

1 **MINUTES OF MEETING**

2 **GRAND HAVEN**

3 **COMMUNITY DEVELOPMENT DISTRICT**

4 The Regular Meeting of the Board of Supervisors of the Grand Haven Community Development
5 District was held on Thursday, November 3, 2022 at 9:00 a.m. in the Grand Haven Room, at the Grand
6 Haven Village Center, 2001 Waterside Parkway, Palm Coast, Florida 32137.

7 **FIRST ORDER OF BUSINESS – Call to Order/Roll Call**

8 Mr. McInnes called the meeting to order and conducted roll call.

9 Present and constituting a quorum were:

10	Chip Howden	Board Supervisor, Chairman
11	Kevin Foley	Board Supervisor, Vice Chairman
12	Michael Flanagan	Board Supervisor, Assistant Secretary
13	John Polizzi	Board Supervisor, Assistant Secretary
14	Dr. Merrill Stass-Isern	Board Supervisor, Assistant Secretary

15 Also present were:

16	David McInnes	District Manager, DPFM Management & Consulting
17	Jay King	Vesta
18	Scott Smith	Vesta
19	Scott Clark	District Counsel, Clark & Albaugh, LLP
20	David Sowell	District Engineer
21	Barry Kloptosky	CDD Operations Manager
22	Vanessa Stepniak	CDD Office Manager
23	Dr. Robert Jay Carlton	HOA President
24	Steve Brazen	Resident

25 *The following is a summary of the discussions and actions taken at the November 3, 2022 Grand Haven*
26 *CDD Board of Supervisors Regular Meeting. Audio for this meeting is available upon public records*
27 *request.*

28 **SECOND ORDER OF BUSINESS – Pledge of Allegiance**

29 The Pledge of Allegiance was recited.

30 **THIRD ORDER OF BUSINESS – Audience Comments – (for non-agenda items - limited to 3 minutes**
31 **per individual)**

32 Mr. Brazen discussed handicap access issues at the café and restrooms. He recommended
33 installation of automatic door openers.

34 **FOURTH ORDER OF BUSINESS – Staff Reports**

35 A. District Engineer: David Sowell

36 **This item, originally Item B under the Fourth Order of Business, Staff Reports, was presented**
37 **out of order.**

38 Mr. Sowell asked for any questions from the Board. A Supervisor inquired about a wall separator
39 that had been discussed at the previous meeting. Mr. Sowell recalled that no action was taken by
40 the Board on this item but recommended repairing this wall, as well as evaluating all of the walls
41 in the Crossings. Mr. Kloptosky noted that District Counsel had sent a letter to the address in
42 question approximately 2 years ago regarding the residents clearing out CDD property behind their
43 home. He explained that private lawn maintenance companies had been mowing up to the wall,
44 which was part of CDD property, and indicated that he believed that this was the cause of the wall

45 problem. He advised a survey of this area. The Board reached a consensus to direct Mr. Kloptosky
46 to continue to inspect the wall with the District Engineer and return to the Board with a
47 recommendation on what should be done with the wall, how quickly the wall needed to be fixed,
48 and what to do in regards to resident encroachment on CDD property. It was requested that Mr.
49 Kloptosky come back with a date for this recommendation by the December meeting.

50 Dr. Merrill discussed her investigation findings of Wetland P, particularly in regards to water levels
51 and the evapotranspiration rate. She noted that a junction structure had not been located and that
52 the Wetland P overflow had affected a number of residents. Mr. Sowell indicated that the junction
53 system appeared to be functioning properly but recommended locating the junction structure for
54 maintenance. In response to a Supervisor question, Mr. Sowell confirmed that there appeared to be
55 a clog but explained that the emergency overflow was functional. Dr. Merrill recommended
56 authorizing Mr. Sowell and Mr. Kloptosky to investigate the Wetland P infrastructure.

57 Mr. Sowell provided clarification on questions from the Board regarding flood control, the junction
58 structure, and water drainage. He confirmed that the wetland overflow did not pose imminent
59 danger to residents' houses. The Board agreed to direct Mr. Kloptosky to locate the junction
60 structure and clean it out, as well as to unclog the structure for Pond 27, if necessary. The Board
61 additionally agreed to discuss the overall drainage system with Mr. Sowell at a Workshop Meeting.

62 B. Exhibit 1: Amenity Manager: John Lucansky

63 Mr. Scott discussed steps taken to address the recent health code inspection on behalf of Mr.
64 Lucansky.

65 C. Operations Manager: Barry Kloptosky

66 1. Exhibit 2: Presentation of Capital Project Plan Tracker

67 Mr. Kloptosky stated that the pool equipment project had been completed with a cost
68 savings of \$25,129.00 and asked for any questions from the Board. In response to a
69 Supervisor question, Mr. Kloptosky provided background information regarding how he
70 was able to obtain a low price for heat pumps for the pool. He indicated that heat pumps
71 typically have a lifespan of between 7 and 8 years.

72 Mr. Polizzi asked if there were any projects that had not been closed out. Mr. Kloptosky
73 explained that the District had until the end of November to complete projects from the
74 previous Fiscal Year. Discussion ensued regarding capital project expenses and the Budget
75 Review. Mr. Howden recalled that \$150,000.00 that had originally been allocated for the
76 parking lot would go back into the Reserve Fund. Mr. Foley advised looking at the Long-
77 Term Plan in conjunction with the 2024 Budget in January.

78 2. Exhibit 3: Monthly Report

79 Mr. Kloptosky noted that the change in format for the report requested by Mr. Foley at the
80 previous meeting had been implemented. In response to a Supervisor question, Mr.
81 Kloptosky clarified that the canopies were now in production and indicated that he hoped
82 to receive an install date in the near future.

83 Mr. Kloptosky informed the Board that he had received a proposal from the infrastructure
84 contractor to perform curb and gutter repairs from Waterside Pkwy South to the south
85 entrance of the community. He relayed that the District Engineer felt that the Waterside
86 Pkwy asphalt was currently in good condition and was not expected to need repairs for the
87 next several years. He indicated that the curb and gutter repairs could still be done if the
88 Board approved but noted that this would result in a patchwork appearance on this section
89 of roadway until the asphalt was resurfaced. He stated that the total cost of curb and gutter
90 repairs from Village Center to the south exit, with the addition of asphalt patching, would

91 amount to \$136,615.00. In response to a Supervisor question, Mr. Kloptosky indicated that
92 the total cost to mill and resurface the road from the Village Center to the south exit was
93 estimated to be approximately \$250,000.00. Mr. Kloptosky stated that he would walk the
94 roads with the District Engineer and return to the Board with their findings and cost
95 estimates at the next meeting.

96 Mr. Kloptosky stated that the underground conduit and wiring for the Pond 24 aeration
97 installation had been completed but noted that he did not have an installation date for the
98 aeration equipment itself as of yet. He informed the Board that he had received a proposal
99 for the use of a harvesting machine to remove vegetation from Pond 23 in the amount of
100 \$43,500.00 and indicated that other contractors had been contacted for proposals as well.
101 He additionally noted that he was in the process of looking into pricing for the pond
102 maintenance contract.

103 Mr. Kloptosky provided clarification regarding a choke point in response to a Supervisor
104 question. He confirmed that the CDD owned the waterways but that the City had some
105 responsibility for the waterways. Mr. Kloptosky additionally noted that the City had
106 committed to widen the exit points under Colbert Ln within the next 2 years. He explained
107 that the submerged aquatic vegetation was the responsible for impeding the flow of the
108 waterways.

109 In response to a question from Dr. Merrill, Ms. Stepniak stated that the resident web portals
110 had been set up and was being tested for issues. She noted that one glitch had been found
111 and that the e-blasts would be composed after the glitch had been resolved. Dr. Merrill
112 additionally requested an update on the stop signs. Mr. Kloptosky stated that the stop signs
113 could not be installed until temporary warning lights had been put up to alert individuals
114 of the change in traffic pattern. He explained that he had found an option to buy the warning
115 lights, as the lights were unavailable to be rented. He stated that the stop signs could be
116 installed after the lights had been up for a week to 2 weeks.

117 D. District Counsel: Scott Clark

118 1. Exhibit 4: Meeting List

119 Mr. Clark informed the Board that he had filed the claim for damages on the hurricane
120 claim with FEMA and noted that he had received a receipt acknowledging the claim. He
121 stated that he was confident that a large number of the expenses would be recovered.

122 Mr. Clark additionally discussed a personal injury claim filed by a resident regarding an
123 incident that had occurred in Village Oaks the year prior. He stated that the Master
124 Association and Southern States had been named in the lawsuit but that the District had
125 received a letter from the Master Association stating that the sidewalk in question was
126 located within a parcel owned by the CDD. He explained that he would need to inform
127 the Master Association's attorney that the District could not indemnify the Master
128 Association and undertake their defense, as it would not fit the statutory scheme. He
129 stated that he would ask the District's insurance company to hire counsel for the District
130 to work in a matter that would result in the claim being dismissed against the Master
131 Association and filed properly against the District.

132 Dr. Carlton assured the Board that the relationship between the Master Association and
133 the CDD would not be affected by this situation and advised the Board to do what was
134 felt to be appropriate.

135 Mr. Clark presented the language for signs for the Esplanade that had been requested by
136 the Board at a previous meeting. Discussion ensued regarding the verbiage of the signs. A
137 Supervisor suggested clarification pertaining to motorized vehicles for the first sign. Mr.

138 Kloptosky noted that motorized vehicles for repair work were allowed on the Esplanade
139 with signed authorization from the CDD office. A Supervisor suggested amending the
140 language of the sign to read “non-ADA vehicles must operate under manual power.” Mr.
141 Clark indicated that this change would be acceptable.

142 Discussion ensued regarding the positioning of the signs. Following the discussion, the
143 Board agreed to install both signs at each end of the Esplanade, the bottom sign on the
144 sidewalk at all 3 gates and each side of the sidewalk across from the Village Center, and a
145 double-sided version of the bottom sign at the Dog Park area and off the parking lot near
146 the trail.

147 In response to a Supervisor question, Mr. Kloptosky explained that the type of poles
148 would affect the cost of the signs. He estimated that the less expensive poles would cost
149 between \$30.00 and \$40.00 and that the signs would cost approximately \$50.00 to
150 \$60.00.

151 Mr. Foley noted that there had been an incident with a dog, in addition to a verbal abuse
152 incident. He requested to include a discussion on a potential rule change on the next
153 agenda. Mr. Clark indicated that this had already been added to the December agenda.
154 Mr. Foley requested to have a process in place on how to handle the matter of dogs. Mr.
155 Clark advised a rule amendment to communicate that there would be a misdemeanor
156 penalty for individuals who wrongfully claim that their dog is a service animal, in
157 addition to exclude retractable leashes in the rules. He added that individuals with dogs
158 that did not meet the training standards of service animals could be asked to leave.

159 2. Exhibit 5: Litigation

160 This item was discussed under Exhibit 4.

161 *(The Board recessed the meeting at 11:30 a.m. and reconvened at 11:46 a.m.)*

162 E. District Manager: David McInnes

163 1. Exhibit 6: Meeting Matrix

164 Mr. McInnes noted that there would not be a Workshop Meeting in November and
165 indicated that a new Supervisor would be sworn in at the December 1 meeting. He stated
166 that Florida Law information would be reviewed at the December meeting, as well as the
167 process for the 2024 Fiscal Year Budget. In response to a Supervisor question, Mr.
168 McInnes clarified that the Chair was the one to set the agenda under the District’s current
169 rules of procedure. He noted that new officers would be elected at the next meeting.

170 2. Exhibit 7: Action Item Report

171 It was noted that the report had been updated indicating the completion of an entry for the
172 Chairman to work with the Operations Manager on an eblast regarding proper disposal of
173 gutter leaves, which had been distributed on October 17. Supervisor comments were made
174 recalling that comparative salary rates across counties had been provided by Mr.
175 McGaffney, and that the 4/7/2022 action item had thus been completed. Mr. McInnes
176 additionally noted that the post-storm review was still in progress.

177 Discussion ensued regarding reasonable expectations for the completion of action items
178 given the length of the list and the District Manager’s workload. The Board additionally
179 discussed prioritization of action items, particularly in anticipation of impending Board
180 Supervisor turnover. Mr. Kloptosky also indicated that the 7/21/2022 action item involving
181 communications related to flooding issues near the bocce ball courts had been resolved.

182 **FIFTH ORDER OF BUSINESS – Consent Agenda Items**

- 183 A. Exhibit 8: Consideration for Approval – The Minutes of the Board of Supervisors Workshop
184 Meeting Held October 6, 2022
- 185 B. Exhibit 9: Consideration for Approval – The Minutes of the Board of Supervisors Regular Meeting
186 Held October 20, 2022

187 On a MOTION by Mr. Foley, SECONDED by Mr. Flanagan, WITH ALL IN FAVOR, the Board approved
188 all items on the Consent Agenda for the Grand Haven Community Development District.

189 **SIXTH ORDER OF BUSINESS – Business Items**

190 Mr. McInnes stated that there were no business items on the agenda for discussion.

191 **SEVENTH ORDER OF BUSINESS – Discussion Items**

- 192 A. Exhibit 10: Review of Possible Ways to Reduce the District’s Legal Costs

193 Mr. Foley commented on legal costs associated with lengthy meeting durations and a possible
194 excess of communications via phone to counsel. Mr. Foley noted that CDD meeting times over a
195 12-month period added up to 99.4 hours, and total hours spent with management were 66.4 hours.
196 Mr. Foley noted that limiting District Counsel’s time to three hours of attendance could result in a
197 \$13,000 savings in fees. He indicated that the root cause of high meeting costs was due to the length
198 of the Board’s meetings and that Mr. Clark was not at fault. Mr. Clark commented that he was open
199 to the Board’s direction for limiting attendance time to their desired window, though added that the
200 dynamic of Board-Counsel interaction at Grand Haven was uniquely hands-on. In response to a
201 Supervisor question, Mr. Clark commented negatively on fully switching to remote attendance at
202 meetings, based on his assessment of Grand Haven’s specific needs. Supervisor comments were
203 made agreeing that they felt interaction was significantly different and more difficult for remote
204 attendance. Mr. Clark recommended organizing meeting agendas to group topics needing his input,
205 if the Board wished to proceed with limiting District Counsel attendance to a certain number of
206 hours each meeting.

- 207 B. Preliminary Review of Resident Survey Results – *To Be Distributed*

208 Mr. Polizzi relayed that the community had a positive opinion of the café. He indicated that while
209 a number of comments were received requesting cosmetic improvements of the café’s interior, few
210 residents were in favor of having the café closed for an extended period of time. It was additionally
211 noted that a more efficient process to pick up food was requested for the café.

212 Discussion ensued regarding the upcoming Town Hall discussion on the survey and the survey’s
213 impact on the 10 Year Plan. Following the discussion, the Board reached a consensus to hold the
214 Town Hall discussion at a later date and to hold a whiteboard session at the January Workshop
215 meeting. The Board additionally agreed to email comments regarding the survey to Mr. McInnes
216 by December 3 to be forwarded to Mr. Polizzi. Mr. McInnes noted that the Public Hearing could
217 not be moved, as it had already been advertised.

218 In response to a question from Mr. Howden, Mr. Flanagan indicated that he would be prepared to
219 discuss website communications at the December meeting. Discussion ensued regarding the effect
220 of the 2024 Budget on the 10-Year Plan. Mr. McInnes clarified that the 10-Year Plan would be
221 included in the spreadsheet that would be presented at the January 5 meeting.

222 **EIGHTH ORDER OF BUSINESS – Supervisors Requests**

223 Dr. Merrill requested for the Operations Manager to obtain proposals for installing handicap door
224 access buttons for the café and bathrooms at the Village Center and Creekside.

225 Mr. Flanagan asked for an e-blast to be sent out regarding encroachment on CDD-owned land. Mr.
226 Polizzi indicated that he would prefer to wait to send out this communication, to which Dr. Merrill

227 expressed agreement. She suggested sending letters to homeowners with which encroachment was
228 an issue. The Board agreed to bundle the encroachment information with other communications at
229 a later date.

230 Mr. Flanagan requested for dollar amounts to be added to e-blasts for activities, if the cost was
231 known. Mr. Howden advised looking into this when it came time for the Board to discuss
232 communications.

233 Mr. Flanagan additionally suggested directing the District Engineer to perform the same review
234 that was done of the wetlands for the remainder of the District's property, as he was told there
235 would be no charge. Mr. Howden provided clarification regarding the District Engineer's contract
236 and hourly rates. Mr. Flanagan requested that Mr. McInnes speak with the District Engineer to
237 confirm whether the review would be performed at no cost to the District.

238 Mr. Polizzi suggested having Ms. Stepniak work with the District's IT partner to document the
239 process during the Zoom meetings. Mr. McInnes explained the muting process and Mr. Polizzi
240 retracted his request.

241 Mr. Howden advised that the Board look at the future of pickleball and include this in the 10 Year
242 Plan.

243 **NINTH ORDER OF BUSINESS – Action Item Summary**

244 Mr. McInnes reviewed the Action Item Summary.

245 A. The District Manager will email Supervisors reminding them to send their comments on what
246 should be in the post-storm review within 1 week.

247 B. The Operations Manager will locate the junction box in the drainage system/wetland area and clean
248 it, if necessary, and provide a proposal to the Board, if needed.

249 C. The Operations Manager will look into the P2 and Pond 27 structure issue and provide a proposal
250 to the Board, if needed.

251 D. The Operations Manager will report to the Board during the December 1 meeting on whether the
252 Waterside Pkwy milling and paving needed to be moved up and compare with Capital Plan projects.

253 E. The Operations Manager will obtain a proposal to add handicap access button doors at the Café, in
254 addition to the Village Center and Creekside bathrooms, if needed.

255 F. Supervisors will send the District Manager comments for Mr. Polizzi regarding the resident survey
256 by December 3, 2022.

257 G. District Counsel will provide proposed rule language for service dogs at the Village Center.

258 **TENTH ORDER OF BUSINESS – Next Meeting Quorum Check: December 1st, 9:00 a.m.**

- 259 • Quorum Check

260 All Board members, with the exception of Mr. Howden, confirmed that they would be present for
261 the meeting, which would establish a quorum.

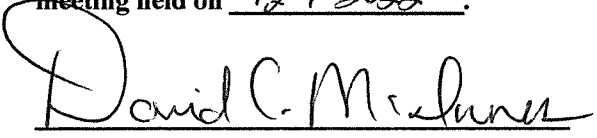
262 **ELEVENTH ORDER OF BUSINESS – Adjournment**

263 Mr. McInnes asked for final questions, comments, or corrections before requesting a motion to
264 adjourn the meeting. There being none, Mr. Foley made a motion to adjourn the meeting.

265 On a MOTION by Mr. Foley, SECONDED by Dr. Merrill, WITH ALL IN FAVOR, the Board adjourned
266 the meeting, at 2:31 p.m., for the Grand Haven Community Development District.

267 *Each person who decides to appeal any decision made by the Board with respect to any matter considered
268 at the meeting is advised that person may need to ensure that a verbatim record of the proceedings is made,
269 including the testimony and evidence upon which such appeal is to be based.

270 Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed
271 meeting held on 12-1-2022.

272 
273 _____
Signature


Signature

David C. McInner
Printed Name

Kevin Foley
Printed Name

274 Title: Secretary Assistant Secretary

Title: Chairman Vice Chairman