

**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 20, 2014** in the **Grand Haven Room, Grand Haven Village Center, 2001 Waterside Parkway, Palm Coast, Florida 32137** at **10:00 a.m.**

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
Rick Woodville	Wrathell, Hunt and Associates, LLC
Howard McGaffney	Wrathell, Hunt and Associates, LLC
Scott Clark	District Counsel
Jim Sullivan	District Engineer
Barry Kloptosky	Field Operations Manager
Robert Ross	Vesta/AMG
Ashley Higgins	Grand Haven CDD Office
Jim Cullis	Grand Haven Realty
George Suhaj	Resident
Jim Gallo	Resident
Vic Natiello	Resident
Al Lo Monaco	Resident
Frank Benham	Resident
Chip Hunter	Resident
George Amandola	Resident
Ron Merlo	Resident
Charles Greer	Resident
Vijay Jain	Resident
Bleyker Den	Resident
Tom Byrne	Resident
Al Torrisi	Resident
David Alfin	Resident
Joanne Smith	Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. Wrathell called the meeting to order at 10:00 a.m.

- **Administration of Oath of Office to Newly Elected Supervisors, Marie Gaeta [Seat 1], Pete Chiodo [Seat 3] and Tom Lawrence [Seat 5] (*the following to be provided in separate package*)**

******This item, previously Item 5.A., was presented out of order.******

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Supervisors Gaeta, Chiodo and Lawrence.

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*)

Mr. George Suhaj, a resident, recalled discussion of extending the security fence at Wild Oaks and asked if it is a moot point or still under consideration.

Mr. Kloptosky recalled that the Board placed the Wild Oaks fence issue on hold, pending installation of “Amenity Usage” signs; signs were ordered for placement at Wild Oaks and at the entrance to the park, tot lot and Dog Park. He explained that the signage informs people that nonresident users could be issued trespass notices.

Mr. Suhaj believed that the Board discussed obtaining estimates; however, that was bypassed. Supervisor Davidson indicated that obtaining estimates is on hold.

Mr. Suhaj recalled the Board’s determination that the Wild Oaks sidewalks are owned by the CDD. He expressed his concern, as the sidewalks were installed by Wild Oaks residents. Mr. Suhaj explained that he, personally, installed 300’ of sidewalk, landscaping, irrigation systems, etc., and asked when the District gave permission for him to do so, if the District claims ownership of the property. He contended that the District “abandoned” the property, if it ever owned it, as the District did not maintain or improve it. Mr. Suhaj felt that, if Wild Oaks residents completed and paid for improvements and upkeep, the CDD has no legal claim to the land.

Supervisor Davidson asked Mr. Clark to comment.

Mr. Clark was unsure whether Mr. Suhaj was offering to assume sidewalk maintenance. Mr. Suhaj agreed to maintain the sidewalks, as it was understood that he would do so, when the house was built.

Mr. Suhaj indicated that his issue is with the District now claiming that it owns the sidewalk and asked the District for reimbursement of the \$5,000 he spent to install the sidewalk. He threatened to remove the sidewalk, if it is truly on District property, since he did not first obtain the District's permission to install it.

Supervisor Gaeta noted that others paid to install sidewalks; however, the CC&Rs provide that residents own to the curb and must maintain those areas. She asked if the Wild Oaks CC&Rs were different.

Mr. Suhaj voiced his understanding that the Wild Oaks CC&Rs were different, with the CDD owning the first 20' from the street. He surmised that, if true, the CDD would be responsible for maintenance, the sidewalks, irrigation, etc. Several Supervisors disagreed.

Supervisor Gaeta recalled discussion that the CDD owns the property; however, the homeowner must maintain it. Mr. Suhaj contended that maintaining is different from installing improvements, such as sidewalks, irrigation and landscaping. Supervisor Lawrence pointed out that, when homes were built, the owner worked with the Architectural Design Committee (ADC) and the ADC requirement was that homes must have sidewalks in front of them.

Mr. Suhaj clarified that, in Wild Oaks, one side of the street has sidewalks, which he had no issue with; his issue was the District's current claim that it owns the sidewalk that he paid for. He argued that, if the District owns the property, it should have installed the sidewalks and maintained them, similar to the common areas. Mr. Suhaj asked "where is my permission to extend my driveway through your property?"

Supervisor Chiodo felt that the issue related to terminology; the discussion is not about "ownership" of the sidewalk, rather, in Wild Oaks, the CDD has responsibility to maintain the sidewalks, unlike the remainder of the community. Supervisor Chiodo explained that the Wild Oaks homeowners will be charged for sidewalk maintenance and repair.

Mr. Suhaj reiterated his opinion that, if it is CDD property, Wild Oaks property owners should not be responsible for anything. Supervisor Chiodo did not believe that the CDD owns the sidewalks. Mr. Suhaj felt that the issue must be clarified and warned that, if it is discovered

that the CDD owns the land, the District could be faced with a class action lawsuit by property owners who are maintaining the sidewalks.

Supervisor Davidson pointed out to Mr. Suhaj that a lawsuit would essentially result in property owners “suing themselves” and paying from one pocket to another. Mr. Suhaj stressed that he paid to install the sidewalk and asked “where was my permission to install it on your property?” Supervisor Davidson recalled that the maintenance argument originated from other Wild Oaks residents, who questioned who should maintain the sidewalks. Mr. Suhaj felt that ownership should be researched further.

Supervisor Davidson asked Mr. Jim Cullis, of Grand Haven Realty, to comment and noted that Mr. Cullis was the Project Manager for Plot 505.

Mr. Cullis advised that all of Grand Haven, except Wild Oaks, was platted to the back of the curb; property owners own to the back of the curb, with the sidewalk being on the homeowner’s property. He recalled that Wild Oaks has a right-of-way (ROW); however, the plats must be researched to determine who the property was dedicated to. Mr. Cullis noted that the roads were in the CDD’s name but did not know if that extended to the back of the ROW. He pointed out that ownership differs from dedicated. The property might be dedicated to the CDD, in which case, the first 15’ to 20’ off the curb might be owned; however, the CC&Rs could stipulate who should maintain the property. Mr. Cullis offered to obtain more facts and assist the District.

The Board directed Mr. Clark to investigate the ownership matter further.

Mr. Jim Gallo, a resident, asked for an update on the Lavaya construction project. Supervisor Davidson advised that he and Mr. Cullis discussed the issue of the developer’s representative. Mr. Cullis indicated that Mr. Frank Sockman represents the developer and has the property listed. Mr. Sockman advised Mr. Cullis that the City permit is nearly complete and they are prepared to proceed, which is what he was told for the past year. Mr. Cullis summarized that the developer’s representative continues representing that he is prepared to move forward, if the funds are available; as soon as the final issues are resolved with the City, construction will hopefully be underway by December.

Mr. Kloptosky stated that Mr. Sockman inquired whether the easement agreement was signed. Supervisor Davidson advised that he did not execute the agreement because the easement location was not clearly delineated; the agreement contained an overall diagram, which

did not stipulate the exact area. Supervisor Davidson requested an accurate diagram. Mr. Kloptosky directed Mr. Sockman to contact the District Manager for the status and noted that Mr. Sockman implied that execution of the easement would assist with advancing the project forward. In response to Supervisor Davidson's comment, Mr. Clark confirmed that a better diagram was requested; Mr. Sockman is aware that the District is awaiting a response from him.

FOURTH ORDER OF BUSINESS**CONSULTANTS, GUEST REPORTS & PRESENTATIONS**

- **9th Green Assessments, *Jim Cullis***

Mr. Cullis indicated that, following a quick entitlement process with the City, he will be prepared to resubmit the application to the City for the Discovery Village Senior Care Facility (Discovery Village). He stated that he is satisfied with the form agreement related to settlement of the 9th Green site and is prepared to execute it, once it is received. Mr. Cullis recalled that, under the agreement, the CDD will receive the 9th Green site in exchange for compensation and he will receive a drainage site for Discovery Village, along with mitigation land to be placed under a conservation easement.

Mr. Cullis expressed concern that the mitigation land was less than what he hoped for. He explained that the mitigation was submitted to the City, along with the other documents, and the City's first response was that the land was already dedicated, in a plat; therefore, it could not be developed and is not "worth it". Mr. Cullis felt that the City was posturing and that the matter would proceed through the process, as the area being offered is more valuable for wildlife and habitat than the area being taken out, providing a "wildlife corridor"; he will argue the issue and was confident it would be resolved. He hoped to submit in December, hold a community meeting, meet with the Planning Commission in February and the City Council in March.

Mr. Cullis stated that his real estate tax bill from the County is \$525 and the CDD assessment on the 9th Green is \$8,800. He noted that the agreement with the District addresses settlement of the assessment amount; however, he must pay the taxes now, for a full discount. Mr. Cullis pointed out that, last fiscal year, everyone believed that there were entitlements on the property but, this fiscal year, the City was clear that there are no entitlements. He surmised that this amounts to "taxation without representation" and asked the Board to remove the CDD assessment from his tax bill; if it cannot be removed, he and the District can discuss how to pay

off the four bonds in March. Mr. Cullis felt that the District does not have a good argument to justify the operating assessment as equitable because, if there are no entitlement rights and the CDD does not incur costs to service the land, the operating assessment should be removed, with the bond portion considered separately.

Mr. Clark reminded the Board that the issue must be faced, at some point; however, he was not convinced that the City stated that there are no entitlements or that the issue was completely resolved. He acknowledged that Mr. Cullis met resistance with the City and withdrew his application, which led to the District's agreement to enter into a contract that would solve the issues, if the contract closes. Mr. Clark noted the timing issue and was unsure that the contract could close by April 1, 2015.

Mr. Cullis stated that he would be surprised if the entire process could be completed by April 1.

Mr. Clark advised that the Board has no discretion regarding the bond debt; it is a lien for which the District cannot "dispossess" it. He explained that the Board has some discretion over the operation and maintenance (O&M) assessment; however, the Board proceeded with levying the assessment, as it did not know the outcome and it would have been bad to not levy the assessment and units were constructed. Mr. Clark surmised that the Board chose to maintain status quo, hoping that the matter would be resolved early in the fiscal year.

Mr. Cullis voiced his willingness to provide the staff report from the City, which clearly states "You have no entitlements; if you want more entitlements, you must go out beyond the 1,901 units and ask for four more units." He was convinced that he could provide clear evidence of the City's position that there are no units on the property.

Mr. Clark recalled an application to add the entitlements but could not predict whether Mr. Cullis would be granted the entitlements, if he completed the public hearing process. From the District's standpoint, the loop was not closed, with regard to confirmation that there would never be development of the land.

Mr. Cullis contended that, even if he received the entitlements, it would not have been part of the 1,901 units assessed by the bonds; it would have increased the density to 1,905. Mr. Clark pointed out that, if the four units were added, they would utilize the amenity facilities and be required to pay O&M assessments. Mr. Cullis expressed his opinion that the District is not incurring costs to service the property, which is currently "open space".

Supervisor Lawrence believed that the budget accounted for the loss of the four assessments. He proposed removing the O&M assessment if Mr. Cullis submits a letter requesting waiver of the O&M assessments and, if he subsequently receives an entitlement to build, he would retroactively make the District whole.

In response to Mr. Wrathell’s question, Mr. Clark recalled that he drafted an amendment to an existing agreement to address this situation; however, the Board did not proceed with the amendment because the District was “at odds” over the mitigation matter. Mr. Clark advised that the concept is satisfactory. Mr. Wrathell asked Mr. Clark to submit the amendment to Mr. Cullis and for Mr. Cullis to return it, as soon as possible, so that Management can proceed with removing the O&M assessment.

Supervisor Lawrence reiterated that this was contemplated in the adopted budget; therefore, the District will not experience a shortfall and property owners will not be assessed, additionally.

On MOTION by Supervisor Lawrence and seconded by Supervisor Smith, with all in favor, approving an amendment to the existing agreement, placing collection of O&M assessments on four units, pending a determination of whether the contract closes, with a guarantee from Mr. Cullis that the O&M assessments would be paid, if development occurs, in the future, was approved.

Mr. Cullis noted the support for the project at the Planning and City Commission levels; however, he was not sure that Mr. Ray Tyner, City of Palm Coast Planning Manager, understands the importance of the mitigation, with regard to settlement of transitioning the 9th Green site to the CDD. Mr. Cullis suggested a CDD representative meet with Mr. Tyner to encourage him, as the City’s determination that nothing could be done was not correct; a walkway or other things could be built on the property. Mr. Clark agreed that the District could build a park on the land. Supervisor Chiodo agreed to meet with Mr. Tyner.

FIFTH ORDER OF BUSINESS

ADMINISTRATIVE BUSINESS ITEMS

A. Administration of Oath of Office to Newly Elected Supervisors, Marie Gaeta [Seat 1], Pete Chiodo [Seat 3] and Tom Lawrence [Seat 5] (*the following to be provided in separate package*)

This item was addressed during the First Order of Business.

- i. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- ii. Membership, Obligations and Responsibilities**
- iii. Financial Disclosure Forms**
 - **Form 1: Statement of Financial Interests**
 - **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - **Form 1F: Final Statement of Financial Interests**
- iv. Form 8B, Memorandum of Voting Conflict**

These items were not discussed.

B. Consideration of Resolution 2015-1, Electing the Officers of the District

Mr. Wrathell presented Resolution 2015-1 for the Board's consideration. He recommended that he continue serving as Treasurer and Assistant Secretary and that Mr. Woodville serve as an Assistant Secretary. Mr. Wrathell advised that, currently, Supervisor Davidson serves as Chair, Supervisor Chiodo as Vice Chair and Supervisors Gaeta, Lawrence and Smith as Assistant Secretaries.

Supervisor Gaeta nominated the existing slate of officers. No other nominations were made.

On MOTION by Supervisor Gaeta and seconded by Supervisor Chiodo, with all in favor, Resolution 2015-1, Electing the Officers of the District, as nominated, was adopted.

SIXTH ORDER OF BUSINESS

CONSENT AGENDA ITEMS

A. MINUTES

- i. Approval of October 2, 2014 Community Workshop Minutes**
- ii. Approval of October 2, 2014 Regular Meeting Minutes**
- iii. Approval of October 16, 2014 Regular Meeting Minutes**

B. UNAUDITED FINANCIAL STATEMENTS

i. Approval of Unaudited Financial Statements as of October 31, 2014

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

Ms. Gaeta noted that she submitted minor changes to the minutes, subsequent to receipt of the agenda.

On MOTION by Supervisor Gaeta and seconded by Supervisor Davidson, with all in favor, the Consent Agenda Items, with amendments to the minutes, as submitted by Supervisor Gaeta, were approved.

SEVENTH ORDER OF BUSINESS**STAFF REPORTS****A. District Engineer**

Mr. Sullivan indicated that the Creekside parking lot project is in the permitting process; the South Florida Water Management District (SFWMD) reviewed it and submitted administrative comments and gave no impression that there would be major issues with it. He is trying to finalize all matters, prior to submitting to the City.

In response to Supervisor Gaeta's question, Mr. Sullivan confirmed that the District must mitigate for the trees that will be removed; a landscape plan to supplement additional trees, including parking islands with landscaping, was developed.

Mr. Sullivan recalled that Creekside will have 25 to 27 additional parking spaces. Supervisor Davidson noted a number of requests and stressed the need to provide adequate handicapped parking spaces. Mr. Sullivan believed that code would require one additional handicapped parking space in the expanded area but that spot could be traded with one regular spot in the original parking area so that all of the handicapped spots are closer to the building.

Mr. Sullivan believed that, at the last meeting, the Board approved the concept for The Village Center parking lot expansion project but noted that the Board gave no direction regarding whether to proceed with the design. He pointed out that the pickleball court process should be uncoupled from the parking lot expansion project.

Mr. Ross reported that parking issues were observed on Wednesdays and Fridays. Supervisor Davidson asked if any amenity activities could be rescheduled to alleviate the parking issues. Mr. Ross replied no. In response to Supervisor Lawrence's comment, Mr. Ross advised that the back parking area is used on Wednesdays and Fridays, as well; both parking areas are

full. Mr. Kloptosky noted that vehicles are also parked across the street. Supervisor Davidson felt that the design phase for The Village Center parking lot expansion should commence. Supervisor Lawrence asked about the estimated design costs. Mr. Sullivan recalled that the Board previously reviewed an estimate for the design and construction.

Supervisor Davidson directed Mr. Sullivan to provide the design and construction estimate for consideration and approval at the next meeting.

B. Amenity Manager

Mr. Ross provided the Board with a draft policy for ‘Meet the Candidates’ events.

Mr. Kloptosky referred to the bottom of Page 1, regarding policy disputes, and voiced his disagreement with listing the Amenity Manager as the first contact; he believed that it should specify only for “amenity issues”. He felt that, for other matters, contact should be in the following order: Field Operations Manager, District Manager and then Board of Supervisors.

Supervisor Chiodo noted the reference to an external speaker system and recalled that Staff was to research installing external speakers to the new system. Mr. Kloptosky indicated that two additional speakers can be added to the existing system; once a proposal is received, it will be presented to the Board. Supervisor Chiodo felt that the additional speakers would be a good enhancement of the system.

Supervisor Gaeta asked about the procedure regarding room capacity, if the facility is rented and the event does not involve CDD candidates; she questioned how Mr. Ross would contain the number of people allowed at the event. Mr. Ross indicated that he would require a list of attendees. Supervisor Gaeta asked if candidate events, when a resident rents the facility, will be open to Grand Haven residents first. Mr. Ross advised that a judgment decision must be made regarding the number of people allowed in the outside areas.

Supervisor Smith pointed out that the procedure relates to a resident renting the facility to hold a political event and questioned why the CDD should suggest a format. He felt that the format should be determined by the resident who rents the facility.

Mr. Ross recalled that the Board wanted a written procedure or structure. Supervisor Smith asked if the CDD has a “structure” if he rents the facility for a dinner. Mr. Ross replied affirmatively. Supervisor Gaeta asked if the procedure is in the Policies and Procedures. Mr. Ross replied affirmatively. Supervisor Lawrence clarified that his question was related to why the CDD would be involved and set forth guidelines when a resident rents the facility for a

private event. Supervisor Chiodo acknowledged that the District has a protocol for a CDD ‘Meet the Candidates Night’ but felt that the protocol for this type of event should be set by the renter, when it is not a CDD event. Supervisor Davidson agreed with Supervisors Smith and Chiodo and recommended removing Items 8.A., and 8.B. Supervisor Lawrence felt that it is the renter’s responsibility to understand that the room can only accommodate 112 people and overflow in the outer area. In response to Supervisor Gaeta’s question, Mr. Ross confirmed that the guards are notified when a large event is held.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, adoption of administrative guidelines, as amended to eliminate Items 8A., and 8B., and 9.1., and modifying the policy disputes section to contact in the following order: 1. Field Operations Manager, 2. District Manager and 3. Board of Supervisors, for political candidate ‘Meet and Greet’ sponsored events, was approved.

Mr. Ross pointed out that tennis fees of \$230 were collected during October.

C. Field/Operations Manager

Mr. Kloptosky presented a progression of photographs of the Marlin Drive Pump House repair project and explained the scope of work that was completed. Mr. Kloptosky noted no irrigation issues with the temporary pump, electronics box and line that were used during the project. Regarding the new electronics box, Mr. Kloptosky indicated that it will sequence the pumps, measure and monitor the working hours of the equipment so that the pump with the least number of usage hours functions.

Mr. Kloptosky stated that, next, the contractor will complete the concrete block, followed by the outside concrete work.

Supervisor Lawrence asked if the golf course controls were separated from the District’s controls. Mr. Kloptosky advised that, per Escalante Golf (Escalante), the golf course does not use the fertigation control equipment. Mr. Kloptosky felt that the cost to separate it would be more than operating the flotronics box. In response to Supervisor Davidson’s question, Mr. Kloptosky confirmed that he was told that the golf course has not used fertigation for a long time; however, he will research it further. Supervisor Davidson pointed out that the District is

incurring costs for an outside concrete pad for the fertigation tanks. Mr. Kloptosky expressed his opinion that Escalante will need to use fertigation; he will research this matter.

Mr. Kloptosky indicated that the District budgeted \$6,800 for concrete driveways into the facility, based on an estimate that is more than one year old. He obtained a proposal from PBM Constructors, Inc. (PBM), as PBM would prefer to perform the work, piggybacking it onto the existing permit. Mr. Kloptosky supported having PBM complete the driveways, as it could alleviate permit issues with the City. He advised that the PBM proposal was \$7,900; he felt it was more because the City requires 6" concrete, versus 4", along with reinforcing rods.

Regarding the cost of the driveways, Mr. Kloptosky questioned if Escalante should be billed for 75% of the costs. He noted that Escalante could argue that the concrete driveways were an enhancement; however, he believed that concrete driveways are necessary, due to the type of heavy equipment required for the work at the pump house. Mr. Kloptosky stated that he and Management agreed that the District should bill Escalante for 75% of the cost of the concrete driveways.

Supervisor Gaeta questioned if the District should notify Escalante. Supervisor Davidson indicated that the District is not required to notify Escalante. Mr. Kloptosky concurred.

Mr. Kloptosky explained that the \$7,900 proposal is for concrete from the curb on the road, from both the north and south entrances, to the fence line, only. He recommended that concrete be laid all the way to the building, so that there is a pad for vehicles to sit on while conducting work and to back out on, when leaving. Mr. Kloptosky advised that PBM estimated \$2,500 more for the recommended additional driveway area and pad. He contended that the District should complete the project correctly, from start to finish; the extra concrete work is essential for future maintenance.

Supervisor Lawrence commented that the capital expenditures are constantly adjusted but, if the cost continues increasing, it might be necessary to drop one of the planned projects; however, this work is necessary.

In response to Supervisor Gaeta's question, Mr. Kloptosky confirmed that the pump house is operating on the new equipment.

A question was raised regarding whether a drainage issue will be created with the slope. Mr. Kloptosky replied no; PBM will redo drainage around the building by regarding the area, at no additional expense. He confirmed that the roof is being redone.

On MOTION by Supervisor Lawrence and seconded by Supervisor Smith, with all in favor, the PBM Constructors, Inc., proposal to install the concrete driveways, additional concrete up to the building, the pad and sidewalk, in a not-to-exceed amount of \$11,000, was approved.

Supervisor Smith asked Mr. Kloptosky about a preventative maintenance plan for the new equipment. Mr. Kloptosky indicated that he is discussing it with PBM. The new equipment is under warranty for two years and the old, reused pumps and motors will be repaired at a cost.

Mr. Kloptosky recalled that the City wanted a conceptual drawing of the pickleball court location, which was provided. He noted that the City also requested a landscaping plan for the pickleball court, which was submitted. The City's notation was to extend irrigation with bubblers and drip from two of the closest exiting zones and requested a drawing of the irrigation. Mr. Kloptosky will resubmit the plan. In response to questions, Mr. Kloptosky noted that the City wanted to incorporate these plans with the parking lot expansion but he refused and lights were not included but could be added, in the future. Supervisor Davidson noted that pickleball is not played at night. Mr. Kloptosky confirmed that, currently, it is not played at night but the players are requesting lights at the new court.

Mr. Kloptosky recalled previous discussion and a presentation regarding converting the current streetlights to LED lights, which could provide a tremendous cost savings to the District. He proposed testing LED lights on seven streetlights on Waterside Parkway, south of The Village Center, to track the cost savings. Mr. Kloptosky obtained a \$2,512 proposal from the District's "in-house" electrician, which includes retrofitting seven streetlights with LED bulbs and disconnecting the ballasts. He noted that the exiting streetlights are 250 watts; the electrician proposed installing 40 watt LED bulbs.

Supervisor Davidson asked if the electrician provided the lumens to wattage and Kelvin temperature of the bulbs. Mr. Kloptosky stated that the Kelvin temperature would be 55 to 6,000; the temperature of a 250 watt regular bulb is 400° and a 40 watt bulb is 70°. Mr. Kloptosky indicated that the LED bulbs have a 50,000 hour life maximum and a five-year manufacturer warranty for bulb replacement. According to the electrician, the return on investment, not including labor costs to install the LED bulbs, would be six to eight months.

Regarding the lumens to wattage, Mr. Kloptosky advised that the electrician is researching it further.

Supervisor Lawrence recalled that shields were installed on some lights because the lights were shining into homes and asked if shields could be used on the LED streetlights. Mr. Kloptosky replied affirmatively.

Mr. Vic Natiello, a resident, noted that streetlights that Mr. Kloptosky proposed testing are notorious for constant issues, such as still being on at 9:30 a.m., or 10:00 a.m.; therefore, Mr. Kloptosky might obtain false results regarding energy usage. He suggested taking a baseline number, along with checking those streetlights to ensure that they turn on and off at the proper times.

Mr. Kloptosky confirmed that he will research the issue; he was unsure if those lights operated on a photocell or timer.

Mr. Kloptosky indicated that, by 2020, regular bulbs will no longer be manufactured.

Supervisor Smith recommended that the lights be monitored for two weeks to collect data.

Mr. Kloptosky advised that the croquet court was overseeded on November 3 and presented photographs; there was no additional charge, as it was included in the contract.

Mr. Kloptosky recalled that, as a result of the Front Street residents' petition to remove two stop signs, the Board directed him to follow up with the City of Palm Coast Traffic Engineer. He emailed information from the Traffic Engineer to the Board, yesterday. Mr. Kloptosky relayed the Traffic Engineer's conclusion that the stop signs should not be removed. In response to the Traffic Engineer's inquiry, Mr. Kloptosky advised that residents wanted the signs removed because they did not like the appearance, the signs were blocked by tree branches and drivers do not obey the signs. Based on Mr. Kloptosky's reasons, the Traffic Engineer advised that those were not valid reasons, as stop signs are in place for safety and removal could result in problems, if an accident occurs.

Supervisor Lawrence recalled that Mr. Kloptosky was to obtain the Traffic Engineer's opinion of the appropriateness of the locations, since the signs were an addition to the street, and asked what the opinion was. Mr. Kloptosky did not believe that the Traffic Engineer commented on that question.

In response to a question, Mr. Clark confirmed that the District could encounter liability issues, if the stop signs were removed; additionally, stop signs are traffic control devices under the jurisdiction of cities or counties. He felt that the District should comply with the direction of the Traffic Engineer.

Supervisor Lawrence noted Mr. Kloptosky's comment that, per the City, the placement of stop signs is the District's decision. Mr. Kloptosky explained that, per the Traffic Engineer, since the CDD owns the roads, the City does not have jurisdiction and cannot "tell the District what to do"; however, he asked for the Traffic Engineer's professional opinion. Mr. Clark believed that the City has jurisdiction over the stop signs. District Management will notify the neighborhood residents and those that signed the petition of the Traffic Engineer's opinion and that the Board considered it but the stop signs will not be removed.

Mr. Kloptosky recalled previous discussion regarding the overflowed reuse pond, at the Marlin Drive Pump House, and an attempt to obtain a refund. He stated that, according to the City, the District pays \$0.45 per 1,000 gallons of reuse water. The City's records show a history of 72,000 gallons of average flow per hour when the District is pumping into the reuse pond. Mr. Kloptosky determined that there was probably about one hour of overflow, which would amount to about \$32.40 cents, for which the City is willing to issue a credit.

Supervisor Davidson questioned if the credit must be split 25%/75% with Escalante. Mr. Clark advised that the District must share the credit with Escalante, since Escalante was billed for the usage.

Supervisor Lawrence believed that the cost was \$0.30 per 1,000 gallons. Mr. Kloptosky reiterated that, per the City, the cost is \$0.45 per 1,000 gallons; if the cost is less, then the credit from the City will be less. Supervisor Gaeta commented that the District will send Escalante a refund.

Mr. Kloptosky recalled discussion of backups at the Main Gate. He stated that more complaints have been received. On certain days and times, traffic is backed up to Colbert, down the street and people cannot turn in, etc. Mr. Kloptosky forwarded the information to Ms. Cindy Gartzke, of ABM Security Services (ABM); Ms. Gartzke recommended utilizing an additional guard during certain times or opening the North Gate for a few hours each day. He noted that the issue is worsening; however, it is not every day; rather, it is certain days and times, mostly

mornings. Mr. Kloptosky urged the Board to consider adding a guard at the Main or North Gates.

Supervisor Gaeta questioned if the traffic is due to increased construction. Mr. Kloptosky was unsure; he received a suggestion to install a stop sign at the entrance to the Main Gate so that traffic does not block entry into the sales office but he believed that motorists would not obey the sign. Mr. Kloptosky felt that the focus should be on processing incoming traffic more quickly. Supervisor Chiodo asked how the community and contractors would be notified to use it, if the North Gate was opened.

Supervisor Smith inquired about alternatives other than a manpower solution, such as a physical rearrangement. Mr. Kloptosky noted that he and Supervisor Smith discussed adding a third gate; however, it would be expensive and he was unsure whether there would be enough space. Supervisor Smith pointed out that the cost for a manpower solution “goes on forever”; therefore, the cost of a one-time capital rearrangement might be justified. Supervisor Smith felt that the Board should at least consider a capital improvement. Mr. Kloptosky stated that the District Engineer would probably need to evaluate the possibility. Supervisor Chiodo advised that an estimate of the personnel costs would be needed to compare to the capital expense to change the gate.

Supervisor Lawrence questioned what causes the backups. Mr. Kloptosky believed that the cause is due to the volume of traffic at certain times. Supervisor Lawrence asked what the guards are doing that slows traffic. Supervisor Gaeta stated that she witnessed guards “shuffling through papers”, rather than using the database, and directed Mr. Kloptosky to ask Ms. Gartzke about it. Ms. Higgins indicated that the database and/or server were down for about two days, which required the guards to use paper lists. Supervisor Lawrence felt that the Board must understand what the guards are doing that causes the slowdowns. Mr. Kloptosky believed that the guards process everyone the same way but, at certain times of the day, the traffic volume is much greater; the volume of vehicles causes the backup.

Supervisor Davidson recalled that Ms. Gartzke previously provided a traffic count report and asked that an updated report be presented at the next meeting, including days of the week and hours of the day.

Mr. Natiello recalled that Ms. Gartzke previously advised the Board of the traffic volume, as well as the number of telephone calls received by the guards. He noted that Ms. Gartzke

attributed the slowdown to the telephone call interruptions and recommended adding another guard, during certain times, to handle the calls.

Supervisor Davidson questioned if a guard was added, at that time. Supervisors Lawrence and Smith replied no. Supervisor Davidson recalled that, according to the data, Wild Oaks was excessive.

Supervisor Davidson asked that Ms. Gartzke evaluate the situation and present the results to the Board; if the traffic issue is worse, the District could consider a pilot program adding a guard during certain hours. Supervisor Davidson questioned if the Main Gate could accommodate a third gate. Mr. Kloptosky was unsure.

Supervisor Gaeta wondered if traffic from Waterside Parkway could be redirected so that residents exit through the North Gate, rather than the Main Gate, enabling the Main Gate exit lanes to be used for entrance, during periods of high traffic volume. Mr. Kloptosky pointed out that it would not work unless there was an additional guard to process traffic through the other side. Mr. Kloptosky felt that changing the Main Gate exit lanes to entrance lanes would create confusion.

Mr. Natiello suggested determining where people are going because, if the traffic increase is related to residents, the South Gate should be opened, not the North Gate. If the backups are due to construction traffic, the Wild Oaks Gate might need a guard.

Supervisor Davidson directed Mr. Kloptosky to obtain an updated report from Ms. Gartzke for the next meeting. Supervisor Lawrence asked that Ms. Gartzke offer solutions. Supervisor Davidson recalled the suggestion to add a guard at the Wild Oaks Gate; however, Ms. Gartzke pointed out that there would be no shelter for the guard. Mr. Kloptosky noted Ms. Gartzke's opinion that an extra guard at the Main Gate would be better because that guard could man the phones.

Mr. Kloptosky indicated that the Laserfiche Avante software was installed.

Ms. Higgins stated that the Laserfiche Avante system is progressing well and the system has exceeded her expectation. She noted that it will take time to scan everything into the system. Ms. Higgins expects to be able to access the system from the laptop and have every document readily available.

Mr. Tom Byrne, a resident, asked if Mr. Kloptosky discussed the monuments in the north section that have letters falling off of them. Mr. Kloptosky indicated that he did not advise the

Board of this matter because he is researching options. Mr. Byrne questioned whether, in the interim, the letters could be removed and the marble polished, as the street names are not necessary because each street contains a sign. Mr. Kloptosky stated that it could be done but voiced his opinion that it would be more practical to obtain estimates. Supervisor Lawrence pointed out that the letters have been a problem everywhere around the community, since the monuments were installed; therefore, they might need a new type of adhesive. Mr. Kloptosky indicated that he is researching options, including adhesives or plaques, rather than letters.

Mr. Bleyker Den, a resident, noted a pond pump that makes a lot of noise and asked how the noise can be curbed. Mr. Kloptosky confirmed that it is the aeration pump on Pond 4. Supervisor Davidson directed Mr. Kloptosky to ask Aquatic Systems for solutions. Mr. Kloptosky was unsure whether Aquatic Systems could do anything.

Mr. Den indicated that the mailbox and landscaping, in front of his home are dilapidated and the concrete is black. Mr. Kloptosky acknowledged the condition and advised that the mailbox surrounds will be pressure washed; however, the District cannot do anything about the mailboxes, as those are the postal service's responsibility.

****The meeting recessed at 11:45 a.m.****

****The meeting reconvened at 11:55 a.m.****

D. District Counsel

i. Traffic Light Bond

This item was discussed after Item 7.D.iv.

ii. 37 Jasmine

Mr. Clark reported that the agreement was revised, per the Board's direction, and forwarded to Intervest Construction, Inc., (ICI).

Mr. Kloptosky stated that Ms. Jean Ball, of ICI, requested the status of the agreement two days ago. He expressed confusion about Ms. Ball's status request, as the revised agreement was provided to her nearly one month ago.

Mr. Clark confirmed that he emailed Ms. Ball several times and will provide another copy.

In response to a resident question, Mr. Clark explained the history of the failing retaining wall on the property and a resident's requests for assistance in reaching a solution; a solution was

devised involving the resident, the CDD and ICI, for the repair to be completed at no cost to the CDD.

iii. Notice to Escalante

Escalante was notified of commencement of the pump house work.

iv. Trespass Notice

Mr. Clark reported that he sent additional correspondence to Mr. Legunchik regarding his prior request to discuss the trespass order that the District holds against him.

Mr. Kloptosky reported that, immediately following the last meeting, he and Mr. Woodville witnessed Mr. Legunchik approach the basketball courts with a basketball in hand. Mr. Kloptosky voiced his opinion that this constituted evidence that Mr. Legunchik is not “honoring” the existing trespass order against him.

Supervisor Davidson advised that he contacted the Sheriff’s Office for a report on the person requesting that the trespass notice be lifted and indicated that he received a “clear” report; there are no current outstanding issues related to this person. Mr. Clark indicated that he will invite the individual to attend a future meeting.

▪ **Traffic Light Bond**

****This item, previously Item 7.D.i., was discussed out of order.****

Mr. Clark recalled Mr. Cullis’ suggestion that traffic light bond money was available. He advised that, following the last meeting, documentation of the District issuing a check for \$69,000 to the traffic light bond fund was located; the money has been held by Flagler County since 1998. Mr. Clark made public records requests to the City of Palm Coast and Flagler County and the County provided several documents. He felt that Mr. Cullis believed he would receive the refund from the County; however, that did not happen. Mr. Clark explained that the County is unsure what to do with the money. He expressed his opinion that the money was originally subject to an agreement with the County that the money would only be used if the Traffic Engineer determined that a traffic signal was necessary, which will never happen, nor has the City made a determination. Mr. Clark stated that there is no need for a traffic light based on development of CDD property but commercial property in the DRI, if built to a certain intensity level, might require a traffic light. He advised that the last agreement with the City specified, on Page 2, “Future signalization required at the entrances shall be the responsibility of the Owner as provided for in the DRI DO, or may be constructed by the Grand Haven Community

Development District.” Mr. Clark noted the City’s suggestion that the DRI expired and, if it expired, the condition also expired; therefore, if the commercial property is developed, it would be a new project outside of the expired DRI and traffic implications should stand on its own. He opined that CDD funds should not be used for a non CDD project. Mr. Clark asked the Board to direct him to contact the County and the City asking for the bond money to be returned to the District.

In response to a question, Mr. Clark stated that there is no basis for the County to continue holding the money; however, the County does not know what to do with it. He believed that requesting it might be what the County needs. Mr. Clark believed that the County still has the money, unless it was transferred to the City; the County provided no evidence that it was transferred.

On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, authorization for District Counsel to request a refund of the traffic light bond funds, with interest, from the County and/or City, was approved.

Supervisor Davidson stated that this action is important, as Mr. Cullis is prepared to develop the parcel across from the Main Gate and the Grand Living project is underway, both of which could generate a need for a traffic light, which are private projects not related to the District.

E. District Manager

i. Upcoming Regular Meeting/Community Workshop Dates

o REGULAR MEETING

▪ December 18, 2014 at 10:00 A.M.

Mr. Wrathell indicated that there will be no workshop in December; the next meeting is scheduled for December 18, 2014 at 10:00 a.m., at this location.

Supervisor Gaeta requested that the meeting be rescheduled to December 11. Supervisors Chiodo and Gaeta will not be available on December 18. Supervisor Lawrence will not be available on December 11 but might attend via telephone. Supervisors Davidson and

Smith were unsure of their availability on December 11. Mr. Clark was available. Mr. Wrathell was not available but Mr. Woodville could attend.

Mr. Wrathell noted that, if the meeting is rescheduled, it must be advertised very soon.

Supervisor Davidson directed the Board Members to email Management today to confirm their availability on December 11, 2014.

EIGHTH ORDER OF BUSINESS

BUSINESS ITEMS

A. Continued Discussion: Proposed Amendments to Rules, Policies and Fees for All Amenity Facilities [BOS]

Supervisor Davidson recalled the plan to advertise in December for a public hearing to be held in January, 2015.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, authorization for Staff to advertise the Notice of Rulemaking and Notice of Rule Development, with a public hearing in January, for Amendment to Rules, Policies and Fees for All Amenity Facilities, was approved.

B. Discussion: FY2015 Capital Needs Based on 10 Year Plan [TL]

Supervisor Lawrence indicated that “Approved”, “Started” and “Completed” columns were added to the plan and the projects that were approved were notated with an “X” in the “Approved” column. He asked Mr. Kloptosky to advise him when work commences on each project.

Supervisor Lawrence recalled that the following items were not approved, pending further explanation or definition:

Replace vinyl picket fence – WS \$ 14,000

This item will remain on the list.

Replace tile floors in both bathrooms - The Village Center \$ 14,000

This item will remain on the list. Mr. Kloptosky will investigate options.

Install jungle gym in children’s playground - The Village Center \$ 10,000

This item will remain on the list.

In response to a question, Supervisor Lawrence indicated that the Board approved a Capital budget of \$745,300, with an additional \$72,692 going into the “Road Reserve” fund for Fiscal Year 2018.

Supervisor Davidson referred to the \$204,308 “Repave roads - Sailfish & Marlin WSP to Lakeside Way” line item and voiced his opinion that, if the project will be completed during the current fiscal year, it should be with the least impact to residents and prior to the rainy season, which would delay it. Mr. Kloptosky confirmed that the engineering and design work were completed; he believed that the permitting process commenced but stopped. Supervisor Davidson felt that permitting should be underway, immediately, and the project should go out to bid. Mr. Kloptosky stated that he obtained proposals from S.E. Cline Construction, Inc., (Cline) and another contractor; he favored Cline because their proposal was the lowest. Supervisor Davidson recommended obtaining quotes from several contactors.

Supervisor Lawrence advised of a Sailfish Drive resident who held that the road did not have drainage issues when it was built. Mr. Kloptosky believed that some of the issues were related to the curbs settling or raising, due to tree roots.

C. Discussion: Exit Gate Cameras/Improve Security [TL]

Supervisor Lawrence discussed a recent theft in Grand Haven. He felt that exit gate cameras would provide more information to law enforcement, as they would know when people entered and exited, which could assist in crime prevention.

Mr. Kloptosky indicated that the total cost for cameras at the exit gates would be \$12,175, including the Crossings, South, Main, Wild Oaks and North Gates. He recalled that the cost included overhead cameras in certain locations, along with some tag cameras and dome cameras in two locations. Mr. Kloptosky was unsure if the DVR system could accommodate the additional cameras; he believed that some ports were usable but an additional DVR might be necessary.

Supervisor Davidson stressed that the purpose would be to provide additional information to the Sheriff’s Office, if the approximate time of a burglary could be determined. Discussion ensued regarding how the exit gates function and whether license plate images could be photographed. Mr. Kloptosky and Supervisor Davidson were in favor of installing cameras at the exit gates. Mr. Clark confirmed that the District is not required to have signage advising motorists that the area was being videotaped or is under surveillance. It was noted that signage

might be a deterrent. Supervisor Davidson recommended installing the signs on the existing Neighborhood Watch sign poles.

Regarding funding for exit gate cameras, Supervisor Lawrence confirmed that a capital project must be dropped to complete this project. He recommended reconsidering the list at a future meeting.

Supervisor Chiodo felt that signage should not impact installation of cameras, as the signage would be solely for deterrent purposes. He doubted the true usefulness of cameras at the exit gates.

Mr. Kloptosky advised that the Sheriff's Office constantly requests video during investigations.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, the proposal for installation of exit gate cameras and surveillance signage, at all CDD gates, in a not-to-exceed amount of \$14,000, was approved.

D. Discussion: Mulch Frequency [TL]

Supervisor Lawrence advised that residents want the community to receive mulch more frequently than once per year. Mr. Kloptosky indicated that the District spends \$41,200 per year on mulch.

Supervisor Lawrence recommended mulching every ten months, since the ten month mark is when the appearance of mulch deteriorates. Another alternative would be to mulch once per year, with the contractor "dusting", as needed; the cost would be approximately \$20,000 per occurrence. In response to a question, Mr. Kloptosky confirmed that some areas are not mulched every year; they are mulched on an as-needed basis. Supervisor Smith pointed out that mulching on a ten-month cycle would gradually shift the time of year of the mulching. Mr. Kloptosky advised that spring and autumn are the best times to mulch and stated that the District Horticulturalist, Ms. Louise Leister, was against the ten-month cycle concept. Supervisors Davidson and Gaeta asked that Ms. Leister attend the next meeting to discuss the mulch issue.

Regarding the \$41,200 cost for mulching, Mr. Kloptosky confirmed that it is in the landscape contract; however, the work is subcontracted. Supervisor Davidson pointed out that switching to a ten-month mulching cycle would require modification of the landscape contract.

E. Update: AT&T U-Verse®

Supervisor Davidson read the following message from Mr. Bob Hopkins, a resident, to AT&T U-Verse®:

“I applied for U-Verse® service to my home. Later that day I was contacted by a sales consultant and told that this service was not available. I returned to the AT&T store where all named above are employed. They contacted the outside technician. The technician reported that the nearest service was at the corner of Palm Coast Parkway East, Daytona College and Colbert Lane.”

Supervisor Davidson stated that there is no fiber optic trunk line buried in Colbert Lane; it does not matter whether the homes have fiber optic lines to the box or if the street is wired because there is nothing for those lines to connect to. He indicated that the allegation that the GHMA or CDD are working with Bright House to create a monopoly is false. In response to Supervisor Gaeta’s question, Supervisor Davidson expressed his opinion that the CDD does not need to communicate the information to the District.

Supervisor Lawrence noted that the community would like another option and recommended that the Board advise AT&T that the community wants AT&T U-Verse® service. Supervisor Davidson advised that AT&T owns DIRECTV; therefore, they may not want to spend the money installing utilities to compete against themselves, pitting DIRECTV directly against AT&T U-Verse®. Supervisor Davidson surmised Mr. Hopkins’ theory was that AT&T is not motivated to spend the money because they would be taking money from themselves.

Supervisor Davidson indicated that Verizon might be a softer source to pursue. He advised that Mr. Hopkins will continue pursuing this matter and suggested that the Board consider forming an ad-hoc committee.

Supervisor Gaeta asked if Bright House might be considering an additional level of service, since fiber optic lines were installed. Supervisor Davidson reiterated that, if there is no fiber optic trunk line down Colbert Lane, no one could link to it. Supervisor Smith felt that, while he would like an alternative, he was unsure that it was within the Board’s scope to pursue it. Supervisor Davidson confirmed that it is beyond the Board’s scope, which is why he

suggested an ad-hoc committee. Mr. Clark agreed. Supervisor Davidson recommended lobbying the GHMA, with Mr. Hopkins providing information to them.

F. Discussion: Parameters for Political Events

This item was discussed during Item 7.B.

G. Discussion: Non-Resident Annual Amenity Memberships

i. Authorized Signatories

ii. Application Card

iii. Gate Access Devices for Non-Resident Amenity Users

Mr. Kloptosky indicated that approximately four requests to purchase a nonresident annual amenity membership were received. He advised that one person was quite serious.

Supervisor Davidson pointed out that the old agreement must be modified. He noted that the agreement refers to the ability to bring guests and questioned if nonresident annual members should be allowed to bring guests to the facilities. Supervisor Davidson wondered if the membership would be for an individual or if it would be a defined family membership, where the individual could bring certain family members.

Mr. Clark advised that the rules provide for a membership for a family not to exceed five people; the agreement should be revised accordingly, with each person identified by name. Supervisor Gaeta asked about the \$2,500 fee. Mr. Wrathell confirmed that the District's annual assessment remains under \$2,500. Mr. Clark indicated that the Board can adjust the cost. Mr. Wrathell suggested that the membership holder be required to be present when their family members use the facilities. Supervisor Chiodo felt that each family member should have the right to use the facilities, just as any other resident family could. Supervisor Lawrence asked if the District must offer nonresident memberships because the facilities are public. Mr. Clark replied affirmatively; the District must offer the memberships on a reasonable basis and cautioned against making them unattractive.

Mr. Clark noted that, while the District could issue gate access devices (GADs) to nonresident members, it is not obligated to do so. Regarding the term "family", he recommended defining a nonresident membership "family" the same as a resident family, where each family member receives a smart amenity access card (SAAC), up to five.

Supervisor Davidson read the definition of family for issuance of SAACs:

“Immediate family members mean: parents, sons, daughters, grandchildren or legally adopted children.”

Supervisor Davidson questioned if the definition should remain the same, with a limitation of five, or if grandchildren and legally adopted children should be eliminated. Supervisor Gaeta asked if nonresident members should be allowed to bring guests, provided the guests pay the \$10 daily fee. Supervisor Davidson felt that nonresident members should not be allowed to bring guests. The Board favored maintaining the same definition of family but limiting the number to five. Supervisor Gaeta recommended including this item in the Amenity Rules. Mr. Clark indicated that the Amenity Rules already contemplate this; the Board is trying to bring the agreement consistent with the rules. Supervisor Davidson concluded that these items do not need to be included for the public hearing. Mr. Wrathell summarized that the agreement must list the membership holder plus their four family members, for a total of five. The Board agreed that each family member would receive a SAAC but not be allowed to bring guests.

Supervisor Gaeta felt that nonresident members should not be issued GADs. Supervisor Chiodo disagreed. Supervisor Davidson suggested limiting the number of GADs to one. Supervisor Lawrence concurred. Supervisor Davidson pointed out that the same vehicle registration process would be required.

Mr. Wrathell summarized that family would be limited to the member plus up to four family members identified in the agreement, nonresident members would not be allowed to bring guests, “non G” SAACs with a photograph would be issued one GAD, subject to the current vehicle registration requirements and the GADs would be limited to the hours of the amenity facility hours.

Mr. Kloptosky expressed concern that nonresident members will question why their spouse cannot obtain a GAD. Supervisor Chiodo felt that those situations could be considered by the Board. The Board agreed to issuance of one GAD and up to two, upon request.

In response to Mr. Kloptosky’s question, Supervisor Davidson confirmed that an application card would not be used; the agreement would be used.

H. Discussion: Board Member Responses to Social Media

Supervisor Davidson spoke of a past situation where a Board Member emailed a response to an email that was circulating in the community and, subsequently, the Board Member’s response was altered, taken out of context, etc., and forwarded to others. He stated that the

lesson was that, responding in cyberspace allows anyone to take the statements and change them in any way they want and circulate it to others. Supervisor Davidson noted that social media carries the same dangers.

Supervisor Davidson indicated that, personally, if a resident has an issue, he wants to speak to them, in person or on the telephone, rather than responding to an email or on social media. He advised that the ADC and GHMA Boards have an agreement that no one will respond to social media. Supervisor Davidson recommended that no sitting Board Member should respond via social media to things known to be incorrect information, as the response could be manipulated. He felt that it would be impossible for Board Members to separate themselves, as an individual from a sitting Board Member.

Supervisor Gaeta believed that a Board Member who wants to participate in social media should create an email for their spouse or significant other but never respond to it. She suggested that this be included in the Code of Conduct. Supervisor Gaeta felt that no Board Member should respond to social media, especially to people who do not understand and commingle CDD matters with GHMA. Furthermore, she advised against a Board Member agreeing to meet with a resident, subsequent to a meeting, as it gives the impression that the Board Member is speaking on behalf of the entire Board; the resident should be invited to speak at a workshop or meeting.

Mr. Wrathell indicated that meetings are open to the public and communicating outside of a meeting or through social media takes the collective power away from the Board.

Supervisor Gaeta stated that the Board has acted cohesively but, when a statement is made on a website, it can be polarizing. She explained that certain residents do not attend meetings so the social media comments almost become hearsay. Supervisor Gaeta stressed that the Board's success is paramount to its appearance as a cohesive group.

Supervisor Lawrence voiced his opinion that those making comments on social media do not understand what the CDD or GHMA do. He felt that the Board needs to better communicate what it does and recommended communicating it on some of the social media sites.

Supervisor Davidson reiterated his opinion of posting on social media; anything posted could be manipulated and used against the District.

Supervisor Chiodo agreed with Supervisor Davidson that Board Members should not respond to social media, as it could be reflective of their position on the Board.

Supervisor Smith acknowledged the frustration, strengths and weaknesses of social media; however, he felt that adopting a policy stating that Board Members will not communicate on social media, on any level, places a “gag order” on the Board. He questioned the public reaction if the U.S. Government did the same.

Supervisor Davidson speculated that the reaction would be similar to the reaction to other Board Members when they responded on social media.

Supervisor Smith felt that adopting a policy would be an extremely poor thing to do; it will backfire on the Board. Supervisor Chiodo agreed. Supervisor Davidson reiterated that, by agreement, not by policy, the ADC and GHMA Boards agreed not to respond to social media, as individual Board Members.

Supervisor Gaeta reiterated her opinions regarding Board Members responding and communicating on social media.

Supervisor Smith asked Mr. Clark if this subject has been addressed by other CDDs.

Mr. Clark indicated that it is a fairly new topic. He advised that districts are governed by the Sunshine Law and public records laws. Mr. Clark explained that a rant could be posted on social media, such as Facebook; if a Board Member responds and another Supervisor is a friend of the original poster, it creates a social post where Supervisors are inadvertently communicating with each other, which could create a serious potential violation of the Sunshine Law. Regarding public records, Mr. Clark indicated that, if a Board Member conducts business on a social media site, some opinions believe that the posts become public record and the Board Member has the duty to maintain it, since they are creating a public forum, on their own. He noted that some governments with Facebook pages must purchase software to screen capture items; otherwise, things can be deleted and the entity would not be able to comply with the public records requirements. Mr. Clark stated that some entities are in the business of generating public records lawsuits; they send absurd, unreasonable requests to low level officials for the sole purpose of bringing a lawsuit and receiving attorneys’ fees. He recalled a lawsuit regarding social media where attorneys’ fees of \$777,000 were awarded. Mr. Clark summarized that, aside from the policy implications, it is so easy to trip into problems because the current laws were not designed for current situations.

Supervisor Davidson asked if it would be against public interest, if the Board could agree, without establishing policy. Mr. Clark felt that it might be beyond the Board’s scope to pass a

policy relating to the private actions of individual Supervisors but, due to the dangers, he urged the Board Members to act in their own self interest, by not becoming enmeshed in this situation. He reiterated that a Board Member who creates or participates in a blog or social media regarding public business becomes the custodian of the communication and is responsible if the information is not turned over, upon request; it is the Supervisor's individual problem, notwithstanding the grief it would create for the District.

Supervisor Lawrence asked if he is responsible for maintaining records if he responds to someone who commented about him on social media but, if he does not respond, he has no obligation to maintain the record. Mr. Clark replied affirmatively.

Supervisor Davidson urged the Board Members to be cautious.

Supervisor Lawrence requested a discussion item at the next workshop regarding the Board's communication to the community; what the Board is doing and how to improve communication, as it is obvious that many do not know what the Board does.

Supervisor Gaeta suggested a conveyance of information to residents twice per year, such an email or newsletter, detailing what the Board did or accomplished.

Supervisor Davidson indicated that "Board Communications" will be included for discussion at the December meeting.

I. Update: Letter to Residents Regarding Waterfront Park Fencing

Supervisor Davidson indicated that the letter was sent. He asked for a volunteer to attend a City Council meeting with residents, if residents pursue this.

Supervisor Lawrence volunteered. He questioned if the Board should send a letter to the newly elected City Council Members, requesting the fence, due to security issues.

Supervisor Davidson recalled that the voices of the residents, at a City Council meeting, would be more influential.

Supervisor Davidson referred to an informational email regarding the Firewise project that Ms. Leister is completing along Waterside Parkway. He noted that Ms. Leister wrote a public relations message to be disseminated to residents. Supervisor Davidson referred to Section 7, of the draft, and asked the Board to read it. He advised that the email should be sent as soon as possible. Supervisor Davidson explained that the work is in areas that the Firewise crew could not operate in because it would not involve protecting structures.

In response to Supervisor Lawrence’s question, Mr. Kloptosky advised of complaints regarding Pond 7 and Tanglewood residents are concerned because they can see the traffic lights at night. He indicated that Ms. Leister plans to plant shrubs and Arizona Cypress trees to shield the lights. Mr. Kloptosky stated that he received positive comments regarding the area near the golf course.

Supervisor Lawrence asked that Ms. Leister provide advance notice of work commencing.

Supervisor Lawrence referred to the statement “If the area opens up homes to traffic noise or traffic lights, these areas will be planted to shield the adjacent homes from noise and lights.” and expressed concern that residents might take this to the extreme. Mr. Kloptosky concurred; residents will expect a wall of plants so that they do not see any lights.

Supervisor Gaeta recommended removing the entire sentence. The Board agreed to remove the sentence.

NINTH ORDER OF BUSINESS

OPEN ITEMS

This item was briefly discussed during the Tenth Order of Business.

TENTH ORDER OF BUSINESS

SUPERVISORS’ REQUESTS

Supervisor Davidson indicated that each Supervisor was presented with a DVD and statements. He explained that an individual was extremely difficult with the CDD office staff and questioned what defines abusive behavior, as opposed to extremely difficult behavior.

Mr. Kloptosky distributed an email that was sent yesterday.

Supervisor Lawrence voiced his opinion that some of the incidents would have required a warning. He requested that Mr. Clark review the DVD and advise the Board of the appropriate action.

Supervisor Davidson reiterated the question of what constitutes a difficult person compared to abusive behavior, with regard to sending warning letters with the possibility of suspending privileges. He recalled two instances, as Chair, when warning letters were sent. Supervisor Davidson recalled previous “Verbal Judo” training and asked Supervisor Gaeta to provide the information to Management’s office to disseminate “The Ten Mistakes That Are

Made”. Supervisor Davison advised that the District must provide the CDD office staff with a script to follow. He stated that, in some instances where harassment was claimed, a more appropriate response from staff could have been “Would you like to understand why we do this?”, rather than “This is the Board’s policy.”.

Supervisor Lawrence believed it is not the CDD office staff’s responsibility to carry the message; he was impressed by staff’s response. He felt that staff should urge residents to speak to the Board.

Ms. Higgins indicated that staff does give reasons; sometimes it helps and other times it does not, depending on the person.

Mr. Kloptosky voiced his opinion that nothing could have changed the mind of the individuals in the incidents depicted on the DVD.

Supervisor Gaeta suggested that the next Community Directory contain more information about the District. She was surprised with the way residents commingle the CDD and GHMA.

Regarding a script or the reasons for certain policies, Ms. Higgins indicated that it already exists. Ms. Kane offers explanations and also provides residents with a written copy of the information, if necessary.

Mr. Clark acknowledged that the situation can be difficult but staff should be allowed to do their jobs; it appears that staff is doing a good job. He noted that Mr. Kloptosky is not always available to deflect difficult residents away from staff.

Supervisor Gaeta noted situations at The Village Center and asked when an incident rises to the point of being cited or warned. Mr. Clark reviewed the process, including Mr. Kloptosky or the Chair advising the person of the video evidence and that their behavior was not acceptable. Mr. Clark confirmed that a policy exists.

Supervisor Davidson stated that, if staff initiates a call to a difficult resident to discuss the situation, the attempt should be for the person to meet in the office where they can be recorded on video and audio, as telephone conversations cannot be recorded. He expressed his opinion that, in the current situation, neither the written report of the telephone conversation, nor the DVD, provides enough substantiation to warrant sending a letter for suspension of privileges. Supervisor Davidson stressed that further communication should be in person and recorded.

In response to a question, Mr. Kloptosky confirmed that his office does not have video and audio recording capabilities; when necessary, he meets with residents in Ms. Higgins' or Ms. Kane's office.

Supervisor Davidson referred to an email, which implied that he initiated a letter or communication warning of a suspension of privileges, as it was inaccurate. He reiterated his opinion that the resident's actions were close to the line but did not cross the line.

Supervisor Smith indicated that his wife, a professional customer service trainer, watched the video and expressed her opinion that staff responded professionally. Regarding whether the person's actions were unreasonable, Mrs. Smith felt that the person acted inappropriately but did not cross the line to being aggressive. Supervisor Smith agreed with her observations.

Supervisor Gaeta asked about Item 1, "Long-Term Easement Policy", on the "Open Items" list. Supervisor Davidson explained that this goes back to when work was completed on the mitered end sections and it was discovered that, between certain properties with utility drainage and maintenance easements, which have vegetation growth that could interfere with the underground pipes. Ms. Leister must evaluate the vegetation to determine which plant roots could cause damage and which plants would be acceptable. Supervisor Davidson noted that, eventually, the District must ask property owners to relocate or remove certain items. Mr. Kloptosky confirmed that he and another staff member will tour the area with Ms. Leister.

Regarding rescheduling the December meeting to December 11, Supervisor Chiodo advised that he could attend via telephone.

Mr. Kloptosky indicated that he received a \$4,197.35 proposal from Austin to replace a large, pressure reducing valve that is malfunctioning. Mr. Kloptosky stated that the work must be completed and asked if it should be coded to capital or O&M. Mr. Wrathell replied O&M.

Mr. Al Torrisi, a resident, voiced his opinion that residents are distressed about oak trees and sidewalks, in the community. He suggested that the District or GHMA assume responsibility for trimming or maintaining all trees in the community, to maintain consistency, throughout, rather than individual homeowners having the responsibility. Mr. Torrisi believed that the cost would be approximately \$80,000 per year, which is a small amount, when divided among 2,000 homes.

Supervisor Gaeta asked if Mr. Torrisi was suggesting that the GHMA trim trees.

Mr. Al Lo Monaco, a resident, advised that this matter was discussed in the past.

ELEVENTH ORDER OF BUSINESS

ADJOURNMENT

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

On MOTION by Supervisor Gaeta and seconded by Supervisor Chiodo, with all in favor, the meeting adjourned at 2:04 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Secretary/Assistant Secretary

Chair/Vice Chair