

**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, February 2, 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	Assistant Secretary
Tom Lawrence	Assistant Secretary
Ray Smith	Assistant Secretary

Also present were:

Howard McGaffney	District Manager
Scott Clark	District Counsel
Barry Kloptosky	Operations Manager
Robert Ross	Vesta/AMG
Roy Deary	Vesta/AMG
Ashley Higgins	Grand Haven CDD Office
Louise Leister	District Horticulturalist
Charles Faulkner	Faulkner & Associates
Jim Connor	Faulkner & Associates
Rich Gurell	Guest
Rob Carlton	Resident, GHMA President
Bob Hopkins	Resident
Jim Gallo	Resident
Jim Kamalsky	Resident
Vic Natiello	Resident
Pat Powell	Resident
Kathy Gargiulo	Resident
Karen Tompkins	Resident
Charlie Greer	Resident
Fred Herndon	Resident
Ron Merlo	Resident
Frank Benham	Resident
Pete Kuhn	Resident
Dave Reisman	Resident
Tom Byrne	Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. McGaffney called the meeting to order at 10:03 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.

Supervisor Davidson requested a moment of silence for former Board Member Ms. Diane Layng.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisor, Ray Smith [Seat 2] (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 Supervisor Smith. 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

MODIFICATIONS TO AGENDA

The following items were modifications to the agenda:

- Guest Speaker: Proposed Luxury RV Park: Charles Faulkner, Faulkner & Associates
- Firewise Communities USA 2017 Certification and Signage
- Vesta Café Presentation: Roy Deary, Vesta
- **Vesta Café Presentation: Roy Deary**

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

Mr. Roy Deary, of Vesta, distributed the 12-month café Income Statement. For the third year in a row, per the agreement with the District for a 50/50 profit split, a check for \$12,424.98 was presented to the District. Supervisor Gaeta asked about the café's insurance. Mr. Deary replied that it was part of Vesta's liability for food spoilage.

- **Modifications to Agenda**

Discussion resumed.

Mr. Kloptosky requested the following modifications to the agenda:

- Storm Debris Cleanup Presentation: Louise Leister, District Horticulturist
- Change Order from Plant Construction
- Pump House Issues

- **Proposed Luxury RV Park: Charles Faulkner, Faulkner & Associates**

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

Mr. Charles Faulkner, of Faulkner & Associates, introduced Mr. Jim Connor and Mr. Richard Gurell. Mr. Gurell spoke to County staff regarding the RV Park project he planned to build, on Colbert Lane. The property was currently zoned C-1, neighborhood commercial and would be rezoned to a mixed use planned unit development (PUD). The RV Park would have 12 sites and Mr. Gurell would reside on site; there would be no other long-term residents.

In response to Supervisor Gaeta's question, Mr. Gurell stated that permitting was underway and the feasibility of the RV Park was discussed with Mr. Mike Sawdai, of Bellagio Custom Homes. Supervisor Gaeta asked if the RV sites would have water, sewer and electric. Mr. Gurell replied affirmatively. In response to Supervisor Lawrence's question, Mr. Gurell stated that there would be a small sign. Mr. Faulkner stated that, since the right-of-way on Colbert Lane was a significant distance away, the gate would be further back so traffic would not back up onto Colbert Lane. In response to Supervisor Davidson's question, Mr. Gurell was obtaining a permit from the St. Johns River Water Management District (SJRWMD). Supervisor Gaeta asked how long a renter could remain. Mr. Gurell stated that County restricted the time to six months; however, a shorter duration was preferred.

Mr. Vic Natiello, a resident, asked if another owner could construct more homes, if the property was conveyed. Mr. Gurell stated that future owners must modify the PUD.

Discussion ensued regarding the charge for RV owners to utilize the property, the timing to break ground and if variances were necessary. Mr. Gurell planned to break ground in 2018 and stated that no variances were needed.

Ms. Louise Leister, District Horticulturalist, asked if there was a plan to protect homes in the event of a hurricane, since there was no tree cover. Mr. Gurell stated that RVs could be moved, if an evacuation order was issued, versus mobile homes, which were anchored to the ground. Supervisor Davidson requested progress photos.

FIFTH ORDER OF BUSINESS

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

Ms. Patricia Powell, a resident, voiced concern about damage to common areas in The Crossings. Supervisor Davidson stated that this item would be discussed later in the meeting.

Mr. Jim Kamalsky, a resident, requested a “No Through Traffic” sign on Sailfish Drive. Supervisor Davidson stated that this item was on the agenda and would be discussed later in the meeting.

SIXTH ORDER OF BUSINESS

CONSENT AGENDA ITEMS

A. APPROVAL OF UNAUDITED FINANCIAL STATEMENTS

i. Unaudited Financial Statements as of December 31, 2016

Mr. McGaffney stated that assessment revenue collections were at 78%. Supervisor Gaeta stated that \$500,000 was listed, under “Fund balance”; however, expenditures exceeded \$400,000. Mr. McGaffney stated that, on Page 3, \$351,000 was spent from “Hurricane clean-up”, year-to-date. Supervisor Gaeta asked if the “Optional 3rd flower rotation”, on Page 3, was a hurricane-related expense because it was 125% of budget. Mr. McGaffney would budget \$17,550 for Fiscal Year 2018. Ms. Leister stated that the overage was due to increased square footage and additional flowers. Supervisor Davidson did not like showing a \$500,000 “Disaster” fund balance, when \$400,000 was spent, and requested an additional column for actual expenditures. He asked why the Check Register showed payouts of approximately \$3.2 million. Mr. McGaffney stated that a transfer was made to the FineMark account.

B. APPROVAL OF MEETING MINUTES

i. November 17, 2016 Regular Meeting

ii. December 15, 2016 Regular Meeting

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.

▪ **Storm Debris Cleanup Presentation: Louise Leister, District Horticulturist**

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

Ms. Leister and Mr. Kloptosky gave a PowerPoint presentation and discussed the status of the Hurricane Matthew storm debris cleanup. Ms. Leister requested direction on the preferred use of the remaining funds; many homes were now exposed to roads and must be addressed and many trees were down or in danger of falling.

Discussion ensued regarding the areas of concern, whether the areas involved CDD common property, the necessary work and options, possible Firewise cleaning, potential of exposing areas to roadways, leaving areas unsightly, addressing common versus natural areas, accessing areas to clear and SJRWMD permit requirements.

Supervisor Davidson recalled that the Wildfire Mitigation Specialist stated that the back of The Crossings was not considered a Firewise threat; therefore, they would not consider any Firewise activity, in the District, for at least five or six years. Supervisor Davidson discussed the Firewise principles:

- To mitigate for Firewise, the threat zone must be within 40' of a habitable structure to be considered a threat zone.

Supervisor Davidson asked if the threat zone was within 40' of Ms. Powell's habitable structure. Ms. Leister stated that the area behind Ms. Powell's house was the only area within 40'.

- Any tree larger than 4" around was not considered a Firewise threat.

Supervisor Davidson stated that certainly the vines are considered Firewise. If the District addressed their preserve or common areas, assessments could double. If the areas shown by Ms. Leister were mostly aesthetic and not threatening, they were a low priority, in terms of spending the remaining available funds. The Wildfire Mitigation Specialist could survey the entire area, as it currently exists, with the downed vines. Ms. Leister discussed the criteria for clearing areas and potential issues.

Mr. Kloptosky reviewed photos of each petitioner's house on Waterside Parkway, and areas affected by the Microburst.

Ms. Leister discussed what clearing an entire area entailed. Residents would be upset if the area remained empty; however, under Firewise, the areas could not be landscaped or remain private. Supervisor Davidson was concerned about houses that would be exposed when the County builds the additional lane on Colbert Lane, as any landscaping planted now would be removed.

Ms. Leister identified properties with bent trees, which created life and limb issues. Ownership of the trees must be determined and those with the potential of falling on houses must be removed. Costs for clearing and rejuvenation were discussed.

In response to Supervisor Davidson's question, Ms. Leister recommended the following:

- Replanting and re-sodding Ibis Court and Waterside Parkway to prevent sand from washing into the lake - \$9,000
- Scheduling a Firewise pass, in The Crossings, to remove dangerous trees and vines. Currently, scheduled for February 13 and 15 but would be rescheduled if the tractor was still not repaired.

In response to Supervisor Lawrence's question, Ms. Leister stated that the entire Esplanade and areas south of the golf course must be addressed. Mr. Kloptosky noted unsightly areas, along Waterside Parkway, which were not a threat. Ms. Leister was monitoring pine trees, south of Egret Drive, on the east; dead trees would be removed.

Triaging trees was based on the following criteria:

- Threat to life or personal property
- Firewise threat
- Vine accumulations that can be reached
- Exposed lots to main road traffic, which would need visual and auditory buffers

Discussion ensued regarding the impact to homes when the County builds the additional lane, on Colbert Lane, whether the County would leave houses exposed to the road and what the CDD could do.

- Aesthetic improvements to reserve areas

Supervisor Lawrence stated that there was \$500,000 in the "Disaster" fund, of which \$415,000 was spent, year-to-date, leaving \$85,000. Mr. McGaffney estimated that \$375,000 was spent; however, with overages could reach \$415,000. Supervisor Lawrence asked Ms. Leister to develop a cost estimate of the remaining work. Discussion ensued regarding the District's possibility and what was reasonable.

Ms. Leister recommended removing vines from the back of Ms. Powell's property because it was a threat to the home. Supervisor Smith proposed that Ms. Leister and Mr. Kloptosky present the top three locations, along with cost estimates. Mr. Kloptosky stated that the aesthetic work could be completed, over time, and included in the landscaping budget, to be considered in the future. There was Board consensus.

Mr. Dave Reisman, a resident, asked if the Federal Emergency Management Agency (FEMA) could provide assistance. Supervisor Davidson stated that, if the issue was not a threat, FEMA would not consider it.

▪ **Unaudited Financial Statements as of December 31, 2016**

Discussion resumed.

In response to Supervisor Davidson's question about why the check register showed payouts of approximately \$3.2 million, Mr. McGaffney stated that over \$2 million was collected in assessments, which was placed into the SunTrust operating account and then transferred to the FineMark account.

*****The meeting recessed at 11:54 a.m.*****

*****The meeting reconvened at 12:07 p.m.*****

C. RATIFICATION OF APPROVAL OF HURRICANE RECOVERY PROPOSALS AND INVOICES

"Invoices" and "proposals", spreadsheets and the associated invoices were distributed. Ms. Higgins stated that the total amount to approve, today, was \$38,933.10, for a grand total, to date, of \$386,807, including invoices from 4C's Trucking & Excavation (4C's).

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, payment of Hurricane Matthew recovery work invoices, in the amount of \$38,933.10, was ratified.

SEVENTH ORDER OF BUSINESS

BUSINESS ITEMS

A. Continued Discussion: Through the Air Communications

Supervisor Davidson participated in the Ad-Hoc Committee meeting with Mr. Frank Benham, Mr. John Roica and Mr. Dave Cox. Installation of a 20' antenna with a repeater, on top of The Village Center, to receive and transmit stronger signals, was proposed. The costs would be \$3,000 for the equipment and installation and \$5,000 for a propane generator to power the

“command center”. With the current generator, Creekside, could serve as a as a secondary command post. Supervisor Davidson proposed that the CDD Supervisors, Field Operations Manager and field staff receive the same two-way radios, used by the Community Emergency Response Team (CERT) and the Incident Commanders, which cost \$75 each. Individuals using the radio frequency must obtain a five-year license, through the Federal Communications Commission (FCC), which costs \$70.

Mr. Clark suggested that the Ad-Hoc Committee draft a fact finding report for Board consideration and advised that Supervisors with radios speaking to each other would be a Sunshine Law violation. Mr. Clark requested that the Board authorize the Chair to exercise emergency powers during a storm event.

Mr. Jim Gallo, a resident, stated that frequencies were not for personal use and could be used for two-way communicators.

▪ **Consideration of/Decision on: Authorization of Placement of “No Through Traffic” Signage on Sailfish Drive**

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

Mr. McGaffney spoke to Mr. David Wills, a resident, regarding “No Through Traffic” signs on Sailfish Drive. At the last meeting, the Board was not in favor of altering traffic patterns. Mr. Gallo suggested installing a speed bump. Supervisor Davidson felt that speed bumps were ineffective and suggested it to a one-way street. Supervisor Lawrence asked if installation of a “No Through Traffic” sign was legal. Mr. Clark replied affirmatively but it could not be enforced by the CDD because the City had traffic control jurisdiction. Changing the street to a one-way street would require approval from the City of Palm Coast. Supervisor Davidson recommended that all Sailfish Drive residents sign a petition in favor of a one-way street and present it to the City. Supervisor Lawrence evaluated the traffic pattern and saw no problem with “No Through Traffic” signs.

Mr. McGaffney stated that Mr. Wills asked Staff inform contractors not to cut through on Sailfish Drive. Discussion ensued regarding potential sign locations.

On MOTION by Supervisor Gaeta and seconded by Supervisor Lawrence, with Supervisors Davidson, Chiodo, Lawrence and Gaeta in favor and Supervisor Smith dissenting, authorizing the Operations Manager to purchase a “No Through Traffic” sign in the amount of \$550, for the intersection of Sailfish Drive and Waterside Parkway, was approved. (Motion passed 4-1)

▪ **Discussion: Supervisor Smith’s Report Relating to Information Concerning Sidewalk Responsibility**

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

Supervisor Smith met with residents regarding sidewalk maintenance responsibility and presented a report of key assumptions. Prior discussions of maintenance pertained to Covenants, Conditions and Restrictions (CC&Rs) and the Grand Haven Charter; however, current maintenance was based on the community plat maps and deeds. Mr. Gene Baldrate, a resident and former attorney, reviewed all documents and submitted an option.

Mr. Clark reviewed the information and highlighted the following:

- The State tax law definition, to include sidewalks, was for tax exemption purposes, not maintenance responsibilities; therefore, it was not pertinent.
- According to plat maps and dedications for easements, a number of 15’ easements, where sidewalks were located, were initially reserved to the developer. In one instance, an assignment of an easement right was granted to the CDD.
- With the deed transfer, there was a maintenance responsibility for sidewalks; however, the developer could not create an obligation for the District to maintain something and it was the decision of the Board to enter into a maintenance program.
- The District could maintain sidewalks within dedicated easements because the easement gave the District the right to perform maintenance but it does not create the obligation, unless the District had undertaken the obligation.

Mr. Clark stated that, if the District voluntarily assumed maintenance, then it was obligated to maintain sidewalks correctly and diligently. Regarding liability, if the District undertakes a maintenance program, its liability would increase, assuming that the District’s obligation to maintain the sidewalks was already in place. Mr. Clark saw no documentation that any CDD Board, past or present, agreed to maintain sidewalks.

- There were reservations about the maintenance of certain things, including sidewalks; however, the plat does not create an obligation. It creates the ability for the District to maintain sidewalks but, under the platting statute, the District must voluntarily assume the obligation.
- According to a Bill of Sale, the developer transferred its interest and asked that the District accept the assignment of certain items, such as roads and easements associated with the roads; however, that did not create an obligation.
- According to a deed transferred to the CDD, there was a maintenance responsibility; however, the deeds were for stormwater and roadway tracts. One deed was adjacent to Waterside Parkway, which the District owned; therefore, the District agreed to maintain the sidewalks adjacent to Waterside Parkway. The District maintained sidewalks that the District owned and were a part of the District's amenities, which was different from the sidewalks located within the 15' easements.

Mr. Clark recalled a 1985 Supreme Court case law whereby, the decision to enter into a capital project to build, improve or maintain something was reserved to the governing board in their discretion; however, from a liability perspective, if the government decided to undertake a project, it was obligated to do it correctly and had liability if it did it incorrectly.

- It was within the power of a local government to decide what it would or would not do. If the Board decided to undertake a project, it must perform it well.

Mr. Clark stated that, in Wild Oaks, the District owned the ROW where the sidewalks were located but the District was not required to maintain the sidewalks to a particular standard; however, there was liability associated with owning property. Tort Law recognized that owners of property were responsible not to permit dangerous conditions. Mr. Clark recommended that, in areas where the District owned the land where the sidewalk was located, the area should be monitored for deflections and any trip hazards should be eliminated. In areas where sidewalks were located in easements, the District had the right but not the obligation to maintain.

Discussion ensued regarding maintaining easements.

Mr. McGaffney stated that the District had the right to maintain utilities underneath the easement but did not own the sidewalks.

Supervisor Lawrence estimated 40 miles of sidewalk, resulting in \$200,000 of additional costs if the District assumed sidewalk maintenance. Supervisor Gaeta asked if it would require each resident to deed their sidewalk to the District. Mr. Clark stated not if it was within the 15'

easement. Assessments must be raised if the District assumed the sidewalk maintenance. Mr. McGaffney asked if the District assuming sidewalk maintenance must be approved at a Board meeting. Mr. Clark replied affirmatively.

Mr. Bob Hopkins, a resident, stated that the issue was not the cost but the maintenance and voiced his opinion that, when the sidewalks were deeded to the District from the developer, the District became the dominant tenement and landowners became the servient tenement. Under Florida Law, a dominant tenement cannot enforce legal obligations to the servient tenement. Mr. Clark did not accept the premise that becoming the dominant tenement of the easement created an assumption of all maintenance obligations; the District was not enforcing a maintenance obligation on the lot owner. The lot owner owned the sidewalk and had the maintenance obligation.

Mr. Fred Herndon, a resident, stated that, according to the plat, "*Grand Haven CDD to perform any act of construction or maintenance within the herein dedicated ROW.*" ROW was defined in Florida Statute 177 and referred to common element and common area, which were synonymous. In Mr. Herndon's opinion, The CC&Rs were correct but were overlooked, in the past. The term ROWs was reflected on plat maps of what was assigned to the CDD. The majority of the plat maps, after 1998, assigned ROW to the CDD. The deeds were recorded properly and followed the plat map, which was confirmed by the Tax Assessor. Mr. Herndon asked if residents had a contractual relationship with the CDD to repair a damaged sidewalk. Supervisor Chiodo stated that the District owned the easement but not the sidewalks.

Mr. Clark recommended not spending any further time on this matter. Supervisor Smith suggested that Mr. Clark review the Tax Assessor's map and discuss whether there was any validity, at the February 16 meeting.

In response to Mr. McGaffney's question, Mr. Herndon stated that he obtained these records from the Tax Assessor's office and the repository of official records.

B. Continued Discussion: Village Center Complex Renovation Project

- i. Coordination**
- ii. Timing of Project**
- iii. Stucco Repair**
- iv. Pool Repair**
- v. Bathroom Renovation**
- vi. Café Operations**

These items were discussed during Item 8C.

C. Discussion: Supervisor Smith’s Report Relating to Information Concerning Sidewalk Responsibility

This item was discussed following item 7E.

D. Future Replenishment of Disaster Fund

This item was deferred.

E. Consideration of/Decision on: Authorization of Placement of “No Through Traffic” Signage on Sailfish Drive

This item was discussed following Item 7A.

F. Consideration of/Decision on: Increasing the Discretionary Spending Authority Limit of the Operations Manager and District Manager from \$5,000 to \$10,000

This item was discussed following Item 7C.

G. Discussion: Fiscal Year 2017 Capital Plan

This item was not discussed.

EIGHTH 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 reported the following:

- The tennis court LED lighting project was underway. The courts were currently not available at night because electricians were assembling the parts for the lights on Courts 5 through 6. The lights would be operational by Wednesday evening.
- Tennis court fence repairs on Courts 1 and 2, would commence on February 13 and February 20 on Courts 3 and 4. Hurricane damage repairs, on Courts 5, 6 and 7 would commence, as time permits and be totally completed by the end of the week of February 20. Damages to the lights and fences, due to the hurricane, were submitted to the insurance company. Courts 1 through 4 were not part of the insurance claim.
- The Pond 1 aeration installation was completed and operational.
- Hogs were tearing up lawns on Front Street and Osprey. A trapper set up traps on The Esplanade and residents hired trappers to set traps on their private property. A giant hog

was caught and, since there was no evidence of any other hogs in that area for the past two weeks, it was assumed that this hog caused all of the damage.

Regarding how the hog accessed the community, Mr. Kloptosky stated that a number of areas had broken fences, particularly on Grady Prather Road, which were repaired.

- The new District Engineer, Mr. David Sowell, of DRMP, Inc., was provided with the plans for the current projects. A conceptual plan was prepared for Lakeview Lane, which may need to be revised, due to sewer and drainage pipes; Mr. Sowell was reviewing the plans. The existing plan for Lakeview Lane, with a proposed price, involved driveway repairs and changing the grade of the road to ensure property drainage. Mr. Sowell had suggestions and would provide a sketch. Once received, Mr. Kloptosky would obtain prices from S.E. Cline Construction, Inc., (Cline).

Supervisor Lawrence stated that the largest expense in the Capital Improvement Plan (CIP), was the roads. The new District Engineer was to inspect all roads and prepare a three-year plan. Mr. Sowell was impressed with Cline's work. The curb project was based on the approval of the 2016/2017 road resurfacing plan. Upon completion of the Lakeview Lane curbs and gutters, discussion would ensue regarding the request for proposals (RFP) for the asphalt milling and resurfacing.

Mr. Kloptosky presented Cline's Change Order #3, for curb and gutter repairs, in the amount of \$17,852.80, for the north and south curbs.

On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, the S.E. Cline Construction, Inc., Change Order #3, for curb and gutter repairs, in a not-to-exceed amount of \$17,852.80, and authorization for District Counsel to amend the agreement, were approved

Supervisor Smith asked if the Cline contract was over budget. Mr. Kloptosky stated that the contract was over by \$30,000. Supervisor Chiodo asked if the Marsh Crossing curb repairs were starting soon. Mr. Kloptosky would speak with the contractor. Last week, the contractor estimated the job taking one to two weeks. Supervisor Davidson asked about residents' behavior towards Cline. Mr. Kloptosky met with the resident with the most issues. He did not want roots

of his tree cut, which made it impossible to perform the work, because the root must be shaved. Mr. Kloptosky asked Cline to use the root as the form and not destroy it.

- The Village Center stucco repair would be placed on hold, based on the final plans provided by Terracon Consultants Inc., (Terracon), due to inconsistencies with the plans. Mr. Kloptosky wanted to obtain spec sheets from other contractors to match with Terracon's plans. Supervisor Smith asked if a significant amount was spent on the "flawed" plans from Terracon. Mr. Kloptosky stated that the basis of the plans was good, so the entire plan did not need to be redesigned; however, notes should be added.
- A proposal Blue Ribbon Pools was pending but Mr. Kloptosky wanted to proceed because the walls were failing. Repairs should be completed while the weather was cool and pool usage was low. The pools would be closed for three days. Coordination and timing could be discussed when there were better answers to the current issues. Supervisor Davidson requested that these items be pulled from the Open Items List
- The café must be closed for lunch during the renovation but not dinner. It should be included in the specs that the contractor must clean up and make the café accessible. Lunch could be diverted to the Tiki Bar.
- The pump house had electronic issues. The prior issues were mechanical. The burned out motor would cost \$5,000 to replace. The electronics were failing, causing blown fuses, stopping the movement of water. The pump house had not had water for days and the golf course was concerned. As a result of a Florida, Power & Light (FPL) power surge, the new variable frequency drive (VFD), must be replaced; the warranty did not cover outside surges. With costs for the VFD, the new motor and to replace the pump controls, the repairs would total approximately \$30,000; however, the CDD would only pay 25%, of the cost.

On MOTION by Supervisor Davidson and seconded by Supervisor Chiodo, with all in favor, authorizing repairs to the pump house, in a not-to-exceed amount of \$32,000, was approved.

- **Consideration of/Decision on: Increasing the Discretionary Spending Authority Limit of the Operations Manager and District Manager from \$5,000 to \$10,000**
******This item, previously Item 7F., was presented out of order.******

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, increasing the discretionary spending authority limit of the Operations Manager and District Manager from \$5,000 to \$10,000, was approved.

▪ **Operations Manager**

Discussion resumed.

Ms. Higgins presented a \$1,000 proposal from Celera IT Services to update the office email system on all eight computers, with a monthly maintenance fee of \$100. All emails would be moved to the cloud, which would replace the current server, which costs \$115 per month.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the Celera IT Services proposal to update the office email system for eight computers, in the amount of \$1,000, with a monthly maintenance fee of \$100, was approved.

D. District Counsel

Mr. Clark stated that the client amendment was completed. According to the plat of Grand Haven, on the Property Appraiser's website, the District did not own the sidewalks. There were deeds that included plats with sidewalk easements but those were common area tracts contiguous with the road that had sidewalks running through them, which the District owned. Regarding Hurricane Matthew, Mr. Clark was speaking with FEMA and the State about a project worksheet relating to damages, which should be completed by Monday. Whether this meant that the District would receive reimbursement from FEMA was unknown.

Mr. Clark and Mr. McGaffney spoke with SJRWMD regarding the dedication of conservation easements within the community. SJRWMD wanted the District to be responsible for the conservation easements but the District was the maintenance entity, not the permittee and the easements should have been conveyed by the developer. SJRWMD submitted a list of areas that they thought they were entitled to; one was Wild Oaks, which fell within areas platted as conservation easements. Easements that were on golf course property would be referred to the golf course. The District would continue to be cooperative without assuming responsibility.

Mr. Clark recalled prior discussion regarding social media and the pitfalls and presented a Memorandum addressing social media, in terms of the Sunshine and Public Records Laws. Supervisor Davidson proposed deferring this matter to the February 16 meeting.

Discussion of the sidewalk issue resumed. Supervisor Davidson requested a one-page statement indicating that Mr. Clark reviewed the information and found no ownership or sidewalk maintenance obligations by the CDD. Discussion ensued about not addressing this matter again, since District Counsel had all documentation, unless new material was discovered. Mr. Clark stated that the Board could not stop future discussion and did not recommend the establishment of a policy. Mr. Clark would prepare and present a summary at the February 16 meeting.

E. District Manager

i. Upcoming Meeting/ Workshop/Dates

- **BOARD OF SUPERVISORS MEETING**
 - **February 16, 2017 at 10:00 A.M.**

The next meeting will be held on February 16, 2017 at 10:00 a.m.

- **COMMUNITY WORKSHOP**
 - **March 2, 2017 at 10:00 A.M.**

The next workshop will be held on March 2, 2017 at 10:00 a.m.

- **BOARD OF SUPERVISORS MEETING**
 - **March 16, 2017 at 10:00 A.M.**

The next meeting will be held on March 16, 2017 at 10:00 a.m.

NINTH ORDER OF BUSINESS

OPEN ITEMS

This item was not discussed.

TENTH ORDER OF BUSINESS

SUPERVISORS' REQUESTS

Supervisor Lawrence proposed naming the meeting room in memory of Ms. Layng. This item would be discussed at the February 16 meeting.

Supervisor Davidson stated that Firewise USA was sending the 2017 stickers for their signs. A Firewise Day would be held in May.

ELEVENTH ORDER OF BUSINESS

ADJOURNMENT

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

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the meeting adjourned at 2:19 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair