

**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, October 20, 2016** 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
Ray Smith	Assistant Secretary

Also present were:

Howard McGaffney	District Manager
Scott Clark	District Counsel
Jim Sullivan	District Engineer
Barry Kloptosky	Operations Manager
Robert Ross	Vesta/AMG
Ashley Higgins	Grand Haven CDD Office
Matthew Schwartz	Allied Universal
Melissa Holland	Palm Coast Mayor-Elect
Louise Leister	Horticulturist
Vic Natiello	Resident
Allan Roffman	Resident
Jim Gallo	Resident
Rob Carlton	Resident, GHMA President
Tom Byrne	Resident
Mario Carmo	Resident
Ron Merlo	Resident
Frank Benham	Resident
Chip Howden	Resident
David Reisman	Resident
Valerie and Jack Wright	Residents
M. Leigh Jackson	Resident
Bob Hopkins	Resident
Morgan Evans	Resident
Jenny Scott	Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. McGaffney called the meeting to order at 10:07 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

ADDITIONS TO AGENDA

The following items were additions to the agenda:

- Hurricane Matthew Damage Presentation
- Consideration of Resolution 2017-02, Authorizing and Ratifying Agreement for Immediate Removal of Hurricane Debris Endangering Public Safety Entered Into Under Declared State of Emergency
- CERT Operations and Emergency Communications
- Hurricane Matthew Damage and Insurance Updates

FOURTH ORDER OF BUSINESS

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

Mr. Mario Carmo, a resident, voiced his opinion that another cell tower was necessary, due to limited signal capabilities, within the community. Supervisor Davidson stated that a cell tower was an ongoing discussion topic and would be discussed today.

Mr. Frank Benham, a resident, thanked Supervisor Davidson for his efforts, before, during and after Hurricane Matthew, to ensure safe conditions for residents to return and implementing cleanup quickly.

FIFTH ORDER OF BUSINESS

CONSENT AGENDA ITEMS

A. APPROVAL OF UNAUDITED FINANCIAL STATEMENTS

i. Unaudited Financial Statements as of September 30, 2016

This item was presented following the Seventh Order of Business.

SIXTH ORDER OF BUSINESS**BUSINESS ITEMS****A. Discussion: Hurricane Matthew Disaster Cleanup Operations****i. Initial Declared Emergency Phase – CDD Common Public Areas – Emergency Clearing of Roadways and Pedestrian Pathways**

- **Charges against Disaster reserves to date**
- **Possible FEMA Reimbursement**

ii. Possible Secondary Private Property Debris Cleanup

- **Legal Issues**
- **Estimated Charges Against Disaster Reserves**
- **NOT FEMA Reimbursable**

▪ Hurricane Matthew Damage Presentation

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

Supervisor Davidson discussed the preparations, actions and efforts taken by himself, staff, the Community Emergency Response Team (CERT), local Emergency Operations Center (EOC) and local entities, in preparation for Hurricane Matthew. Regarding communications with the EOC, when power was lost, Bright House phone systems were not functional; therefore, the EOC “Code Red” notification system could not reach CERT members with Bright House service. The General Mobile Radio Service (GMRS) radio system was another communication option but was not available the entire time due to frequency and power issues. There were extensive communication issues. The Sheriff advised Supervisor Davidson that downed trees, etc., must be removed. Mr. Kloptosky was out of town during this time. Mr. Jim Landon, Palm Coast City Manager confirmed that roads in the District were impassible.

Supervisor Davidson referred to pictures taken by residents. Twelve days after the storm, aside from a reduced tree canopy, there were no issues; however, in the early days after the storm, there were downed trees and uprooted electric and irrigation lines. Trees were removed on Friday night, by 4C’s Trucking and Excavating Company (4C’s), which was recommended by the City Manager. Each street in the District received one pass, by a bulldozer, to remove debris. 4C’s remained in the community for 12 days, to clear and haul trees and debris and did a fantastic job. Supervisor Davidson thanked residents that sent pictures, along with the Sheriff, Fire Rescue Chief and the City Manager, for their assistance. Streets cleared early in the process, mainly on the southeast side of Grand Haven must have a second pass with heavy

equipment, due to additional debris. According to Mr. Kloptosky, over the next six weeks, all roads in the City would have three passes, with heavy equipment, until all debris was removed. Bagged yard waste was removed by Waste Pro Management (Waste Pro).

Ms. Melissa Holland, Palm Coast Mayor-Elect, stated the lesson learned from Hurricane Matthew was to establish an ordinance dealing with emergency situations for CDDs and HOAs, which was not addressed in the County ordinance. Upon taking office, her priority would be to establish a working relationship with the CDD. At the request of the City Manager, Waste Pro will perform a second sweep of Grand Haven, next Wednesday, at no cost, utilizing the existing City of Palm Coast Waste Pro contract. Mr. Kloptosky will work with Waste Pro to determine which streets must be serviced. Supervisor Smith asked if the size requirement was waived. Ms. Holland stated that Waste Pro would utilize a temporary landfill, outside of Grand Haven, which would save money and resources. Supervisor Smith asked if Waste Pro would use heavy equipment. Supervisor Davidson stated that grapple trucks would be used but it may be weeks until all debris was removed. Normal trash pick-up would resume in two to three months.

Supervisor Chiodo asked about the stump removal process. Ms. Louise Leister, District Horticulturalist, replied that an assessment must be performed on the irrigation and utility lines and under the stumps, to determine if any lines were broken. Ms. Leister estimated 17 stumps with wires and lines underneath and 19 flush cut stumps and recommended hiring Church's Outdoor Services (Church's) to grind large tree stumps flush to the ground, for \$5,950, and to replace sod, on Flamingo Court but advised against replacing any trees on Waterside Parkway, so the trees could grow a normal canopy. In response to Supervisor Lawrence's question, Ms. Leister stated that, once the stumps were grinded, sod would be installed by Yellowstone Landscaping, formerly Austin Outdoor (Austin). Mr. Clark requested documentation from Church's regarding equipment used and the time to complete the work, which was necessary for FEMA reimbursement.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, engaging Church's Outdoor Service to grind 36 stumps, in a not-to-exceed amount of \$6,500, subject to submittal of the documentation necessary for FEMA reimbursement, was approved.

In response to Supervisor Gaeta's question, Ms. Holland stated that the County and City would work in conjunction with the EOC to address the aftermath. In response to Mr. Benham's question, Mr. Clark explained that, according to FEMA regulations, FEMA would only reimburse for items that the government had the legal obligation to remove and, since the City did not own the District's roads, the City could not receive FEMA reimbursement. The District could seek reimbursement for items that were CDD owned, such as tree and debris removal, etc.

Mr. Chip Howden, a resident, received emails but could not respond and suspected an issue with the Bright House server. Supervisor Davidson confirmed that Bright House's signal was offline. As an emergency management volunteer for the County and EOC, Mr. Howden voiced concern about the County's emergency management, as there was no Strategic Plan and a reduction in emergency management staff. Supervisor Davidson stated that Mr. Howden worked with CERT to create the Community Emergency Management Plan, which will be included in the FEMA application for debris removal reimbursement.

Mr. Allan Roffman, a resident, thanked Supervisor Davidson for his efforts, appreciated Ms. Holland working with the District and noted how important the second pass was.

Supervisor Chiodo recalled that, when the plan was developed, the District entered into an agreement with a disaster recovery company. Supervisor Davidson stated that the disaster recovery company was CrowderGulf, which piggybacked the City and County contract but he was not aware of their availability when the roads were impassable and had to be cleared. Under the emergency declaration by the Governor, Supervisor Davidson had the authority to choose a contractor without competitive bidding. Mr. Kloptosky stated that CrowderGulf was not contacted because 4C's was already engaged. Supervisor Davidson requested that, in the future, staff share contact information.

Mr. Vic Natiello, a resident, recommended utilizing hand held radios during storm events.

Mr. Bob Schwarzlow, a resident, asked about the status of debris removal on Hershel King Drive, a County road behind Southlake Drive. Supervisor Davidson referred Mr. Schwarzlow to the County, as it was a County matter.

Supervisor Davidson recommended the following to address communication concerns:

1. Create a low frequency FM radio station for emergency service purposes
2. Create a GMRS radio system as a primary frequency for CERT

Mr. Clark stated that there were no legalities with the District creating a radio station. Supervisor Davidson suggested forming a fact-finding group to investigate creating a radio station. Mr. Clark recommended preparing a proposal for the fact-finding group, to delineate the purpose and the names of the members. A Board Member should serve as liaison and make a presentation to the Board. Supervisor Davidson volunteered to serve as the CDD liaison.

3. Residents contact AT&T, Verizon, Sprint and T-Mobile to request better cell phone service in the community

Mr. Clark stated that, due to service providers providing cell phone service to private property owners, this was an HOA issue. Dr. Rob Carlton, resident and GHMA President, would discuss this matter with the GHMA. Supervisor Lawrence asked why the City could not intervene. Ms. Holland stated that cell service was a Countywide issue and must be addressed, immediately, as a collaborative effort. Ms. Holland planned to have intergovernmental meetings, with a task force, to resolve this matter, within six months. Supervisor Smith and Dr. Carlton volunteered to serve as liaisons. Mr. Carmo felt that it was important for the Board to work with the City and County, rather than individually.

Supervisor Davidson addressed the issue of CDD common area property trees falling onto private property, in terms of who was responsible for clearing them and the legal ramifications. Emails were received from irate residents regarding CDD trees on private property. Mr. Clark discussed the following scenarios:

- If a tree fell from CDD property that was not previously recognized as a hazardous tree, it was an Act of God and not the responsibility of the CDD. The private property owner must contact their insurance company.
- If a tree fell from CDD property and presented a potential threat to private property, the tree should be identified and dealt with. Mr. Clark was working with Ms. Leister on identifying those trees.
- If a tree fell from CDD property onto the property line of both properties, legally, the tree could be cut at the property line and the CDD's portion of the tree removed.
- If a tree fell from CDD property into a conservation area, the CDD should speak to the St. Johns Water Management District (SJWMD), as the owner of the conversation area, for direction. If the trees become fire hazards, the CDD should become involved.

Mr. Kloptosky's office received hundreds of calls from residents. If a resident called about a hazardous tree, Ms. Leister would evaluate the tree. He wondered if the CDD was obligated to remove the tree, if Ms. Leister did not deem the tree a hazard. Mr. Clark stated that, when the District received notice, it was obligated to investigate and have the CDD professional make a determination. Trees could look like a hazard but it must be professionally determined. If a tree fell and branches crossed the property line, onto private property, the owner had the right to trim the branches on their property.

If a tree on CDD property fell onto private property, Supervisor Lawrence asked if the homeowner was responsible for contacting their insurance company and hiring someone to remove the portion of the tree on their property. Mr. Clark replied affirmatively, according to law; however, most insurance policies will not cover removal of trees that did not damage other property. Supervisor Lawrence asked if the CDD could remove the tree at the CDD's expense. Mr. Clark replied that, if the CDD was removing the portion of the tree on CDD property, the CDD had latitude but, if the tree was mainly on private property, the CDD could not spend public funds to remove it.

Since the storm, Ms. Leister evaluated trees and felt that the money spent last year, removing trees, was well spent. The majority of the downed trees were due to saturated soil and high winds. Currently, The Crossings and the northern end have natural areas that are extremely dangerous. A pine tree, on Waterside Parkway, 80' tall must be removed. CDD trees, on Egret Drive, with twisted branches must be removed by the CDD. Dead branches on Waterside Parkway should be removed, as they create a hazard. Mr. Clark asked if multiple proposals were obtained for the work. Ms. Leister stated that a certified Arborist was performing the work. Supervisor Davidson stated that the trees were on CDD common property and the District could receive FEMA reimbursement. Mr. Kloptosky and Ms. Leister maintained a spreadsheet of where the removed trees were located, when they were removed, who removed them and the number of hours and machinery used during removal. Ms. Leister requested that residents contact the CDD Office for downed trees, so the calls were logged. Supervisor Smith asked about the total amount of all non-reimbursable expenses. Mr. Kloptosky had proposals to present.

Supervisor Davidson asked about the resident who refused access to their property by staff attempting to remove five trees that fell from District property. Mr. Clark stated that, if a

resident denied access, it should be documented; the CDD could not trespass onto the resident's property. The resident must be warned that they were endangering themselves. Mr. Clark would speak to the resident. Supervisor Smith voiced his opinion that, if the sole threat was to the homeowner, it should be their problem; however, if other residents were affected, the trees should be removed. Ms. Leister asked if the CDD could remove a tree that was on the tree list that fell during the storm but had minimal damage. Mr. Clark replied affirmatively, if there was plant damage, only, and with the owner's permission. Any trees on the tree list that damaged a house or fence should be the responsibility of the owner. Supervisor Smith proposed establishing a policy for the CDD to remove downed trees that were on both CDD and homeowner property. Ms. Leister voiced concern about cutting and dragging a tree and damaging hedges, etc., as the cost could be high to replace damaged landscaping. Mr. Clark recommended that the resident sign a release.

Ms. Leister stated that the CDD office staff asks the following questions when a resident calls about a tree:

1. *Is the tree on CDD property?*
2. *Is the tree down?*
3. *Is the tree about to fall down?*
4. *Is the tree going to hit someone's car, the road or someone's house?*

Supervisor Davidson requested that these questions be forwarded to all Board Members. Ms. Leister thanked the CDD Board, recreation staff, Mr. Wrathell, Mr. Kloptosky and office staff for working together during this storm event.

*****The meeting recessed at 12:11 p.m.*****

*****The meeting reconvened at 12:27 p.m.*****

B. Consideration of/Decision on: Proposal from DRMP for District Engineering Services

This item was discussed following Item 7B.

C. Discussion: District Communications (*Oak Tree, Newsletter, Alternative Media Sources*)

This item was presented following the Seventh Order of Business.

D. Discussion: Fiscal Year 2017 Capital Plan

This item was not discussed.

E. Update: Terracon

This item was discussed following the Seventh Order of Business.

F. Update: AlliedUniversal Proposal

Mr. Matthew Schwartz, Regional Vice President of AlliedUniversal (Allied), stated that there were issues with the gates, such as vehicle backups, and discussed the following plans to resolve the issues:

- Reviewing current processes and procedures
- Ensure that quality people were in place to speed up transactions
- Research technology solutions

Mr. Schwartz discussed the history of Allied and their unique application process and training through sophisticated online training programs and modules. Their customer service program was modeled after Disney. Allied was safety certified, by the Department of Homeland Security, to provide liability protection to the community, in the event of terrorist activity. Allied worked with FPL, Duke Energy and the Orlando Utility Commission, during Hurricane Matthew.

Supervisor Lawrence asked Mr. Schwartz to evaluate the current process and return in 30 days to provide recommendations to increase the speed of traffic flowing through the gates. Supervisor Smith asked if the \$138,000 amount included part-time flow assistance. Mr. Schwartz replied affirmatively. Supervisor Smith stated that the increase from last year was minimal. Mr. Schwartz stated that the pay rate was increased by \$0.25 per hour. Supervisor Smith preferred the technology solution, versus additional labor. Mr. Schwartz recommended the Applications by Design, Inc. (ABDi) a software program, where the second guard would use an iPad to process several cars in the visitor lane, which automatically uploads into the system. Supervisor Smith was in favor of Allied's proposal, as rates would be fixed for three years. Supervisor Gaeta suggested that Mr. Schwartz review the applications, which tracked speed, peak times and incidences, over the past six months. Mr. Kloptosky would provide the information to Mr. Schwartz.

Supervisor Davidson asked if Allied had a continuing contract. Supervisor Smith recalled that the current contract was an extension. Mr. Schwartz stated that the revised contract contained the upgraded costs. Supervisor Davidson suggested that the Board review the contract, evaluate it, discuss it at the workshop and take action at the next meeting. Mr. Kloptosky stated that the Board did not receive the revised contract because Allied was supposed

to present at the last workshop, which was cancelled because of the hurricane. Supervisor Lawrence asked if this met the bid requirement threshold. Mr. Clark replied no.

Supervisor Davidson stated that, due to the nature of the CDD and the roads, the technology would work well; however, the CDD could not request driver's licenses. Mr. Clark confirmed that the CDD could not collect and store driver's license information. Mr. Schwartz stated that license plate readers were installed and the information would be stored in the ABDi system, which could be used by local law enforcement to determine if a violator was onsite. Supervisor Davidson pointed out that the software could be updated, if necessary.

▪ **Hurricane Matthew Damage Presentation**

Discussion resumed.

Ms. Leister stated that she and Mr. Clark investigated five 80' tall pine trees, on Waterside Parkway, and suspected that a microburst damaged the trees. There were Sand Pines that had the potential to fall but were not currently a danger. Ms. Leister recommended maintaining the area, for access purposes, as the houses were close together. Mr. Clark stated that several trees should be removed, as they were a hazard to multiple houses and suggested using the Firewise access. Supervisor Davidson asked if the cost was \$5,000 for clearing and cutting the trees. Ms. Leister requested an estimate to clear the Firewise access area, as it was overgrown, and using a machine to grab the five 80' tall pine trees. Supervisor Davidson asked if the costs would be reimbursed by FEMA. Mr. Clark would seek FEMA reimbursement for the removal of trees that were a liability. Mr. McGaffney stated that there was \$500,000 in reserves, which could be used for disaster recovery. There was Board consensus to clear the Firewise access area and remove the five pine trees.

Supervisor Lawrence asked about the trees spanning CDD and private property. Mr. Clark suggested removing both parts of the tree, at the same time but, if removing the tree could damage the surrounding area, there could be consequences. Supervisor Davidson stated that the District was not in the business of maintaining a swamp, forest or preserve and residents purchased their homes with that condition. Unless residents wanted a special assessment imposed, the District had to be fiscally responsible. Supervisor Smith stated that, if the fallen tree was on both properties, the District could cut the tree at the property line and leave the remainder of the tree or remove the entire tree. Ms. Leister advised against cutting down trees in natural areas. Supervisor Smith could not imagine a property owner not allowing access and

wanted the Board to support this action, as it was for a limited number of trees. Supervisor Davidson clarified that there were thousands of trees, not a limited number. In the event of property damage, the insurance company would provide coverage. If there was no damage or threat to property or life, the tree could remain. Mr. Clark recalled a situation, in Wild Oaks, where a tree was removed because, if a branch snapped, someone could be hurt. Ms. Leister stated that miles of property backed up against natural areas and it would be prohibitively costly to remove trees.

Mr. McGaffney asked if the Board wanted to adopt a policy for the removal of common area trees that fell on private property but did not cause property damage. Ms. Leister stated that staff does not go onto private property to trim trees, due to liability issues, and the resident could do whatever they wanted. Supervisor Smith asked for the number of cases where a common area tree fell on private property. Ms. Leister estimated 30 or more, such as on Waterside Parkway, The Crossings, Wild Oaks, River Trail, North Park Circle and Long Lake Way. Supervisor Lawrence estimated a cost of \$1,000 per tree, for 30 trees, which would be \$30,000. Supervisor Lawrence suggested that District Counsel draft the policy regarding a tree falling from common property, onto private property, to homeowners and indicated that the CDD could not use public funds to remove the tree.

Supervisor Smith recalled that the District had \$500,000 in a Disaster Recovery Fund. Supervisor Davidson stated that the District spent a lot of money on this disaster and, by removing trees, the Disaster fund would be depleted. To replenish the fund, in a reasonable time, there must be a special assessment. Supervisor Gaeta recalled that the District spent \$200,000 and recovery efforts were not complete. Mr. Clark estimated that \$300,000 was spent.

On MOTION by Supervisor Smith and seconded by Supervisor Davidson, with Supervisor Smith in favor and Supervisors Davidson, Chiodo, Lawrence and Gaeta dissenting, amending the tree removal policy to remove trees that fell from common property onto private property, was not approved. (Motion failed 1-4)

******Ms. Leister left the meeting.******

- **Consideration of Resolution 2017-02, Authorizing and Ratifying Agreement for Immediate Removal of Hurricane Debris Endangering Public Safety Entered Into Under Declared State of Emergency Supervisor**

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

Supervisor Davidson presented Resolution 2017-2 for the Board's consideration.

Mr. McGaffney read the title into the record:

“A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND RATIFYING AGREEMENT FOR IMMEDIATE REMOVAL OF HURRICANE DEBRIS ENDANGERING PUBLIC SAFETY ENTERED INTO UNDER A DECLARED STATE OF EMERGENCY”

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, Resolution 2017-02, Authorizing and Ratifying Agreement for Immediate Removal of Hurricane Debris Endangering Public Safety Entered Into Under a Declared State of Emergency, was adopted.

Supervisor Lawrence asked how much was spent but not reimbursed and if the \$300,000, discussed earlier, included reimbursables. Mr. Clark stated that \$300,000 was projected. \$220,000 was confirmed but it was not known if the District could be reimbursed. Mr. Clark would seek FEMA reimbursement, which was at 75%, and include Ms. Leister's time, as the District designated Ms. Leister as the monitor. According to FEMA guidelines, an outside monitor or user on staff supervises the work and confirms that the numbers are adequate. Supervisor Davidson asked if the 2.5% performance bond that FEMA required was reimbursable, since FEMA required it. Mr. Clark stated that it was part of the contract price. Supervisor Lawrence stated that seven tennis courts must be rebuilt and paid for from the disaster fund.

Supervisor Davidson recalled that the first update, after the storm, informed residents not to pile debris on The Esplanade but residents of five houses in a row, on the south side, piled debris on The Esplanade. If this was not a Covenants, Conditions and Restrictions (CC&Rs) violation, under the GHMA rules, he wanted to send letters to the residents. Mr. Kloptosky heard that the debris was picked up this morning. Dr. Carlton would verify. Supervisor

Davidson asked if the residents could be assessed on the next tax bill. Mr. Clark replied affirmatively.

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

Mr. Sullivan stated that the concrete road replacements on Front Street were nearing completion. The contractor was working on the as-builts. Mr. Kloptosky stated that the roads were paved yesterday. Mr. Sullivan would execute the as-builts, as he inspected the roads, and noted no issues. The contractor was preparing estimates for the Lakeview Lane concrete replacement, based on the drawings. The concrete curb replacement work continued but it was delayed, due to the hurricane debris. Mr. Kloptosky stated that, following Hurricane Matthew, S.E. Cline Construction, Inc., (Cline), poured the concrete and proceeded to other areas that were not blocked. Supervisor Lawrence asked how long after the curbing the area would be blacktopped. Mr. Kloptosky stated that it depended on the availability of the contractor but, once Cline was onsite, a temporary patch would be installed on roads that had concrete.

Mr. Sullivan indicated that the annual certification of the Series 2004 bond for the Creekside Amenity Center was in process and, once completed, he would meet with Mr. Kloptosky to document the items included in the budget and prepare the certification letter.

Supervisor Smith asked about the strategy for the Lakeview Lane concrete replacement. Mr. Sullivan discussed the following strategies:

1. Maintain the slope of the road, towards the pond, with low side curbing on both sides to assist with runoff. A structure towards the cul-de-sac would pick up the water. This option would require reconstruction of the driveways to make the curb 6" to 8" higher, which was an additional cost.
2. Crown the middle of the road and utilize a Miami curb. This option would necessitate drainage on both sides of the road at an additional cost for the additional pipe.

Supervisor Smith asked who would perform the driveway work. Mr. Kloptosky replied Cline would repair the curb at two driveways. Supervisor Smith asked why the District should pay for the work, versus the homeowner. Mr. Kloptosky stated that the work was in the District's right-of-way (ROW) and, if adjustments were made to the curb and the road, the driveway must be adjusted, accordingly. Mr. Sullivan stated that there was a utility easement

along Lakeview Lane and no work would be performed beyond the easement. Based on the surveyor's drawings, the District had the right to perform temporary work in the utility easement.

Mr. Sullivan toured Creekside Drive with Mr. Kloptosky and Cline to investigate flooding issues. The area was surveyed and Mr. Sullivan prepared a sketch, which was provided to the contractor.

B. Amenity Manager

Mr. Ross stated that the café had \$6,300 in food loss, due to Hurricane Matthew, and asked if the District was insured for the loss. Mr. Kloptosky stated that the insurance adjuster did not know and would review the policy. The Chaney Brothers proposal and the itemized list of items destroyed, due to the power outage, would be included in the FEMA reimbursement request. Mr. Clark questioned who owned the food. Mr. McGaffney stated that Vesta purchased the food but the District paid for a portion of it, under a profit sharing arrangement. Mr. Clark asked if Vesta was insured. Mr. Ross replied no. Supervisor Lawrence suggested waiting for the results of the submittal. In response to Mr. Ross's question, Mr. McGaffney stated that it could take months to issue a check. Mr. Clark asked Mr. Kloptosky to include him on the claim information and for Mr. McGaffney to provide a copy of the policy.

▪ **Consideration of/Decision on: Proposal from DRMP for District Engineering Services**

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

Supervisor Davidson stated that one submittal was received, which was from DRMP, Inc. (DRMP).

C. Operations Manager

****This item, previously Item 7.C., was presented out of order.****

Mr. Kloptosky thanked staff and contractors for their hard work and dedication during the Hurricane Matthew pre-storm preparations and post-storm cleanup.

Supervisor Davidson suggested sending an e-blast including Mr. Kloptosky's accolades, as a final update, and outlining the arrangements with the City for debris pickup, on Wednesdays.

Mr. Kloptosky and Mr. McGaffney met with the Insurance Adjuster, McLarens Global Claims Services, on October 11, and toured the community. Mr. Kloptosky presented a list of issues, which was amended, daily and included the locations and damages. The insurance company requested the list and photos. There was extensive damage to the tennis courts. A

tennis court light fell onto the fence, crushing it, and clay was washed away. The tennis courts must be professionally resurfaced. Mr. Kloptosky met with BAB Tennis Courts (BAB) to obtain a proposal. Windscreens were damaged and new ones would be ordered through Welsh Tennis. Lights fell on Courts 5, 6 and 7. Some light heads were twisted but could be straightened. In total, five lights must be replaced but six were rusted through and were a hazard. The fence behind Courts 5, 6 and 7 did not need to be replaced but was damaged and must be repaired. The Board approved a proposal to replace the fence behind Courts 1, 2, 3 and 4, during Fiscal Year 2017. Replacing the current lights with LED lights was also planned. The proposal would include repair of the damaged fallen lights. The six lights that did not fall would have new poles and LED lights. Normally, the District could not obtain reimbursement until the end of the process; however, due to the safety hazards, the Insurance Adjuster agreed to seek reimbursement now. The list would be finalized and sent to the Insurance Adjuster, with the proposals. BAB would provide proposals for resurfacing Courts 1 and 2, relining and for the fence repairs. The remaining courts needed to be resurfaced, due to the accumulation of lime material. The tennis courts would remain closed until the liability issues were handled. The proposals were expected within the next few days and work was expected to commence one week after the proposals were approved. The proposals would be presented at the next meeting. The tennis courts should be ready to return to normal operations, within a few weeks. The light repair would be completed first.

Supervisor Chiodo preferred to use reserves to make repairs and to request reimbursement from the insurance company. Supervisor Davidson stated that the meeting could be continued for the purpose of making a decision. In response to Supervisor Davidson's question, Mr. McGaffney replied that, according to the Insurance Adjuster, there was a 3% deductible on the value of the items listed on the insurance policy. Mr. Kloptosky stated that the Insurance Adjuster was verifying the percentage.

Supervisor Davidson asked if the irrigation system under the tennis courts was operating. Mr. Kloptosky confirmed that Yellowstone repaired all irrigation lines; fortunately, no main lines were damaged. Supervisor Lawrence suggested authorizing the Chair to approve the repairs, based on the proposals received by Mr. Kloptosky, and ratify them, at the next meeting. Mr. Kloptosky needed to make minor repairs, such as replacing damaged signs and LED bulbs. There was Board consensus for Mr. Kloptosky to order the items and seek reimbursement from

the insurance company. Supervisor Smith requested a cashflow status, at each meeting. Mr. Kloptosky asked the contractors to label their proposals as storm damage repairs. Mr. McGaffney would include each proposal on the consent agenda, for ratification at each meeting.

Supervisor Davidson asked if the District was operating under the emergency declaration, suspending all normal procedures regarding competitive bidding. Mr. Clark replied affirmatively. Supervisor Davidson stated that the District was approaching depletion of the \$500,000 disaster fund and the steps for replenishment would be on the next agenda. It could be three to four years to know the reimbursement amounts from FEMA and the insurance company. Mr. Kloptosky asked if all infrastructure reimbursements should be submitted to the insurance company, since they may not be reimbursable through FEMA. Mr. Clark assumed that those were not reimbursable through FEMA.

Mr. Kloptosky stated that the wooden footbridges were not damaged. Supervisor Chiodo asked about the stucco and roofs. Mr. Kloptosky replied that Creekside had minimal damage and some roof tiles were loose at The Village Center. Quality Roofing would provide an assessment. Mr. Kloptosky would handle the items that he had proposals for and place orders.

Supervisor Gaeta asked if the employee who quit was replaced. Mr. Kloptosky hired Mr. Jared Efird, who was starting in one week.

Mr. Kloptosky spoke to Yellowstone about curb and gutter leaf debris, along Waterside Parkway. This would be beyond Yellowstone's contracted normal cleaning but they would clean the curbs and gutters, for \$3,000. Supervisor Davidson stated that this expense could be reimbursed by FEMA, as it was related to stormwater operations. In response to Supervisor Chiodo's question, Mr. Kloptosky replied that the cleaning was for Waterside Parkway and Montague Street common areas. Supervisor Chiodo felt that all streets should be included, as all streets were common property owned by the District. Mr. Kloptosky stated that roads that abut private property could not be cleaned until debris was removed. Supervisor Davidson stated that, on some streets, residents were responsible for keeping their streets and gutters clear and requested that the main streets be completed first and then evaluate what remained.

D. District Counsel

Regarding the RFP for Engineering Services, Mr. Clark stated that, under the Consultants Competitive Negotiation Act (CCNA), there should be at least three bids, with presentations by no fewer than three firms; however, according to the District's Rules, if less than three bids were

received, the Board was not prohibited from selecting a firm, as long as no one protested. Since the District advertised twice, received one response each time and no one was present to protest, the Board could select DRMP to make a presentation. Supervisor Davidson preferred that DRMP present at the workshop and asked if Staff was negotiating an extension with Genesis. Mr. Clark was handling this. Supervisor Davidson suggested ratifying the agreement at the next meeting.

On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, inviting DRMP to present, was approved.

Mr. Clark would invite DRMP to present and advise the Board if there were scheduling issues.

Mr. Clark stated that the Interlocal Agreement was recorded; copy was provided.

Regarding political signs, Mr. Clark recalled that the Board considered a rule about political signs but a policy already existed, which prohibits political signs on CDD property. At the last meeting, Mr. Clark presented an analysis of various declarations with different language; however, there were questions about declarant rights to install signs in common areas, including areas that were conveyed to the CDD. There may be portions of the CDD where the Board could enact a “no sign” regulation but it may be impacted by a grandfathered right that existed prior to the District owning the property, for the declarant to place “For Sale” signs. Mr. Clark suggested that any rule that the Board adopted recognize this exception, until all lots were sold. Supervisor Davidson asked Mr. Clark to prepare a draft rule prohibiting signs.

Supervisor Gaeta referred to Page 2 of the traffic light bond and asked if the \$69,751.66 amount was inclusive of accrued interest. Mr. Clark replied that it was the original amount and included interest. On Page 4, Supervisor Gaeta requested that the District Manager’s contact information be changed. Mr. Clark previously changed it but the County used an old form, which was recorded.

Supervisor Davidson asked if there was anything further, under the emergency declaration, for debris removal. Mr. Clark was working with 4C’s on the proposed contract. The only change was to include Change Orders for cranes, which was not part of the proposal.

Supervisor Davidson would forward emails to Mr. Clark regarding the cost of the cranes and for his approval. The crane was used four to six times in one day.

E. District Manager

i. Upcoming Regular Meeting/Community Workshop/Dates

○ **COMMUNITY WORKSHOP**

- **November 3, 2016 at 10:00 A.M.**

The next workshop will be held on November 3, 2016 at 10:00 a.m.

○ **BOARD OF SUPERVISORS MEETING**

- **November 17, 2016 at 10:00 A.M.**

The next meeting will be held on November 17, 2016 at 10:00 a.m. A budget amendment would be included on the agenda.

▪ **CONSENT AGENDA ITEMS**

****This item, previously the Fifth Order of Business, was presented out of order.****

A. APPROVAL OF UNAUDITED FINANCIAL STATEMENTS

i. Unaudited Financial Statements as of September 30, 2016

Mr. McGaffney presented the Unaudited Financial Statements as of September 30, 2016. “Fund balance – beginning (unaudited)”, on Page 4, was \$3.203 million, versus a budget of \$2.9 million, due to additional infrastructure reinvestment projects, approved by the Board. Although the funds were not budgeted to be paid from “Fund balance”, it was an unbudgeted expense, necessitating a budget amendment; the District was statutorily required to present a budget amendment within 60 days after the closeout of the fiscal year. On Page 2, assessment revenue collections were at 100% and total revenues exceeded the budget by \$76,000. “Total administrative” expenses were over budget by \$26,000, due to District Counsel’s fees related to Parcel K, traffic signalization and IT improvements.

On MOTION by Supervisor Gaeta and seconded by Supervisor Davidson, with all in favor, the Consent Agenda Item, as presented, was approved.

▪ **Discussion: District Communications (*Oak Tree, Newsletter, Alternative Media Sources*)**

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

Supervisor Davidson requested that the Board Members review the items in this agenda package, such as the letter to new residents from the Master Association and the Julington Creek Plantation newsletter, to discuss communications at the next meeting.

▪ **Update: Terracon**

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

Mr. Kloptosky spoke with Mr. Jim Saizan, Architect with Terracon Consultants Inc., (Terracon), who stated that the drawings were was 99% complete. Mr. Kloptosky suggested that Mr. Saizan attend the next meeting to review the plans. Supervisor Davidson requested that Mr. Saizan attend the November 3 workshop. Due to Mr. Kloptosky having a conflict for the workshop, Supervisor Lawrence requested that Mr. Saizan attend the Regular Meeting and that Mr. Kloptosky provide proposals, prior to the meeting. Supervisor Davidson wanted to review color samples for The Village Center.

EIGHTH ORDER OF BUSINESS

OPEN ITEMS

This item was tabled.

NINTH ORDER OF BUSINESS

SUPERVISORS' REQUESTS

Supervisor Lawrence thanked Mr. Tom Byrne, a resident, for his hard work.

Mr. Byrne stated that his article about the storm would be included in the next edition of the *Oak Tree*.

TENTH ORDER OF BUSINESS

ADJOURNMENT


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

On MOTION by Supervisor Gaeta and seconded by Supervisor Davidson, with all in favor, the meeting adjourned at 2:07 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Secretary/Assistant Secretary

Chair/Vice Chair



Secretary/Assistant Secretary



Chair/Vice Chair