

**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, August 17, 2017** 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 ( <i>via telephone</i> )	Assistant Secretary
Tom Lawrence	Assistant Secretary
Ray Smith ( <i>via telephone</i> )	Assistant Secretary

**Also present were:**

Howard McGaffney	District Manager
Scott Clark	District Counsel
Barry Kloptosky	Operations Manager
Ashley Higgins	Grand Haven CDD Office
Robert Ross	Vesta/AMG
Jay King	Vesta/AMG
Rob Carlton	Resident and GHMA President
Kathleen Fuss	Resident
Ron Merlo	Resident
Jim Gallo	Resident
Vic Natiello	Resident
Bob Hopkins	Resident
Don Plunkett	Resident
Donita Blow	Resident

**FIRST ORDER OF BUSINESS**

**CALL TO ORDER/ROLL CALL**

Mr. McGaffney called the meeting to order at 10:03 a.m. Supervisors Davidson, Chiodo and Lawrence were present, in person. Supervisors Smith and Gaeta were attending via telephone.

**SECOND ORDER OF BUSINESS**

**PLEDGE OF ALLEGIANCE**

All present recited the Pledge of Allegiance.

**THIRD ORDER OF BUSINESS**

**MODIFICATIONS TO AGENDA**

The Board agreed to the following modification to the agenda:

- **Disaster Preparedness and Operations Emergency Management Report – Supervisor Davidson**

**On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, the modification to the agenda, was approved.**

**FOURTH ORDER OF BUSINESS**

**CONSULTANTS, GUEST REPORTS & PRESENTATIONS**

There being no consultants, guest reports and presentations, the next item followed.

**FIFTH ORDER OF BUSINESS**

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

Ms. Kathleen Fuss, a resident, thanked the Board and Mr. Kloptosky for the lights at the pickleball courts.

**SIXTH ORDER OF BUSINESS**

**STAFF REPORTS**

**A. District Engineer**

There being no report, the next item followed.

**B. Amenity Manager**

Mr. Ross distributed and presented the Monthly Amenity Manager’s Report. The following fees were collected:

<u>Fees Collected</u>	<u>Monthly</u>	<u>Fiscal Year to Date</u>
Daily Guests	\$ 0	\$ 15
Tennis/Croquet	\$440	\$1,755
Ball Machine Rental	\$118	\$ 203
GHR/CS Rentals	\$400	\$1,300

Supervisor Davidson asked about the arrangement with the tennis instructor. Mr. Ross stated that Vesta/AMG receives 10% of the tennis instructor's fees. Discussion ensued regarding whether the District should also receive compensation for the tennis instructor's use of the courts and resulting wear and tear on the courts.

Mr. Vic Natiello, a resident, stated that tennis lesson participants were residents and the tennis instructor was only allowed to teach lessons during specified, non-peak times. In response to Supervisor Davidson's question, Mr. Ross confirmed that interest in tennis lessons remained high. Supervisor Davidson stated that a new resident planned to teach pickleball lessons, on the District's pickleball courts, and questioned if there was community demand for pickleball lessons. Discussion ensued regarding the District's policies about private instructors utilizing the District's facilities and previous issues with private instructors.

Mr. Ross recalled discussion about the hours of operation for the pickleball courts. The Amenity Center closes at 8:30 p.m., so it must be determined whether to close the courts at 8:30 p.m., or have a facilitator remain on duty until 9:00 p.m., to turn off the lights and lock the courts. Discussion ensued regarding the potential liability, inability to document issues if a facilitator was not present, potential for physical damage to the pickleball courts and installing a camera at the pickleball courts. Mr. Ross would monitor the courts to determine usage demand from 8:30 p.m., to 9:00 p.m.

Supervisor Lawrence motioned to install a camera at the pickleball courts. Supervisor Gaeta seconded the motion. It was determined that more information was needed. Mr. Kloptosky believed that one camera might be within his spending authority. Mr. Natiello observed players on the tennis courts before the morning facilitator was on duty.

Supervisors Lawrence and Gaeta rescinded the motion and second, respectively.

Mr. Bob Hopkins, a resident, asked if camera footage was reviewed to determine activity on the courts, after hours. Supervisor Davidson stated that the videos were only reviewed when there was an incident. Mr. McGaffney stated that, if an incident were reported, staff would review the video; however, staff does not monitor the video 24/7. Mr. Clark would review the District's Rules regarding the hours of operation for the tennis courts, whether after hours or play, when a facilitator was not on duty, were allowed, and provide his comments.

**C. Operations Manager**

Mr. Kloptosky discussed and provided updates on the following items:

- LED lighting at the pickleball courts was completed and provided adequate lighting with no shadows
- AT&T restored telephone service to the Main Gate guardhouse
- Ms. Higgins would meet with an AT&T representative regarding fiber optic cable

Supervisor Lawrence wanted Ms. Higgins to ask about having a landline and fiber optic cable telephone service at the guardhouse. Supervisor Gaeta wanted Mr. Kloptosky to ask AT&T and the new security provider about communication alternatives during interrupted telephone service.

- Road Resurfacing Project – the contract was sent to P & S Paving, Inc. (P&S)
- Additional curb and gutter repairs were underway, on Shinnecock Drive and Deerfield Court, and Cline guaranteed mid-September completion, in time for the start of the paving project
- Lakeview Lane Repair Project – permit from the City remained pending; Cline would take five to seven weeks to complete the project, which must be completed prior to starting the resurfacing project

Supervisor Davidson asked about the duration of the paving project. Mr. Kloptosky stated that the project would take two to three months; it should be completed by mid-December.

- Creekside Drive Storm Drain repairs – the permit request was submitted but the permit remained pending. Once released, Cline would order the pipe and materials
- Emergency Debris Removal Contracts were sent to 4C's Trucking & Excavation, Inc. (4C's) and Cline; Supervisor Davidson executed both contracts

Discussion ensued regarding a curb issue, traffic backup at the Main Gate, Colbert Lane work, following up with the County and having Management send a letter to the County regarding stop sign removal and relocation, or storage, during construction.

**D. District Counsel**

Mr. Clark corresponded with a Federal Emergency Management Agency (FEMA) representative who advised that the debris removal portion of the District's FEMA claim was submitted, three or four weeks ago, and was under review. Other portions of the District's claim, primarily related to staff labor hours and reimbursement of the insurance deductible, would be submitted this week and the remainder would be submitted next week.

Supervisor Davidson met Ms. Misty Berryman, of CDR Maguire, who was working for the County to address the County’s issues with its FEMA reimbursement application. Ms. Berryman volunteered to review the CDD’s FEMA information.

Regarding the previous discussion about the hours of operation for the amenities, Mr. Clark found that the Rules stated that the amenity facilities are available for use during normal operating hours but the Rules contained no prohibition or penalty for use outside of the normal operating hours. Discussion ensued regarding defining and posting the operating hours for all amenities, whether signage should specifically prohibit use after 8:30 p.m., only addressing this matter if it becomes an issue and, potentially, adopting a Rule and Policy change.

**E. District Manager**

**i. Upcoming Meeting/Workshop Dates**

- **BOARD OF SUPERVISORS MEETING**
  - **September 7, 2017 at 3:00 P.M.**

The next meeting will be held on September 7, 2017 at 3:00 a.m., at this location.

- **COMMUNITY WORKSHOP**
  - **September 21, 2017 at 10:00 A.M.**

The next workshop will be held on September 21, 2017 at 10:00 a.m., at this location.

▪ **Discussion: Proposed Fiscal Year 2018 Community Workshop and Regular Meeting Dates**

*\*\*\*This item, previously Item 8B, was presented out of order.\*\*\**

Mr. McGaffney presented the proposed Fiscal Year 2018 Meeting Schedule. The Board requested that workshops be scheduled for November 16 and December 21, 2017 and July 5, 2018, rather than not scheduling workshops during those months.

**SEVENTH ORDER OF BUSINESS**

**CONSENT AGENDA ITEMS**

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

**A. APPROVAL OF UNAUDITED FINANCIAL STATEMENTS**

**i. Unaudited Financial Statements as of July 31, 2017**

Mr. McGaffney presented the Unaudited Financial Statements as of July 31, 2017. Assessment revenue collections were at 100% and, overall, revenues were at 101%. Discussion ensued regarding the Hurricane Matthew cleanup expenses.

**B. APPROVAL OF MINUTES**

**i. July 20, 2017 Regular Meeting**

Revisions to the minutes were previously submitted to Management.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, Consent Agenda Items A and B, as amended, were approved.**

**EIGHTH ORDER OF BUSINESS**

**BUSINESS ITEMS**

**A. Update: Security Transition**

Mr. Kloptosky stated that several meetings were held with Mr. David R. Euler, of U.S. Security Associates (USSA). Ms. Higgins met with Mr. Euler regarding the computer aspect of the transition and he met with Mr. Euler regarding the physical transition. Supervisor Lawrence asked if the Board made the correct decision in changing security providers. Mr. Kloptosky replied affirmatively; Mr. Euler listens, takes notes and adheres to a stringent process. Supervisor Chiodo asked how many of the current guards would remain. Mr. Kloptosky stated that Mr. Euler was considering hiring three of the guards but the others would not be offered jobs with USSA. He felt that retaining a few guards could be beneficial, as they know the community and residents. Supervisor Chiodo voiced his opinion that the guards' performance improved, once the Board decided to hire another security provider.

Regarding the computer system aspect of the transition, Ms. Higgins stated that USSA has a system; however, that system is tailored toward the guards. USSA is trying to determine how to integrate it with the computer system in the CDD Office. At the onset, the District's system and CRM software would be used and she and USSA would develop USSA's system to meet the District's needs. Supervisor Davidson asked if USSA's system could interface with DoorKing Access Control Solutions (DoorKing). Ms. Higgins stated that it could but, as with the CRM system, it would probably be a two-step process requiring data to be input into USSA's system. In response to Supervisor Lawrence's question, Ms. Higgins stated that the computer list of residents was updated daily. In response to Supervisor Davidson's question, Ms. Higgins confirmed that USSA did not have a reserve supply of systems immediately available but they

could be easily created, at no cost. Supervisor Gaeta asked if everything would interface, if the District switched to fiber optic lines. Ms. Higgins and Mr. Kloptosky did not know.

▪ **Operations Manager**

This item resumed. Mr. Kloptosky stated that Cline just confirmed receipt of the Lakeview Lane project permit.

▪ **Update: Security Transition**

This item resumed. Supervisor Davidson stated that contact information and the scope of services for contractors, such as USSA, DoorKing, WebWatchDogs Surveillance Camera Systems (WebWatchDogs), Celera IT Services, Inc. (Celera) and other vendors, must be included in the District's Community Emergency Management Plan (CEMP).

**B. Discussion: Proposed Fiscal Year 2018 Community Workshop and Regular Meeting Dates**

This item was presented following Item 5Ei.

**C. Decision on/Consideration of: Resetting Rule Public Hearings for Bike Policy and Sign Policy to September 21, 2017, Prior to Community Workshop**

Mr. McGaffney stated that it was necessary to reset the date of the Rule Public Hearings for the Bike Policy and Sign Policy because there was not sufficient time to advertise for the previously designated date of September 7, 2017. Mr. Clark stated that a Regular Meeting would be advertised for September 21, 2017 at 10:00 a.m., at this location, to hold the Public Hearings, and the workshop would follow.

Supervisor Davidson requested that Mr. McGaffney ask Management's staff for the status of the new webmaster and remind them to forward the Sign Policy to him and Dr. Rob Carlton.

**On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, resetting the Rule Public Hearings for the Bike Policy and Sign Policy to September 21, 2017 at 10:00 a.m., prior to the Community Workshop, was approved.**

**D. Decision on/Consideration of: Resolution 2017-8, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date**

Mr. McGaffney presented Resolution 2017-8. Mr. Clark stated that, for years, bogus public records requests have been sent to governmental entities, for the sole intent of creating a violation, so that a lawsuit could be filed for noncompliance. Generally, the rulings in those lawsuits went against governmental entities. Recently, the Florida Legislature enacted a bill that creates a “safe harbor” and introduces the concept of an “improper purpose” for public records requests. Going forward, if it can be demonstrated that the request was a mass request, for the purpose of generating violations and collecting attorney’s fees, governmental entities would have an arguable defense. The “safe harbor” aspect allows the entity to establish a primary administrative office for public records requests and, if there is a violation, a notice must be sent to that office, at least five days before filing a lawsuit. The recommendation was to designate Management’s office. Management’s office must display a sign that which states: “This is the Administrative Office for Public Records for the following entities: .....”. This would help insulate the District from unintentional violations of the public records law.

Mr. Clark proposed including a statement of jurisdiction or venue, specifying Flagler County as the venue for any litigation related to public records requests. Most of those perpetrating these schemes are located in South Florida and file the lawsuits in South Florida, which somewhat compels settlement, due to the inconvenience. Governmental entities can now recover attorney’s fees if it is found that there was an improper purpose behind the public records request.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, Resolution 2017-8, Designating the Primary Administrative Office and Principal Headquarters of the District as Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, and Providing an Effective Date, was adopted.**

Supervisor Davidson asked Mr. Clark to name law firms and the frequency with which they file these types of lawsuits. Mr. Clark could not name specific firms; however, a few firms were very active. Mr. Clark discussed how the new legislation arose. Discussion ensued



regarding the types of information that must be provided, information that is protected, the typical process followed for public records requests, transmission of the requested information and potentially charging for labor and copies related to fulfilling public records requests.

## NINTH ORDER OF BUSINESS

## OPEN ITEMS

There were no changes.

### ➤ **Disaster Preparedness and Operations Emergency Management Report – Supervisor Davidson**

Supervisor Davidson stated that this Report was the result of lessons learned from Hurricane Matthew and was predicated on what the District, the County and the Flagler County Emergency Operations Center (EOC) could do to better prepare for a future disaster, in terms of preparation and mitigation to make the impact less significant. What can be done better during and following a disaster must be determined, as well. Communication system outages created communication issues between entities, during and following Hurricane Matthew.

Supervisor Davidson referred to the Flagler County Hurricane Matthew After-Action Report – Report and Recommendations, located on Flagler County’s website. He discussed the following findings and his recommendations:

- The District should compile written emergency plans, containing information for various local governmental and community-related entities, including procedures and responsibilities during an emergency, etc., which would become the CEMP
- The District should purchase a new radio repeater, radios, antenna, etc. (All communication devices are excluded from Federal mitigation grant funding because they have a finite life and would become obsolete.)
- The District was not notified of the post-Hurricane Matthew mitigation grant funding application opportunity, which ended on June 9, 2017, so a claim was not submitted  
The FEMA Pre-Disaster Mitigation Grant Program commenced on August 14 and ends on October 2, 2017

Supervisor Davidson stated that the FEMA Pre-Disaster Mitigation Grant Program was for exactly the types of programs the Board discussed, in terms of “powering a structure of critical nature” and “hardening a structure of critical nature”. If The Village Center was used for the CERT functions and as a gathering point for all governmental entities to share information

and provide services, it would be a “building of critical nature” to run the government and an adjunct structure of the community.

Supervisor Davidson discussed the following:

- The County’s desire for communities to create Comfort/Information Stations

Supervisor Davidson stated that Comfort/Information Stations would have backup power that would enable residents to charge devices and improve communications during a disaster. It would not be a location for food or housing, following a disaster. He was advised that an application for establishing this type of location would not be considered unless the structure was Miami-Dade Hurricane Code “hardened”. The District Engineer could inspect the building and determine the work necessary to “harden” the structure to the Miami-Dade Hurricane Code standards, which could likely necessitate reconstructing a portion of The Village Center. While the chances of receiving a grant were unknown, this was exactly the type of project that the County desired. Discussion ensued regarding preparation of a grant application, whether the District must allow nonresidents to use the Comfort/Information Station and having the District Engineer inspect the building to determine the required modifications and approximate the cost for those improvements.

Supervisor Davidson reviewed the Eligibility Criteria for the FEMA Pre-Disaster Mitigation Grant Program, which included Special Districts as sub-applicants. Sub-applicants must apply through their State or territory; therefore, the District would submit its application to the County, for transmittal to FEMA. \$575,000 was the maximum grant amount, per sub-applicant. Mr. Kloptosky stated that, per the District Engineer, the District must hire a Structural Engineer to perform a threshold inspection; the District Engineer would provide Mr. Kloptosky with contact information for Structural Engineers. Supervisor Davidson stated that construction projects that were already underway would not be eligible for the grant funds. Another funding opportunity involved a County working group that reviews local mitigation projects. The District was encouraged to submit an application to the County working group.

Discussion ensued regarding whether the Board should approve a desired project and submit for the County funds for that specific project. Mr. McGaffney was apprehensive about applying for and receiving funds or a grant, from another governmental entity, without first specifying the project for which those funds would be used. Discussion ensued regarding possible requirements for receiving funds, such as matching funds. Supervisor Davidson would

coordinate with Ms. Laura Nelson, of the Flagler County EOC, to obtain answers to the Board's questions.

Supervisor Chiodo motioned to approve a not-to-exceed amount of \$3,000 to hire a Structural Engineer to conduct a threshold inspection and provide an estimate of the costs to bring portions of The Village Center into compliance with to the Miami-Dade Hurricane Codes, as required by the FEMA Pre-Disaster Mitigation Grant Program. Supervisor Lawrence seconded the motion.

Discussion ensued regarding whether the District had sufficient time to have an inspection, obtain an estimate and scope of work, put out a Request for Proposals (RFP) and complete the application in time for submittal by the deadline. A resident voiced concern that, if the District received the funds and built this type of facility, it would be highly advertised and there would be no way to limit access to only CDD residents. In response to Supervisor Smith's question, Supervisor Davidson confirmed that "hardening" the building to Miami-Dade Hurricane Code was not part of the District's original concept; however, it arose when he became aware of the potential to receive a FEMA grant. Discussion ensued regarding potential issues, timing, etc.

Supervisor Davidson surmised that, based on the time involved and complexity of the application process, the Board's preference was not to pursue the FEMA grant funds. This preference dismayed him, given the extreme success of the Wildfire Mitigation project and savings to the District. Supervisor Lawrence was inclined to vote against applying for the FEMA grant funds because the District would not be "first in line", and the competition for the FEMA grant funds would be strong; therefore, the probability of success was so low that it would not be worth it for the District to apply.

Supervisor Davidson stated that it would set a very bad precedent if he must advise Ms. Nelson and others that the CDD Board was not interested in applying for any FEMA grant funds for pre-disaster mitigation.

Supervisor Smith stated that his position was related to the concept of "hardening" the building for purposes that the Board had not previously discussed.

Supervisor Chiodo's position was that the District needed a lot of information and could not acquire it in time to apply for the FEMA grant; therefore, the District would not apply this year but would consider applying next year.

Supervisor Davidson would report to Ms. Nelson that the District was not prepared to submit a FEMA grant application but was interested in other funding opportunities and applying for the FEMA grant the next time it is offered.

Supervisors Chiodo and Lawrence rescinded their motion and second, respectively.

Supervisor Davidson discussed the Memorandum of Understanding (MOU) regarding Post-Disaster-Related Debris Removal from Private Property, Expanded Debris Pickup, from Mr. Jim Landon, the City of Palm Coast City Manager. The Memorandum was, essentially, a Hold-Harmless Agreement related to the City's contractor, WastePro, picking up the District's post-disaster debris and the District agreeing to hold the City harmless. The CDD Board previously determined that, in terms of disaster debris pickup, be it residential or public roads, the District would be the authority, coordinator and administrator. Mr. Kloptosky would oversee the debris removal program. The original Agreement was terminated and Mr. Landon was preparing an open-ended MOU Agreement.

**TENTH ORDER OF BUSINESS**

**SUPERVISORS' REQUESTS**

There being no Supervisors' requests, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**ADJOURNMENT**

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

**On MOTION by Supervisor Lawrence and seconded by Supervisor Chiodo, with all in favor, the meeting adjourned at 12:55 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



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Secretary/Assistant Secretary



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Chair/Vice Chair