

**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, March 19, 2015** 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:

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| Dr. Stephen Davidson | Chair |
| Peter Chiodo | Vice Chair |
| Marie Gaeta | Assistant Secretary |
| Tom Lawrence | Assistant Secretary |
| Raymond Smith | Assistant Secretary |

Also present were:

| | |
|-----------------|------------------------------------|
| Rick Woodville | Wrathell, Hunt and Associates, LLC |
| Scott Clark | District Counsel |
| Mike Munson | District Engineer |
| Barry Kloptosky | Field Operations Manager |
| Robert Ross | Vesta/AMG |
| Roy Deary | Vesta/AMG |
| Ashley Higgins | Grand Haven CDD Office |
| Jim Cullis | Grand Haven Realty |
| Cindy Gartzke | ABM Security Services |
| J.M. Wright | Resident |
| Sara Lockhart | Resident |
| Jim Gallo | Resident |
| Sherry Martin | Resident |
| Jack Kennelly | Resident |
| Mike Ferencich | Resident |
| Joanne Smith | Resident |
| Rob Carlton | Resident |
| Ron Merlo | Resident |
| Don Plunkett | Resident |
| Glenn Giles | Resident |
| Bob Hopkins | Resident |
| David Alfin | Resident |

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. Woodville called the meeting to order at 10:02 a.m., and noted, for the record, that all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

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

Mr. Jim Gallo, a resident, referred to an area behind townhouses, near the River Club, which has a property line extending to Waterview. He noted that the area was not treated during the Firewise mitigation project because it was wet and remains wet and questioned if it is a “wetland” area. Mr. Gallo wondered what can be done, if the area is a wetland. In response to Supervisor Davidson’s question, Mr. Gallo confirmed that the area contains standing water.

Supervisor Davidson indicated that the Firewise program does not consider areas with standing water to be a fire threat; furthermore, the clearing equipment cannot access the area and crews will not stand in standing water with equipment, such as chainsaws. He pointed out that it is impractical to clear those areas.

Mr. Jack Kennelly, a resident, recalled that, at the last meeting, he reported an algae issue in the lake behind his home. He advised that the lake was treated and the algae significantly subsided. Mr. Kennelly thanked the Board.

Supervisor Davidson discussed the treatment process for algae in ponds and lakes and the limitations on the amount of chemicals that can be used.

Mr. Michael Wright, a resident, advised of a fence height issue at 49 Creekside Drive. He noted numerous issues with trespassers entering and exiting over the fence. Mr. Wright detailed a recent trespassing incident; he confronted the trespasser and advised him that the area was private property. He speculated that, eventually, a serious incident will occur and questioned what would happen if someone is hurt going over the 3’ high fence. Mr. Wright stated that the issue has been ongoing for several months.

Supervisor Davidson indicated that the fence is on City property; the CDD does not own any land in that area. He recalled that, many years ago, the City allowed the District to install the 3’ high fence to prevent construction trucks and other vehicles from entering that area, when it was undeveloped.

Supervisor Lawrence felt that the issue primarily involves youths in Grand Haven cutting through the area. Mr. Wright noted an incident that did not involve a resident.

Supervisor Lawrence advised of the City's concern that Grand Haven residents are the issue; therefore, the City is hesitant to install a fence. He indicated that the matter was left with the City; the District will monitor the situation and report to the City. Supervisor Lawrence stated that the City wants more information. He suggested communicating to residents that they are trespassing on private property when they cross over the fence and could be cited by the Sheriff for trespassing.

Supervisor Chiodo recommended that residents immediately call the Sheriff when they observe people crossing over the fence. Mr. Wright noted that he observed an adult go over the fence and let him go; however, he observed a young person go over the fence ten minutes later and contacted the Sheriff to put the incident on record.

Ms. Sherry Martin, a resident, stated that property owners would appreciate a CDD announcement to all residents that Waterfront Park cannot be accessed through Creekside.

Mr. Mike Ferencich, a resident, indicated that he recently moved to Grand Haven with a certain expectation of security and believed that Grand Haven was a secure community. He acknowledged that he was aware of the road when he purchased his home and was not worried; however, he became worried, as people are driving in the area after 10:00 p.m., and other activities are occurring. Mr. Ferencich spoke of a young man who passed through his property; he confronted him and advised him that he was trespassing. He voiced his opinion that crime is increasing in Grand Haven and it will be "bad publicity" for Grand Haven when people blog about it and publicize it on the internet. Mr. Ferencich felt that the District should install a camera in the area or convince the City to install a taller fence, as the District should take care of its residents.

In response to Supervisor Smith's question, Mr. Ferencich confirmed that his home has motion detector lights.

Supervisor Smith asked Mr. Ferencich to recognize that the CDD does not own any property in that area; therefore, there would be no place for the CDD to mount a light or camera. Mr. Ferencich contended that the CDD has an easement. Supervisor Lawrence reiterated that it is all City property and the CDD obtained special permission to install the 3' high fence for the purpose of preventing vehicles to access; the fence was never intended to stop pedestrians.

Supervisor Smith stressed that homeowners must do certain things on their property, which the CDD cannot legally do. He noted that security will be part of the Board's discussion of its strategic initiatives. Supervisor Smith noted that the Board implemented many processes recently to control access. He acknowledged that there is no short-term easy solution, since the CDD does not own the land where residents want a fence.

In response to a question, the Board confirmed that a resident can install a light and camera on a tree or structure on the resident's property; however, approval from the Architecture Design Committee (ADC) should be sought.

Supervisor Lawrence recommended installation of five or six "No Trespassing" signs on the existing fence.

Supervisor Davidson noted that a 6' high fence with barbed wire on top, extending from the Intracoastal to Colbert Lane, would be the only effective type of fence, which would be a huge undertaking on land that the CDD does not own. A City landscaper advised Supervisor Davidson of a thorny thick shrub that residents could install, which would deter people from walking through the area.

FOURTH ORDER OF BUSINESS

CONSULTANTS, GUEST REPORTS & PRESENTATIONS

- **ABM Security Services – Additional Guard at Main Gate**

****This item was an addition to the agenda.****

Mr. Kloptosky recalled that back up issues at the Main Gate were monitored and the Board agreed to station an additional guard at the Main Gate, Monday through Friday, from 8:00 a.m., to 1:00 p.m., for a two-week trial period. He presented and reviewed graphs of the backups before the additional guard was added and after. Mr. Kloptosky summarized that the trial period was successful; fewer backups occurred when a second guard was on duty.

Ms. Cindy Gartzke, of ABM Security Services (ABM), indicated that the second guard attended to incoming calls from residents and other gates. She presented charts reflecting the number of incoming calls and the approximate number of calls by the hour, Monday through Friday, while the second guard was on duty. Ms. Gartzke pointed out that a golf tournament was held on the first day of the trial, which required the guards to stop each vehicle, check identification and crosscheck it against the tournament list, which resulted in delays; she surmised that the backup would have been double, if a second guard was not working.

In response to a question, Ms. Gartzke confirmed that, when one guard is on duty, backups occur because the guard must attend to both incoming traffic and telephone calls.

Discussion ensued regarding the number of hours and what hours to have a second guard at the Main Gate.

In response to Supervisor Davidson’s question, Ms. Gartzke confirmed that she could continue volunteering her time to work as the second guard on Fridays.

Supervisor Smith asked about other tasks that the second guard could perform during down time at the Main Gate, as he believed that the second guard’s time could not possibly be filled taking incoming calls. Ms. Gartzke questioned if the Board is asking her to find other tasks that the guard can perform in order to reduce the billable time to the District. Supervisor Smith stated, not necessarily; the guard could perform tasks for the CDD. Ms. Gartzke advised that ABM has nothing additional for the guard to do; work for the CDD would be at Mr. Kloptosky’s discretion. Mr. Kloptosky stated that the additional guard could clean the guard house.

Supervisor Lawrence questioned the viability of a remote guard and suggested that, if ABM had a remote guard system, calls could be taken from a remote location, which would be more efficient. Supervisor Gaeta discussed the potential issues and limitations of remote guard systems. Supervisor Davidson pointed out that a remote guard system relies on the internet and, if the internet is down, the system fails and someone must manually man the gate; generally, the remote system can be unreliable.

The Board agreed to continue utilizing a second guard, Monday through Friday, 8:00 a.m., to 1:00 p.m., for four additional weeks.

FIFTH ORDER OF BUSINESS

CONSENT AGENDA ITEMS

A. MINUTES

- i. Approval of February 19, 2015 Regular Meeting Minutes**

B. UNAUDITED FINANCIAL STATEMENTS

- i. Approval of Unaudited Financial Statements as of February 28, 2015**

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

Mr. Woodville noted that assessment collections were at 88%.

Supervisor Davidson referred to “Infrastructure reinvestment”, on Page 4, and asked that a line space be added between the “Total infrastructure reinvestment” and “Total expenditures” lines. Mr. Woodville will have the format changed.

Supervisor Gaeta referred to the “Federated (MMKT)” and “CBB - NOW acct” line items, which contain \$38 and \$346, respectively, and asked if those funds could be rolled into another account. Mr. Woodville will research this.

Supervisor Davidson questioned the limited amount of District Engineer expenses. Mr. Woodville speculated that the District Engineer’s fees are being coded to specific projects. Mr. Kloptosky stated that the District Engineer fees are coded separately to “Engineering” and “Capital engineering”; he could not explain why more engineering costs were not reflected on the financial statements. Mr. Woodville will research this.

Supervisor Davidson referred to Page 2 and asked why there were no “Office supplies” expenditures. Mr. Kloptosky stated that the financial statements are not correct; a lot of office supply expenses have been incurred. Supervisor Davidson directed Mr. Woodville to research this.

In response to Supervisor Gaeta’s question, Mr. Woodville indicated that a portion of the funds reflected under “Interest and miscellaneous”, on Page 2, was receipt of payment from Escalante Golf, for its portion of the Marlin Drive pump house expenses.

Supervisor Gaeta referred to the “CERT operations” line item, on Page 4, and noted that the budget should be increased in the future.

Regarding the question about office supply expenses, Supervisor Lawrence pointed out that the expenses mentioned by Mr. Kloptosky were correctly reflected on the “Office supplies: field operations” line item, under “Field operations”, on Page 3; Supervisor Davidson’s question was about the “Office supplies” line item, on Page 2, under “Administrative”.

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

SIXTH ORDER OF BUSINESS

STAFF REPORTS

A. District Engineer

Mr. Munson presented a proposal from S.E. Cline Construction (Cline) for completion of the Sailfish Drive project. He noted that \$7,750 could be deducted from the quote, if Cline is able to close sections of Sailfish Drive for two consecutive days, rather than making the driveways accessible every night.

Discussion ensued regarding the area that would be closed. Supervisor Davidson questioned where residents would park during the road closure. Mr. Kloptosky expressed his opinion that it is worth the additional cost to allow residents driveway access, each evening. Mr. Kloptosky discussed the logistics of coordinating resident access, during the work day. Supervisor Davidson favored expending the cost to allow access each night. It was noted that Cline must provide a work schedule to residents.

Mr. Munson reviewed the “add ons” and “deducts” in the Cline proposal.

Regarding a potential add on of \$24,348, for installation of a Portadam system, if standard pipe plugs cannot be installed due to excessive silt, Mr. Munson voiced his opinion that this situation should not occur and recommended removing Item 1, under “Qualifications:”.

Regarding permits, Mr. Munson felt that a tree permit would be necessary. Mr. Kloptosky believed that the pipe work would not require a permit.

Mr. Munson noted that removal or relocation of the existing mailbox on Sailfish Drive, erosion control or removal and replacement of any unsuitable material, permitting costs and any other item not listed in the quote are not included in the proposed cost. In response to a question, Mr. Munson voiced his opinion that the mailbox must be removed to perform the work. Mr. Kloptosky disagreed with Mr. Munson regarding removing the mailbox and questioned what would be disturbed. Mr. Munson will review the plans and Mr. Kloptosky will confer with Cline regarding the mailbox.

Regarding potential cost deductions, Mr. Munson indicated that, if crushed concrete base is available at the time of construction, \$1,070.40 could be deducted. If the District agrees to a 6”, in lieu of a 10” limerock base, \$2,268.96 can be deducted; Mr. Munson felt that the 6” base would be sufficient. Similarly, if a 6”, in lieu of a 10” concrete base can be used, \$3,014.96 could be deducted; Mr. Munson believed that a 6” concrete base would be sufficient. Mr. Munson stated that \$3,077.40 could be deducted, if 1.5” of S-3 asphalt can be used in lieu of 2.5”; the original road was 1.25”. He recommended the 2.5” asphalt, as thicker is better. In response to a question, Mr. Munson indicated that 1.25” asphalt is not unusual for a road designed for local traffic.

Mr. Munson explained that the alternate paving and striping add-ons are related to completing the remainder of Sailfish Drive and milling and paving Marlin Drive, which would be \$21,644 and \$36,540, respectively.

Mr. Munson discussed variances in the proposal that are being discussed with Cline.

Mr. Kloptosky summarized that the Board agreed to utilize 2.5” asphalt, crushed stone and adding on the cost to mill and pave the West section of Sailfish Drive and the South section of Marlin Drive.

Supervisor Smith pointed out that the additional costs to pave the remainder of Sailfish Drive and Marlin Drive would add approximately \$60,000 to the project cost, increasing the overall project costs to about \$190,000

Supervisor Lawrence voiced concern that installing 2.5” asphalt could set precedence, since the standard is 1.25”, and questioned if 2.5” asphalt would be used for future paving projects. Mr. Munson clarified that, on Marlin Drive, Cline will install the same thickness of asphalt that is removed; the small Sailfish Drive portion would be the only thicker section.

Discussion ensued regarding compaction of the base.

In response to Supervisor Smith’s question, Mr. Jim Cullis, of Grand Haven Realty, indicated that 1” to 1.5” thick asphalt is the standard specification for the Grand Haven roads.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, the S.E. Cline proposal for the Sailfish Drive Drainage Improvements, with 1.5” asphalt, where pipes are being replaced, a 6” crushed concrete base, including the add on costs to mill and pave the remainder of Sailfish Drive and Marlin Drive and authorizing the Chair to execute the contract, were approved.

Regarding the Creekside parking lot project, Mr. Munson indicated that the City reviewed the water supply system, including water usage and capacity and will require the District to make an \$8,380.36 water capacity reserve payment.

Supervisor Davidson pointed out that, every time the District tries to do something to benefit Grand Haven residents, the City finds a way to stop it, obstruct it or get money from the District, beyond what would be reasonable. He recommended that District Counsel send a letter to the City of Palm Coast Utility Department asking for an explanation.

In response to questions, Mr. Munson advised that the parking lot expansion project triggered the City to review water usage and capacity. He stated that the City might have surmised that additional parking is needed because the Creekside facility is being utilized more; therefore, more water is being consumed than originally anticipated.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, authorization for District Counsel to send a letter to the City of Palm Coast Utility Department requesting an explanation of the \$8,380.36 water capacity reserve payment requirement, was approved.

Mr. Munson indicated that he measured the slope at 37 Jasmine. The contract required a 3:1 slope; however, while the overall slope averages to 3:1, steeper slopes were discovered in certain areas. Mr. Clark felt that he should send a letter to ICI Homes (ICI) informing that the slope does not meet the contract requirements; therefore, it must be regraded. In response to a question regarding quality control, Mr. Kloptosky stated that he was on site and advised the contractor and an ICI representative that areas were not correctly sloped but the contractor proceeded, anyway.

Regarding the Cullis easement, Mr. Munson indicated that Tract K appears to be wetlands; however, a consultant must make the actual determination. Mr. Clark felt that the District does not need to hire a consultant.

Regarding 37 Jasmine, Ms. Joanne Smith, the property owner, stated that she would have liked notification that the CDD was on site and had concerns, as she did not know there was an issue with the work. She emailed three times and called once to ask if the CDD inspected the work but did not receive a response until recently. Ms. Smith recalled previously suggesting that the District Engineer be involved in the project but the Board and staff felt it was not necessary.

Supervisor Davidson pointed out that the project is nearly complete.

Mr. Kloptosky stated that his was a “straight forward” project, which he monitored; the District Engineer’s involvement was not necessary, at that point. He explained that the District Engineer only needed to sign off that the work was properly completed.

Ms. Smith indicated that she did not know Mr. Kloptosky was on site; she sent three emails and called once. Mr. Kloptosky advised Ms. Smith that he was not obligated to

communicate with her since District Counsel was already assigned to do so. Ms. Smith felt that, as a matter of courtesy, Mr. Kloptosky should have notified her.

B. Amenity Manager

Mr. Ross recalled previous discussion about expanding the café. He advised that the purpose of expansion is to provide more inside seating. Regarding staffing and kitchen space, Mr. Ross confirmed that the café has sufficient staff and kitchen space to accommodate expansion.

Mr. Ross reported that 219 meals were served on St. Patrick's Day.

Supervisor Lawrence noted that the expansion would not increase volume; the existing capacity would become more comfortable.

Mr. Deary pointed out that the café volume increased 30%, over the past three years.

Supervisor Chiodo questioned if the existing air conditioning system could accommodate expansion. Mr. Kloptosky must consult with the contractor but felt that it should be sufficient.

Mr. Kloptosky stated that he must have a conceptual plan in order to obtain a cost estimate. Mr. Cullis will provide names of builders who might be interested in this remodeling project.

Supervisor Smith voiced his opinion that providing more air conditioned seating at the café would increase the number of customers; therefore, the Board should consider the capacity of the kitchen. Mr. Ross acknowledged that the kitchen is small; however, staff can manage the current volume and could manage if the volume increases.

The Board agreed to proceeding with a conceptual plan to expand the café.

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

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

C. Field/Operations Manager

i. Café Expansion

The Field/Operations Manager's Report followed Item 6.D.

D. District Counsel

▪ Cullis Exchange

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

Mr. Cullis indicated that a meeting with the Planning Board is scheduled for March 31, 2015 and he was hopeful that this matter would be heard by the City Council on April 21, 2015. He stated that the application was submitted with the mitigation area on Tract K. The City

determined that the project requires more conservation area; therefore, the City will not support the project. Mr. Cullis stated that he is purchasing five additional acres, which he hoped the City would view favorably but suspected that it would not be enough. He asked the Board to consider including the remainder of Tract K, as he originally requested.

Mr. Cullis reviewed diagrams of the current area and the area that he is proposing to acquire.

Supervisor Davidson summarized that Mr. Cullis proposed to include the CDD's area into Tract K, as a conservation easement. Mr. Cullis explained that there would be no dedication of land or transfer of ownership; it simply involves placing and recording a conservation easement on the additional land. Supervisor Davidson asked if designating the area as a conservation easement prevents building on the land. Mr. Cullis stated that he could work with the language of the easement agreement.

In response to Supervisor Davidson's question, Mr. Cullis stated his belief that the additional land should meet the City's conservation area requirements. Discussion ensued regarding what could be built in a conservation easement and who could do so.

Mr. Clark pointed out that the area was originally designated as open space; therefore, it could be argued that it is a District amenity, which led him to question if the area is truly a wetland. He noted that, if it is a wetland, in theory, the District is not giving up anything because the area could not be developed. Mr. Clark asked to see a professional report with the conclusion that it is a wetland, as it might change or alleviate his concerns. Mr. Cullis will provide the report. Mr. Clark recalled that the property was previously appraised and the Board should consider whether it wants additional compensation for the additional easement on the remainder of Tract K.

In response to Supervisor Davidson's question, Mr. Clark confirmed that, if the area is deemed wetland, he would no longer have the same concerns about the District giving something up but, if it was an open space, he would be concerned.

Negotiations ensued regarding the value of the property and a fair price for granting the additional conservation easement area. Mr. Cullis pointed out that the 9th green site deal is contingent upon the Grand Living project. Mr. Cullis agreed to pay the District \$10,000.

Discussion ensued regarding the height of the buildings in the Grand Living project.

Ms. Sara Lockhart, a resident, referred to a diagram and discussed the 9th Green site and conservation and stormwater management areas. She expressed concern that the District is in the

situation of helping a developer have a successful project, which she felt is not good, from a public policy standpoint. Ms. Lockhart identified other areas that do not have drainage, which have been “a thorn in the side” of the City, and suggested that acquiring those areas might help Mr. Cullis’ case with the City.

Ms. Lockhart felt that, if the District conveys anything to Mr. Cullis, it must be predicated on the Grand Living development being deed restricted to a 55 and older community. This stipulation would assuage much of her fear about the future use of the property. She discussed the Grand Living land and advised Mr. Cullis that the City recently designated the area in between Palm Coast Parkway and Colbert Lane as a constrained facility and is working with the County to designate Colbert Lane as the “collector” that the City shows it as.

Supervisor Davidson asked District Counsel if the 55 and older stipulation could be inserted into the District’s agreements with Mr. Cullis. Mr. Clark replied affirmatively. Mr. Cullis advised that not everyone who needs to live in an assisted living facility is 55 and older but was willing to develop restrictive language defining independent and assisted living.

Supervisor Davidson surmised that the language should define the intent of the building. Supervisor Gaeta expressed concern about children living with their older parents who need assisted living, which could impact other residents. Mr. Cullis indicated that he will pose that question to the company that will run Grand Living.

Mr. David Alfin, a resident, pointed out that the Grand Living facility will add value to all property owners in Grand Haven.

In response to Ms. Lockhart’s question about amenity issues, Mr. Clark confirmed that this action will not involve title to property; it will be an easement, so there will be no issues.

Mr. Chip Hunter, a resident and the Condo Association President, expressed support for the project.

Supervisor Gaeta asked if the Grand Living name would be changed. Mr. Cullis advised that it will be named Discovery Village.

Mr. Gallo wondered if the CDD could communicate to the community that the City is creating a situation that could drive the developer away. He noted that the City has not informed Mr. Cullis of the amount of area required; the City only said what he submitted was not sufficient.

Mr. Cullis welcomed a Board Member’s attendance at the Planning Board meeting on March 31, 2015, to voice support.

Supervisor Smith urged caution with CDD participation in this matter, as he believed that the District will need to spend its “political capital” on “inside the gate” items, rather than supporting development outside of Grand Haven. Supervisor Davidson felt that a public service announcement could be made advising residents of Mr. Cullis’ upcoming meeting with the Planning Board. Discussion ensued regarding how the District should comment on the subject.

In response to a resident question, Mr. Cullis explained that he will pay mitigation fees to the Army Corps of Engineers (Corps), if the conservation area matter is approved. He stated that the land requested is mitigation land for the City’s exchange of conservation land; it is not related to wetland mitigation.

Regarding what the CDD representative can say at the Planning Board meeting, Mr. Clark indicated that the representative can state that the CDD has entered into an agreement to provide additional mitigation area because the City wanted it.

It was determined that Supervisor Davidson will draft the public service announcement about the Planning Board meeting. Mr. Clark will prepare a statement for the CDD representative to read at the meeting.

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, designating Supervisor Chiodo as the CDD representative at the Planning Board meeting, and authorization for Supervisor Chiodo to read the statement prepared by District Counsel, were approved.

On MOTION by Supervisor Smith and seconded by Supervisor Gaeta, with all in favor, altering the prior agreement with Mr. Cullis, on this matter, to a price of \$22,500, with the CDD agreeing to provide a conservation easement over all of Tract K, and including acknowledgement of the deed restriction over the project previously discussed, were approved.

i. Traffic Light Bond

Mr. Clark reported that the County requested additional information, which was provided; the County is processing the District’s request.

ii. 37 Jasmine Drive

This item was discussed during Item 6.A.

iii. Cullis Exchange

This item was discussed prior to Item 6.D.i.

▪ Field/Operations Manager

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

Mr. Kloptosky referred to the stormwater pipe repair between 55 and 57 Osprey Circle and advised that S.E. Cline, Inc. (Cline), repaired a section of broken pipe but there were questions about the integrity of the remaining portions of the pipe. Underground Pipe Tech, LLC (UPT), videoed the pipe and provided an opinion; Mr. Kloptosky provided the UPT opinion to Cline and Engineered Lining Systems (ELS), who then provided opinions and proposals. He stated that all contractors agreed that the pipe is failing, in certain areas.

Mr. Kloptosky presented a \$48,768 proposal from Cline, for RCP pipe and \$47,648 for ADS pipe. He discussed the scope of work and noted that Cline's proposal includes \$13,035 to haul dirt away and bringing it back because there is nowhere to store it onsite; if an onsite storage location could be found, the \$13,035 would be removed.

Mr. Kloptosky presented a \$54,500 proposal from ELS and discussed the scope of work, materials and unique lining process, expected to last 70 years, included in the proposal. He acknowledged that, while the ELS process would not disturb the easements, the easements were already partially disturbed during the previous repair. He voiced his opinion that the ELS proposal is a very expensive option.

Supervisor Davidson asked if the drainage system is currently functional. Mr. Kloptosky replied affirmatively and estimated that it would take two weeks to complete the project.

Discussion ensued regarding whether the soil could be stored on a resident's vacant property and other potential storage locations within the District. Mr. Kloptosky was confident that an onsite location could be found.

Supervisor Davidson summarized that the District could sod the area where the pipe was repaired and continue repairing pipes, as issues arise over the next several years. The other options are to spend nearly \$50,000 to replace the pipes or a higher cost option of lining the pipes. Supervisor Davidson was skeptical of lining the pipes.

Supervisor Smith felt that, if it would take more than a month to complete the project, the repair area should be restored and made presentable. He noted that the Board does not know whether the pipe issue is isolated to this location or if it is present throughout the community. Supervisor Smith supported the project, provided Mr. Kloptosky can define the alternatives so

the Board has a definition of what will be done and how long it will take, within 30 days but, if it will take longer to explore the options, the repaired area should be restored.

Mr. Kloptosky could know within one day whether the soil could be stored onsite.

Supervisor Smith asked if another bid should be obtained. Mr. Kloptosky indicated that, while it is good to have additional bids, during his seven years at Grand Haven, every other time he obtained bids from other contractors, those bids were always higher than Cline's bid.

Supervisor Chiodo favored proceeding with the entire project, utilizing the RCP pipe option, provided an onsite storage location for the soil can be found. Supervisor Gaeta concurred with Supervisor Chiodo.

Supervisor Lawrence felt that the Board is weighing temporary, inexpensive repairs against a permanent, long-term "fix". He voiced his opinion that repairs would be a waste of money and supported proceeding, immediately, with the "permanent" fix.

Supervisor Davidson believed that the repaired area should be resodded. He noted that the two red maple trees that were destroying the pipe were removed; therefore, the District could allow the system to function and, if issues arise again, the pipe could be replaced when the situation occurs a second time.

In response to Supervisor Lawrence's question, Supervisor Davidson advised that the primary cause of the pipe damage was the two red maple trees and, while the video revealed other areas with leakage, he believed that leakage would be found in all other pipes in Grand Haven. He voiced his opinion that the system could suffice for a few more years before it had to be replaced, giving the Board time to plan for the larger project.

Mr. Kloptosky disagreed with Supervisor Davidson's opinion that the red maple trees were the major cause of the pipe damage. He felt that sinking issues will occur soon. In response to Supervisor Lawrence's question, Mr. Kloptosky confirmed his opinion that a permanent fix will be needed sooner, even if sod is installed; depressions will occur quickly.

On MOTION by Supervisor Gaeta and seconded by Supervisor Chiodo, with Supervisors Gaeta, Chiodo, Lawrence and Smith in favor and Supervisor Davidson dissenting, the S.E. Cline proposal, in a not-to-exceed amount of \$48,768, for pipe replacement with RCP pipe, at 55 and 57 Osprey Circle, subject to Mr. Kloptosky seeking a reduction for soil hauling, and authorization for Mr. Kloptosky to proceed, immediately, were approved.

Mr. Kloptosky presented a petition from residents of Tanglewood Court, in the Linkside East section of Grand Haven. The residents were unhappy with the vegetation removal due to the Firewise clearing, which exposed their homes, and debris left in the area. Mr. Kloptosky stated that he informed the residents both issues are being addressed; the residents are overanxious. He discussed the work currently being completed and the scope of work to be completed. Mr. Kloptosky noted that the residents were particularly concerned about losing their privacy and reviewed photographs of the area and other areas that have “recovered”.

Mr. Kloptosky presented a letter from residents requesting a status update on the Eastlake Drive streetlight matter. He advised that new bulbs were installed in two streetlights, as discussed at a previous meeting; however, the nearby trees were not trimmed because they did not impede the light. Mr. Kloptosky stated that the resident claims that the lighting did not improve and, despite the resident still being unhappy, he did not recommend installing a streetlight without first speaking to all residents on that street. It was suggested that the Board Members view the street at night.

Mr. Kloptosky recalled that the spa at The Village Center has cracks and presented a \$10,000 proposal from Blue Ribbon Pools to reconstruct the spa, as the spa must be torn down to the deck level and reconstructed. He believed that the proposal is the worst case scenario and, if less work is necessary, the contractor will reduce the cost based on the work performed.

Supervisor Lawrence confirmed that this project was not included on the Capital Improvement Plan (CIP) list.

Mr. Kloptosky acknowledged that the condition is probably not an emergency.

Supervisor Smith wished to discuss the CIP first. Supervisor Lawrence wanted a second bid. Mr. Kloptosky stated that a second bid would be difficult for him to obtain because others who performed work did not do a good job or he did not like them or the contractor charged astronomical prices; this contractor performed the pool work at Creekside.

Mr. Kloptosky reviewed a conceptual drawing of the entrance at the Crossings, which he already approved. It was designed to match the Wild Oaks Gates.

Mr. Kloptosky advised that construction of the petanque court is proceeding; he signed a \$4,188 contract with Cline to perform the excavation and stone work. He indicated that CDD staff will install the railroad ties. In response to Supervisor Lawrence’s question, Mr. Kloptosky confirmed that the cost would be approximately \$5,000.

Regarding the croquet court, Mr. Kloptosky reported that Precision Land Grading (Precision) provided a new proposal and Mr. Clark prepared a contract, which was forwarded to Precision. The contract is pending and Mr. Kloptosky expected work to commence in mid-April.

Mr. Kloptosky stated that he spoke to Cline regarding the difficulty Nidy Sports Construction (Nidy) had trying to obtain a permit from the City for the pickleball courts; the City would not accept a permit application from them because Nidy does not have a general contractor (GC) license. He advised that Cline is willing to pull the permit. A new contract eliminating Nidy's responsibility to obtain a permit was drafted and submitted to Nidy; the contract was received from Nidy and an executed contract from Cline is pending.

▪ **Continued Discussion: Utility Easement Evaluation Project**

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

Supervisor Davidson recalled that, previously, the ADC allowed items in the utility easements. The ADC is currently revising the standards; therefore, the District must draft language to enact as either a rule or policy. He discussed an issue last year when developers cut down trees along the pond bank and the Board planned to develop a policy requiring review and approval by Ms. Leister of any tree that a developer planned to remove. Supervisor Davidson noted that the City threatened to fine the CDD for the removed trees

Regarding the ADC for new development, Supervisor Davidson stressed that the District must define what can be placed in utility easements. He questioned if the easements should be specified as "Stormwater Drain Utility Easement Rights-of-Way" or if all utility easements should be included; with the new development ADC, it is clearer that the District could prohibit items. Supervisor Davidson pointed out that, for the modification ADC, the District should prohibit items, going forward; however, a question remains regarding what to do about the items already in the ROW.

Supervisor Lawrence recalled that the Board discussed removing items once, at the District's expense, and requiring the property owner to execute an agreement to be accountable for anything they install, subsequently. He believed that the Board discussed replacing trees, at the District's expense, if removal of a tree from the ROW caused the property to fall short of the required tree count.

Supervisor Davidson clarified that the Board discussed asking for the tree count requirement to be modified for utility easements.

Supervisor Davidson indicated that the ADC wants to publish the new standards in April and asked District Counsel about the best method of communicating the District's guidelines to both ADCs.

Mr. Clark stated that a letter should be sent to both ADCs expressing the District's concerns. The District might consider advising the ADCs of things that could be included in a District rule. He felt that CDD staff should first review any planting plans or changes to easements.

Supervisor Davidson stated that the communication should advise that all plot plans for landscaping within the easements must have the easements located. Mr. Clark indicated that he was referring to areas with significant easements and asked if the District wants to entrust the review to the ADCs. Mr. Carlton confirmed that the ADC would have an issue with the CDD reviewing private property and voiced his opinion that Ms. Leister was to develop a list of acceptable plants. Supervisor Davidson replied affirmatively. Mr. Carlton stated that, since Ms. Leister would develop the list for the CDD and she is the person that approves new construction plans, he assumed that there should be no issues; furthermore, if Ms. Leister develops a list for existing easements, property owners could install those plants in the future. Supervisor Davidson noted that some plants might be acceptable; however, if newly installed plants obstruct access, the plants must be removed, at the owner's expense.

Supervisor Lawrence suggested that the ADC standards indicated that any plantings in stormwater easements must abide by CDD guidelines that are being developed.

It was recommended that today's meeting be continued for the purpose of taking action on this matter.

Mr. Clark felt that the ADCs can be informed that the CDD is developing standards and include in the draft that easement plantings must comply with the standards developed by the CDD. He acknowledged that Ms. Leister must consider and review these issues until the Board formally adopts the rule or policy.

Supervisor Lawrence voiced his opinion that all future landscape plans must show the easements and no trees on CDD pond bank property can be removed without CDD approval.

Discussion ensued regarding what to include in the ADC standards. Supervisor Smith surmised that the ADC standards would indicate that the CDD's guidelines must be followed. Mr. Carlton felt that the CDD's specific guidelines would not be necessary now, in order for the ADC standards to be developed.

Supervisor Davidson will work with Ms. Leister and the District Manager to communicate the District's policy to the ADC Standards Review Committee and to Mr. Cullis.

i. Café Expansion

The café expansion was discussed during Item 6.B.

E. District Manager

i. Upcoming Community Workshop/Regular Meeting Dates

o COMMUNITY WORKSHOP

▪ April 2, 2015 at 10:00 A.M.

The next workshop is scheduled for April 2, 2015 at 10:00 a.m., at this location.

o REGULAR MEETING

▪ April 16, 2015 at 10:00 A.M.

The next meeting is scheduled for April 16, 2015 at 10:00 a.m., at this location.

SEVENTH ORDER OF BUSINESS

BUSINESS ITEMS

A. Discussion: Flagler County Sheriff's Office Trespass Warning Notification

Supervisor Davidson read the following petition into the record:

"As residents of the Creekside community at Grand Haven, we have become increasingly concerned by the number of unknown people that are fishing in the pond behind homes along Creekside Drive. The recent increase in crime and the recognition of such by both the CDD and the Sheriff's Office, demonstrated by the recent mailings and postings on home protection recommendations, requires residents of this community to exercise a higher degree of diligence to avoid criminal activity. We are concerned for the safety of families and our property. A person could easily stand along the pond and case homes, determining who is in, who is out, and record patterns of coming and going. It's unnerving and disruptive to have strangers standing behind our homes. This is unacceptable to us. We are requesting the CDD take immediate action. We request the following actions and any other the CDD feels will be effective to be taken to provide the protection to which the community and its residents are entitled:

- 1. The community, at large, should be advised that fishing in ponds is not allowed directly behind other residents' homes.*

2. *Workable procedures should be put in place to report and remove violators.*

We the undersigned respectfully request immediate action to be taken on this important security concern.

Thank you."

Supervisor Davidson noted that the petition was signed by 22 residents and that many of those residents plan to attend the next meeting.

Supervisor Davidson reviewed photographs of the Creekside pond area where people are fishing. He noted that the pond has both public and private access points. Supervisor Davidson pointed out that the ponds have utility easements but it is difficult to determine where the CDD's property ends and private property begins, without a survey.

Supervisor Lawrence referred to CDD property on a pond bank, behind private property, and asked if a person can walk on the CDD's property or whether the District could establish a rule prohibiting people to walk on CDD property that is immediately behind private property. In response to Mr. Clark's question, Supervisor Lawrence confirmed that his question relates to developing a District rule prohibiting anyone, other than the property owner, from walking on CDD property that is immediately behind private property, unless access is necessary for maintenance purposes.

Mr. Clark stated that the ponds were defined as an amenity; therefore, Supervisor Lawrence's suggestion conflicts with the concept of the ponds being amenities. Disallowing access would be a major change.

Supervisor Davidson reviewed a photograph of a defined fishing area. He explained that someone walking or picnicking, etc., on a common area cannot be issued a trespass warning; however, by defining fishing as an amenity, a person who is fishing could be issued a trespass warning. Supervisor Davidson noted that, on the pond he described, the no trespassing areas were defined because the private property extended to the pond but, for the pond in question, the private property does not.

Supervisor Davidson questioned what can be done in an area with a hybrid issue, when a person accesses the pond through common property and then proceeds to fish behind homes with property adjacent to the CDD's common property, and whether the person fishing could be issued a trespass warning. Mr. Clark advised that, currently, a trespass warning could not be issued to a person fishing on common property. Mr. Clark suggested that the Board revise the

Amenity Rules to make the fishing rules more restrictive, such as specifying that residents can only fish from a common area but not from CDD property that is between the pond and private property.

Supervisor Davidson indicated that Mr. Woodville noted another way to restrict fishing would be to make a rule that, for resident safety, no residents would be allowed on pond banks. Mr. Woodville noted the Sheriff's position that trespass warnings cannot be issued unless an area was designated as a no trespassing zone with signage. Mr. Woodville was advised by other District Counsels that, when a matter is related to safety and security, a CDD can limit access to common property but signage must be posted. Mr. Clark concurred that proper signage would be necessary.

Supervisor Davidson stated that the Sheriff advised him, personally, that signage around the ponds was not necessary, rather, the District could post signs at each entrance; however, signs at the entrances were not necessary, either. The Undersheriff was researching this matter but he recently submitted his resignation. Supervisor Davidson indicated that, per the Sheriff, if someone informs a person that they are trespassing and gives them written warning, the Sheriff can be called when the person trespasses a second time.

Supervisor Davidson summarized the issues, including, currently, walking around a pond, on the common areas, might not be trespassing, and who would respond to trespass occurrences when the CDD office is not open.

Supervisor Davidson suggested that the District enact a rule that walking on common CDD property, behind anyone's home but your own, is trespassing. The District could also install signage or require residents to display their Smart Amenity Access Card (SAAC) or guest pass while fishing, which would require obtaining another scanner. Supervisor Gaeta asked if signs could be posted stating "Resident Fishing Only". Mr. Clark indicated that such signage would conflict with the District's current rules.

A resident voiced her opinion that the District should prohibit anyone from fishing behind a home other than their own. Mr. Clark and Supervisor Davidson pointed out that the District cannot make a statement without confirming the legality of it.

Supervisor Lawrence favored establishment of a rule stating "You are prohibited from fishing on common property that is behind private property, unless it is your own private property", followed by installing signage around the ponds.

Mr. Clark noted that Creekside is unique because there is a lot of property between the private property lines and the pond. He indicated that the District could identify specific areas where fishing is prohibited, along with defining common areas between private property and a pond and stating that a person cannot fish in those areas unless they are the owner of the lot and are fishing immediately adjacent to their own property. Mr. Clark will prepare a draft rule.

Discussion ensued regarding signage and requiring those fishing to wear their SAAC on a lanyard around their neck.

It was suggested that the District deem the pond banks as sensitive areas of erosion concern and disallow fishing from them. Supervisor Davidson felt that the suggested policy would, essentially, advise residents that fishing is not allowed, including in their own backyards.

The Board Members agreed to installation of “No Trespassing” signs in problem areas.

On MOTION by Supervisor Lawrence and seconded by Supervisor Smith, with all in favor, continuing today’s meeting to Thursday, April 2, 2015 at 10:00 a.m., at this location, to discuss utility easement restrictions or guidelines and pond fishing restrictions, was approved.

B. Continued Discussion: Utility Easement Evaluation Project

This item was discussed following the Field/Operations Manager’s report.

C. Continued Discussion: Engineer’s Recommendation Regarding 37 Jasmine Drive Retaining Wall

This item was discussed during Items 6.A.

D. Discussion: Format for Continued Review/Discussion of Business Plan and Performance Manual

- **Determine if BOS to Bring March 5 Workshop Agenda to Subsequent Workshops or Include Redlined Version in Agenda Package**

This item was deferred to the next workshop.

EIGHTH ORDER OF BUSINESS

OPEN ITEMS

This item was not discussed.

NINTH ORDER OF BUSINESS

SUPERVISORS’ REQUESTS

Supervisor Gaeta recalled previous discussion about a Community Information Night and her understanding that some Supervisors were not in favor of it. She voiced her opinion that an evening informational session would be a good community outreach activity and certain objectives could be achieved.

Supervisor Davidson stated that the Board Members did not object to holding the Community Information Night, rather, the subject would be considered as part of the Business Plan, in terms of communication. He asked Supervisor Gaeta to reiterate her comments at the next meeting, when the Business Plan is discussed.

Regarding AT&T U-verse, Mr. Woodville indicated that he was advised that the existing fiber optic cables could be used. He noted that it would be an investment by AT&T; therefore, AT&T would require a seven-year bulk agreement with the GHMA to provide the service to the community. The cost of the package would be \$50 to \$55 per month, per household, for basic television and internet service. Mr. Woodville noted that the cost would be less than Bright House.

Supervisor Davidson reminded everyone to bring their March 5, 2015 workshop agenda to the next workshop for reference during subsequent discussion of the Personnel Manual.

TENTH ORDER OF BUSINESS

ADJOURNMENT

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

On MOTION by Supervisor Gaeta and seconded by Supervisor Chiodo, with all in favor, the meeting recessed at 2:10 p.m., and was continued to Thursday, April 2, 2015 at 10:00 a.m., at this location.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Secretary/Assistant Secretary

Chair/Vice Chair