

**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, December 15, 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

Also present were:

Howard McGaffney	District Manager
Scott Clark	District Counsel
Barry Kloptosky	Operations Manager
Robert Ross	Vesta/AMG
Ashley Higgins	Grand Haven CDD Office
Dave Sullivan	Flagler County Commissioner
Maurice Bushroe	Blue Ribbon Pools
Jim Saizan	Terracon Consultants, Inc.
Gail Moro	Resident
Jim Gallo	Resident
Rob Carlton	Resident, GHMA President
Mike Frichol	Resident
Mrs. Frichol	Resident
Bob Hopkins	Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. McGaffney called the meeting to order at 10:00 a.m., and noted, for the record, that Supervisors Davidson, Chiodo, Gaeta and Lawrence were present, in person. Supervisor Smith was not present.

SECOND ORDER OF BUSINESS

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

Supervisor Davidson welcomed County Commissioner Dave Sullivan to the meeting.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisor, Dr. Stephen Davidson [Seat 4] (the following to be provided in a separate package)

Mr. McGaffney, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Dr. Stephen Davidson. Mr. McGaffney provided and briefly explained the following items:

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

FOURTH ORDER OF BUSINESS

Consideration of/Decision on: Resolution 2017-3, Electing Officers of the District

Mr. McGaffney presented Resolution 2017-3 for the Board’s consideration.

Supervisors Lawrence and Gaeta nominated the following slate of officers:

Chair	<u>Dr. Stephen Davidson</u>
Vice Chair	<u>Peter Chiodo</u>
Secretary	<u>Craig Wrathell</u>
Treasurer	<u>Craig Wrathell</u>
Assistant Secretary	<u>Marie Gaeta</u>
Assistant Secretary	<u>Tom Lawrence</u>
Assistant Secretary	<u>Raymond Smith</u>
Assistant Secretary	<u>Howard McGaffney</u>
Assistant Secretary	<u>Cindy Cerbone</u>

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, the nominations, as stated, were approved.

On MOTION by Supervisor Gaeta and seconded by Supervisor Chiodo, with all in favor, Resolution 2017-3, Electing Officers of the District, as nominated, was adopted.

FIFTH ORDER OF BUSINESS**MODIFICATIONS TO AGENDA**

The following item was a modification to the agenda:

- Communications and Information

SIXTH ORDER OF BUSINESS**PUBLIC COMMENTS (*3-Minute Rule; Non-Agenda Items*)**

Ms. Gail Moro, a resident, voiced her opinion that Hurricane Matthew debris cleanup was not completed for all residents and asked if consideration would be given to residents that were “left behind” and had to pay to have their original debris removed. The Board Members were emailed on November 30 regarding this matter.

Supervisor Davidson discussed the cleanup timeline and residents were previously advised, through e-blasts, to contact Waste Pro or Southern States Management with debris pick up issues. Although Ms. Moro’s area may have been overlooked, the CDD is not able to pay for or reimburse for work on private property. Mr. Clark confirmed that the District could not be reimbursed by the Federal Emergency Management Agency (FEMA) for work performed on private property. In District Counsel’s opinion, debris removal from private property would not be a proper use of private funds. Ms. Moro stated that curb work was being performed at her home and the debris was moved onto her property and the crews bypassed her home, possibly due to access issues, as they picked up from the homes on either side of her. In response to a question, Mr. Kloptosky confirmed that, initially, debris was not picked up at many homes undergoing curb repairs; however, the debris was eventually picked up by Waste Pro, after the curb work was completed, with the exception of Ms. Moro’s home. Supervisor Davidson reiterated that the CDD could not spend public funds to reimburse residents for work on private property.

Dr. Rob Carlton, a resident and GHMA President, stated that the GHMA decided to have about six areas cleared, once Waste Pro completed their debris removal, as no one else would clear those areas, despite it not being a GHMA responsibility. Some residents proactively paid someone to remove their debris. Dr. Carlton questioned if, in the event of another storm,

residents must keep the debris on their property and pay someone to remove it, since they cannot place it in the street. Supervisor Davidson replied affirmatively, unless there was a declared emergency. Dr. Carlton believed that Waste Pro was at fault for missing areas, as they were not supervised. Supervisor Davidson suggested that the CDD and GHMA coordinate a policy for future situations.

Mr. Jim Gallo, a resident, noted a location that was an obvious dumpsite and another location with green vegetation on the debris; piles of debris remaining in the community were no longer just storm debris.

Mr. Mike Frichol, a resident, asked for the status of the tennis court work still to be completed and lights that were no longer working on several courts.

SEVENTH ORDER OF BUSINESS

CONSULTANTS, GUEST REPORTS & PRESENTATIONS

- **Blue Ribbon Pool: *Maurice Bushroe***

Mr. Kloptosky stated that Mr. Maurice Bushroe, of Blue Ribbon Pools, (Blue Ribbon), would address the issue of the Creekside pool coating resurfacing, for which the CDD was withholding final payment until the issue was resolved, and a leak at the Creekside pool that resulted in high water bills, which was repaired and the water bills returned to normal. Mr. Bushroe was working with Mr. Kloptosky on long-term pool matters at The Village Center and Creekside pools.

Mr. Bushroe stated that the discoloration issues of the new pool surface were resolved. Mr. Kloptosky confirmed that the issue was satisfactorily resolved. CDD staff determined that there was a leak in the Creekside Pool and Blue Ribbon located a leak in the main pool drain. Mr. Bushroe presented photos and described the leak issue, potential causes and various repairs to stop the leak. Mr. Bushroe answered Supervisors' questions. Blue Ribbon did not believe the leak was caused during the remodeling process. Ms. Higgins stated that, for about two months, the water bills were nearly double; however, the amounts varied. In response to Supervisor Davidson's question, Mr. Kloptosky stated that the water bills began increasing after the resurfacing project was completed. Mr. Bushroe stated that CDD staff did not notice anything unusual, for the first few months following the project.

Supervisor Davidson asked about a permanent repair to stop the leak. Mr. Bushroe stated that, in the interim, staff would monitor the pool and report issues to Blue Ribbon. Temporary

repairs could be made, if additional leak issues arose, during swimming season. For a long-term, permanent repair, the pool would be drained and everything would be cut out, replaced and filled around with hydraulic cement. The cost for the permanent repair would be approximately \$1,000; the primary issue would be that the pool must be drained and would be closed for about five days. The cost to refill the pool would be approximately \$400. Supervisor Lawrence suggested delaying release of final payment to Blue Ribbon until water bill data from earlier in 2015 was reviewed and, possibly, deducting costs from the final payment. Mr. Bushroe stated that Blue Ribbon's contract does not allow for payment of those costs; Blue Ribbon, in good faith, worked with the CDD, addressed various issues and completed repairs but it was 18 months past when the final payment was due. Mr. Kloptosky did not believe that the leak issue was related to the resurfacing project and recommended release of the final payment. At the January meeting, Mr. Bushroe would present a proposal to permanently fix the leak and for other pool repairs, including the drain boxes.

On MOTION by Supervisor Gaeta and seconded by Supervisor Chiodo, with all in favor, authorizing the release of final payment to Blue Ribbon Pools, was approved.

Mr. Bushroe stated that the CDD's pools have interior corners, where the stairs are located, and pressure is cracking the tile and causing the gutter to separate, slightly, from the pool, which could lead to the corner falling into the pool. The solution would be to shave the corner, install steel reinforcement, all the way around, pour a new corner and install new tile. Due to the age of the pools and continued issues, they should be continually inspected. Discussion ensued regarding long-term planning and budgeting for future pool repairs.

Supervisor Davidson summarized that a check to Blue Ribbon would be released and preparations would commence to repair the drain box, in the winter, and provide residents with as much advance notice as possible.

- **Terracon: Design Plans for Village Center, *Jim Saizan***

Mr. Jim Saizan, of Terracon Consultants, Inc., (Terracon), stated that the project was nearly ready to go out to RFP. Repairs were necessary due to water intrusion issues; all exterior walls, windows, door openings and roof issues contributed to water intrusion. The scope of the project was to reclad the exterior of the building, with the exception of a few covered areas. Mr.

Kloptosky stated that the project would be very messy and difficult, as jackhammers could be necessary to remove stucco, and it may be necessary to close portions of The Village Center. It was estimated that the project would take three to four weeks to strip the old stucco and the remainder of the project would probably take eight more weeks.

Mr. Saizan presented the design plans and scope of work and answered questions. Discussion ensued regarding whether the café would be impacted during the work and need to close, at times, while work was underway. Mr. Saizan continued the presentation. Bid specifications would be prepared, in coordination with Staff.

Mr. Clark stated that, if the project would exceed \$195,000, the formal bid process must be used, with an RFP.

Mr. Kloptosky asked if Terracon needed to coordinate with the new District Engineer during the project or could Terracon proceed on its own. Mr. Saizan wanted the new District Engineer to review the plans.

Mr. Saizan responded to additional questions regarding the scope of work. In response to a question about timing, Mr. Saizan stated that it could be 60 to 90 days from advertising the RFP to commencement of construction.

Supervisor Davidson stated that the Board must determine the ideal time for the stucco project and time the RFP for that time, which could be nine months to one year away. Regarding delaying the project, Mr. Kloptosky confirmed that there was ongoing, continuous deterioration, causing more damage.

Mr. Kloptosky was comfortable with the design plans.

Supervisor Lawrence stated that funds for this project were budgeted for Fiscal Year 2017; therefore, the project could proceed in Fiscal Year 2017.

Mr. Frichol asked if the addition of a family restroom was considered in conjunction with this project. Discussion ensued regarding plans for the restrooms and locker rooms.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the Terracon Consultants, Inc., design plans for The Village Center, in substantial form, and authorizing Staff to develop a Request for Proposals, for future consideration, were approved.

****The meeting recessed at 12:02 p.m.****

****The meeting reconvened at 12:21 p.m.*

EIGHTH ORDER OF BUSINESS**CONSENT AGENDA ITEMS**

- A. APPROVAL OF UNAUDITED FINANCIAL STATEMENTS**
- i. Unaudited Financial Statements as of November 30, 2016**
- B. APPROVAL OF MEETING MINUTES**
- i. October 20, 2016 Regular Meeting**
- ii. November 3, 2016 Community Workshop**

Mr. McGaffney presented the Consent Agenda Items for the Board's consideration. Revisions to the minutes were previously submitted to Management.

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

C. RATIFICATION OF APPROVAL OF HURRICANE RECOVERY PROPOSALS AND INVOICES

Updated "Invoices" and "Proposals" spreadsheets were distributed. Invoices received since the last meeting would be ratified. Ms. Higgins stated that the total amount to approve, today, was \$29,712.86. Discussion ensued regarding which expenses might be FEMA reimbursable and which invoices should be paid. Invoices from 4C's Trucking & Excavation (4C's), totaling \$244,032, were also considered.

On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, payment of Hurricane Matthew recovery work invoices, totaling \$29,712.86, and 4C's invoices, totaling \$244,032, for a grand total of \$273,744.86, was approved and/or ratified.

Supervisor Lawrence voiced his opinion that Terracon's plan to apply waterproof coating over the block was new technology and wanted Terracon to have a contractor speak to the Board or Mr. Kloptosky to research the process. Mr. Kloptosky would research and speak to contractors. Supervisor Lawrence suggested remodeling the restrooms when The Village Center is closed for the stucco project.

NINTH ORDER OF BUSINESS**BUSINESS ITEMS****A. Continued Discussion: District Communications**

- i. Role/Responsibilities of Public Information/Public Relations Board Member**
- ii. Methods of Communication**

This item was presented following the Tenth Order of Business.

B. Consideration of/Decision on: DRMP, Inc., Engineering Agreement

Mr. Clark provided and presented the revised DRMP, Inc., Engineering Agreement. The Board agreed with the District Engineer only attending meetings when necessary and requested to attend, by Mr. Kloptosky.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the DRMP, Inc., Engineering Agreement, as presented by District Counsel, in final form, was approved.

C. Consideration of/Decision on: Applications by Design, Inc., Proposals

- i. Proposal No. GH-5028 Access Control System**
- ii. Proposal No. GH-5029 Resident Web Access Package**

Ms. Higgins stated that questions and concerns regarding the proposed system were submitted to Applications by Design, Inc., (ABDI). Additional proposals were solicited from three other contractors. Discussion ensued regarding the benefits of a new system. Supervisor Davidson directed Mr. McGaffney to research other access systems.

Discussion ensued regarding firewalls, to protect from hacking, password protecting a resident web access database, potential public records issues related to resident data, who would maintain this type of system, etc.

This would be included on the Open Items List, as “Consideration of Alternatives to Access Control Management Systems Software”.

D. Discussion: Fiscal Year 2017 Capital Plan

This item was discussed following Item 9E.

E. Consideration of/Decision on: FEMA-4283-DR-FL Federally Funded Public Assistance State Agreement

Mr. Clark stated that a request was submitted to FEMA. The District qualified for consideration of reimbursements. The Agreement should be approved so the process can

proceed. A timeline must be adhered to during the process and responding to FEMA’s requests for information. Mr. Clark discussed requirements and potential issues during the process. Mr. Kloptosky had not heard from the insurance company regarding the claim but the insurance adjuster requested a meeting.

On MOTION by Supervisor Chiodo and seconded by Supervisor Lawrence, with all in favor, the FEMA-4283-DR-FL Federally Funded Public Assistance State Agreement and authorizing the Chair to execute the Agreement and Staff to file the agreement with the State of Florida, in the manner prescribed, were approved.

▪ **Discussion: Fiscal Year 2017 Capital Plan**

****This item, previously Item 9D., was presented out of order.****

➤ Supervisor Lawrence stated that the following items were approved:

- Landscape rejuvenation and vine removal \$ 50,000
- Repair Front Street monument sign \$ 4,700
- Replace rotting wooden signs on Waterside Parkway \$ 10,000
- Replace steel streetlights with terminal rust \$ 25,000
- Repair Village Center building stucco \$230,000
- Change 40 tennis court lights to LED \$ 80,890
- Three Village Center office computers \$ 1,500
- Replace one piece of gym equipment in VC or Creekside \$ 5,000
- Resurface basketball court at VC \$ 2,900
- Replace one A/C unit, when it fails, at VC or Creekside \$ 11,000

Supervisor Lawrence stated that those items total \$505,990; \$586,500 was budgeted in the Fiscal Year 2017 Capital Improvement Plan (CIP) budget. The approvals included \$230,000 for The Village Center stucco project, which might not occur in Fiscal Year 2017. Funds were spent or were approved for resurfacing Tennis Courts 5 through 7, for \$25,025, and replace tennis court fence posts and fence, on Courts 1 through 4, for \$39,500; however, those costs were related to Hurricane Matthew and were not on the CIP budget. Discussion ensued regarding the tennis court work. Mr. Kloptosky stated that the \$39,500 item should already be in the CIP and \$50,000 to replace the bathroom floor and wall tile at The Village Center should be approved, if

the work would be completed in conjunction with the other projects at The Village Center. The rotting wooden signs were blown over by the hurricane and were part of the insurance claim.

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

There being no report, the next item followed.

B. Amenity Manager

There being no report, the next item followed.

C. Operations Manager

Mr. Kloptosky stated that the Pond 1 aeration installation was underway. Resident complaints were received regarding areas on the Esplanade that needed to be cleared. A handout identifying the areas and ownership was distributed and reviewed. Most complaints were aesthetic issues; however, the areas were not a priority because they were not a safety hazard. Contractors were still working on hazardous areas. The District would address the Esplanade, upon completion of work on hazards. Escalante Golf (Escalante) acknowledged their responsibility to clear their areas along the Esplanade. Discussion ensued regarding conditions along the Esplanade walking path and who had the responsibility for the walking path. Tennis court repairs were pending receipt of the necessary materials. Streetlights were repaired and lights were replaced, as necessary.

▪ **Consideration of/Decision on: S.E. Cline Construction, Inc., Change Order Dated December 14, 2016, for Curb and Gutter Repairs, \$7,606**

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

Mr. Kloptosky presented the S.E. Cline Construction, Inc., (Cline) Change Order, dated December 14, 2016, for curb and gutter repairs, for \$7,606.

Supervisor Davidson stated that previous change orders were \$101,963 and asked if that amount, in change orders, was really approved for this project. Mr. Kloptosky did not recall. Mr. Clark stated that the project was completed in phases and a large contract amendment may have been incorrectly named as a change order.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, the S.E. Cline Construction, Inc., Change Order, dated December 14, 2016, for curb and gutter repairs, in a not-to-exceed amount of \$7,606, was approved.

D. District Counsel

There being no report, the next item followed.

E. District Manager**i. Upcoming Regular Meeting/Community Workshop/Dates**

- **COMMUNITY WORKSHOP**

- **January 5, 2017 at 10:00 A.M.**

The next workshop will be held on January 5, 2017 at 10:00 a.m.

- **BOARD OF SUPERVISORS MEETING**

- **January 19, 2017 at 10:00 A.M.**

The next meeting will be held on January 19, 2017 at 10:00 a.m.

- **Continued Discussion: District Communications**

****This item, previously Item 9A., was presented out of order.****

i. Role/Responsibilities of Public Information/Public Relations Board Member

Supervisor Davidson recalled that, at the last meeting, the Board approved for him to continue serving as the CDD's Public Information/Public Relations Officer (PI/PR Officer). A Board Member suggested publishing an article about pond banks, written by a resident, in The Oak Tree; however, publication was held because the CDD already had an article for the most recent issue. The issue with the resident's article was that it referenced policies and procedures of the District that were published years ago; if the article were published, Supervisor Davidson felt that it should include annotations and referrals of where to locate the actual policies.

Supervisor Davidson discussed social media. During the crisis and confusion of the hurricane emergency, a Board Member drafted a communication and wanted it sent to the community but it did not conform to the CDD's typical communications. The Board Member advised Supervisor Davidson, "If it was not published by the CDD, it would be published on Next Door Grand Haven." Due to this, the Board should consider developing a District social media policy regarding Board Member posting on social media about the CDD or CDD matters, directly or implied.

This item would be included on the workshop agenda.

Mr. Clark stated that the District could have Sunshine Law issues if District matters or Board Member opinions were posted on social media; the Board Member could be accused of trying to use social media as a conduit to communicate his or her position to other Board

Members. Additionally, those postings must be maintained as part of the public record. Mr. Bob Hopkins, a resident, asked if posting would be within a person's freedom of speech, provided they did not state that they are a CDD Board Member. Mr. Clark stated it would depend on the subject; however, as a CDD Board Member, certain posts could easily become a Sunshine Law issue.

ii. Methods of Communication

Supervisor Gaeta suggested the following:

- Pre event communication
- Utilization of a "buzz" word in e-blasts that indicates something is important
- E-blast should contain statements about projects being on hold, etc., following an event
- The issue is not communicating; it is enticing residents to read the e-blasts

Supervisor Lawrence suggested the following:

- Addressing methods of communication in a hurricane or emergency

Supervisor Chiodo suggested the following:

- Utilizing a header on e-blasts that are extremely important

Supervisor Davidson suggested the following:

- Once per year, each Supervisor, individually, could have an informal "Evening with a Supervisor" to answer basic questions

Other suggestions included:

- A resident satisfaction survey
- A video board with information

Mr. Gallo agreed that pre-event communication would be beneficial, as well as separating disaster-related communications from regular communications. Dr. Carlton felt that the Board was creating work for itself. Supervisor Davidson asked Ms. Higgins to create a list of common new resident questions.

ELEVENTH ORDER OF BUSINESS

OPEN ITEMS

Mr. McGaffney stated that the following items would be included on the January workshop agenda:

- Water Bills for First 10 Months of 2015
- Timing of Stucco Project Planning and Budgeting

The following item would be included on the January meeting agenda:

➤ **Blue Ribbon Pools Proposals**

The following items would be added to the Open Items:

- **Development of a Joint Disaster Recovery Policy Between the GHMA and CDD**
- **Consideration of Alternatives to Access Control Management Systems Software**

TWELFTH ORDER OF BUSINESS

SUPERVISORS' REQUESTS

Supervisor Gaeta stated that a Colbert Lane sign, coming from the south, must be replaced, as it was damaged by the hurricane; she reported it to a County Commissioner, as it was a county road.

THIRTEENTH ORDER OF BUSINESS

ADJOURNMENT

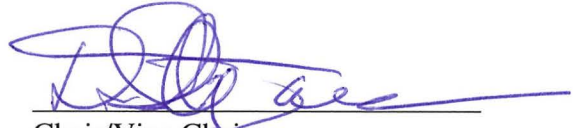
There being no further business to discuss, the meeting adjourned.

<p>On MOTION by Supervisor Gaeta and seconded by Supervisor Davidson, with all in favor, the meeting adjourned at 2:13 p.m.</p>
--

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair