting but, unfortunately, has no authority to implement the BMPs. Mr. Carlton advised that the GHMA believes it has the authority to implement those BMPs; it would be a working relationship between the GHMA and the District to do something that will enhance and be in the best interest of the community.

Mr. Carlton recalled approaching residents regarding planting the lake banks, a few months ago, after a period of clearing the banks. Letters were sent to homeowners asking them to comply and maintain their lake banks. He noted that a small group of residents took exception to that request, on the premise that the CC&Rs did not definitively state that it is the homeowner's responsibility to maintain their lake banks. The residents contended that the CDD is responsible for maintaining the lake banks within Grand Haven. Mr. Carlton indicated that the matter was reviewed, considered and advice of counsel was obtained. It was concluded that, in the best interests of the community, homeowners should maintain the lake banks on which they live.

**\*\*\*MR. CARLTON VERBATIM COMMENTS\*\*\***

*"You know, I come to virtually every CDD meeting, sometimes I come a little late, sometimes I leave a little early and, sometimes, maybe I miss things but, I was not aware of the fact that the CDD had authorized one (1) of its members to act on its behalf and contact members of the HOA regarding lake bank planting. Apparently, I don't know where I went wrong on that one but one (1) of the members of the CDD has been contacting my Board members in regard to this particular issue, to start with; did not contact me but contacted the Board members and proposed to those Board members of the HOA that, perhaps a select committee should be established to mediate this issue between this group of homeowners and the HOA. The thing that really frosted me and I don't get frosted easily, is that, by "select committee" that meant at the exclusion of the Chairman of the CDD and the President of the HOA; they should not be included*

*in this committee. Fortunately, as I expected, this went nowhere and nothing happened with it and I figured perhaps, write it off to a lapse in judgment and go ahead and move ahead with the process. Unfortunately, it has come up again with this particular letter. I was contacted. I was contacted after two (2) of my Board members were contacted and the conversation went something like, well, if in fact the HOA has this authority, then, perhaps we should do away with the CDD; it is not a necessary entity because it is not a good management model for doing what the CDD does. If this is not true or not accurate, then basically a retraction letter needs to be sent out to all the homeowners in Grand Haven saying that this was a mistake and, in fact, the HOA does not have this authority.*

*One (1), a retraction letter is not going to be sent out; that's not even a possibility in the most remote sense. Whether the CDD ceases to exist or not, I don't know. I guess that is up to the CDD but the fact of the matter is that we have worked real hard, both the CDD and the HOA, over the last couple of years, to develop a really good working relationship and we have attained that. The fact of the matter is the CDD fulfills a very, very important function in Grand Haven and I think the HOA fulfills a very important function. Different, separate but working together for the betterment of the community. I think the CDD does a great job in terms of managing the amenities, in terms of managing the common areas. I think the HOA does a great job in terms of the properties. I think it is a good working relationship and I see it as a very functional situation. I just see a lot of agitation out there in terms of trying to disrupt us and I think it is very, very unfortunate. But, however, as far as getting back to this letter, this letter pertains to lake bank planting. HOA does not wish to get involved in decisions that the CDD makes regarding landscaping of common areas. I mean, the fact of the matter is, we use the same landscape person and we both think very highly of her. You know, it's kind of a nonissue. You know, a while ago we developed a garage sale policy and then realized that, from time to time, there was the book sale at The Village Center; didn't want it to interfere with that, so we basically modified the policy to exclude that. You know, I really think, you know, if anything applies to the situation, if it ain't broke, don't fix it. I just think there is a good working*

*relationship here that should continue. We have made every effort to, we'll make every effort to enforce the lake bank planting, as far as the "Best Practices", although the group has a feeling that this is not their responsibility, contends that there is no reason why this should have to be because it is really just best practices, it is not really a regulation or a rule. You know, we are basically fighting the same fight but I think for the betterment of this community, the lake banks are basically very, very important because they control perception of the community, the beauty of the community and, if they go into disrepair, I think it is going to have a very negative effect upon the entire community and property values in the community. We have no desire to do anything but to beautify the lakes and have them in conformity with "Best Practices"; it goes no further than that."*

**\*\*\*SUMMARY TRANSCRIPTION RESUMED\*\*\***

Supervisor Gaeta recalled that the Board has a public information officer. She expounded upon the fact that, unless a Supervisor is asked by the Chair and the Board designates for them to be a liaison, they should not act independently.

Supervisor Davidson summarized that Supervisor Lawrence asked District Counsel whether the CDD can authorize the GHMA to enforce the District's policies, such as lake bank standards, and asked if the Board agrees to District Counsel investigating the matter. Supervisors Chiodo and Gaeta agreed. Supervisor Smith agreed but asked that District Counsel be authorized to investigate the larger issue, as well. Supervisor Davidson pointed out that the larger issue is complicated; he does not support authorizing District Counsel to research it. Supervisor Davidson suggested directing District Counsel to focus in on the "Florida-Friendly" aspect.

**On MOTION by Supervisor Gaeta and seconded by Supervisor Lawrence, with Supervisors Gaeta, Lawrence, Davidson and Chiodo in favor and Supervisor Smith dissenting, directing District Counsel to investigate the "Florida-Friendly" provisions as related to the District's regulations and whether the CDD can authorize the GHMA to enforce the CDD's lake bank policies, was approved.**

Supervisor Davidson asked to discuss how the Board perceives what constitutes attendance at a Board Meeting and whether a policy is necessary. He recalled comments from a resident, at a previous meeting. Supervisor Davidson indicated that the statutes do not contain provisions discussing attendance, in that regard. He asked District Counsel whether the Board can create a policy defining what constitutes attendance at a meeting.

Mr. Clark questioned the purpose behind Supervisor Davidson's inquiry, as he believes it would not be wise for the District to prohibit a Supervisor from participating via telephone. He noted that, per the Attorney General, attendance via telephone does not count towards the quorum requirements; however, attendance via telephone is not considered improper. Mr. Clark advised of movements in the state and other governmental levels to encourage use of technology. He voiced his opinion that it would not be right for the Board to disallow participation by a Supervisor, on the basis of their inability to be present, in person.

Regarding the question of whether compensation requires a Supervisor's personal attendance, as opposed to via electronic means, Mr. Clark felt that the Board might have discretion to establish a policy but the Board does not have the ability to penalize or suspend a Supervisor for nonattendance.

Mr. Wrathell stated that, although a Board Member's attendance, via telephone, does not count towards the quorum requirement, the Supervisor is able to participate in the meeting and take action with the Board, such as voting. Mr. Clark concurred with Mr. Wrathell's statement.

Supervisor Gaeta stated that her research of the statutes revealed that, given the times that we live in, attendance, in person and/or electronically, counts as a Board Member attending the meeting. Mr. Wrathell indicated that Mr. Clark confirmed what Supervisor Gaeta just said.

Supervisor Davidson asked if the Board wants to consider a policy regarding compensation, such as whether attendance via telephone or electronic, with full participation in the meeting, is considered "attendance" for the purpose of compensation.

Supervisor Chiodo noted that, while he has attended meetings telephonically, it is difficult for the Supervisor attending via telephone, as well as a hindrance to the Board Members attending in person. He pointed out that he actually spends more time preparing for a meeting that he must attend telephonically than one he will attend in person; therefore, Supervisor Chiodo believes that physical attendance is not the determining issue for compensation purposes. Supervisor Chiodo believes that Supervisors attending via telephone should be compensated.

Mr. Wrathell agreed that it helps the flow of the meeting if everyone attends in person; however, in some Districts, Supervisors attend every meeting in person but are marginally involved, yet, other Supervisors, who attend some meetings via telephone, are extremely involved. He stressed that physical presence at the meetings may give a certain impression to the public but might not be indicative of the Supervisor's actual service to the community.

In response to Supervisor Davidson's question, Mr. Clark indicated that a motion is not necessary to continue compensating Supervisors, when attending via telephone; a motion would only be necessary if the Board wants to impose a restriction.

The Board agreed to continue compensating Supervisors for telephonic attendance.

Supervisor Davison asked Mr. Clark to provide an update of the pump house issue.

Mr. Clark indicated that he spoke with Escalante's home office. Escalante has the agreement and bids, which are being reviewed. Mr. Clark reiterated to Escalante that the District must make certain decisions and will do so, with or without their input. He asked that the estimates be forwarded.

In response to Supervisor Davidson's question, Mr. Kloptosky confirmed that the District is still facing a critical failure that could cause a disturbance to the District. He stated that everything is status quo; the pump is functioning but it is a deteriorating situation and something could happen at any time.

Supervisor Davison suggested setting a deadline and notifying Escalante that, if the District does not hear from them, it will take action to repair the pump house and bill them for their portion of the costs. In the spirit of cooperation, Supervisor Chiodo recommended that the Chair speak to Escalante. Mr. Kloptosky stated that he spoke to Mr. Leahy, who indicated that he turned this matter over to his corporate office.

Mr. Clark suggested that he contact Escalante and notify them that the Board intends to take action at its Board Meeting, in two (2) weeks, with or without their cooperation.

Mr. Gary Noble, a resident, referred to the matter of a Supervisor's attendance at meetings and voiced his opinion that the matter should be left to the voters and advised that the voters will make their decision at election time.

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

Ms. Judy Hackstaff, a resident, indicated that she is part of the small contingency of residents who are complaining to the GHMA about their responsibility to maintain the lake bank.

She stated that her CC&Rs do not state that the residents are responsible for maintaining common property. Ms. Hackstaff indicated that the CC&Rs state, about conveyance of property to the CDD, “all of the duties, responsibilities and obligations of the association .....shall terminate and, thereafter, be undertaken and performed by the CDD”; therefore, Ms. Hackstaff believes that the GHMA has no right, under the letter sent, to say that they are acting on the CDD’s behalf. She will email all of her information to the Board and asked that District Counsel take it into consideration.

Supervisor Davidson asked Ms. Hackstaff to attend the meeting in two (2) weeks.

Ms. Hackstaff stated that she is upset that the Board allowed one (1) person to stand and give their opinion without seeking the opposite opinion, so that the matter could be presented in all fairness.

A resident indicated that the residents of Osprey Lakes do not want to see the community deteriorate but they find it unfortunate that the GHMA President implies differently. He stated that the issue is that the CC&Rs are not clear on the situation, which is why residents asked the GHMA to clarify it. He explained that the GHMA told residents that they do not have authority over this and that the CDD sets the regulations. He noted that he lost 4’ of lank bank due to erosion and asked the GHMA how to repair the situation. He believes that the CDD should not relinquish its responsibility to set regulations. He summarized that everyone wants the same thing and the residents mean no disrespect to the CDD or the GHMA; they simply want everyone to have a clear understanding of the issue. He reiterated that he lost 4’ of lake bank and suggested that exceptions to the “Best Practices” rules are necessary, as planting spartina has not worked.

Mr. Chip Howden, a resident, indicated that his neighbor received permission from the Architectural Design Committee (ADC) to do something but was then forced to redo it, after a complaint from a golfer, based on the premise that the CC&Rs contain different information from what the ADC approved. He voiced his opinion that there is a lot of opportunity to be cooperative; however, he believes it is clear that, when the area was developed, the developer obtained input from the water management district and incorporated grass to the waterline as an acceptable method in the CC&Rs. Mr. Howden voiced his opinion that the only way to change the CC&Rs is by a majority vote of the residents; neither the CDD nor the GHMA can change the CC&Rs.

Supervisor Davidson indicated that the Board discussed the “Florida-Friendly” landscape regulations that may trump CC&Rs that are not environmentally friendly; District Counsel will investigate this matter.

Ms. Carol Schwarslow, a resident, asked who is responsible for the streets in Grand Haven and advised of a pothole. Mr. Kloptosky made a note of the pothole and will address it.

**FOURTH ORDER OF BUSINESS**

**UPCOMING MEETING/WORKSHOP DATES**

○ **BOARD OF SUPERVISORS MEETING**

- **January 23, 2014 at 9:30 A.M.**

The next meeting is scheduled for January 23, 2014.

○ **COMMUNITY WORKSHOP**

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

The next workshop is scheduled for February 6, 2014.

**FIFTH ORDER OF BUSINESS**

**SUPERVISORS’ REQUESTS**

Supervisor Gaeta asked that the Resident Directory be added to the “Open Items” list.

**SIXTH ORDER OF BUSINESS**

**ADJOURNMENT**

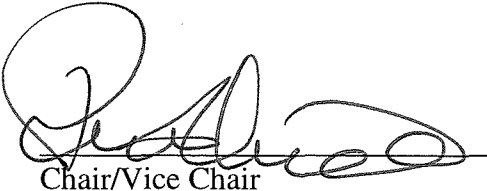
There being nothing further to discuss, the meeting adjourned.

<p><b>On MOTION by Supervisor Chiodo and seconded by Supervisor Lawrence, with all in favor, the meeting adjourned at 11:55 a.m.</b></p>
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Secretary/Assistant Secretary



Chair/Vice Chair