

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

The Board of Supervisors Grand Haven Community Development Districts held a Regular Meeting on February 21, 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 (via telephone)	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
Robert Ross	Vesta/AMG

**Residents present were:**

Don Plunkett	Charles Greer
Al Lo Monaco	Ron Merlo
John Polizzi	Robert Schwarzlow
Mike Frichol	Diane Frichol
Kathleen Fuss	Denise Gallo
David Reisman	Brad Scott
Judy Reese	Earl Buchanan
John Rybacki	Kathy Rybacki
Lisa Mrakovcic	Frank Mrakovcic
William Green	Karen Green
Thomas Seidel	Jeanne Seidel
Maureen Pellegrini	Jim Pellegrini
Cynthia Kimmel	Mark Kimmel
Nancy Gradi	Bob Mehl
Suzanne Day	Robin Emerick
Tom Emerick	Laura Foley
Michael Coyle	Mary Coyle

Bonnie DiMauro  
Ken Ersbak  
Imelda Stowe  
John Woika  
Lorrie Sibole  
Haresh Patel  
Elizabeth Hermans  
Nancy Velardi  
Margo Dowling  
Barbara Wright  
Didi Pakel  
Michael Mauricio  
Mike Prior  
Tom Anastasio  
Edward O'Brien  
Jim Garofalo  
Charles Steele  
Pat Maloney  
Gerry Kagan

Mike O'Brien  
Kathy Ersbak  
Jim Stowe  
Mary Ann Woika  
Richard Sibole  
Lois Marron  
Reginald Hermans  
Joanne Salkovitz  
Allan Roffman  
Mike Wright  
Ed Pakel  
David Paukovich  
Beth Prior  
Aurelia Anastasio  
Stephanie Johnson  
Rob Day  
Patty Steele  
Ed Dear

**FIRST ORDER OF BUSINESS**

**CALL TO ORDER/ROLL CALL**

Mr. McGaffney called the meeting to order at 10:05 a.m. Supervisors Lawrence, Gaeta, Smith and Foley were present, in person. Supervisor Davidson was attending via telephone.

**SECOND ORDER OF BUSINESS**

**PLEDGE OF ALLEGIANCE**

All present recited the Pledge of Allegiance.

**THIRD ORDER OF BUSINESS**

**MODIFICATIONS TO AGENDA**

There were no modifications to the agenda.

**FOURTH ORDER OF BUSINESS**

**CONSULTANTS, GUEST REPORTS & PRESENTATIONS**

There were no consultant or guest reports or presentations.

**FIFTH ORDER OF BUSINESS**

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

Mr. Charles Steele asked if a proposal was being considered to spend \$110,000 for the purchase and installation of license plate readers that would be installed at points of access and entry to the community and, if so, whether there would be public comment about the proposal. Supervisor Gaeta stated that the Board has not discussed or made a decision on this. Mr. Kloptosky stated that the concept was the only thing being discussed; there was no proposal or plan and has not been presented to the Board.

**SIXTH ORDER OF BUSINESS**

**PUBLIC COMMENTS: Tennis Court Fencing**

Ms. Lisa Mrakovcic stated that, as a member of Neighborhood Watch (NW), she had not received any reports from the Sheriff's Office about vandalism or incidents on the tennis courts, which leaves her with the notion that certain individuals have gone on the tennis courts when the courts were closed for the holidays. Instead of rushing to spend money on 10' high fences, she suggested educating residents of which amenities are closed, when the "Amenities are Closed". She suggested locking the current tennis court gates and installing signage stating that the tennis courts are closed for the holiday. If anyone entered, then they would be on camera and it could be addressed with the individual resident.

Ms. Patty Steele voiced her opinion that everyone was there today because of one person who would sneak people in to play, believing that the rules did not apply to him. Solely because of him, the pickleball courts were locked down and, while she did not believe he was in the community anymore, the damage was done. Regarding New Year's Day, people were playing on the courts, which residents have done for years on the holidays, because friends and family are visiting. She stated that she heard there was no liability to use the tennis courts. Pickleball players were upset on New Year's Day because they could not play because the pickleball courts were locked but tennis players could play. She questioned if the District would put up a wall around every activity and suggested unlocking the pickleball court, leave the tennis courts alone, etc. She felt that it is a safe, beautiful community that does not want any uninviting walls and asked to bring back that the happiness, enjoyment and the reason everyone loved to live in the community.

Mr. Bob Mehl discussed the various activities that he participates in and stated that he has never seen any of “you people” out where others “hang out”. He was disappointed about the rush to put up a fence and believed that the Board does not understand the community. He acknowledged the great work accomplished by the Board, such as restoration after the hurricanes. He felt that the Board does not understand the camaraderie because they are not involved with it. He felt that a fence would not lend to that, other than the players would no longer feel as customers or owners. If there was something wrong, he would do something about it. He stated that he looks to the Board to be the residents’ advocates and not someone trying to control them. He asked the Board to provide leadership and reach a compromise. He acknowledged that he was guilty of playing tennis on Thanksgiving morning, for many years but never knew he was doing anything wrong. Despite receiving notification that the Amenity Center was closed, he did not think it meant the tennis courts were closed and there were no signs. He suggested keeping the amenities open on all holidays. He sent emails to four of the five Board Members and received a call from Supervisor Gaeta and an email from Supervisor Smith; the other two did not respond.

Ms. Maureen Pellegrini stated that she is chairing the Women’s Club tennis tournament on March 23<sup>rd</sup>. There would be spectators watching the matches and she felt that 10’ fences would make it impossible to view the matches. She discussed the set up for the tournament and voiced her opinion that it would create a jail effect if each court was blocked. She asked that the courts remain the same, with the 3’ fence.

Ms. Kathleen Fuss agreed with those who spoke before her. She complimented the CDD Board on what it has done with the public areas and the efforts to resolve problems and make everything look good. She felt that the Board overreacted to the issue of someone playing tennis when the courts were closed. She advised that there are security cameras and know that the tennis players are the ones playing when the courts are closed; therefore those players could be spoken to. She found it inconvenient when the pickleball courts are closed but they were reserved. She suggested locking the tennis court gates and posting a closed sign. She asked the Board to reconsider installation of the 10’ high fence and research other options, as the 10’ fence would ruin the appearance of the area.

Mr. Steele acknowledged the good works by the CDD Board over the years, with a focus on “Keeping Grand Haven Grand”; however, to him, all those years of good works would be negated by just this one action of installing the 10’ fence at the tennis courts. He suggested keeping all amenities open and fully staffed all year and, in particular, on the holidays. He favored sanctioning, fining and/or suspending privileges of someone who violates the Amenity Rules; rather than locking and fencing the amenities. He posed the following questions:

➤ Before the project to improve the fencing around the tennis courts started, did any resident come to the Board and suggest that the courts be locked and surrounded by a 10’ fence because of a fear of vandalism and a concern for liability?

Mr. Kloptosky stated that he was not aware of residents speaking to the Board.

➤ Who was the one who came up with the idea of replacing the existing 3’ fence around the tennis courts with a 10’ fence, with locks and gates, and what was the justification?

Supervisor Smith expressed his preference to hear comments now, rather than questions, as many questions would likely be answered during the following discussion.

Mr. Jim Pellegrini agreed with everyone who spoke before him and voiced his opinion that less is more. He distributed a diagram of a fencing option that he felt was a better option.

Mr. Rob Day stated that it would be a shame to ruin the appearance of the tennis courts. He felt that the tennis courts currently resemble a tennis club and not public courts and questioned why anyone would want to change the appearance. He asked the Board to consider alternatives.

Mr. Ed Dear discussed the potential issues if everything is locked, such as would all the locks be the same, who would have the keys, what would happen if a key was lost, etc. He believed that if there is a closed sign stating no trespassing, then the responsibility falls with the person who trespasses.

Mr. Allan Roffman agreed with those who spoke before him. He felt that it would be a lot less expensive to staff the amenities on the three holidays than the fence would cost. He believed that no one knew the tennis courts were closed on certain holidays but that they know now. Regarding the proposed 10’ fence and referencing the fence around the pickleball court, he voiced his opinion that the fence would inhibit the view of spectators. He urged the Board to reconsider the decision.

Mr. Brad Scott agreed with everything said before. He felt that there are options that were not researched to the same level that the Board usually does; the lack of discussion on this matter before making a decision was historically unusual for the Board. He believed that the community needs to feel that they are a part of certain decisions, especially those that relate to the facilities that they use.

Mr. Gerry Kagan thanked the Board and Staff for everything that they have done for the community. He noted that this relates to only three days per year and he did not understand why the CDD could not keep all the amenities open on those three days. He believed that the District's liability would not change if they are open with no facilitator.

- **Safety, Security and Personal Injury Claims Risk Reduction at Grand Haven Amenity Centers**

Supervisor Davidson stated that one of the Board's responsibilities is to establish the Policies and Procedures of the District for the benefit of all residents of the District. He reviewed the Safety, Security and Personal Injury Claims Risk Reduction at Grand Haven Centers handout regarding amenity users, hours of operation and infrastructure and discussed past issues and decisions, how issues were addressed and the new policies and procedures that were enacted, current issues or concerns that might need to be addressed, etc.

Supervisor Davidson asked Mr. Ross for his opinion regarding opening the amenity facilities on Thanksgiving, Christmas and New Year's Day. Mr. Ross was unsure if he could get enough staff to work on those holidays, as staff members want to celebrate the holidays with their families, the same as everyone else. Supervisor Davidson asked if a large number of residents would likely use the amenities if they were open on those holidays. Mr. Ross did not know, as they have not been open on those days. Supervisor Davidson noted that the idea was put forward to open the tennis court for three hours on those holidays and staff it with one facilitator; however, his understanding was that, as a public entity, the amenities must be open for everyone and not just one particular group, meaning all amenities would need to be open. Mr. Clark stated that there was no legal issue with opening a single amenity for a group and not opening everything. Discussion ensued regarding whether other communities keep their amenities open on those holidays, the Palm Coast Tennis Center being closed on major

holidays, the potential cost to opening the amenity facilities on the three holidays, concerns about opening the facilities without facilitators on duty, etc.

Supervisor Smith gave a PowerPoint presentation of the resident input he received regarding the tennis court fence matter, information he sought, what he thinks are the issues and his recommendations. He noted the following:

- Resident Input Against a 10' High Fence: not aesthetically pleasing, the reasons given for doing it were not credible, what are the alternatives, would this set a precedent for fencing other amenities, etc.
- Observations from Outside the CDD: Fencing at the Palm Coast Tennis Center and other tennis clubs, in comparison to the CDD's courts,
- Supervisor Smith's Opinion of the Issues: Aesthetics are important, credibility is an issue and the District has not given a convincing argument to support the 10' high fence and the definition and communication of the goal is important.
- Supervisor Smith's Recommendations: Delay action until the term "closed" is defined and determination of what is an acceptable method of "closing", what is the practical combination of ways of how things will be closed and what are the exceptions.

Supervisor Smith suggested further research before the fence is installed.

Supervisor Lawrence asked about the District's liability if closed signs were posted on the three holidays and someone used the courts anyway and was injured. Mr. Clark stated that anyone can file suit, regardless, and the District's insurance would likely settle the claim but the District would have to pay its attorney's fees. Liability is minimized if warning signage is posted.

Supervisor Lawrence asked Mr. Kloptosky to recap the instances of vandalism that damaged the courts. Mr. Kloptosky stated there are not a lot of instances of vandalism; vandalism was part of the reason but not his main reason for proposing the 10' high fences. Supervisor Lawrence felt that "closed" must be defined and how amenities would be closed and which facilities would be impacted must be determined before installing a 10' fence.

Supervisor Davidson recalled that he asked for the other Board Members' opinion on closing the amenities on the three holidays. Supervisor Lawrence felt that it was appropriate to close the amenities on those holidays, as it is important for staff to be able to spend the holidays with their families.

Supervisor Gaeta agreed with Supervisor Lawrence; it is fair and equitable to allow staff the time off on those holidays. She felt that, if indicating that the amenities were not open on those holidays was not a significant enough statement in the Rules, then the Board must decide how to change the wording to indicate that the facilities would be closed and locked. She believed that, in Supervisor Smith's presentation, he was comparing different things, as Hammock Dunes is a private community and Grand Haven is not; the roads are public so anyone must be allowed to enter. That could lead to nonresidents using the facilities if facilitators are not on duty.

Supervisor Foley stated that numerous residents told him that they want to be able to use the facilities on holidays; therefore, he was not sure that he agreed with closing them for the holidays. He believed that, at the last meeting, Mr. Jay King, of Vesta, stated that he would have employees present for three hours on Thanksgiving and New Year's Day at no additional charge to the District. Supervisor Davidson stated that, as the CDD is a public entity, he would feel obligated to open all facilities on the holiday for everyone, rather than one group, which would require many facilitators. Supervisor Foley voiced his opinion that all the facilities should be open on the holidays. He questioned why the playground is closed at a time when children are visiting.

Supervisor Smith voiced his opinion that whether to open the facilities on the holidays was a separate issue from building the fence. He felt that alternatives for how the holidays are being handled must be researched.

Regarding defining "closed", Supervisor Davidson noted that partial closure must also be defined because, at times, certain facilities are closed due to nature, safety or maintenance issues. Once the types of closures are defined, how to communicate what closure means and the actual closures must be determined.

Supervisor Davidson discussed considerations related to the infrastructure, including operating hours for the amenity facilities, preventative measures in place, proposed additional preventative measures and the options to address the current tennis court issues.

Mr. Kloptosky reminded the Board that the reason this was on the CIP was due to a safety issue. Many fence posts are rotting and rusting and need to be replaced; therefore a decision should not be delayed too long.



**On MOTION by Supervisor Lawrence and seconded by Supervisor Smith, with all in favor, suspending the previously approved installation of 10' high fencing at the tennis courts, in order to continue discussions on the matter at upcoming workshops and/or meetings, was approved.**

**SEVENTH ORDER OF BUSINESS****Discussion: Tennis Court Fencing**

This item was discussed during the Sixth Order of Business.

**The meeting recessed at 11:47 a.m.**

**The meeting reconvened at 12:05 p.m.**

**Supervisor Lawrence left the meeting during the recess but a quorum remained.**

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

There being no report, the next item followed.

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

**This item, previously Item 8D, was presented out of order.**

Mr. Clark provided the following update:

- Hurricane Matthew FEMA Matters: Reimbursement funds were starting to be received.
- Hurricane Irma FEMA Claim: FEMA has the data and it should be under review by FEMA.
- Amenity Rule Updates Regarding Amenity Closures, Parking, etc.: This would be discussed at the upcoming workshop.

Supervisor Davidson discussed the following items to be discussed, with regard to amending the Rules:

- Amenity Parking Lot Usage: Specify that Amenity Center parking lots are for patrons utilizing the Amenity Centers only.
- House Guests: Add that, to be considered a House Guest, the guest must reside outside of Flagler County.
- Meaning of Closed: Define the meaning of "Closed", with regard to the amenities.
- Maintenance/Contractor/Operations: Specify that, when necessary, maintenance, contractor or operations work takes precedence over ongoing programs.

Supervisor Foley felt that maintenance was split between emergency and routine and voiced his opinion that routine maintenance should be scheduled at a time when an amenity activity is not occurring. Mr. Kloptosky stated that every effort is made to accommodate everyone. Supervisor Gaeta pointed out that some maintenance is performed by outside contractors so the time cannot always be scheduled. Supervisor Davidson stated that it is understood that maintenance be scheduled at times that would have the least disruption to the activities. The problem is when contractors cannot specify a time, which is why the Rules need to state that the work takes precedence over the activity. Supervisor Foley wanted the Rules to specify that "There will be reasonable consideration for working around normal amenity activities." Supervisor Gaeta was confident that Mr. Kloptosky schedules maintenance to the best of his abilities. Mr. Kloptosky stated that, regardless of the attempts to work around activities, residents tend to become angry no matter when work is done.

**Supervisor Lawrence returned to the meeting at 12:25 p.m.**

- Towing: Is it necessary to add towing to the Rules.

Mr. Clark believed that the District has the authority to tow vehicles, provided there is adequate signage, but he would like it defined in the Rules. He would prepare draft language for the potential Rule amendments.

Mr. Clark resumed his report, as follows:

- Wild Oaks Gate Damage: Full reimbursement was received from the insurance company of the person who damaged the gate.
- Montague Bridge – City of Palm Coast Code Enforcement Alleged Violation Notice: Escalante sent a letter to Mr. Kloptosky stating that they would repair the bridge and would inspect it by last Friday and provide a repair schedule.

Mr. Kloptosky stated that he notified the City that the Montague Bridge is not the CDD's responsibility and notified Escalante about the issue. Mr. Clark advised Mr. Kloptosky to forward Escalante's letter, acknowledging responsibility, to the City.

Discussion ensued regarding the condition of the mailboxes, whether the CDD is responsible for cleaning and/or maintenance, etc. Supervisor Lawrence suggested that the CDD take the position that it will maintain the mailbox surrounds and locks and send a letter to the

U.S. Postal Service. Mr. Kloptosky noted that, eventually, the mailboxes will need to be replaced, which would be very expensive.

**B. Amenity Manager: *Amenity Management Group, Inc.* [Robert Ross]**

There being no report, the next item followed.

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

- **Updated CIP**

Mr. Kloptosky discussed the following:

- Village Center Stucco Repair Project Request for Proposals (RFP): The RFP should be advertised within the next few days. The proposals would be opened on April 1<sup>st</sup> and presented at a future meeting.

- Replacement of HVAC Units and Ducts at Creekside: Replacement would commence on February 25<sup>th</sup>. The entire facility would be closed and all activities cancelled; the project would take about two weeks. The closure information was e-blasted yesterday.

Discussion ensued regarding why the entire facility must be closed, accommodating CDD office operations during the closure, cleaning the floors, etc.

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

There being no report, the next item followed.

**NINTH ORDER OF BUSINESS**

**CONSENT AGENDA ITEMS**

**A. APPROVAL OF UNAUDITED FINANCIAL STATEMENTS**

- i. **Unaudited Financial Statements as of December 31, 2018**

Mr. McGaffney presented the Unaudited Financial Statements as of December 31, 2018.

**B. APPROVAL OF MINUTES**

- i. **December 6, 2018 Community Workshop**

- ii. **January 17, 2019 Regular Meeting**

Revisions to the minutes were previously submitted to Management by various Supervisors.

Regarding Supervisor edits to the minutes, Mr. Clark had no issue with Management making the changes without them being presented at a meeting, provided the edits are typographical and changes of a minor nature, such as name changes, etc. If the edits are of a

substantive nature, which changes the context, the edits should be presented at the meeting so that the Board can discuss the requested change.

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

## TENTH ORDER OF BUSINESS

## BUSINESS ITEMS

It was noted that the following items were behind Tab 8, in the agenda books.

### **A. Discussion on/Consideration of: Ethics Policy – Code of Conduct for Supervisors**

Mr. McGaffney presented the draft Policy prepared by Mr. Clark.

The following changes were made:

Page 3, Last Paragraph, Line 1: Change “regarding” to “on behalf of”

Page 3, Last Paragraph: Deleted entire last sentence and insert “Supervisors and District Staff shall not post information related to the business of District to any social media site.”

Supervisor Foley asked if The Oak Tree was considered a social media site. The answer was no.

Supervisor Foley referred to the sentence, under Item 6, on Page 3, and asked if it would prevent a Supervisor from voicing an opinion when they do not agree with a Board decision. Supervisor Davidson stated that the Board is collegial, meaning it works as a group and when a decision is made it enforces and agrees to the decision of the majority of the Board. At a meeting, a Board Member who does not agree with a decision could ask to reopen a subject. A Board Member should not start petition drives, gather the masses in an attempt to influence a decision of the Board or do things that undermine the authority of the Board on a decision that was made, as those actions are considered unethical. A Board Member, as an individual, requesting reconsideration, would not be unethical; at this meeting the request to reconsider the subject could have been made, without generating all the other things that happened. When those types of thing are started, it creates dissention and fractionates the various special interest groups within the community, which causes the camaraderie of the community to disintegrate and pits neighbor against neighbor.

Supervisor Smith asked Mr. Clark if his interpretation of the sentence was the same. Mr. Clark stated that, in his opinion and knowing what happens in CDDs, he was most concerned about a Supervisor going around a Board decision and trying to undermine it. The Board acts as a single body and an individual Supervisor has no authority to act contrary to a Board decision. A Board Member would not be prohibited from admitting that they disagreed with a decision and/or, at the next meeting, asking the Board to reconsider the decision.

Supervisor Foley acknowledged his understanding that he should not try to influence a contractor, CDD or Amenity staff, etc., into doing something contrary to the Board's decision; however, he would feel pretty restricted if he cannot voice his opposition or explain to people what happened at a Board meeting where a vote was taken that he or someone else did not agree with. He felt that what those people do with the information is out of the Board's control. He believed it would not be right for him to have to say "I'm part of the Board and I have to support the Board and I'm not going to say anything." He did not want to sign something that he does not completely agree with.

Mr. Foley posed and Mr. Clark responded to the following questions:

Mr. Foley: Can someone sign the Ethics Policy with an exception to a particular point?

Mr. Clark: I wouldn't.

Mr. Foley: What is the effect of not signing the Ethics Policy?

Mr. Clark: Nothing, other than maybe the creation of friction among this Board.

Mr. Clark stated that this document represents how the Board wants to operate. Regarding petitions and the like, if a Board Member communicates their opposition to someone and that person independently does something about it, that works within the democratic process; however, if the Board Member communicates their opposition to someone and suggests to a person what they and others should do about it, that becomes a borderline Sunshine Law violation, where the Board Member is essentially communicating through a proxy to try to bring pressure on the Board Members. He urged the Board Members to stay away from that type of activity but does not mean that a Board Member could not talk about an issue; furthermore, he did not think that was the intent of this.

Supervisor Gaeta stated that the Board has not always agreed but, if some asked, the response was generally that it was a consensus of the Board. In the past, when a Board

Member has disagreed and residents have come to express their opinion, the Board listened to their comments and opinions. She felt that the language in the petition was contentious. The Board tries to objectively consider the 4,500 residents and what would be good for everyone; Board Members do not bring in large number of people to a meeting with an agenda trying to break apart the Board and how they vote. There is a better way of doing things, rather than creating a contentious situation.

Supervisor Lawrence voiced his understanding that Mr. Clark's opinion was, if a Board Member is outvoted, it is okay for the Board Member to tell a couple of friends that they disagree with the decision but it likely crosses the line if the Board Member tells the friends to start a petition, call the other Board Members, etc. Mr. Clark affirmed that was what he said.

Supervisor Foley stated that, in his mind, Supervisor Lawrence's comments were about two things; one is a Sunshine Law violation, such that a Board Member cannot tell people to call or email the other Board Members, or give hints to them on how to express their discontent; however, if those residents ask the Board Member directly what they can do, he wanted to know if the Board Member is prohibited from telling them what they can do, such as telling them that they could start a petition, and, if that was prohibited, he wanted to know why.

Supervisor Davidson asked Mr. Kloptosky if he received a visit from a Board Member the day after the vote and if he was told something. Mr. Kloptosky replied affirmatively. Supervisor Davidson asked Mr. Kloptosky to explain what happened.

Mr. Kloptosky: I got a visit and there was a concern about the decision that was made regarding the height of the fence and.....

Supervisor Foley: This is me, by the way, right? The following .... Yes, I know. I came to see you. I wanted to come see you.

Mr. Kloptosky: Right. I had no problem with the visit either. The discussion was basically generic and it was made quite obvious to me that the decision that was made was not acceptable to that Supervisor. He had asked me if I could delay moving on it and I explained, no; I had a decision that was given to me by the Board and I had to move forward. So, we talked about that and I told him the best way would be to bring it back to the Board and, I guess, the concern was, because of the emotion of the project moving forward, there was a concern that it would get started before the Board would be able to address it. So, I didn't

know that that was going to be the case because we all know how slowly things move so, that's what I suggested.

Supervisor Foley: The purpose of my visit, just so we are clear, it is getting way to far, now, but, the purpose of my visit with Barry was to suggest an alternative, which is kind of similar to what Jim Pellegrini sent around, coincidentally, but Barry had already considered that as an alternative and told me that it didn't work well for him for a variety of reasons. And, we were just sitting there talking. We couldn't, between the two of us, come up with any other alternatives, and that was it. Was it...20 minutes, half hour conversation, something like that?

Mr. Kloptosky: Yes.

Supervisor Foley: It wasn't contentious. I wasn't poking my finger. I wasn't antagonistic.

Mr. Kloptosky: No, no. There wasn't antagonism, there was no contention; it was a discussion.

Supervisor Foley: That's it. So, what is wrong with that? Is that bad too?

Mr. Clark: Historically, in this District, we have had this situation. Fortunately it has been a number of years, where individual Supervisors went to staff and gave them direction to do this, don't do this, do this that way and it was outside of and sometimes contrary to what the Board had directed. And, we recognized that that puts staff in a very, very difficult position because, you talked about having five bosses; I've worked in a position that had five bosses before and it is very, very hard to do that. So, in this room there are five bosses but, after the meeting is over, there is one boss, the collective Board is the boss..... To your comment Kevin, asking for what are the alternatives to exploring, gaining information, I think that is fine. If you say, can you stop the project, well, the answer is no; the answer is only the full Board can stop the project because the full Board approved the project.

Supervisor Foley: That topic didn't come up, except at the workshop and that was my idea, at the workshop. I didn't ask you to stop or delay the installation of the fence...

Mr. Kloptosky: Well....

Supervisor Foley: I just wanted to explore an alternative.....

Mr. Kloptosky: You did ask me to delay it because you wanted to get back to the Board because you had asked me what the alternative was if you were unhappy with it and wanted to revisit it.....

Supervisor Foley: Okay.

Mr. Kloptosky: And I said you have to go back to the Board...

Supervisor Foley: Okay.

Mr. Kloptosky: At the next meeting and, prior to that, you had asked me to slow it down or stop it until you had the opportunity to do that and I explained that I can't do that.

Supervisor Foley: Okay, if I did, I did. I don't recall that but, if I did, I did.

Supervisor Lawrence stated, given Mr., Clarks' interpretation and dialogue on this sentence, he was comfortable with his interpretation, such that, where one can fall into the Sunshine Laws, they should not go there but that it is not meant to be a direct inhibitor of what are basic communication rights.

**On MOTION by Supervisor Smith and seconded by Supervisor Gaeta, with all in favor, adopting the Ethics Policy – Code of Conduct for Supervisors, as revised and in substantial form, subject to District Counsel making the changes, was approved.**

- **Discussion on/Consideration of: Resolution 2019-04, Approving an Interlocal Agreement with the City of Palm Coast for Enforcement of Certain Code Provision Relating to Trees**

**This item, previously Item 10C, was presented out of order.**

Mr. Clark stated that the Board previously accepted edits that he made and those edits were also accepted by the City Attorney. A couple of questions remained open and he and the City Attorney agreed that an expiration date was not necessary and either party can terminate. Odd language in Paragraph 6 was clarified to state that the CDD is acting on behalf of the CDD and not the City. The City is working to have it adopted as an Interlocal Agreement. He recommended that this Board do the same.

Mr. Clark presented Resolution 2019-04 and read the title.

**On MOTION by Supervisor Lawrence and seconded by Supervisor Gaeta, with all in favor, Resolution 2019-04, Approving an Interlocal Agreement with the City of Palm Coast for Enforcement of Certain Code Provision Relating to Trees, was adopted.**



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

Mr. McGaffney stated that Florida Reserve Study and Appraisal, Inc. (FRSA) withdrew its proposal.

**i. Dreux Isaac & Associates****ii. Miller-Dodson**

Mr. McGaffney presented the proposals and noted that Miller-Dodson (MD) has not been responsive for some time and he was not comfortable with their presentation; therefore, he recommended Dreux Isaac & Associates (DIA).

Supervisor Gaeta stated that, despite Mr. McGaffney's experience with DIA, she wanted them to give a presentation, as this is a very important document and Board Members should be entitled to ask questions before engaging them. Mr. McGaffney respected Supervisor Gaeta's position and stated that, as the District Manager, he is extremely comfortable with this recommendation; otherwise, he would not have recommended DIA. It is not often that he inserts his opinion and there are few options left, other than to not do anything, which means it might not get done by this budget season.

Supervisor Lawrence noted that the DIA proposal was \$6,350 more than the MD proposal but MD has not been responsive. Mr. McGaffney confirmed that MD has not been responsive.

Supervisor Davidson asked how many staff members DIA has and if it was difficult for them to attend a meeting to give a presentation. Mr. McGaffney stated that DIA is very busy. Supervisor Davidson asked how soon DIA could complete the reserve study. Mr. McGaffney stated that, prior to the holidays, DIA stated that it could be done in February; however, it is now almost March and the Board has not made a decision. Due to the delay, it may not be completed in time for use with the upcoming budget season.

Supervisor Gaeta requested Mr. Kloptosky's input. Mr. Kloptosky stated that he spoke extensively with Mr. McGaffney about this and, although DIA is more expensive, he trusted Mr. McGaffney's judgment; they spoke extensively about his experience with DIA.

**On MOTION by Supervisor Smith and seconded by Supervisor Foley, with all in favor, the Dreux Isaac & Associates proposal for preparation of the First Time Reserve Study, in a not-to-exceed amount of \$16,000, was approved.**

**C. Discussion on/Consideration of: Resolution 2019-04, Approving an Interlocal Agreement with the City of Palm Coast for Enforcement of Certain Code Provision Relating to Trees**

This item was presented following Item 10A.

**D. Discussion: Vesta Amenity Management Agreement and Renewal Terms/Consideration of Request for RFP**

Mr. McGaffney stated that Vesta notified him of the intent to seek a 4% increase in their Annual Management Agreement. Vesta has not increased its rates for several years. This change would likely trigger the need to go through the Request for Proposals (RFP) process.

Mr. Clark stated that Vesta has been with the District for several years and the contract was a Continuing Contract, which meant that, as long as Vesta stays within the current terms, the contract could continue being extended.

Discussion ensued regarding other amenity management companies.

**On MOTION by Supervisor Smith and seconded by Supervisor Lawrence, with all in favor, directing Staff to prepare an RFP for Amenity Management Services and advertise, was approved.**

**E. Discussion on/Consideration of: Sidewalk Coating to Prevent Mold**

Supervisor Lawrence discussed sidewalk coatings. He was surprised that the current test area did not yield the anticipated results and asked Mr. Kloptosky to confirm with the vendor that the coating was applied correctly. Mr. Kloptosky stated that the vendor agreed to apply the coating to two other test slabs.

Supervisor Lawrence stated that another vendor, Dex Tex, agreed to a trial of their product in a test area.

Discussion ensued regarding the curbs, current trial product, etc.

**ELEVENTH ORDER OF BUSINESS**

**OPEN ITEMS**

There were no changes.

**TWELFTH ORDER OF BUSINESS**

**SUPERVISORS' REQUESTS**

Supervisor Gaeta suggested that a Vesta representative attend the Continued Meeting.

**THIRTEENTH ORDER OF BUSINESS**

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

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

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

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

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

**FOURTEENTH ORDER OF BUSINESS**

**ADJOURNMENT**

There being nothing further to discuss, the meeting recessed.

**On MOTION by Supervisor Smith and seconded by Supervisor Gaeta, with all in favor, the meeting recessed and was continued to March 7, 2019 at 10:00 a.m., at this location, for the purpose of discussing the tennis court fence and operating hours matters.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



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Secretary/Assistant Secretary



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Chair/Vice Chair