

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

The Board of Supervisors of the Grand Haven Community Development Districts held a Continued Meeting on March 7, 2019, immediately following the adjournment of the Community Workshop scheduled to commence 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
Jay King	Vesta/AMG
Roy Deary	Vesta/AMG

Residents present were:

Patsy Campbell	Mike Campbell
John Polizzi	Kathy Polizzi
Mike Frichol	Diane Frichol
Kathleen Fuss	Denise Gallo
David Reisman	Brad Scott
Judy Reese	Earl Buchanan
Judy Edward	Jerry Kagan
Paula Geppner	Lorrie Sibole
Nick Rotella	Anne Adamiak
Allan Roffman	Ronald Johnson
Bob Rovegno	John Licata
Lisa Mrakovic	William Green
Maureen Pellegrini	Bob Mehl
Laura Foley	Reginald Hermans

Michael Coyle
Ken Ersbak
Nancy Velardi
Barbara Wright
Chip Howden
Ed Pakel
Mike Prior
Mike O'Brien
Margaret Guerrere
Sharmon Lee

Mary Coyle
Mary Ann Woika
Margo Dowling
Mike Wright
Dennis Seiferheld
Michael Mauricio
Beth Prior
Nancy O'Brien
Beth Hagan
Karen Hickman

FIRST ORDER OF BUSINESS

CALL TO ORDER/ROLL CALL

Mr. McGaffney called the meeting to order at 11:56 a.m. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited at the workshop just prior to this continued meeting.

THIRD ORDER OF BUSINESS

CONTINUED DISCUSSION: Holiday Schedule

This item was discussed following the Fifth Order of Business.

FOURTH ORDER OF BUSINESS

CONTINUED DISCUSSION: Definition of Amenity Closures

This item was deferred to the next workshop.

FIFTH ORDER OF BUSINESS

CONTINUED DISCUSSION: Height of Tennis Court Fencing

Supervisor Gaeta stated that she would be in favor of a compromise of a 5' fence, as she felt that, while the difference between 3' and 5' was minimal, a 5' fence would be sufficient to

protect the District's asset. She discussed her concerns about preserving the District's assets, potential issues with nonresidents utilizing the tennis courts, etc.

Supervisor Lawrence motioned and Supervisor Foley seconded installation of a 3' high fence at the tennis courts and not proceeding with installation of a 10' high fence, as previously approved by the Board.

Mr. Kloptosky stated that the original proposal was to replace the fences, as is, with a 10' high fence on three sides of each court and 3' high fences on the walkway side, and asked if that was the intent of the motion. Supervisor Lawrence replied "correct".

Supervisor Davidson asked Supervisor Lawrence to amend the motion to make the fence height 5', as a compromise. Supervisor Lawrence declined Supervisor Davidson's request.

Mr. Mike Frichol, a resident, stated that he was astounded that the Board was considering increasing the fence height to 10'. He expressed his opinion that this was initiated by bogus claims about asset preservation and liability, along with an undercurrent of personal retribution by some Supervisors.

Supervisor Davidson stated that Mr. Frichol was out of order. The purpose now was to take constructive comment about the fence height and Mr. Frichol's prior comments were completely out of order and inappropriate. Supervisor Lawrence agreed with Supervisor Davidson and voiced his opinion that Mr. Frichol's comments were not appropriate.

Mr. Frichol reminded the CDD Board that, in his opinion, all residents are fractional shareholders and the Board was elected to manage the residents' mutual interests and not to "rule over us". Supervisor Davidson stated that Mr. Frichol's comment was out of order. Supervisor Gaeta agreed that it was out of order. Supervisor Davidson stated that the Board represents all 1,901 homeowners and not just 200 tennis players who represent about 100 households; the Board was not trying to dictate anything, it was trying to deal with the best interests of the entire community.

Mr. Frichol accused the Board of "compromising our access to amenities we pay for by locking the pickleball court during the day, the playground during the day and the tennis courts, which is being discussed, for really no justifiable reasons". He noted Supervisors Davidson, Gaeta and Lawrence's many years of service on the Board and their many good works for the community; however, he threatened "If you approve any fence height increase, or gates around

the courts or locks all over, your legacy will be negatively remembered.” Supervisor Davidson stated that, again, Mr. Frichol was out of order.

Mr. McGaffney stated that the meeting will not be productive if speakers make personal attacks on Board Members. He noted that residents were entitled to their views but asked that comments be limited to the height of the fence and that personal matters “be kept at home”; residents could email him, if they wished.

Mr. Robert Mehl, a resident, thanked Supervisor Smith for his research on the topic. He noted concern about whether “people were listening” and stated that he supports installation of a 3’ high fence. Some were trying to compare the pickleball and tennis courts but, in his opinion, the comparison was inappropriate because ‘the pickleball courts are off to the side and not part of the main thoroughfare and is not like the pickleball courts’. He felt that the Board’s position that it serves 4,600 residents is a “smokescreen” and Supervisor Smith’s comment that most amenities serve a small number of people was correct. He felt that it is the sum of those parts that make this a privileged and great place to live; therefore, he cannot relate to the 4,600 residents, he can only relate to the tennis players and some of the other things, no different than people who have played bocce ball or something else. He questioned if this discussion would be happening if this was the basketball, bocce or croquet courts; he did not think so. He reiterated that he was in favor of a 3’ high fence and never raising the height. He thanked the Board for listening and, specifically, the three Board Members that he thought would vote for the 3’ high fence.

Mr. Dennis Seiferheld, a resident, asked for clarification of the “inner” fence, as his understanding was that the inner fence was a 3’ high fence separating Courts 5 and 6 and Courts 1 and 2. It was confirmed that was not what was being discussed. Mr. McGaffney stated that earlier comments were related to the walkway by the sidewalk. Mr. Seiferheld believed that the fences at Courts 1 through 4 were rebuilt three years ago and the outside fence posts were not rusting; rather, the inner 3’ high fence posts were rusting. Mr. Kloptosky stated that the majority of the 3’ high fence posts were rusting but some disintegration was observed on the tall posts. Mr. Seiferheld wanted the outer fence to remain at 3’ high and was in favor of locking the gates and installing closed signs.

Mr. Gerald Kagan, a resident, stated that everyone that spoke at the last meeting and today were in favor of a 3' high fence and only Board Members have spoken about a higher fence. He stated that, despite the tennis community only representing a small number of the 4,600 residents, no one from the rest of the community was in attendance requesting higher fences and the only people in attendance were those that want the 3' high fence; therefore, in his opinion, those in attendance were the only ones who care and the other residents would just go along with whatever is decided.

Dr. Michael O'Brien, a resident, thanked the Board for their time and the effort that they put into the community and stated it is nice to know that the Board is working for the residents. He was in favor of a 3' fence and keeping it the way it is. He questioned the idea of securing the courts with higher fences and stated that the guards informed him that very few people try to access the community.

Mr. Ed Pakel, a resident, thanked the Board for their conscientiousness and on how the community is run. He favored a 3' fence because it makes the area welcoming.

Supervisor Davidson recalled a diagram of a fencing option provided by Mr. Jim Pellegrini, a resident, at the last meeting. Mr. Kloptosky stated that he considered Mr. Pellegrini's option a long time ago but it was not practical. The issues involved having to remove fences and gates to allow large equipment into the area, if repairs were necessary, and locking the gates to secure the tennis courts would impede access to the walkway.

Supervisor Lawrence discussed the community, in comparison to others, and voiced his opinion that the Boards, collectively, have done a good job listening to the community and delivering great assets at a good price.

Supervisor Gaeta stated that, based on the audience comments and discussion, she was willing to vote for the 3' high fence in order to maintain the aesthetic appearance of the walkway.

On MOTION by Supervisor Lawrence and seconded by Supervisor Foley, with Supervisors Lawrence, Foley, Smith and Gaeta in favor and Supervisor Davidson dissenting, installation of a 3' high fence at the tennis courts and not proceeding with installation of a 10' high fence, as previously approved by the Board, were approved. (Motion passed 4-1)

Regarding locking the tennis court gates daily, after hours, Supervisor Smith stated that he preferred to address it when the overall closure definition is discussed but would support locking them, after hours, on the premise the decision can be reconsidered later.

Mr. Charles Steele, a resident, asked if the pickleball courts, tot lots, etc., would be unlocked, as well. Supervisor Davidson stated that they should not be locked during the day unless there is a reason, such as the weather.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, directing the Amenity Manager to lock the tennis court gates daily, after hours, when the amenity facilities are closed, and hang signs stating that the courts are closed, in keeping with the District's current Policy, was approved.

▪ **CONTINUED DISCUSSION: Holiday Schedule**

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

Supervisor Smith wanted to discuss the specific amenities that would be closed. Supervisor Foley wanted more information from Vesta regarding staffing on the holidays, as, despite the idea that people should be home with their families on the holidays, he was not sure that at least a couple of facilitators would not be willing to work on Thanksgiving, for example, although he had not asked them.

Discussion ensued regarding residents questioning facilitators about working on holidays.

Supervisor Gaeta was in favor of closing the amenities on the established holidays to allow employees to spend the holidays with their families.

Discussion ensued regarding whether a motion was necessary if the decision was to remain status quo, with regard to the Holiday Schedule.

Supervisor Smith stated that he would vote against keeping the Holiday Schedule as is, because all of his questions have not been answered.

Supervisor Foley stated that he does not want to be an obstructionist but, as he is "not there yet" and did not have enough information, he agreed with Supervisor Smith and noted that, by "doing nothing", the District still had the existing Policy of the amenities being closed

on the specified holidays. He asked if the Policy, as written, means that, when the facilities are closed, then all amenities are closed. Mr. McGaffney stated that was the intent of the Policy. Supervisor Foley stated that he would not be opposed to the intention now being that everything is closed but he felt that it should be open to discussion and that input from Vesta should be obtained. Also, an e-blast should be sent to residents explaining the Policy.

Supervisor Lawrence stated he would support a vote if the purpose of a vote was to formally restate that Christmas Day, New Year’s Day and Thanksgiving Day are official closed holidays but it would not preclude the Board from further discussion of defining “closure”.

On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, affirming the current Holiday Schedule of closing the amenities on Christmas Day, New Year’s Day and Thanksgiving Day, in keeping with the District’s current Policy, meaning the amenities would not be staffed on the aforementioned holidays, was approved.

SIXTH ORDER OF BUSINESS

**UPCOMING WORKSHOP/MEETING DATES
[10:00 AM]**

A. BOARD OF SUPERVISORS MEETING: March 21, 2019

The next meeting will be held on March 21, 2019 at 10:00 a.m.

B. COMMUNITY WORKSHOP: April 4, 2019

The next workshop will be held on April 4, 2019 at 10:00 a.m.

Supervisor Smith recalled a previous discussion about criteria for moving an amenity function to a different location and providing Mr. Ross with written guidelines in support of his criteria when considering moving an activity. He presented a sample written statement. This item was deferred to the next workshop.

Mr. Deary stated that he has attended the District’s meetings for many years and he felt that Supervisor Davidson’s collegiality has been one of the hallmarks of the Board and, today, even with the difference of opinion and a split vote, he still felt that the Board exhibited collegiality. Supervisor Davidson thanked Mr. Deary and stated that he had the best interests of the community at heart, as he always does.

Regarding Vesta's previous notification of the intention to seek a 4% increase in their Annual Management agreement, Mr. Deary stated that Vesta decided to maintain the same rates for the next contract year and would not seek an increase. Supervisor Davidson noted that, on the contract amount of approximately \$500,000, Vesta's decision against increasing its rates saved the District about \$20,000. In response to the question of when Vesta last increased its contract amount, Mr. Deary estimated five years. Regarding the revenue sharing arrangement, Mr. Deary stated that, over the past five years, Vesta has remitted \$86,000 back to the District.

On MOTION by Supervisor Davidson and seconded by Supervisor Smith, with all in favor, rescinding the prior approval for Staff to advertise an RFP for Amenity Management Services, retaining Vesta's services for one additional year, at the same rates, and authorizing Staff to prepare a 1-Year Extension Agreement, were approved.

▪ **Supervisors' Comments**

This item was an addition to the agenda.

Supervisor Gaeta referred to the last line of the Fiscal Year Meeting Schedule, which states:

"A person who decides to appeal any decision made at the meeting with respect to any matter considered at the meeting is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based."

Supervisor Gaeta stated that she felt that it was very important for each Board Member to keep this in mind and realize that this was how the Board has managed and been able to retain professionalism. The audience should know that, when one first becomes a CDD Board Member, it is possible that actions might be taken, without intention but due to lack of knowledge, which is the reason she has always reached out to the District Manager and other Staff for assistance. She apologized if anything was misinterpreted at the last meeting and workshop and expressed her opinion that this entire situation could have been taken care of

differently and would have been handled in a much more professional manner if the decision had been appealed in the specified manner.

SEVENTH ORDER OF BUSINESS

ADJOURNMENT

There being nothing further to discuss, the meeting adjourned.

On MOTION by Supervisor Davidson and seconded by Supervisor Foley, with all in favor, the meeting adjourned at 12:57 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair