

**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, June 21, 2018 at 10:00 a.m., in the Grand Haven Room, at the Grand Haven Village Center, located at 2001 Waterside Parkway, Palm Coast, Florida 32137.

Present at the meeting were:

Dr. Stephen Davidson	Chair
Marie Gaeta	Assistant Secretary
Tom Lawrence	Assistant Secretary

Also present were:

Howard McGaffney	District Manager
Leigh Ann Buzyniski	District Counsel
Barry Kloptosky	Operations Manager
Stacy Acrin	Grand Haven CDD Office
Robert Ross	Vesta/AMG
Roy Deary	Vesta/AMG
David Cottrell	Aquatic Systems, Inc.
Rob Carlton	Resident and GHMA President
John Polizzi	Resident
Joe and Mary Horter	Residents
Vic Natiello	Resident
Kevin Foley	Resident
Mike Frichol	Resident
Charles Greer	Resident
Denise Gallo	Resident
Laurie Chatey	Resident
Kathleen Fuss	Resident
Lee Lussier	Resident
Bruce Douglas	Resident
Ed Pakel	Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. McGaffney called the meeting to order at 10:03 a.m. Supervisors Davidson, Gaeta and Lawrence were present, in person. Supervisors Chiodo and Smith were not present.

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 modifications to the agenda:

- **Discussion: How Government Sunshine Law Applies to Unopposed Candidate Past Qualification Period**
- **Proposal: Village Center Tot Lot Playground**
- **Proposal: Village Center Storage Addition**
- **Proposals: Pickleball and Croquet Court Awnings**

On MOTION by Supervisor Gaeta and seconded by Supervisor Lawrence, with all in favor, the modifications to the agenda, were approved.

FOURTH ORDER OF BUSINESS

CONSULTANTS, GUEST REPORTS & PRESENTATIONS

Supervisor Gaeta presented photographs of midge flies around her home and noted that the condition was worse this year.

A. Aquatic Systems, Inc.: *David Cottrell*

- **Shellcracker Fish**
- **Midge Flies**

Mr. Cottrell presented photographs, reported the following and responded to questions:

- **Pond 4 Testing Results:** Oxygen levels were excellent and the temperature was relatively consistent. Fish can go to the bottom to eat the midge fly larva.

Discussion ensued regarding the initial improvement when aeration was installed and fish were stocked and the decrease in effectiveness.

Mr. Cottrell stated that the only options to control midge flies include:

- Install aeration and stock fish
- Pesticide treatments
- **Pond 5 Testing Results:** Oxygen levels dropped significantly at the lower levels inhibiting the fish from going to the bottom to eat the midge fly larva.
- **Pond 14 Testing Results:** Oxygen levels dropped at the very bottom levels. It is similar to Pond 5 but it was not nearly as severely stratified as Pond 4.

Mr. Cottrell presented a map and graphs of five sites sampled for Lakewatch. For most, phosphorus levels were trending down. Supervisor Davidson discussed conditions in Ditch 10, which he attributed to the City dumping into the CDD’s pond. Supervisor Gaeta asked about the importance of the phosphorus levels. Mr. Cottrell stated that phosphorus is considered the primary nutrient pollutant in Florida and lower phosphorus levels demonstrates improved water quality; phosphorus cannot be removed from a system. Mr. John Pollizi, a resident, asked if the ponds in Wild Oaks were on Mr. Cottrell’s map and if those ponds are tested. Mr. Cottrell stated that ponds are tested when problems are observed. Supervisor Davidson explained the District’s participation in the Lakewatch program. Mr. Vic Natiello, a resident, questioned why phosphorus levels increased drastically in Pond 28. Mr. Cottrell stated that it was in a new part of the development and it was not surprising for the phosphorus levels to rise as new homes are built with more yards, resulting in increased fertilization. Mr. Natiello asked if the levels could be expected to stabilize. Mr. Cottrell stated that was observed in other areas. Mr. Natiello asked about installing shelters for the shellcracker fish to prevent the bass from eating them and if the number of fish stocked was proportionate to the size of the ponds. Mr. Cottrell stated that fish are stocked at a rate per acre, based on the recommendation of the Florida Fish and Wildlife Conservation Commission (FWC). Regarding shelters for shellcracker fish, it would help keep the population up but the fish stocked are a breeding type so they are expected to maintain the population. Mr. Natiello asked about conducting a fish survey. Mr. Cottrell stated that a fish survey is very expensive. Discussion ensued regarding the fish stocked in the ponds.

Mr. Cottrell responded to questions and recommended continuing aeration and fish stocking. Regarding the midge fly season, Mr. Cottrell stated that they are usually an issue from late February to June; they do not emerge when it is too hot or cold.

Supervisor Davidson stated that Mr. Cottrell will provide estimates for subsurface aeration for Ponds 5 and 14 and an estimate for stocking Pond 14, which should be presented at the next meeting.

FIFTH ORDER OF BUSINESS

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

Ms. Kathleen Fuss, a resident, asked about the status of shade canopies for the pickleball benches. Mr. Kloptosky stated this item would be discussed later in the meeting. Ms. Fuss requested additional hooks on the posts.

Mrs. Mary Horter, a resident, requested an update on the progress of an evaluation of the appearance of the island on Waterside Parkway, adjacent to her home at 29 Sailfish Drive. Mr. Kloptosky would inspect the island.

Mr. Kevin Foley, a resident, recalled prior discussions about The Village Center Fitness Center and asked about commencing with reconfiguring the Fitness Center.

Mr. Bruce Douglas, a resident, stated that many Florida Power & Light (FPL) boxes are covered by shrubbery, which prohibits opening the door. Mr. Kloptosky stated that FPL typically notifies him if areas need to be trimmed and asked for the addresses of the locations.

Regarding the Fitness Center reconfiguration, Mr. Kloptosky stated that he was waiting for the Board's direction. Supervisor Lawrence asked if the room could be rearranged to create floor space. Mr. Kloptosky replied affirmatively but some equipment must be removed; a draft layout was received from Mr. Robert Lloyd, of LLOYD's Exercise Equipment, L.L.C. (LLOYD's). Mr. Ross stated that removing equipment would upset residents. Mr. McGaffney recalled discussion of removing equipment but replacing it with universal, multi-use equipment. Mr. Kloptosky recalled discussion about other Fitness Center improvements, funding, other work on the building, etc. Mr. Foley felt that the room could be rearranged with removal of only the StairMaster. Supervisor Davidson stated that Mr. Lloyd's recommendation for floor equipment and other items was needed. Mr. Kloptosky would obtain the recommendations and estimates.

SIXTH ORDER OF BUSINESS

STAFF REPORTS

A. District Engineer: *DRMP, Inc.*

There being no report, the next item followed.

B. Amenity Manager: *Amenity Management Group, Inc.*

Supervisor Gaeta commended Amenity staff for their work before and after the Hurricane Informational Meeting.

C. Operations Manager: *Barry Kloptosky*

- Update: **Guard Service**

Mr. Kloptosky stated that several guards were dismissed, one new guard was hired and he would continue monitoring the guard situation. The guard company has been very responsive to the District's concerns. It might not be necessary to replace the second daytime guard.

Mr. Kloptosky discussed the following:

- Colbert Lane Resurfacing Project – CDD Signs in County Right-of-Way (ROW): The County plans to remove the CDD's decorative signs and sign posts in the County's right-of-way

(ROW), along Colbert Lane because they are not compliant with the Florida Department of Transportation (FDOT) standards, which requires breakaway poles. The signs were checked and only one had an FDOT compliant sticker; therefore, the District must comply and the current poles cannot be used. Compliant decorative poles could be purchased. Mr. Kloptosky heard that a City inspector was in the community and commented that the streetlight and sign posts within the District were not compliant; however, he has not heard from the City. The County was installing new poles at their expense, as part of the project. The District would take no action until the County replaces the poles. Mr. Kloptosky would contact the County regarding the District's pole that was already removed and ask if the District could paint the County's poles.

Mr. Natiello asked if signs within the District were replaced with compliant signs, when replacement was necessary. Mr. Kloptosky stated that signs are replaced with exactly the same signage; he did not know if community signage must be replaced with compliant signage or if it was only a requirement for the signs in the ROW. Discussion ensued regarding whether the City or County could force the District to comply if it is only replacing a damaged sign, as opposed to completing a major project, probable resident reaction to the County's new signage, etc.

➤ Landscape Lighting at Entrances and Card Reader Lighting: Landscape lighting at all entrances was completed, except the Main Gate, which should be completed within one week. New column lights were ordered for the Main Gate card reader.

➤ Monument Lights – Replacement with LED Lights: A proposal to replace the remainder of the monument lights with LED lights was executed.

➤ The Village Center Auxiliary Generator Installation: Installation was completed; the unit was operational and was tested several times. It powers a large portion of The Village Center. The unit is fully automated. A fence surround and landscaping will be installed before final inspection by the City.

➤ Village Center Envelope Stucco Project: Drawings were approximately 80% completed. A site visit would occur next week and the plans should be completed by the next meeting.

Mr. Kloptosky noted the difficulty finding contractors to complete work or provide proposals for small projects, as contractors are very busy.

▪ **Proposal: Village Center Storage Addition**

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

Mr. Kloptosky presented a proposal from Skyway Builders (Skyway), which was higher than the budgeted amount. Mr. McGaffney asked Mr. Kloptosky if he was familiar with Skyway

and if they would be his preferred contractor, even if other proposals were obtained. Mr. Kloptosky replied affirmatively. Discussion ensued regarding powering the room, stucco, etc.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the Skyway Builders proposal for all work related to the construction of The Village Center storage addition, in a not-to-exceed amount of \$100,000, with a 10% contingency, subject to review by District Counsel regarding the bid threshold amount, and authorizing District Counsel to draft an agreement, were approved.

- Mailbox Enclosure Repairs: In-house staff was completing the repairs.
- Wild Oaks Exit Gate Damage: A vehicle hit the gate and damaged it. The costs for the repair and for guard services in the interim would be recouped from the driver.

Discussion ensued regarding the District Engineer’s reconfiguration recommendation. Mr. Kloptosky stated that the preliminary costs would be \$5,000 for the District Engineer’s design drawing and \$2,000 for a survey. Once a design is obtained, the project could be bid and submitted for a permit. Reconfiguration options, whether the District should change the exit, since the drivers are paying for the damages, and potential safety issues, were discussed.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, authorizing a not-to-exceed expenditure of \$10,000 for preliminary design work and a survey for reconfiguring the Wild Oaks Gate exit, was approved.

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

****The meeting reconvened at 12:28 p.m.****

- **Discussion on: Trees in Wetlands (Continued from Workshop)**

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

15 Chinier: Ms. Louise Leister, District Horticultural Consultant, Mr. Jason Shaw, of Shaw Tree Service (Shaw) and Mr. Chuck Lippi and Mr. Danny Lippi, of Advanced Tree Care, Inc. (ATC), would meet June 25 regarding the trees at 15 Chinier and discuss options that might be compliant with the St. Johns River Water Management District (SJRWMD) and consider the impact to the community. Ms. Leister would provide a report at the next meeting.

- **Update: 2018 Capital Improvement Plan**

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

Mr. Kloptosky distributed a revised CIP. He hoped to complete the following in Fiscal Year 2018:

Line 11: Village Center Bathroom Renovation Project: Difficulty finding a contractor.

Line 12: Replacing Rotting Wooden Signs on Waterside Parkway: Underway; work would be completed by in-house staff.

Line 13: Repair Brick Paver Crosswalks: Paving contractors being contacted

Line 14: Rejuvenate Front Street Coquina Path: Proposed spraying the algae and mold, rototilling and raking the surface, which should be satisfactory. Vegetation would be trimmed. Esplanade low areas would be groomed. The curb would be raised and new coquina added.

Supervisor Gaeta asked about the Gazebo handrail. Mr. Kloptosky stated that the railing, decking, columns and rails were being replaced. An electrician would repair the lights.

Line 17: Replace Steel Street Light Poles with Terminal Rust: Budget funds were available, some were replaced and more would be identified for completion.

Line 18: Replace Center Park Gazebo Roof: Difficulty obtaining proposals.

Line 24: Replace Fence and Windscreens on Tennis Courts 5 – 7: Updated proposals pending.

Line 25: Replace Tot Lot Facilities: Proposal would be presented.

Line 28: Office Renovations: Underway

Line 31: Upgrade Surveillance Cameras to HD: Some work completed. Additional proposals are pending. Project likely to exceed budget; however, other items were under budget.

▪ **Proposal: Village Center Tot Lot Playground**

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

Mr. Kloptosky presented proposals from Playworks to replace The Village Center tot lot playground; \$30,000 was budgeted. Option 1 was \$68,420 and Option 2 was \$54,000. Discussion ensued regarding the Options, prices, material, etc. Mr. Foley did not want the playground to influence the Fitness Center project. He felt that the useful life of these types of expenditures should be determined and added to the CIP. A Playworks representative would be invited to give a presentation at the next meeting.

▪ **Proposals: Pickleball and Croquet Court Awnings**

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

Mr. Kloptosky presented a proposal for four awnings over the pickleball court benches. Discussion ensued regarding the durability of the poles and canvas awnings.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the Awnings & Tops by Tony, Inc., proposal for installation of four awnings over the pickleball court benches, in a not-to-exceed amount of \$7,000, was approved.

Mr. Kloptosky presented a proposal for four awnings over the croquet court benches.

On MOTION by Supervisor Gaeta and seconded by Supervisor Lawrence, with all in favor, the Awnings & Tops by Tony, Inc., proposal for installation of four awnings over the croquet court benches, in a not-to-exceed amount of \$7,000, was approved.

- Staffing: Two Level 2 Maintenance Workers were hired. A maintenance trailer, for approximately \$1,300, and pressure washer, for approximately \$6,000, were requested. These purchases were within Mr. Kloptosky's spending threshold and would be purchased.
- New Lift Truck: A new lift truck was needed, due to the poor condition of the current lift truck. Mr. McGaffney stated that this item was budgeted in the Fiscal Year 2019 CIP for \$30,000; however, funds are available to purchase it in Fiscal Year 2018. This item would be removed from the Fiscal Year 2019 CIP, if it is purchased in Fiscal Year 2018.

On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, authorizing the purchase of a used lift truck, in a not-to-exceed amount of \$30,000, was approved.

▪ **Discussion on: Fishing on Ponds**

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

Mr. Kloptosky stated that residents are upset when people fishing from common areas migrate behind their homes. Residents contacted the Sheriff, as instructed by the District; however, Deputies are reluctant to come and, when they do, they do not issue trespass warnings because the person is technically fishing from CDD property and a trespass warning can only be signed by the property owner. Supervisor Davidson stated that he and Mr. Kloptosky must meet with Sheriff Staly because, per the Rules, the property is restricted so, it does not matter who

owns the property, which means, if a resident complains about someone on the property, they must abide by it; however, if people call all the time, it diminishes the perceived urgency.

Discussion ensued regarding adding signage. Mr. McGaffney noted that Supervisor Smith observed nonresidents fishing in the community. Supervisor Gaeta speculated that some nonresidents who were fishing were being alerted when Deputies enter the community.

Mr. Ed Pakel, a resident, asked about the pond banks. Supervisor Davidson explained that Mr. Pakel does not have a pond bank. Mr. Pakel asked if fish must be released. Supervisor Davidson replied affirmatively.

D. District Counsel: *Clark & Albaugh, LLC*

Ms. Buzyniski reported the following:

- Construction Contract Bid Requirement Threshold: No issue with the previously approved construction contract going out to bid because the bid threshold is \$300,000.
- St. Johns River Water Management District (SJRWMD) Permit Transfers: – Ongoing. A letter was sent to SJRWMD, which was then forwarded to the SJRWMD Executive Director for approval. It appears that this is nearing completion.
- Hurricane Matthew and Irma – Federal Emergency Management Agency (FEMA) Claims: FEMA requested additional documentation related to the tree trimming and removal invoices, including the diameter of each tree and removed limb.

▪ **Discussion on: GHCCD BOS Ethics Policy and Code of Conduct**

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

Supervisor Davidson recalled that District Counsel modified the GHMA's Code of Conduct (COC) to tailor it to the CDD Board.

Mr. Polizzi referred to Item 5, of the COC, voiced his perception that everything goes through the Chair and asked if the COC is a reflection of something specified in the CDD operating procedures. He felt that some responsibilities should be split amongst the other Board Members so that everything does not linearly flow through just the Chair. Supervisor Davidson stated that one person must always be "on call", since the Board Members cannot communicate between meetings; therefore, the Chair is the contact person. Mr. Polizzi asked if some responsibilities could be delegated. Mr. McGaffney stated that the Chair generally guides the District Manager and Staff, outside of meetings, sets the agenda, etc.; however, other Board Members can contact Management or Staff. Supervisor Davidson stated that this relates to emergency situations; it has nothing to do with individual things that would come before the Board. Mr. Polizzi pointed out that Item 5 does not specify emergency situations. Supervisor

Gaeta stated that the intent was to avoid individual Board Members from interacting with contractors. Supervisor Davidson stated that he is not empowered to make decisions on items that are distributed; this relates only to emergency situations that arise between meetings and does not presume that the Chair can set policy. Mr. McGaffney stated that this COC does not preclude the Board from appointing a Board Member as a liaison for a particular matter.

On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, the GHCDD BOS Ethics Policy and Code of Conduct, was approved.

Mr. Polizzi suggested addressing the weir that was not constructed according to design. Supervisor Davidson recommended that Mr. Kloptosky obtain an estimate from S.E. Cline Construction, Inc. (Cline) for the work suggested by the District Engineer. Mr. Polizzi asked about evaluation of the pathway and pipe flows, between one canal and into Ditch 10, to determine if maintenance was necessary. Mr. Kloptosky stated that this could be addressed once the permit transfer matter is resolved.

E. District Manager: *Wrathell, Hunt and Associates, LLC*

There being no report, the next item followed.

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 April 30, 2018

Mr. McGaffney presented the Unaudited Financial Statements as of April 30, 2018.

Assessment revenue collections were at 98%. He responded to questions, as follows:

Page 2, "Settlements": This would be researched.

Page 2, "Insurance proceeds": Hurricane-related reimbursements.

B. APPROVAL OF MINUTES

i. May 3, 2018 Community Workshop

ii. May 17, 2018 Regular Meeting

Revisions to the minutes were previously submitted to Management.

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

▪ **COMMUNITY WORKSHOP**

- **July 12, 2018 at 10:00 AM**

****This item, previously Item 11A, was presented out of order.****

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, cancelling the July 12, 2018 workshop, was approved.

EIGHTH ORDER OF BUSINESS

BUSINESS ITEMS

- **Recap: Hurricane Season Informational Meeting [June 14, 2018]**

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

Supervisor Davidson stated that the Informational Meeting went very well; it was well-attended and very good information was disseminated. He recommended holding this every year. Approximately 50% were new residents.

A. Discussion on: Proposed Budget for Fiscal Year 2018/2019

Mr. McGaffney stated that the proposed Fiscal Year 2019 budget was adjusted, as discussed at the prior meeting. Supervisor Gaeta recalled discussion about terminating Constant Contact, Inc., and hiring a new e-blast company and asked if a decision was made or if that was done. Mr. McGaffney replied no. Supervisor Davidson stated that other providers were contacted and all were having the same issues.

The following change was made:

Page 9, Payroll, Line 2: Change “maintenance worker III, maintenance worker I” to “four maintenance workers” and change “a full-time administrative support specialist” to “two full-time administrative support specialists”

Mr. McGaffney stated that the 197 Letter is being prepared and would be sent soon.

Supervisor Gaeta stated that the invoices reference Bright House but should be Spectrum.

B. Recap: Hurricane Season Informational Meeting [June 14, 2018]

This item was presented before Item 8A.

C. Discussion on: Fishing on Ponds

This item was presented during Item 6C.

D. Discussion on: Trees in Wetlands (*Continued from Workshop*)

This item was presented during Item 6C.

Discussion on: GHCDD BOS Ethics Policy and Code of Conduct

This item was presented during Item 6D.

E. Discussion on/Consideration of: Employee Health Plan Coverage 2018/2019 Changes

Mr. McGaffney stated that the District's health coverage reimbursement contribution to Mr. Kloptosky's will decrease.

F. Update: 2018 Capital Improvement Plan

This item was presented during Item 6C.

▪ **Discussion: How Government Sunshine Law Applies to Unopposed Candidate Past Qualification Period**

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

Supervisor Davidson stated that an unopposed Board Member candidate is presumed elected and questioned what that means, in terms of the Sunshine Law. He contacted the Supervisor of Elections Office, the Florida Division of Elections (FDE), the Commission on Ethics and the State Attorney General.

Per the Sunshine Law person at the Attorney General's office and Manual:

"A candidate who is unopposed is not considered to be a member-elect subject to the Sunshine Law until the election has been held."

Adding to the confusion, it further states:

"This opinion from the Division of Elections finding that the date of candidate's election to office could be deemed either the date specified by a court in an election case, election day itself, the date the final canvassing board certifies the election results or some other date, depending upon the particular factual situation involved."

Supervisor Gaeta stated that she spoke to District Counsel about this when she was elected unopposed and Mr. Clark indicated that it is more an ethics issue and sitting Board Members should not interact with a non-incumbent, newly-elected, incoming Board Member regarding CDD matters. Mr. McGaffney stated that the general advice is to treat the person as if they fall within the Sunshine Law, in an effort to avoid any misconception of a violation.

Supervisor Davidson directed Management to add Mr. Foley to the agenda distribution list, going forward.

NINTH ORDER OF BUSINESS

OPEN ITEMS

There were no changes.

TENTH ORDER OF BUSINESS

SUPERVISORS' REQUESTS

Supervisor Gaeta noted an issue with the gutters. Mr. Kloptosky stated that the gutters were cleaned after the last storm; they would be cleaned again. Supervisor Lawrence suggested that, if the gutters are not clogged, it might mean larger gutters are needed.

ELEVENTH ORDER OF BUSINESS

UPCOMING WORKSHOP/MEETING DATES

A. COMMUNITY WORKSHOP

- **July 12, 2018 at 10:00 AM**

This item was discussed following Item 7B.

B. BOARD OF SUPERVISORS MEETING

- **July 19, 2018 at 10:00 AM**

Mr. McGaffney stated that the next meeting will be held on July 19, 2018 at 10:00 a.m., at this location.

TWELFTH ORDER OF BUSINESS

ADJOURNMENT


There being nothing further to discuss, the meeting adjourned.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the meeting adjourned at 2:01 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair