

**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, January 18, 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
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
Ashley Higgins	Grand Haven CDD Office
Robert Ross	Vesta/AMG
Jay King	Vesta/AMG
Jim Gallo	Resident
Charlie Greer	Resident
Lionel Duckwitz	Resident
Stephanie Johnson	Resident
Heather Stock	Resident
Leigh Jackson	Resident
Tom Byrne	Resident
Marilyn Shields	Resident
Bob Shields	Resident
Diane Robichaud	Resident
Cathy Ruizgoubert	Resident
Sherry Tomlinson	Resident
Eric Hespenheide	Resident
Judy Hicks	Resident
Kathleen Fuss	Resident
Don Plunkett	Resident
Vic Natiello	Resident
Ron Merlo	Resident
John Noble	Resident
John Polizzi	Resident
Lee Lussier	Resident

Doray Levendusky
Kevin Foley
Morgan Evans

Resident
Resident
Resident

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. McGaffney called the meeting to order at 10:05 a.m. 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.

THIRD ORDER OF BUSINESS

MODIFICATIONS TO AGENDA

The Board agreed to the following modifications to the agenda:

- **Resident Request for Payment for Damages to Vehicle at Wild Oaks Gate**
- **9th Green Site Usage**
- **Update: Handout Regarding Policy for Natural Areas Trees and Wetlands and Spartina on Lake Banks**

Supervisor Davidson requested that this item be added to the Open Items List.

- **Discussion: Options for Board Members to Attend Via Skype In Lieu of Calling In**

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

FOURTH ORDER OF BUSINESS

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

Ms. Diane Robichaud, a resident, introduced Ms. Cathy Ruizgoubert and Ms. Sherry Tomlinson, also residents. She provided photographs of the Riverview Condominium area, discussed landscaping issues on CDD property that residents want the CDD to address and asked what the CDD planned for the 9th Green site.

Supervisor Davidson stated that the District has a long-range plan for the 9th Green site; a Landscape Architect and Engineer must determine what can be constructed on the site.

Regarding the landscape issues, Mr. Kloptosky stated that he, Ms. Louise Leister, Horticultural Consultant, and Yellowstone Landscape (Yellowstone) visited the site. He believed that much of the property in the photographs was Golf Course property; the District has an easement on the pond but must check the Property Appraiser website to determine what property the District owns. According to Ms. Leister and Yellowstone, the Golf Course would be responsible for some issues. Many of the complaints were related to the difference in the appearance of the spartina grass maintained by the District versus others.

Supervisor Davidson asked if the District, as the stormwater permit holder, could cajole or compel the Golf Course to plant or maintain the pond banks to ensure proper flow for the stormwater system. Mr. Clark stated that the District could cajole but he must research whether the District could require the Golf Course to do anything. Supervisor Davidson questioned if the Golf Course was not required to follow the Covenants, Conditions and Restrictions (CC&Rs). Mr. Clark's initial thought was no; CC&Rs are generally applied to plats that were created but the Golf Course is two large plats and there may not be any CC&Rs that apply to those. Supervisor Lawrence asked if the District, as the stormwater permit holder, could perform maintenance on Golf Course property, if conditions were impacting the stormwater system. Mr. Clark felt that an easement or another form of authority would be necessary; he would research this topic. Mr. Kloptosky stated that, according to the Property Appraiser's website, the Golf Course owns most of the property in question.

Mr. Kevin Foley, a resident, asked about the pool chairs and chaise lounges, which were included in the Fiscal Year 2017 Capital Improvement Plan (CIP) budget. Mr. Kloptosky stated that replacement of 20 was included in the Fiscal Year 2018 CIP; however, 37 must be replaced. A new proposal to replace 37 would be obtained. Supervisor Lawrence stated that there should be sufficient CIP budget funds.

Mr. Gary Noble, a resident, stated that, about three months ago, his insurance carrier notified him that they would conduct a drive-by inspection. In mid-December his homeowner's insurance was canceled because the insurance inspector was denied entrance three times. Mr. Noble asked for the CDD or Security vendor to reimburse the difference in the premium. Supervisor Lawrence asked Mr. Noble if the guards contacted him or left messages. Mr. Noble stated that the guards did not contact him or leave messages. Upon receipt of the specific dates that the insurance inspector attempted to enter, Mr. Kloptosky could check the guard logs to determine why entrance was denied. Mr. Noble stated that the insurance company was reluctant

to provide the dates. Mr. Clark suggested that Mr. Noble hire an attorney. Mr. Noble stated that the new premium was \$80 more. The guard called yesterday and the new insurance inspector was allowed to enter. Mr. McGaffney requested that Mr. Noble provide the information and he and Mr. Clark will review it.

Mr. John Polizzi, a resident, asked for e-blast notification of meetings, along with the agendas. Mr. McGaffney stated that the meeting schedule and agendas are posted on the CDD website. Supervisor Davidson stated that an email is sent a few days before the CDD meetings.

Mr. Noble asked if the District could take over retaining wall maintenance from homeowners. Supervisor Davidson stated that this topic would be discussed later in the meeting.

FIFTH ORDER OF BUSINESS

STAFF REPORTS

A. District Engineer

There being no report, the next item followed.

B. Amenity Manager

Mr. Ross had nothing to report.

Supervisor Davidson stated that Mr. Ross and Charlie must obtain radio licenses.

C. Operations Manager

Mr. Kloptosky discussed the following:

- The Village Center Storage Addition – Architect’s drawings were about 85% complete; the working draft should be finished next week and could go out to bid, once approved.
- Lakeview Lane stormwater repairs and as-built drawings were completed and the City conducted the final inspection.
- 38 Creekside Drive stormwater repairs were 95% complete; sod installation was pending.
- The Village Center Auxiliary Generator Installation – The electrician submitted the permit application.

Mr. Kloptosky stated that the City requested numerous drawings and information related to the project. Based on the scope of the project, the City would likely require that a General Contractor (GC) pull the permit and, if so, S.E. Cline Construction (Cline) would be engaged as the GC to pull the permit; whether Cline would charge the District for that service was unknown.

- Road Resurfacing Project – P & S Paving, Inc. (P&S) completed the punch list items. Payment would be released after inspection by Mr. Kloptosky and the District Engineer.

- Golf Cart Crossing Safety Issue – Installation of a BlinkerBeacon™ Solar Flashing LED Beacon system was approved at the last meeting.

Mr. Kloptosky thought that the proposal did not include a battery backup or installation costs but believed any increases would not exceed the approved amount. In-house staff should be able to install the system. The Golf Course was contacted about cost-sharing but raised questions about liability if the system failed and caused an accident or injury. Mr. Clark stated that theoretical liability was always possible. The District identified a potentially unsafe condition so the liability of the system not working on a particular day was likely less than the liability of not having safety measures in place. Mr. Kloptosky asked if he should proceed with the purchase even if the Golf Course does not share the cost. Supervisor Chiodo believed that was the intention, when approved. Discussion ensued regarding liability. Supervisor Davidson felt that the Golf Course should share the cost and suggested that District Counsel send a letter cajoling the Golf Course to contribute. Mr. Clark noted that the Golf Course's attorneys would become involved if he sent the letter. Mr. Kloptosky would contact the Golf Course first.

- **Resident Request for Payment for Damages to Vehicle at Wild Oaks Gate**

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

Mr. Kloptosky stated that a resident's vehicle was damaged when the Wild Oaks Gate closed on it. The resident requested that the District pay for the damages. Mr. Kloptosky believed there was no equipment malfunction and showed a video of the incident. Mr. Clark advised against paying the damages, as it is a driver's responsibility to make sure they can pass safely and clearly through the gate. Discussion ensued regarding whether the District should pay for damages, if signage should be installed, etc. Supervisors Chiodo, Lawrence and Gaeta agreed with District Counsel's position but felt that signage could be added. Supervisor Davidson was inclined to partially reimburse the resident. Mr. McGaffney, in coordination with Mr. Kloptosky and Mr. Clark, would prepare a letter advising the resident that the District would not pay for any damages.

Mr. Bob Shields, a resident, stated that tailgating at the Wild Oaks Gate is a daily problem and signage specifying one-at-a-time might help. Discussion ensued regarding potential backups with a one-at-a-time system, installing signage but still allowing a clicker to reopen or keep the gate open when not fully closed behind a prior vehicle and installing similar signage at The Crossings Gate. With the Board's consensus, Mr. Kloptosky would coordinate with District Counsel to develop signage for the Wild Oaks and The Crossings Gates similar to the signage at

the lift-gate style gates. Supervisor Chiodo suggested an email reminder about the gate operation, protocol and proper gate conduct.

Mr. Polizzi recalled the Engineer's Report, at the last meeting, regarding the Wild Oaks stormwater facilitation improvement. He asked what action was taken to translate the proposal into a design that would tie into permitting and whether there was a formalization of the design so that permitting could commence. Mr. Kloptosky stated that no additional action was taken. The Board must authorize any action, which he felt was premature because District Counsel was in discussions with the St. Johns River Water Management District (SJRWMD). Mr. Polizzi stated that culverts under certain areas tie the ponds into the Wetlands, which have silt obstructing pipes, and asked if clearing those areas was part of normal maintenance. Mr. Kloptosky replied affirmatively, under normal circumstances; however, the circumstances were not normal, which was why District Counsel was in discussions with SJRWMD. The District is not the permit holder and does not want to take responsibility for something that it is not permitted to do. Mr. Polizzi questioned if clearing buildup and obstructions from stormwater structures behind homes was "their" issue or the homeowners' or HOA's responsibility.

D. District Counsel

Mr. Clark recalled that he and Mr. McGaffney met with SJRWMD and the meeting went well. Regarding Wild Oaks, SJRWMD agreed that, overall, the system performed as it was supposed to during the heavy rains. SJRWMD was asked to comment on their inspection findings that were conducted at the request of Wild Oaks residents; however, SJRWMD did not have the information at the meeting. Mr. Clark followed up several times and was advised that SJRWMD would meet internally regarding the information they were to provide the District but no information was received. Regarding whether the District should wait for SJRWMD or proceed without their input, Mr. Clark stated that anything the District Engineer suggests must be permanent and agreed to by the SJRWMD. The District could submit a plan but Mr. Clark cautioned about spending funds to draw the plans before the SJRWMD's approval of the plan and conveyance of permits without coming back to the District for any issues from the past.

Mr. Polizzi wanted the District to continue pressuring SJRWMD. Supervisor Davidson stated that a meeting with SJRWMD, the County, the Utility Company, etc., would be scheduled soon.

Ms. Doray Levendusky, a resident, asked if there would be any value to a resident group approaching SJRWMD urging them to resolve the issue before the next storm season.

Mr. Clark would notify SJRWMD that a number of concerned residents attended the meeting and believed that progress was urgently needed and he needed to know what to tell residents; otherwise, the residents would start calling the SJRWMD Executive Director, etc. Residents should hold off on contacting SJRWMD.

Mr. Clark stated that the Hurricane Matthew claim with the Federal Emergency Management Agency (FEMA) was ongoing. He spoke to a FEMA representative. FEMA dealt with one of the four-part claim, which was related to the smallest claim, streetlights, and FEMA made a mistake during processing. He advised FEMA that the District was most concerned about the debris portion of the claim. Everything is held up in the review process because of environmental issues related to debris disposal.

Mr. Clark had an on-site meeting with FEMA regarding Hurricane Irma. The FEMA representative for this claim was responsive and the claims are proceeding. The debris portion of the Hurricane Irma claim was internally approved by FEMA and was ready for final sign off.

Mr. Clark provided proposed additions to the Surface Water Management Systems Drainage Easements Rule, as discussed at the last meeting. The following changes were made:

Part 3, SECTION 4, Line 3: Change “with” to “which” and delete “routine”

Part 1, Section 1, 1.10, Line 2: Change “with” to “which”

Residents would be notified of the Rule changes.

Mr. Tom Byrne, a resident, suggested notifying the GHMA about this, as the Architectural Design Committee (ADC) standards would be updated in a few months and this should be part of the ADC standards.

Mr. Clark stated that this would be an amendment to the District’s Rules. Typically, the public hearings for Rules are held to coincide for the September budget Public Hearing; however, he felt that a Rule Making Public Hearing was not necessary at this time, just for this amendment. This item would be added to the Open Items List as a reminder to include the Rules Public Hearing on the September agenda.

Mr. Vic Natiello, a resident, concurred that this information should be sent to the GHMA because, while the District was removing a structural requirement, it was not taking many of the aesthetic matters into consideration, which are controlled by the GHMA/ADC.

Supervisor Davidson proposed the following language:

“Where a lakefront lot or the pond bank adjacent to a lakefront lot contains a pond bulkhead, the lakefront lot owner shall be responsible for all maintenance of the pond bulkhead,

which is of a cosmetic nature, including without limitation, cleaning, pressure washing, and clearance of weeds as per GHMA MADC standards.”

Mr. Natiello would discuss this with the other GHMA Board Members, the ADC, etc.

Supervisor Lawrence suggested removing “pressure washing”.

Discussion ensued regarding the Policy verbiage. Mr. McGaffney suggested that Supervisor Davidson coordinate with the GHMA Board regarding the verbiage. This item would be included on the Open Items List and open to further discussion, as the Policy would not be formally adopted until September. The Policy would be revised, as discussed.

E. District Manager

Mr. McGaffney stated that he, Mr. Kloptosky and the insurance agent toured the facilities to determine what could be done and how to refine how items are bundled to improve the likelihood of the District receiving insurance reimbursement for future claims. He explained the issues with having certain items, such as streetlights, bundled and the obstacles to receiving reimbursement, if only a portion of those bundled items are damaged. The insurance carrier agreed to amend the policy to allow the streetlights to be by village, along with other items. The policy would also be updated to include new CDD assets. The insurance carrier also agreed to split The Village Center facility into separate areas, as opposed to the entirety of The Village Center considered as one facility. Underinsured assets were discovered. The insurance premium would increase but the District’s coverage would increase, as well.

Mr. McGaffney reviewed a list of the Hurricane Matthew insurance claims, with the corresponding deductibles. If the claimed amount is below the deductible, the claimed item would not be covered. A disagreement remained regarding whether CDD staff’s time was eligible for reimbursements, under the terms of the insurance policy. \$112,000 was the expected reimbursement amount.

i. Upcoming Meeting/Workshop Dates

o COMMUNITY WORKSHOP

- February 1, 2018 at 10:00 A.M.**

Mr. McGaffney stated that the next workshop was scheduled for February 1, 2018.

o BOARD OF SUPERVISORS MEETING

- February 15, 2018 at 10:00 A.M.**

The next meeting will be held on February 15, 2018 at 10:00 a.m.

*****The meeting recessed at 12:00 p.m.*****

*****The meeting reconvened at 12:14 p.m.*****

Supervisor Gaeta questioned why the CDD office was open on Martin Luther King, Jr. Day but the District Manager’s office was closed. Mr. McGaffney stated that Management follows the government holiday calendar and the CDD had its own list of holidays. Supervisor Gaeta asked Mr. Clark to comment on why the CDD office was open on a government holiday. Mr. McGaffney believed that it was a policy decision by the Board. Mr. Clark stated that the Board decided which days the office would be closed; there was no legal requirement to close on any holiday, it is at the Board’s discretion. This item would be discussed at the next workshop.

SIXTH 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 November 30, 2017

Mr. McGaffney presented the Unaudited Financial Statements as of November 30, 2017.

Supervisor Davidson requested that the District Engineer’s invoices contain at least the project name and/or more detail of the work performed, rather than generic billing.

B. APPROVAL OF MINUTES

i. December 7, 2017 Regular Meeting

Revisions to the minutes were previously submitted to Management.

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

SEVENTH ORDER OF BUSINESS

BUSINESS ITEMS

A. Discussion on/Consideration of: Village Center Water Intrusion Building Assessment Proposal

Mr. Kloptosky presented a proposal from Brame Heck Architects Inc. (BHA), for \$8,737, for the Phase 1 building analysis assessment, which must be completed for this project. BHA would hire a consulting firm to perform the assessment. BHA would then present the findings and a proposal to complete the drawings for the project, which would be Phase 2.

Mr. Clark would review the proposal and draft a contract. Supervisor Gaeta noted that The Village Center's age must be changed. Supervisor Davidson wanted the Agreement to clearly state that the District would retain a set of all documents and plans generated.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the Brame Heck Architects Inc. proposal for Phase 1 investigation and analysis to determine the extent of repairs necessary related to façade and roof restoration at The Village Center, in a not-to-exceed amount of \$8,737, subject to District Counsel review and revision of the contracts, as necessary, the District having ownership of the documents and drawings generated and the cost fixed for one or more days, or the time necessary to complete the task, and authorizing District Counsel to draft the Agreement and the Chair or Vice Chair to execute the Agreement, were approved.

B. Update: 2018 Capital Improvement Plan

An updated CIP was distributed. Mr. McGaffney stated that a new Excel CIP spreadsheet would be created. He, Mr. Kloptosky and Ms. Higgins will be able to add information to the new spreadsheet and have links to information from other fiscal years.

C. Update: Hurricane Matthew Claim

This item was discussed during Item 5E.

D. Update: Local Mitigation Strategy Project Workgroup

Supervisor Davidson stated that this goes under the heading "Business Plan of Alternative Funding Sources". This was the District's first foray into a combination of Federal FEMA funding for mitigation for natural disasters after a previous disaster.

Supervisor Davidson explained the process, as follows:

- An organization is created locally, at the State and County levels
- Projects are registered and created and weighted in a manner of importance
- FEMA allocates funds to the State
- The State reviews applications for each project and accepts some but not all

Supervisor Davidson stated that Ms. Laura Nelson, of the Emergency Operations Center (EOC) strongly recommended that the District complete the application process.

Supervisor Davidson reviewed the District’s Flagler County Local Mitigation Strategy (LMS) Project Information Sheet with the project name “Wind Mitigation of Grand Haven Village Center North Bldg.” He discussed the information contained, the scoring and priority score. The reason Supervisor Davidson is attending meetings, etc. is to make the various agencies understand that the community is not a private gated community; it is an access-controlled unit of special purpose public governmental governed community. Discussion ensued regarding a few wording corrections, potential for the general public to enter and utilize the District’s facility if the District accepts grant funds, things that resulted in a lower priority rating, the District’s priority rating compared to other projects, how to improve the District’s ratings, etc. The District scored 56. The maximum score is 80 and the highest rated project on the list is 77; the major project on the list is Florida Hospital – Flagler for \$4,350,000 to retrofit for windstorm resistance.

Supervisor Davidson discussed another detailed form that must be submitted by May, if the District continues in this process.

This item would be discussed further at a workshop or meeting.

- **Discussion: Options for Board Members to Attend Via Skype In Lieu of Calling In**
******This item was an addition to the agenda.******

Supervisor Gaeta suggested that Ms. Higgins investigate the logistics of Board Members attending via Skype and consult with the District’s IT consultant about other options. Ms. Higgins was unsure if Skype was more beneficial than calling in. Supervisor Gaeta felt that being able to see people at the meeting would be better. Discussion ensued regarding other options.

EIGHTH ORDER OF BUSINESS

OPEN ITEMS

This item was discussed following the Ninth Order of Business.

NINTH ORDER OF BUSINESS

SUPERVISORS’ REQUESTS

Supervisor Davidson discussed the difficulty of getting everyone to obtain radio licenses, which are necessary before the radios can be distributed to those that need them. Listen-only radio users do not need a license. The new, more powerful repeater was installed and an antenna would be purchased. The radios for the Community Emergency Response Team (CERT) and

CDD-related people are the CDD's property; three radios would be sold to the GHMA and AMG would purchase two. Discussion ensued regarding the radio capabilities.

Supervisor Davidson asked about the status of the following:

➤ Agreement with Jason Shaw Tree Services (Shaw)

Mr. Clark stated that a proposal was pending and, once received, it was for \$4,800; however, the District was previously paying \$2,000 per day. Shaw was asked for clarification of the proposed fee but a response was not received. Mr. Kloptosky stated that Ms. Leister sent an email today and he and Ms. Leister would provide an update at the next workshop.

▪ **Update: Handout Regarding Policy for Natural Areas Trees and Wetlands and Spartina on Lake Banks**

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

Supervisor Davidson stated that Ms. Leister must draft the policies and the Spartina Policy must specify that the CDD does not trim spartina but does remove invasive weeds and brush. Discussion ensued regarding why Private Lawn Maintenance (PLM) trims spartina near the condos and why the CDD does not, which is causing a disparity in appearance in that location. Mr. Gallo explained that, in areas where PLM maintains the spartina, property owners are directed by the ADC to "maintain it in the same manner as the PLM". Supervisor Davidson noted that is contrary to the CDD. Despite Ms. Leister's opinion and recommendation against trimming spartina, Supervisor Lawrence suggested that, if PLM continues trimming spartina, the CDD should conform and trim its spartina, as well. Supervisors Davidson and Gaeta noted that it was not necessary and would be costly to trim the spartina. Supervisor Lawrence continued lobbying for the District to change its position on trimming spartina, if PLM would not change its maintenance. Mr. Kloptosky stated that the spartina was not limited to one area; there were areas throughout the community.

▪ **9th Green Site Usage**

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

This item should be included on the next workshop agenda

➤ Bird Watching Trails

Mr. Kloptosky would follow up with Ms. Leister about obtaining estimates for benches and garbage cans. Supervisor Lawrence opposed the bird watching trail, as the District had plenty of common areas. Supervisor Davidson stated that the bird watching trail would give the

District Audubon Society recognition, which would benefit public relations for the community.
Mr. McGaffney stated that this item was on the Open Items List.

➤ Meeting with Landon and the Utilities

Mr. Kloptosky should schedule a meeting to tour the area.

➤ Flashing Beacon at Golf Cart Crossing

Mr. McGaffney stated that a decision was made; the only thing pending was whether the Golf Course would contribute financially.

➤ Wild Oaks Gate Solution – Redoing the Gates Discussed by District Engineer

This item would be included on the next agenda for discussion of whether the Board wanted the District Engineer to prepare a design and drawings, etc.

➤ Community Survey

Supervisor Chiodo could not locate his records from a former survey. Discussion ensued regarding whether a resident survey was necessary or beneficial.

Supervisor Gaeta asked if creation of the new Community Information Guide was underway and if the same publisher would be used. Ms. Higgins replied affirmatively. Discussion ensued regarding content.

Supervisor Lawrence recalled Mr. Kloptosky’s plan to use in-house staff for the restroom renovation project and asked for the status. Mr. Kloptosky stated that, now that the paving and other projects were completed, he would focus on the storage addition, The Village Center project, generators and the restroom renovations.

▪ **OPEN ITEMS**

******This item, previously the Eighth Order of Business, was presented out of order.******

Items A and E were removed.

The following item was added:

- Rule Making and Setting Public Hearing for Surface Water Management Systems and Drainage Easement

TENTH 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 1:42 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair