

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

The Board of Supervisors Grand Haven Community Development Districts held a Regular Meeting on Thursday, January 17, 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
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
Rob Carlton	Resident and GHMA President
Don Plunkett	Resident
Charles Greer	Resident
Al Lo Monaco	Resident
Ron Merlo	Resident
Vic Natiello	Resident
John Polizzi	Resident
Mike Frichol	Resident
Kathleen Fuss	Resident
Denise Gallo	Resident
Ronald Johnson	Resident
David Reisman	Resident
John Noble	Resident

**FIRST ORDER OF BUSINESS**

**CALL TO ORDER/ROLL CALL**

Mr. McGaffney called the meeting to order at 10:07 a.m.

**SECOND ORDER OF BUSINESS**

**PLEDGE OF ALLEGIANCE**

All present recited the Pledge of Allegiance.

- **Administration of Oath of Office to Newly Elected Supervisor, Tom Lawrence [SEAT 5]**  
*(the following to be provided in a separate package)*

Mr. McGaffney, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Lawrence. Supervisor Lawrence was familiar with the following items:

- i. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- ii. **Membership, Obligations and Responsibilities**
- iii. **Financial Disclosure Forms**
  - **Form 1: Statement of Financial Interests**
  - **Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - **Form 1F: Final Statement of Financial Interests**
- iv. **Form 8B - Memorandum of Voting Conflict**

**THIRD ORDER OF BUSINESS**

**MODIFICATIONS TO AGENDA**

The Board agreed to the following modification to the agenda:

- **Tennis Court Proposals: Modifications to Contract for Tennis Court Fencing**

Supervisor Gaeta expressed her opinion about the order in which the Board Members should be seated during meetings, corresponding with their respective seat numbers, and questioned if this should be a “Modification” or presented under Supervisors’ Requests.

- **ROLL CALL**

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

Supervisors Davidson, Gaeta, Lawrence and Foley were present, in person. Supervisor Smith was not present.

Members of the audience stated that the seating order of the Supervisors made no difference to them. Supervisor Gaeta withdrew her request.

Chairman Davidson stated that District Manager and District Counsel should be seated on each side of him.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, the modification to the agenda, was approved.**

**FOURTH ORDER OF BUSINESS**

**CONSULTANTS, GUEST REPORTS & PRESENTATIONS**

**A. Presentation (Tentative): Perimeter License Plate Recognition Camera System [Chief Paul Bovino, Flagler County Sheriff's Department and Ryan Barnett, Vetted Security Solutions/Vigilant Solutions]**

Supervisor Davidson recalled that this resulted from a meeting with Sheriff Staley and Chief Bovino regarding the advanced camera system. As no one from the Sheriff's Department was able to attend today to give a presentation, this item was deferred to a future meeting.

**FIFTH ORDER OF BUSINESS**

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

Mr. John Pollizi, a resident, asked if overview of the license plate camera topic could be included in the meeting minutes. Supervisor Davidson stated that the Board preferred to have someone from the Sheriff's Department give a presentation, as the Board and Staff do not have enough information to give a responsible presentation about it. Generally, it seemed that the cameras would be more to the benefit of the Sheriff's perimeter policing of the entire County and the District would be "buying in" by upgrading its equipment so that it can be used by the Sheriff's Department to monitor, in real time.

Mr. Pollizi stated that the power washing crew was doing a good job. He thanked the Field Operations staff for their assistance with installing the holiday lighting this year. Mr. Kloptosky discussed the holiday lights.

**SIXTH ORDER OF BUSINESS**

**STAFF REPORTS**

**A. District Engineer: DRMP, Inc.**

There being no report, the next item followed.

**B. Amenity Manager: Amenity Management Group, Inc.**

Mr. King stated that AMG's Regional Lifestyle Manager worked with Mr. Ross to develop ideas. A presentation of the Nabr Network (Nabr) software to improve the e-blast process and scheduling could be planned for a future meeting. This would be free to the CDD; however, more advanced software with wider capabilities would come with a cost.

Mr. Vic Natiello, a resident, asked if Nabr would replace Constant Contact. Mr. King stated that Nabr expands considerably on what Constant Contact offers.

Mr. Mike Frichol, a resident, voiced his opinion that the software would not be “free”, as some things that do not charge a fee use the users’ personal data; therefore, the possibility of such should be known and understood. Mr. King would research this.

**C. Operations Manager: Barry Kloptosky**

Mr. Kloptosky discussed the following:

➤ Perimeter License Plate Recognition Camera System: The vendor would first perform an analysis of the current system to determine if the District’s infrastructure could support the new cameras. If not, the cameras could still be installed but the cost would be higher because the system would need to be upgraded. The on-site analysis should occur in February.

Supervisor Lawrence noted the benefit to the Sheriff’s Department but questioned if there would be any clear benefit to the District. Mr. Kloptosky stated that there would be some benefits but the information that the Sheriff could provide would be limited. Regarding whether the District currently has issues that would be more effectively addressed with the new system, Mr. Kloptosky stated there are occasional issues. The new cameras would read each license plate, run it and immediately notify the Sheriff of any issues or dangers so they can respond quickly.

▪ **Tennis Court Proposals: Modifications to Contract for Tennis Court Fencing**

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

Since the fencing was already going to be replaced around Courts 5, 6 and 7, Mr. Kloptosky proposed increasing the fence height around the entire perimeter from 3’ to 10’, which would provide the ability to lock the courts after hours and keep people out.

Mr. Kloptosky presented the following proposals from BAB Tennis Courts (BAB):

○ Addendum to Existing Contract for Courts 5, 7 and 7, \$3,440: The current contract for Courts 5, 6 and 7 is for 3’ fences; the Addendum was to increase the height to 10’.

○ Remove Existing 3’ Fences and Replace with 10’ – Courts 1 through 4, \$5,160

Supervisor Foley acknowledged that he and others utilized the tennis courts on holidays, when the courts were not “open”. He felt that, if that was the reason for installing higher fences and locking them, the District should try to make an arrangement with the Amenity Manager so that the courts could be used on holidays. If no arrangement could be made, he would notify those players that no one is allowed to play on the courts when the facility is closed. He questioned the necessity of installing a 10’ fence and locking the courts. Mr. Kloptosky stated that he wants to increase the height and lock the courts because of past

instances of people riding bikes and skateboards on the courts and causing damage, people accessing and playing when the facility is closed, liability concerns, etc.; therefore, he felt that installing higher fences and locking them was the right thing to do. Supervisor Foley stated that he uses the courts everyday and has not observed damage and, in his opinion, a 10' high fence would be unsightly. He stated that he would not support a 10' high fence, as he had not observed the damage referenced by Mr. Kloptosky.

Supervisor Lawrence stated that, as this was a matter of safety, security and preservation of District assets, he was in favor of a 10' high locked perimeter fence.

Supervisor Gaeta concurred with Supervisor Lawrence. She favored the 10' high locked fence because the community has many more young people and children than ever before and the fence would be a preventative-type measure.

Supervisor Davidson was in favor of installing the 10' high locked fence around the perimeter, as he was concerned about liability exposure, if it is used when there is no amenity staff on site. Regarding the cost to staff the tennis courts on holidays, Mr. King stated that the pay rate would be time and a half; a proposal could be provided. Supervisor Davidson noted that the 200 or so tennis players comprise a very small percentage of the 4,600 residents and questioned the thought of expending funds and increasing assessments to have the tennis courts open on holidays for the sole benefit of an extremely small portion of the community.

Supervisor Gaeta questioned why any further research, etc., was necessary, since three of the four Supervisors present at the meeting were in agreement.

Mr. Natiello questioned why there were no liability concerns about the basketball courts, Petanque court, playground, etc. He felt that, if the tennis facility could not be used on holidays because there is no amenity facilitator on duty, then the District should not allow the playgrounds, soccer field and any other assets to be used on holidays, either.

Debate ensued regarding use of any amenities on holidays, fencing additional areas, whether the District has a rule about use of the facilities when they are closed, etc. Regarding whether the District has any greater liability if the facilities are used when closed over use when they are open, Mr. Clark stated that the liability comes when someone files a lawsuit. If the facilities are closed and the District has rules against using them when closed and someone violates the rule, it gives the District a defense; however, rules cannot prevent lawsuits.

Mr. Kloptosky pointed out that, when an incident occurs, staff documents it; however, if an incident occurs when the facilities are closed, there would be no one to document it.

Mr. Frichol asked if the fence would have screens. Mr. Kloptosky replied no, as the outer east and west sides already have screens.

Mr. Natiello asked if the District’s financial liability would likely be less if residents were advised that the facilities are closed but choose to use them anyway. Mr. Clark replied affirmatively.

Supervisor Davidson stated that it will be necessary to amend the Amenity Rules to define what it means when the amenities are closed and list everything that cannot be done, places that people cannot go, etc., and e-blasts should be sent when the amenities are closed.

Mr. Pollizi asked if the view of the courts would be the same with the new fence. Mr. Kloptosky stated that it would be the same type of fence but without screens so the courts would be very visible.

Ms. Kathleen Fuss, a resident, felt that any fenced amenities should have a lock. Mr. Kloptosky reiterated that it would be locked. Ms. Fuss noted that one of the playgrounds was locked and had a closed sign and asked if the other was locked. Mr. Kloptosky stated that his goal is to secure and lock everything, as much as possible, to prevent use when facilities are not supposed to be used, which could ease the District’s liability.

**On MOTION by Supervisor Gaeta and seconded by Supervisor Lawrence, with Supervisors Gaeta, Lawrence and Davidson in favor and Supervisor Foley dissenting, the BAB Tennis Courts Change Order to install 10’ high fences around the perimeter of the tennis facility, in a not-to-exceed amount of \$8,600, and authorization for District Counsel to prepare a Contract Amendment and for the Chair to execute, were approved. (Motion passed 3-1)**

➤ Center Park Gazebo and Main Gate Guardhouse Roof Replacement: Work was supposed to commence last week but, due to code changes, the desired roofing material is no longer allowed in Florida. The cost would be the same for the alternate roofing material.

➤ Village Center Stucco Repair Project Design Drawings: District Counsel prepared the draft Request for Proposals (RFP) and was provided to the Architect. The Architect had minor changes, which were sent to District Counsel and, once the RFP is finalized, it will be advertised.

Mr. Kloptosky explained the RFP process. Mr. McGaffney stated that the earliest that the Board would consider the bids would be March.

➤ Village Center Office and Fitness Center Duct Work: The work was completed.

- Replacement of HVAC Units and Ducts at Creekside: Replacement is tentatively scheduled to begin February 15<sup>th</sup> and would take about two weeks. During the process, it would be necessary to close sections of the facility; a schedule will be e-blasted in advance.
- Village Center Storage Addition: Construction was underway and making good progress; however, upon inspection, Mr. Kloptosky found the roof portion to be the wrong pitch, which he believed was a significant deficiency in construction, so he halted the project. The roof portion of the addition will be removed and replaced. Work should resume within the week.
- Village Center Pickleball and Croquet Court Awnings: The permits were cleared and installation should commence in February.
- Turtle Sculpture: Prep work commenced in the area where the sculpture will be installed. The unveiling, in a public ceremony, with media in attendance, would be in March.
- Additional Parking at The Village Center: The conceptual plans from 2014 to increase the number of parking spaces were distributed and presented. While the plans could stay the same, the 2014 construction price of \$55,036 would most likely increase.

Regarding why the project was not completed in 2014, Mr. Kloptosky recalled that the Board decided to do the Creekside rear parking lot first, which was a \$120,000 project. Mr. Kloptosky would obtain a new quote from S.E. Cline Construction (Cline) for the parking lot and a quote to relocate the croquet court to another location.

Mr. Frichol felt that most of the parking problems could be solved by adjusting the schedule for activities.

- Community Information Guide (CIG): Once the final five pages are finalized, the publisher will be able to provide a full proof of the CIG. A sample of the cover was presented. The ad revenue will completely offset the cost of the CIG.

Supervisor Foley asked if the draft CIG could be posted on the website so that residents could review their information. Mr. Clark advised against posting it, as it would become a public record, which could open the District to legal issues. Supervisor Foley asked how there could be confidence in the accuracy of the information in the CIG. Ms. Acrin stated that over two to four months, approximately 10 e-blasts were sent requesting updated information.

Supervisor Davidson reported the following:

- Emergency Communications Radio Antenna Mast: The mast was delivered but the required bracket was lost in shipment, which has delayed the installation further, as the manufacturer is submitting an insurance claim and must make another bracket.

➤ Ms. Fuss asked for an update on the playground and when it would open. Mr. Kloptosky stated that a final Americans with Disabilities Act (ADA) concern is being addressed. The part should be delivered and installed in about two weeks. Once installed, mulch will be added and a ribbon cutting ceremony will be held. The contractor was paid a 50% deposit but Mr. Kloptosky was withholding the remainder of the payment until the work is completed to his satisfaction.

**D. District Counsel: *Clark & Albaugh, LLC***

Mr. Clark distributed his report and provided the following update:

➤ Hurricane Matthew FEMA Matters: Progress towards receiving payment is moving but very slowly. An issue arose due to a single tree invoice with Shaw Tree Service (Shaw), as FEMA requires a photo and GPS coordinates for any trees that are cut down. The single invoice, for approximately \$4,000, was holding up the entire claim so Mr. Clark made the executive decision to remove that invoice from the claim. Since removal of that invoice, he believed the debris claim was cleared to proceed. Checks from FEMA should have been received by now for the three claims that were approved and were not related to debris but he had not heard whether they were received. The Hurricane Matthew claims were approximately \$360,000, or slightly lower after removing the \$4,000 invoice, and the expected reimbursement is 87.5% of the claimed amount.

➤ Hurricane Irma FEMA Claim: FEMA has the data and it should be under review by FEMA.

➤ St. Johns River Water Management District (SJRWMD) Permit Transfer: Confirmation was received that the permit transfers went through, were acknowledged and registered in the system by the SJRWMD. This completed the final five permit transfers.

➤ Interlocal Agreement with City of Palm Coast – Tree Citation Matter: The City Attorney prepared the Interlocal Agreement. The redline edits were Mr. Clark’s recommendations, which were submitted to the City Attorney. Finalization of the Agreement was proceeding.

Supervisor Davidson stated that this will define the areas over which the CDD has jurisdiction and, once finalized, this will be an official City Ordinance. Mr. Ray Tyner, of the City of Palm Coast, notified him that the City is eager to finalize this.

Supervisor Gaeta asked about language in #6 related to the term “independent contractor”. Mr. Clark stated that he had questions about it, which he forwarded to the City Attorney.

Mr. Foley referred to #4 and questioned why the Agreement needs or has an expiration date. Mr. Clark stated that it is not necessary.

It was noted that the City and CDD in #6 might have been reversed. Mr. Clark reiterated that the question was posed to the City Attorney for clarification of the language. Discussion ensued regarding the goal of the Interlocal Agreement, whether it accomplishes the intent and whether additional changes were necessary to better define the intent.

**The meeting recessed at 11:58 a.m.**

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

**E. District Manager: *Wrathell, Hunt and Associates, LLC***

Mr. McGaffney stated that Management was able to successfully finalize new worker's compensation coverage with the insurance carrier.

**SEVENTH ORDER OF BUSINESS**

**CONSENT AGENDA ITEMS**

**A. APPROVAL OF UNAUDITED FINANCIAL STATEMENTS**

**i. Unaudited Financial Statements as of November 30, 2018**

Mr. McGaffney presented the Unaudited Financial Statements as of November 30, 2018. Supervisor Gaeta referred to the "Sidewalk repairs & replacement" line item and requested that Mr. Kloptosky keep a record of the number of sidewalks replaced and the frequency. It was noted that the sidewalk replacements were largely due to damage from tree roots. Supervisor Gaeta referred to the "Village center telephone and fax" line item and asked why fax is still being used. Ms. Acrin stated that CDD staff does not fax; rather, it is related to residents faxing things to people. Supervisor Gaeta felt that residents should be encouraged to scan and email, rather than use the CDD's fax. Supervisor Gaeta referred to the "Gate operating supplies line item, budgeted at \$22,000, and asked if the District received any offsetting revenue for that or is it solely for maintenance and damage repairs. Mr. McGaffney stated that any offsetting revenue for gate damage is coded to "Interest and miscellaneous".

Supervisor Davidson questioned why, at only two months into Fiscal Year 2019, the "Sidewalk repairs & replacement" line item was at 56% and if the expenses would taper off. Mr. Kloptosky stated that increasing the budget amount should be considered for Fiscal Year 2020, as the repairs are increasing and he did not expect it to slow down.

Discussion ensued regarding the sidewalk coating on the test area, which was supposed to eliminate or slow mold and mildew growth. Mr. Kloptosky stated that he and Supervisor Smith believe that the product is not working.

Mr. Foley asked what the District's funds were invested in. Mr. McGaffney stated that the funds are usually invested in money market accounts and explained that the District is limited in where it can invest its funds; all investments must be low risk.

**B. APPROVAL OF MINUTES**

- i. November 1, 2018 Community Workshop**
- ii. November 15, 2018 Continued Public Hearing and Regular Meeting**

Revisions to the minutes were previously submitted to Management by Supervisors Gaeta and Davidson.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Davidson, with all in favor, Consent Agenda Items A and B, as amended to include the revisions to the minutes, previously submitted by Supervisors Davidson and Gaeta, were approved.**

**EIGHTH ORDER OF BUSINESS**

**BUSINESS ITEMS**

- A. Administration of Oath of Office to Newly Elected Supervisor, Tom Lawrence [SEAT 5]**  
*(the following to be provided in a separate package)*
  - i. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
  - ii. Membership, Obligations and Responsibilities**
  - iii. Financial Disclosure Forms**
    - **Form 1: Statement of Financial Interests**
    - **Form 1X: Amendment to Form 1, Statement of Financial Interests**
    - **Form 1F: Final Statement of Financial Interests**
  - iv. Form 8B - Memorandum of Voting Conflict**

This item was presented following the Second Order of Business.
- B. Consideration of Resolution 2019-03, Electing the Officers of the District, and Providing for an Effective Date**

Mr. McGaffney presented Resolution 2019-03. Supervisor Gaeta nominated the following slate of officers:

Chair	Dr. Stephen Davidson
Vice Chair	Tom Lawrence
Secretary	Craig Wrathell
Assistant Secretary	Marie Gaeta
Assistant Secretary	Ray Smith
Assistant Secretary	Kevin Foley
Assistant Secretary	Howard McGaffney
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

**On MOTION by Supervisor Gaeta and seconded by Supervisor Foley, with all in favor, Resolution 2019-03, Electing the Officers of the District, and Providing for an Effective Date, as nominated, was adopted.**

**C. Discussion on/Consideration of: Purchase of Bucket - Boom Truck**

Mr. McGaffney discussed the condition of the current vehicle, maintenance issues, whether to purchase a used or new vehicle and whether the vehicle should be a modified truck or van. Supervisor Gaeta asked how much was budgeted. Mr. McGaffney believed \$30,000 was budgeted in anticipation of purchasing another used vehicle. Supervisor Gaeta asked about the condition of the current vehicle. Mr. Kloptosky stated that it is barely usable.

**On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, authorizing the purchase of a bucket-boom truck, in a not-to-exceed amount of \$90,000, was approved.**

**D. Discussion on/Consideration of: Reserve Study Proposals**

Mr. McGaffney recalled the Board’s request at the workshop to seek additional vendors. He requested proposals from four companies other than Dreux Isaac & Associates (DIA) and MillerDodson Associates, Inc. (MDA) and one submitted a proposal.

Mr. McGaffney presented the following proposals:

**i. Dreux Isaac & Associates**

The First Time Reserve Study Fee: \$16,000

First Year Update Fee: \$3,000

**ii. Florida Reserve Study and Appraisal, Inc.**

Full Service Reserve Study with Site Inspection (Level-1): \$7,800

Reserve Study Update with Site Inspection (Level-2): \$5,800

Reserve Study Update without Site Inspection (Level-3): \$1,800

**iii. Miller-Dodson**

Reserve Study: \$9,650

Discussion ensued regarding the proposed fees, whether Staff could manipulate and update the data in the Reserve study, etc. Mr. McGaffney detailed his experience with DIA’s product and ease of use to accomplish the planning goals. He noted that MDI has not responded to numerous requests for additional information. Mr. McGaffney was not familiar with Florida Reserve Study and Appraisal, Inc. (FRSA).

Supervisor Davidson did not want to make a decision without first inviting FRSA to give a presentation. Supervisor Gaeta wanted DIA to give a presentation. Regarding whether DIA’s proposal was negotiable, Mr. McGaffney stated that he did not try to negotiate the price. The Board wanted to know what another, similar CDD paid DIA for its Reserve Study and for Staff to request a lower fee from DIA. Presentations by the vendors would be included on the next workshop agenda.

**NINTH ORDER OF BUSINESS**

**OPEN ITEMS**

The following item would be added to the Open Items:

- Presentation: Perimeter License Plate Recognition Camera System [*Chief Paul Bovino, Flagler County Sheriff’s Department and Ryan Barnett, Vetted Security Solutions/Vigilant Solutions*]

**TENTH ORDER OF BUSINESS**

**SUPERVISORS’ REQUESTS**

Supervisor Gaeta stated that, despite it not being the District’s property, residents are complaining about the Montague Bridge and asked if the District could urge Escalante to repair it. Mr. Clark stated that he verified that the Montague Bridge is not CDD property and Mr.

Kloptosky notified the City that they must contact Escalante regarding issues with the Montague Bridge. Discussion ensued regarding the history of this issue, other Escalante bridges with issues, etc. Supervisor Lawrence noted that part of the sidewalk along Montague is within the CDD right-of-way (ROW) and asked if the District could send a letter to Escalante’s Attorney noting the safety hazards on the Montague Bridge and insisting that Escalante repair the safety hazard, as residents walking from the CDD’s property onto the Montague Bridge are at risk for serious personal injury. Mr. Clark stated that he could send a letter. The Board agreed to Mr. Clark preparing and sending a letter to Escalante.

Supervisor Lawrence recommended sending an e-blast to residents in advance of holidays when the amenity facilities will be closed, which advises that the facilities will be closed and none of the facilities should be used, when closed. The Board directed District Counsel to draft a statement that can be e-blasted prior to holidays.

Supervisor Foley stated that he has ideas to improve the type of reporting that the Board receives, which could save time in meetings. He would like to formulate more of a structure for reports and work with Mr. McGaffney and Mr. Kloptosky prior to presenting the concept to the Board.

**ELEVENTH ORDER OF BUSINESS**

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

**A. COMMUNITY WORKSHOP: February 7, 2019**

The next workshop will be held on February 7, 2019 at 10:00 a.m.

**B. BOARD OF SUPERVISORS MEETING: February 21, 2019**

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

**TWELFTH ORDER OF BUSINESS**

**ADJOURNMENT**

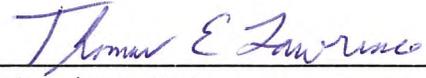
There being nothing further to discuss, the meeting adjourned.

**On MOTION by Supervisor Gaeta and seconded by Supervisor Davidson, with all in favor, the meeting adjourned at approximately 1:20 p.m.**



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Secretary/Assistant Secretary



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Chair/Vice Chair