

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

A Continued Meeting of the Grand Haven Community Development District’s Board of Supervisors was held on **Thursday, April 2, 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:**

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
Scott Clark ( <i>via telephone</i> )	District Counsel
Barry Kloptosky	Field Operations Manager
Robert Ross	Vesta/AMG
Roy Deary	Vesta/AMG
Ashley Higgins	Grand Haven CDD Office
Jim Cullis	Grand Haven Realty
Al Lo Monaco	Resident
Jim Gallo	Resident
Don and Betty Beveridge	Residents
Sherry Martin	Resident
Rob Carlton	Resident
Ron Merlo	Resident
Chip Hunter	Resident
David Alfin	Resident

**FIRST ORDER OF BUSINESS**

**CALL TO ORDER/ROLL CALL**

Mr. Wrathell called the continued meeting to order at 10:05 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, wanted to ensure discussion of the streetlight conversion to LED lights and the results of the seven light trial.

Mr. Jim Cullis, of Grand Haven Realty, indicated that he is near receiving the site development permit for the new sales office and, following a pre-construction meeting with the City, construction should commence within a few weeks. Mr. Cullis stated that the office location will be at the Shoppes of Grand Haven site, directly across from the Main Gate.

Mr. Cullis advised that the meeting with the City Planning Board, regarding Discovery Village, was postponed until April 15, 2015. He noted that this matter has been a struggle with the City and any assistance the District could provide would be greatly appreciated.

In response to Supervisor Lawrence's question, Mr. Cullis confirmed that it will not be necessary to install a traffic light. Mr. Cullis discussed potential tenants at the new location. In response to Supervisor Gaeta's question, Mr. Cullis indicated that Grand Haven Realty owns the parking lot near the model center and, once he relocates, the parking lot will be sold; therefore, the Board should let him know if the CDD is interested in the property. Supervisor Davidson requested that Mr. Cullis' project manager coordinate with Mr. Kloptosky regarding traffic control, etc., during the relocation process. Mr. Cullis agreed. Supervisor Smith asked if Mr. Kloptosky planned to make an announcement to residents regarding the project. Mr. Kloptosky stated that he could announce it. Mr. Kloptosky asked Mr. Cullis to provide him with the details and time frame of the project.

Supervisor Davidson inquired about the golf course condominium matter. Mr. Cullis indicated that a new City employee is reviewing the plans.

**FOURTH ORDER OF BUSINESS****BUSINESS ITEMS**

- **Continued Discussion: Pond Fishing Policy [revised drafts to be provided under separate cover]**

***\*\*\*This item, previously Item 4.B., was presented out of order.\*\*\****

Supervisor Davidson recalled previous discussion about requiring people who fish to display their Smart Amenity Access Card (SAAC) or guest pass "on their person", which could differentiate nonresidents from residents. He noted that this process would necessitate an additional scanner.

Supervisor Davidson identified the following changes to the Fishing Policy:

Paragraph 1, Line 3: Change “any” to “certain”

Paragraph 1, Line 3: Insert “areas” after “pond”

Paragraph 1, Line 4: After “District.”, insert “Persons authorized to fish in the lake/retention ponds must display a Smart Amenity Access Card (SAAC) on their person or a current Amenity Use Pass as provided through the Village Center Amenity Office. The SAAC may be scanned by District staff to verify person’s current authorized use of the amenity.”

Discussion ensued regarding whether scanning SAACs would be necessary, the number of invalid SAACs discovered through scanning and alternatives to scanning in the field. Mr. Kloptosky noted that, during business hours, field staff could call the CDD office with the SAAC number for verification. The Board agreed with this approach.

Supervisor Lawrence voiced his opinion that requiring people who fish to wear their SAAC on a lanyard, around their neck, is extreme, as it is not a requirement to use other amenities. Supervisor Davidson noted touring other communities and CDDs that had signage stating that fishing was for residents, only. Mr. Clark indicated that using the term “resident” would be problematic because the CDD does not define the amenity by “resident”; users might be an owner, renter or registered guest. Supervisor Davidson pointed out that all of the people identified by Mr. Clark would have a SAAC and voiced his opinion that it would put other residents “at ease” if people fishing were required to wear their SAAC. Supervisor Chiodo noted SAACs are checked when people use the other amenities but not when fishing, which justifies the requirement to wear the SAAC. In response to Supervisor Gaeta’s question, Mr. Ross indicated that a lanyard costs \$5. Supervisor Smith voiced his opinion that no one would comply with the requirement to wear their SAAC on a lanyard. Discussion ensued about enforcement after hours and on weekends.

Paragraph 2, Line 2: After “residence”, insert “(the “Restricted Area”) except for persons residing in that private residence. The District shall have the authority to post “No Trespassing” signs on portions of the pond banks where fishing would violate the forgoing rule. Whether such a sign is placed or not, persons who violate this rule by fishing in a Restricted Area, or by gaining access to any pond through a Restricted Area, are guilty of trespassing and are subject to legal action.”

The Board supported installation of “No Trespassing” signs; Supervisor Smith felt signage was “overkill” but did not object to the concept. Supervisor Davidson stated that

signage would make the banks “public restricted” areas. Supervisor Smith disagreed and pointed out that the signage would also restrict residents from the banks; the District would be telling residents that they cannot pass by or go in their neighbor’s backyard.

Paragraph 1, Line 5: Change “display” to “possess”

Mr. Gallo questioned how the changes would affect fishing in the ponds on Montague. Supervisor Davidson advised that those are golf course ponds; the District has no authority. Regarding accessing those ponds, Supervisor Davidson stated that people can walk through the CDD’s common property to access the golf course ponds.

A resident thanked the Board for imposing restrictions on fishing behind homes.

Ms. Sherry Martin, a resident, questioned how the information would be disseminated. Supervisor Davidson indicated that this involves a change to the Amenity Rules; therefore, a public hearing will be advertised and held and, once passed, the District could e-blast the community. Mr. Wrathell explained the process for changing the Amenity Rules.

Discussion ensued regarding what residents should do until the new rule is officially adopted. It was determined that, currently, a nonresident walking on the bank would be trespassing and a resident who fishes on common property, directly behind private property, would be trespassing and the resident could contact the sheriff. Mr. Clark noted that the sheriff would only issue a trespass warning to someone based on the property owner’s request, which, in this instance, would be the CDD, if the person was on common property. Supervisor Davidson stated that amending or revising the language in the Amenity Rules would give residents more right to call the sheriff on anyone who is on their private property or the CDD’s common property, directly behind the home, and report the person for trespassing.

Mr. Kloptosky asked if the “No Trespassing” signs should be installed, as requested, on a case-by-case basis, as previously discussed, and whether the signs must contain specific language. Supervisor Davidson confirmed that installation would be as requested. Mr. Clark advised that signage stating “No Trespassing” would be sufficient.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, authorizing advertisement of the Notice of Rule Making and the Notice of Rule Development and setting a public hearing , was approved.**

- **Trespass Warning Notification**

Supervisor Davidson presented the Flagler County Sheriff's Office Trespass Warning Notification form. He stated that the District could develop a similar form, of its own, provided it does not reference the Sheriff's Office. The form could be kept on file, as documentation of incidents, as they occur.

Supervisor Davidson directed Mr. Clark to provide recommendations regarding the form, at the next meeting.

Mr. Gallo asked if the District would be restricting fishing in all of the ponds, with the exception of the ponds on Montague. Supervisor Davidson pointed out that there are other golf course ponds, as well, and reiterated that the CDD has no authority over those ponds. Mr. Gallo questioned if the District contacted the golf course regarding installation of signs. Supervisor Smith indicated that many homes are adjacent to golf course ponds. Supervisor Davidson suggested that the District needs a liaison to the golf course to discuss the fishing and "No Trespassing" signage matter. Supervisor Smith volunteered.

▪ **Discussion: District Policy for Clearing, Development and Planting of District-Owned Detention Pond Lake Banks**

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

Supervisor Davidson recalled that, last year, it was determined that trees were being cut down on pond banks without the CDD's knowledge or permission and the City threatened to fine the CDD for violations committed by private developers and builders. He presented a draft policy. Supervisor Davidson summarized that the policy states that the CDD horticulturalist must inspect and determine what can be removed and/or planted. The District could assess the lot owner to recover any fines imposed on the District by the City, due to failure to comply with the horticulturalist's determinations.

**On MOTION by Supervisor Gaeta and seconded by Supervisor Lawrence, with all in favor, the Policy for Clearing, Development and Planting of District-Owned Detention Pond Lake Banks, was approved.**

A. **Continued Discussion: Establishment of GHCCDD Utility Easement Policy (*please bring March 5 Community Workshop Agenda package to this meeting*) [revised drafts to be provided under separate cover]**

Supervisor Davidson recalled the Board's initial review of an existing easement policy from another district. He noted that the Board eliminated Option 1, which would have allowed

the lot owner to perform work using contractors of their choice. Supervisor Davidson advised that the District spent a significant amount of money reconstructing storm drains and pipes, some of which were damaged due to the weight and/or intrusion of trees that were planted on top of the drainage system pipes. He pointed out that the Master Declarations had restrictions on planting in the utility easements.

Supervisor Davidson read the proposed policy, as follows:

- “No obstructions may be placed in the storm water drainage right-of-way maintenance and/or repair easements. Obstructions shall be defined as all vegetation and all structures located on District property that prevent required access and maintenance or present a threat to human life, property, public health and safety. *(Supervisor Davidson removed “health and”)*
- No trees of any type or variety may be planted or, once removed for maintenance, replanted within the easement. Required tree count must be reduced to reflect less available square footage for planting.
- Landscaping such as shrubs, stepping stones, flower beds, decorative stones, etc. located within the easement must not obstruct access by construction equipment and machinery required for the maintenance or repair of utility structures. Any plantings which encroach upon any storm water drainage utility easement require written authorization from the GH MADC and GHCDD. The GHCDD will place certain conditions (see option 2 later in this document) upon the lot owner regarding any encroachment it permits in the easement.

Utility right-of-way easements must be shown on landscaping plot plans submitted to the NADC/MADC Horticulturalist for review.

The above policy has been established by the GHCDD Board of Supervisors to ensure that all GHCDD Storm Water Drainage Right-of-Way easements will be and will remain in compliance with regulations, requirements and obligation of the Master Storm Water Drainage Permit from the St. John’s River Water Management District.

Any violation of this policy will result in the GHCDD’s contractor removing the unauthorized plantings at the lot owner’s expense. The GHCDD will assess these related costs on the lot owner’s next Flagler County tax bill.”

Mr. Clark stated that he will include wording in the rule that expands upon the concept that, if the CDD removes unauthorized plantings, it is an assessable benefit to the property owner, to create the legal basis to impose the assessment.

In response to Supervisor Lawrence’s question, Supervisor Davidson advised that the rule would relate to existing obstructions. Supervisor Lawrence explained that new construction could not place obstructions. Supervisor Davidson referred to the third line of the third bullet point and suggested modifying the language to state “any new or replanting which encroach upon an easement...from the GH NADC or MADC, as appropriate.”

Supervisor Davidson read the proposed policy regarding removal of existing utility easement obstructions:

“The GHCDD District Horticulturalist will inspect all District storm water drainage utility easements. All potentially obstructed easements, where any present structure or planting is deemed to possibly threaten the integrity of the storm water drainage system, will be subject to further inspection.

Pipe location will be verified by staking/string line, and, if necessary, pipe mapping by a consulting pipe locating firm.

GHCDD contractors will remove any structure or planting judged to obstruct or endanger, by weight of tree mass or intrusive root growth, the verified location of the storm water drainage system.

Removal will be conducted under the following Options:

Option 1: District removes all obstructions at the District’s expense and repairs easement with turf only (single one-time-only offer)

Option 2: Certain encroachments allowed by itemized listing, any subsequent removal and repair at lot owner’s expense.

Details of these options are contained in the following two Option Agreements:”

Mr. Kloptosky discussed conditions, other than tree mass or intrusive root growth, which could require a tree to be removed. The following change was made:

Paragraph 3: Change to “GHCDD contractors will remove any structure or planting judged to obstruct or endanger, by weight of tree mass or intrusive root growth, deemed effecting or potentially affecting (preventative measures) the storm water drainage system.”

Mr. Al Lo Monaco, a resident, questioned if private drain pipes, coming from homes, would be affected by this policy. Mr. Wrathell indicated that those would not be the District’s concern; those pipes would be the City’s concern.

Regarding Options 1 and 2, Supervisor Davidson stated that they were updated to reflect the District’s information and Mr. Clark completed an initial review. Mr. Clark recommended providing the first portion of the policy to the ADC but entering into agreements should be the Board’s decision and would not relate to the ADC.

In response to Supervisor Davidson’s question, Mr. Clark confirmed that the District should provide the first portion to the ADC and advise them that this is the draft policy adopted by the Board and that it is effective, immediately, although it might be modified.

Mr. Woodville recommended replacing “District property” with “District storm water right-of-way utility easement”, throughout the policy.

**On MOTION by Supervisor Smith and seconded by Supervisor Lawrence, with all in favor, adoption of the GHCDD Policy for Storm Water Right-of-Way Utility Easements and the Policy for Removal of Existing Utility Easement Obstructions, were approved.**

In response to a concern expressed by Mr. Woodville regarding Item 7., in Option 1, Mr. Wrathell recalled that the intent is for the agreement to be upon the property, not the owners; therefore, if an owner sells, the agreement remains in effect upon the new property owner. Mr. Woodville felt that the term “and”, in Line 1, implies that the original owner who entered into the agreement would, in perpetuity, hold the District harmless for the agreement. Mr. Wrathell believed that the wording was sufficient; however, verbiage stating that the agreement would be recorded with the property appraiser could be added and that the agreement travels with the property.

Mr. Woodville referred to Item 5, in Option 2, and recommended adding “or its designees” after “Supervisors”. Mr. Clark agreed with the modification.



Discussion ensued regarding Item 8, in Option 2. Mr. Wrathell questioned if Option 2 should be removal at the owner's expense. Supervisor Davidson replied affirmatively; the wish would be for the easement to only have turf so the District would offer a one-time offer to clear what must be cleared and install turf. If the property owner wants to enhance or modify the easement, in addition to the turf installed by the District, it should be at the property owner's cost.

Mr. Wrathell indicated that Option 2 states that, if the property owner elects to keep items in the easement, they must pay for removal, if necessary.

Mr. Wrathell voiced his understanding that the District would prefer Option 1; therefore, Option 2 would be made less appealing in that, if a property owner wishes to keep certain items but other items must be removed, the property owner would be required to pay for removal of those items, in order to keep the other items. Discussion ensued regarding this position.

Regarding Option 1, Mr. Woodville questioned if using the term "all structures" means that the District will pay to remove structures that were not permitted to be built in the easement.

It was agreed that the options must be further defined; however, the initial policy can be provided to the ADC.

Mr. Wrathell questioned if the options are clear about who would pay to remove obstructions. Supervisor Davidson summarized that, with Option 1, the District would pay and, with Option 2, the property owner must pay. Mr. Wrathell stated that, in another district, the district would pay to remove items, under Option 2, as well, while allowing certain items to remain. Mr. Wrathell asked if the Board wanted Option 2 to state that the District agrees to pay to remove some obstructions. Supervisor Davidson indicated that the purpose of Option 2 is for easements where nothing must be removed now but might need to be removed in the future; no work or removal would be completed now.

Discussion ensued regarding what would induce property owners to execute an agreement. It was suggested that a provision be included stating "One of the options must be chosen or the District reserves the right, at any time, to clear it completely, at the property owner's expense." Supervisor Davidson stressed that the District does not want property owners to hire their own contractors to remove items.

Management will forward the policy to the GHMA, the NADC and the MADC.

A resident asked what can be on the easement. Supervisor Davidson indicated that no trees would be allowed; it should be turf, only and, if other items remain, those items must be

itemized and the property owner must sign an agreement agreeing to pay for removal, in the future. In response to a question, Supervisor Davidson confirmed that it applies to new construction, as well.

**B. Continued Discussion: Pond Fishing Policy [revised drafts to be provided under separate cover]**

- **Trespass Warning Notification**

**C. Discussion of/Consideration of/Decision on: Closing Two (2) Accounts**

- **Federated Money Market Account**
- **CBB-NOW Account**

Mr. Wrathell indicated that these accounts are no longer necessary; however, the Board may wish to keep them open, as neither account incurs fees. The Board agreed to keep the accounts open.

**FIFTH ORDER OF BUSINESS**

**Upcoming Community Workshop  
/Regular Meeting Dates**

○ **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.

○ **COMMUNITY WORKSHOP**

- **May 7, 2015 at 10:00 A.M.**

The next workshop is scheduled for May 7, 2015 at 10:00 a.m., at this location.

**SIXTH ORDER OF BUSINESS**

**SUPERVISORS' REQUESTS**

There being no Supervisors requests, the next item followed.

**SEVENTH ORDER OF BUSINESS**

**ADJOURNMENT**

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

**On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, the meeting adjourned at 11:48 a.m., at this location.**

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Secretary/Assistant Secretary

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Chair/Vice Chair