

**MINUTES OF MEETING
GRAND HAVEN
COMMUNITY DEVELOPMENT DISTRICT**

The Grand Haven Community Development District's Board of Supervisors held a Continued Meeting on Thursday, September 20, 2018, immediately following the Community Workshop 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
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 (via telephone)	District Counsel
Barry Kloptosky	Operations Manager
Stacie Acrin	Grand Haven CDD Office
Robert Ross	Vesta/AMG
Al Lo Monaco	Resident
Vic Natiello	Resident
Denise Gallo	Resident
Ron Merlo	Resident
Kevin Foley	Resident
Laura Foley	Resident
Sue Guy	Resident
Rob Carlton	Resident and GHMA President
Kathy Fuss	Resident
Chip Howden	Resident
Mike Evans	Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. McGaffney called the meeting to order at 10:05 a.m. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

BUSINESS ITEMS

A. Discussion on/Consideration of: Resolution 2018-12, Initiating Conflict Resolution Procedure Under the Florida Governmental Conflict Resolution Act, Concerning Actions by the City of Palm Coast Compelling Removal of Trees Within the District

Supervisor Davidson stated that the last meeting was continued to make a decision on initiating the conflict resolution process against the City of Palm Coast regarding the City's unlawful orders and a jump in jurisdiction compelling the District to cut down and remove trees in conservations areas controlled by the St. Johns River Water Management District (SJRWMD) over which the City has no authority. He sent an email to the City Manager, Mr. Landon, and to Mayor Holland and a meeting was scheduled for yesterday. The day before the meeting, Mr. Landon was let go but the meeting was held with the Assistant City Manager, Beach Falgout and the Mayor.

Supervisor Davidson recapped the circumstances, noting that a City Urban Forester, acting on a resident complaint, tagged trees and posted violation notices. The issue is that the trees are in the conservation easement controlled by SJRWMD and she tagged some trees that may not have been dead or a threat to a resident's home. He gave a history of the negative, far-reaching consequences not only to the District but also other governmental agencies that were caused by residents making unwarranted complaints to various entities.

Supervisor Davidson stated that the City Urban Forester ordered the trees cut down and removed, which is entirely contrary to the conservation easements and the rules of the SJRWMD. If trees are cut down in a conservation area, they are supposed to be left as environmental habitats. District Counsel sent letters to the City regarding four areas where the Forester tagged trees and issued violations. The trees in the first area were cut down, at the demand of the Forester. The day before another violation letter was received, District Counsel received a letter from Ms. Barbara Grossman, City of Palm Coast Code Enforcement Manager, stating that the actions of the Forester were in error and there were no issues. Despite this, the next day the District received another violation notice from the Forester. At that, Mr. Clark suggested initiating the conflict resolution process against the City on the basis of issuing unlawful orders and to establish that the City cannot compel the District to remove trees within the District and that the City is exceeding its authority, contrary to the SJRWMD's rules, along with issuing an order to another sovereign jurisdiction that it should not have authority over. While at the meeting, the District received more violations from the same Forester. Mr. Kloptosky noted that it appears that the Forester is now "scouting out" areas.

Supervisor Davidson stated that, at the meeting, he and Mr. Kloptosky provided historical information and explained what was currently occurring. He suggested that the City and District develop a system whereby, when Grand Haven residents call with a tree issue, the City informs them that the City will handle it and then immediately turning it over to the District, the entity with jurisdiction, and allowing the District to address the issue. The City's response at the meeting was that, when the Urban Foresters go outside the City, they should only be addressing issues related to residential lots. During the meeting, the City acknowledged and agreed that this is a completely different situation, as the District is a sovereign entity, subject to the dictates of the SJRWMD conservation easements, and that the City cannot order the District to do this type of thing. The City is working on a complaints section on its website that would route complaints to the proper departments and subsequently to the proper entities.

As the City expressed interest in resolving this issue with common sense and the City wants to avoid the formal conflict resolution process, Supervisor Davidson suggested tabling it for one month to give the City time to provide positive answers and put systems into place to solve this problem.

Mr. Clark agreed about tabling this, if Supervisor Davidson thinks there is hope.

Supervisor Lawrence noted that the City's agreement, at the meeting, that the Forester acted in error, and asked if the violations she issued would be cancelled. Supervisor Davidson stated that the first violations were already canceled by Ms. Grossman, by way of a letter; he presumed the subsequent violations would be canceled but, to-date, they were not. Supervisor Lawrence asked if the SJRWMD could impose a fine for the trees that were cut down. Mr. Clark replied affirmatively. Supervisor Lawrence asked if the SJRWMD could fine the City, rather than the District. Mr. Kloptosky stated that SJRWMD advised him that the property owner is fined and must then seek recourse from the violator.

Supervisor Smith asked if no action was being taken on the other violation notices. Mr. Kloptosky replied affirmatively; nothing was being done until further notice.

Supervisor Lawrence suggested making the City aware that the District would expect reimbursement for any fines imposed by the SJRWMD for cutting down the trees that the Forester ordered the District to cut down.

Supervisor Gaeta asked if Ms. Grossman was aware of all this. Supervisor Davidson replied affirmatively; the City was very supportive because they know that the Forester was acting incorrectly.

Mr. Vic Natiello, a resident, noted that another City Urban Forester is regularly in the community to address issues on private property for the Architectural Design Committee (ADC) and it should be clear that the District's matter is separate from the ADC's arrangement.

Supervisor Chiodo asked if the City was aware of the newest violation notices. Mr. Kloptosky stated that copies were provided.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, tabling initiation of the conflict resolution process, with the City, until further review at the next meeting, pending positive action by the City of Palm Coast to resolve this matter, was approved.

Supervisor Lawrence asked if the Forester gave orders directly to Ms. Leister or Shaw Tree Service. Mr. Kloptosky stated that the Forester threatened to fine not only the District but also impose fines directly on the District's contractor, Shaw, if the trees were not immediately removed. Supervisor Lawrence questioned how a City employee could threaten an independent contractor. Mr. Kloptosky stated that the threats were the only reason the trees were cut.

Supervisor Gaeta wondered if the resident that caused this should be notified, should a rule be made and/or if an e-blast should be sent to the community. Supervisor Davidson stated not until the system is worked out with the City; if the system works there will be no need for the District to increase awareness because the City will direct the complaints to the District.

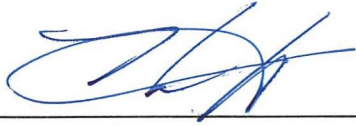
THIRD ORDER OF BUSINESS

ADJOURNMENT

There being nothing further to discuss, the meeting adjourned at 10:33 a.m.

On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, the meeting adjourned at 10:33 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair