

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

The Board of Supervisors of the Grand Haven Community Development District held a Rescheduled Regular Meeting, a Public Hearing and Rescheduled Public Hearings on Thursday, September 19, 2019, 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
Tom Lawrence	Vice Chair
Marie Gaeta	Assistant Secretary
Ray Smith	Assistant Secretary
Kevin Foley	Assistant Secretary

**Also present were:**

Howard McGaffney	District Manager
Scott Clark	District Counsel
Barry Kloptosky	Operations Manager
Stacie Acrin	Grand Haven CDD Office
Donna Conforti	Grand Haven CDD Office
Larry Stuart	Vesta/AMG
Roy Deary	Vesta/AMG
Jay King	Vesta/AMG

**Residents present were:**

Vic Natiello	Martha Garziglia
Paul Levesque	Carla Wright
Jerry Kagan	Nancy Chiesa
Bernard Barczak	R.C. Gillien
Charles Greer	Pam Parker
Elaine Worsfold	Peter Worsfold
Otto Bohmeuller	John Polizzi
Jerry Holden	Carol Holden
Ginger Richards	W.B. Howden
Valerie Wright	David Reisman
Kathleen Fuss	Rob Carlton
Edward Pakel	David Praisler
Denise Gallo	Lisa Mrakovcic
Ron Merlo	Geraldine Marsh

**Disclaimer:** These summary minutes are intended to highlight the topics discussed, items being considered and actions taken.

David Ferguson

**FIRST ORDER OF BUSINESS**

**CALL TO ORDER/ROLL CALL**

Mr. McGaffney called the meeting to order at 10:02 a.m. All Supervisors were present, in person.

**SECOND ORDER OF BUSINESS**

**PLEDGE OF ALLEGIANCE**

All present recited the Pledge of Allegiance.

**THIRD ORDER OF BUSINESS**

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

Resident Jerry Kagan asked why the agenda is not available a week in advance of the meetings. He discussed the Café cost-share arrangement with the CDD. Mr. McGaffney stated that the Vesta contract would likely be adjusted in the future but, at this time and despite it not being required in the contract, Vesta, on its own accord, shares revenue with the CDD. Regarding the availability of the agendas, Mr. McGaffney stated that agendas are posted on the CDD website at least seven days in advance; the hurricane impacted the posting for this meeting. Mr. Kagan stated that the agenda is not e-blasted until 24 hours before the meetings and he wanted it sooner. Mr. McGaffney stated that Management would work with Vesta on having it e-blasted sooner.

**FOURTH ORDER OF BUSINESS**

**BUSINESS ITEMS**

**A. Discussion: Resident Suspension of Amenity Privileges**

Mr. Clark presented the suspension letter sent to the resident in response to inappropriate conduct in the Café. He advised that the resident was entitled to have this matter heard; he could schedule an appeal hearing, in writing, and have witnesses and his attorney present at the hearing. The resident, having heard the rights afforded him, determined that he wanted to have the appeal hearing take place today. Lengthy comments, questions and answers were heard.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, expulsion of the resident from the Café for six months, was approved.**

**B. Continued Discussion: Purchase of Land**

Mr. Clark recalled that, at the August meeting, he, the Chair and the District Manager were authorized to discuss and negotiate for the purchase of the vacant site near the Clubhouse that is currently for sale. Based on conversations with the broker and if the Board wanted to pursue the purchase of the land, Mr. Clark recommended offering \$270,000; the contract should have an appraisal contingency of a minimum appraisal of \$270,000 and a contingency for a site review by the District Engineer, along with other inspections, testing, analyses, etc. Discussion ensued regarding the potential loss of 24 assessable units and the possible impact on the assessments of the current property owners, etc.

Resident Otto Bohmueller asked what guarantee the District has that the present two 12-unit condominiums would be opened. Mr. McGaffney stated that is the builder's concern. Mr. Clark stated that part of the discussion and negotiation would be about those units.

Resident Chip Howden asked if the property was large enough to build a reasonably sized amenity and where would the funds to build the amenity and pay staff come from. He felt that if someone is hired to evaluate the land, they should be required to submit other evaluations and the outcome of those.

Resident David Praisler asked about the assessment for Colbert Lane. Supervisor Davidson stated that was paid off. Mr. Praisler asked if those funds went back to residents or if the funds could be used for this. Supervisor Davidson replied no and stated that was funded by a bond and the bond was paid off; the Colbert Lane assessment no longer exists.

Resident Rob Carlton asked if the contingencies would include reducing the Planned Unit Development (PUD) by 24 units. Supervisor Davidson stated that would involve the City but the City looked favorably on the CDD purchasing the land. Mr. Clark asked if Dr. Carlton's intent was to cut any argument that the lots could be moved elsewhere. Dr. Carlton stated it was to ensure that other residential units cannot be built in the CDD.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Smith, with all in favor, authorizing Staff and the Chair to draft and enter into a contract for the purchase of the specified property, in a not-to-exceed amount of \$270,000, subject to the terms and contingencies discussed, was approved.**

- C. Consideration of/Decision on: Resolution 2019-09, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2018 and Ending September 30, 2019; and Providing for an Effective Date**

Mr. McGaffney stated this increases the Committed Fund Balance from \$500,000 to \$690,235 for Disaster Recovery. He presented Resolution 2019-09 and read the title.

**On MOTION by Supervisor Gaeta and seconded by Supervisor Davidson, with all in favor, Resolution 2019-09, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2018 and Ending September 30, 2019; and Providing for an Effective Date, was adopted.**

- D. Consideration of/Decision on: Resolution 2019-10, Resetting Public Hearing Pursuant to the Department of Revenue’s Emergency Order No. 19-001, Dated September 3, 2019, Implementing Governor Ron DeSantis’ Executive Order Number 19-190, Dated August 29, 2019**

Mr. Clark stated that this action and Resolution was necessary due to the cancellation of the budget public hearing because of the potential hurricane.

Mr. McGaffney presented Resolution 2019-10 and read the title.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, Resolution 2019-10, Resetting Public Hearing Pursuant to the Department of Revenue’s Emergency Order No. 19-001, Dated September 3, 2019, Implementing Governor Ron DeSantis’ Executive Order Number 19-190, Dated August 29, 2019, was adopted.**

The meeting recessed at 11:37 a.m., and reconvened at 11:56 a.m.

**FIFTH ORDER OF BUSINESS**

**Public Hearing to Adopt Amendments to the Policies and Fees for All Amenity Facilities Which Govern the Operation of Certain Facilities of the District**

**A. Affidavits of Publication**

- i. **Notice of Rule Development**
- ii. **Notice of Rulemaking**

These items were provided for informational purposes.

**B. Consideration of/Decision on: Resolution 2019-11, Adopting Amendments to the Rules, Policies and Fees for All Amenity Facilities Which Govern the Operation of Certain Facilities of the District**

Mr. Clark distributed a redline version of the Amenity Rules, Policies and Fees reflecting the changes discussed at prior meetings and workshops, and reviewed the amendments to the Amenity Rules, Policies and Fees. Generally, the amendments included the following:

- “Amenity” definition expanded to include the Wild Oaks Dog Park and Golf Course parking area.
- Created a definition for “Designated Parking Area”.
- The definition of “House Guest” was revised.
- Further defined the terms and conditions of nonresident use of the Café.
- Revised use of parking Rules to restrict use when the amenities are not being used and the penalties for illegal parking.
- Definitions of “Open” and “Closed” for amenities.
- Parking violations added to the list of violations that could lead to suspension of amenity privileges.

**On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the Public Hearing was opened.**

Mr. Howden asked if overnight parking in the Golf Club or Dog Park parking lots was addressed. Supervisor Gaeta replied affirmatively.

Resident Kathleen Fuss referred to use of amenities that are “Closed” but not fenced or locked and asked if that applied to the croquet courts, as she observed residents playing

croquet when the amenities were “closed” due to the recent hurricane threat. The response was that the croquet courts are included.

Supervisor Gaeta noted that the document included amenities that the District no longer has. The consensus was to leave them in, as those amenities might return.

Resident Pam Parker stated her thought that the Café was always open to the public. Supervisor Davidson stated that it was but, once these Rules and Policies are adopted, nonresidents will only be able to use the Café if accompanied by a resident. Ms. Parker voiced her disagreement with the requirement to pay a \$10 Daily Guest fee for her grandson’s friends to visit and play basketball, etc., since the high school friends live in Flagler County. Mr. McGaffney stated the intent of that rule was to address people living in Flagler County who were taking advantage of the CDD’s amenities and believed the concept of children and teens having friends over was not contemplated. Ms. Parker asked the Board to reconsider the fee for guests. Supervisor Davidson stated that it might be possible for arrangements to be made. The \$10 Daily Guest fee for guests residing in Flagler County provision was not changed.

Resident David Reisman asked if parking lots would have towing signage. Mr. Kloptosky stated that the parking lots already have the signage.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, the Public Hearing was closed.**

**On MOTION by Supervisor Gaeta and seconded by Supervisor Lawrence, with all in favor, Resolution 2019-11, Adopting Amendments to the Rules, Policies and Fees for All Amenity Facilities Which Govern the Operation of Certain Facilities of the District, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Poof/Affidavit(s) of Publication/Meeting Notices**

- A. September 19, 2019 Rescheduled Regular Meeting and Public Hearing Notices**
- B. September 5, 2019 Regular Meeting and Public Hearings Affidavits of Publication**

These items were provided for informational purposes.

**SEVENTH ORDER OF BUSINESS**

**Public Hearing on the Adoption of Fiscal Year 2019/2020 Budget**

- **Consideration of/Decision on: Resolution 2019-12, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. McGaffney presented the proposed Fiscal Year 2020 budget, which contained the changes previously made. He distributed and reviewed a list of the specific budget line items that changed from Fiscal Year 2019 to Fiscal Year 2020 and the reasons for the changes. There would be additional changes to the Fiscal Year 2020 budget due to additional expenses and additional fund balance must be used to cover those additions. He discussed the reason and benefits of the Reserve Study, assessment amount changes, etc.

**On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, the Public Hearing was opened.**

Mr. Kagan asked for the location of 89 parcels in Wild Oaks. Mr. McGaffney would provide a map. Mr. Kagan asked why the budget does not reflect "Actual" amounts for Fiscal Year 2019 and does not go through June 30, 2019. Mr. McGaffney explained the lengthy budget process and noted that, each year, the proposed budget for the next fiscal year must be approved by June 15<sup>th</sup>.

Mr. Bohmueller asked about the total number of lots. Discussion ensued regarding the number of lots, whether double sized lot owners pay "double", bonds and paid bonds, etc.

Mr. Howden asked about the "Total Infrastructure reinvestment", how much it would cost to replenish it and whether it was a "real" increase. Mr. McGaffney explained that over \$600,000 of fund balance was used in Fiscal Year 2019 to avoid an assessment increase but less fund balance would be used in Fiscal Year 2020, as the "Total Infrastructure reinvestment" amount was decreasing.

Discussion ensued regarding increasing the use of fund balance.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, the Public Hearing was closed.**

Mr. McGaffney presented Resolution 2019-12 and read the title.

**On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, Resolution 2019-12, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020, with the changes discussed increasing use of fund balance; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2019/2020, Pursuant to Florida Law**

**A. Mailed Notice(s) to Property Owner(s) [September 5, 2019 Meeting/Hearings]**

The affidavit of mailing and copies of the Mailed Notices were provided for informational purposes.

**B. Consideration of/Decision on: Resolution 2019-13, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, the Public Hearing was closed.**

Mr. McGaffney presented Resolution 2019-13 and read the title.



On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, Resolution 2019-13, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

**NINTH ORDER OF BUSINESS****UPCOMING WORKSHOP/MEETING**

- October 3, 2019 at 10:00 A.M., Community Workshop
- October 17, 2019 at 10:00 A.M., Regular Meeting

**TENTH ORDER OF BUSINESS****STAFF REPORTS****A. District Engineer: *DRMP, Inc.* [David Sowell]**

There was no report.

**B. Amenity Manager: *Amenity Management Group, Inc.* [Larry Stuart]**

Mr. Stuart distributed a Monthly Overview and reported the following:

- The weekly report would be submitted directly to the Board Members.
- 25% of staff was replaced. The Amenity Assistant General Manager would be identified within two months.
- There was one incident, which was documented.
- New point-of-sale (POS) system was installed.
- Tennis court windscreens were installed.
- Labor Day BBQ scheduled for September 2<sup>nd</sup> was rescheduled to September 21<sup>st</sup>, due to the hurricane threat.
- Café impacted by the construction; residents need to know that the Café is still open.
- The Tennis Advisory Group (TAG) was being formed.

Regarding an earlier resident comment about the Café cost-share arrangement with the CDD, Mr. Deary estimated that, over the last five years, Vesta has provided about \$100,000 to the CDD. Regarding whether the cost-share arrangement was in the contract, he recalled including it in Vesta's proposal several years ago and, as it was his understanding that the proposal is an exhibit to the contract, it should be a part of the contract. He noted that Vesta's contract expires September 31, 2019 and Staff advised that Vesta's services would be month-

to-month, after the contract expires. A new proposal would be provided. Mr. McGaffney stated that Vesta's proposal six months ago contemplated an increase; however, the thought was to extend the current contract for one year to further evaluate Vesta's services and avoid going through the request for proposals (RFP) process now. Mr. Deary stated that Vesta could provide a proposal next month. Mr. McGaffney stated, ideally, that should occur after the prior issues are resolved so, this would likely be addressed for the next fiscal year.

Discussion ensued regarding who can attend events, what time the gym is opened, a Board Member's desire for the gym to open at 5:30 a.m., despite 6:00 a.m. being specified in Vesta's contract, possibly changing the gym hours, etc.

Regarding access to The Village Center during construction, Mr. Howden suggested installing a plywood walkway/opening and signage stating that the Café is open.

**C. Operations Manager: *Barry Kloptosky***

Mr. Kloptosky discussed the following:

- Ms. Donna Conforti was recently hired to work in the CDD Office.
- Preparations for Hurricane Dorian went well and all facilities were reopened quickly, once the threat was over.
- Tennis Court Fence Replacement Courts 5, 6 and 7: Completed and wind screens were installed; final inspection was pending.
- Pond 11 Alum Treatment: Proposal executed and treatment date was pending.
- Village Center Stucco Repair Project: Work was underway and going well. Due to unanticipated issues with the arches and rotted corners, the architect was amending the drawing for those issues and proposals for the additional work were pending.

Discussion ensued regarding installing outdoor fans, power washing the tiles, etc.

- Pond 14 Bank Erosion Repairs: Additional requests for erosion repairs received.  
Discussion ensued regarding further review of Pond 14, spartina grass, etc.
- Bulkhead Inspection: Field Supervisor examined the bulkhead and most of the issue could be repaired in house. The District Engineer would examine one small area with a crack.
- Yellowstone Landscaping: Issues remain despite numerous discussions. It was nearly to the point of recommending going out to bid for landscape services.

**D. District Counsel: *Clark & Albaugh, LLC* [Scott Clark]**

Mr. Clark reported the following:

➤ Hurricane Matthew FEMA Claim: The Federal Emergency Management Agency (FEMA) denied a number debris removal invoices for lack of backup and other reasons. Discussions with FEMA were ongoing.

➤ City of Palm Coast Code Enforcement Violation Notice: The City sent a Violation Notice related to failure to perform wildfire mitigation clearing. The response letter to the City was included. The City subsequently withdrew the Violation Notice and refunded the appeal fee. It was recommended that the Interlocal Agreement between the CDD and the City be amended to include wildfire mitigation.

**E. District Manager: *Wrathell, Hunt and Associates, LLC* [Howard McGaffney]**

There was no report.

**ELEVENTH ORDER OF BUSINESS**

**SUPERVISORS' REQUESTS**

Supervisor Davidson recalled past discussion about holding a Realtor roundtable to obtain input regarding maintaining Grand Haven's competitive edge over other communities. This item would be placed on the November 7<sup>th</sup> agenda.

Supervisor Gaeta stated that the Community Information Guide (CIG) was ready and arrangements would be made to distribute them. She suggested printing sets of the Amenity Rules, Policies and Fees to distribute with the new CIGs since the ones in the CIG were outdated as a result of the adoption of new Rules today. Board Members were not in favor of printing inserts.

Supervisor Foley distributed potential topics for the next Oak Tree article. Supervisor Davidson suggested the Reserve Study.

**TWELFTH ORDER OF BUSINESS**

**OPEN ITEMS**

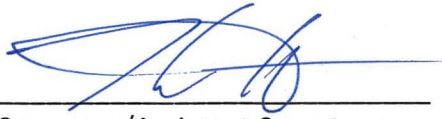
This item was not discussed.

**THIRTEENTH ORDER OF BUSINESS**

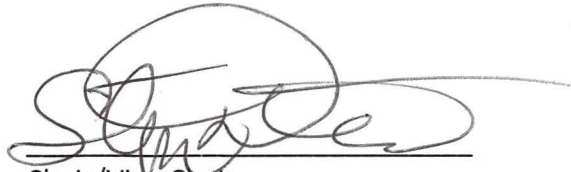
**ADJOURNMENT**

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

**On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, the meeting adjourned at 2:21 p.m.**

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Secretary/Assistant Secretary

A handwritten signature in black ink, featuring a large circular loop at the top and several horizontal strokes below.

Chair/Vice Chair