

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

The Board of Supervisors of the Grand Haven Community Development District held a Regular Meeting on Thursday, October 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 (via telephone)	Assistant Secretary
Ray Smith	Assistant Secretary
Kevin Foley	Assistant Secretary

**Also present were:**

Howard McGaffney	District Manager
Scott Clark	District Counsel
Barry Kloptosky	Operations Manager
Stacie Acrin	Grand Haven CDD Office
Donna Conforti	Grand Haven CDD Office
Larry Stuart	Amenity Manager - Vesta/AMG
Andrew Huebner	Assistant Amenity Manager - Vesta/AMG
Sue O'Lear	Amenity Office Manager - Vesta/AMG
Roy Deary	Vesta/AMG
Jay King	Vesta/AMG

**Residents present were:**

Al Lo Monaco	Tom Byrne
George Behler	Morgan Evans
Vic Natiello	Karen Durand
Don Plunkett	Robert Whiting
Jerry Kagan	Charles Greer
John Polizzi	Rob Carlton
Denise Gallo	Ron Merlo

**FIRST ORDER OF BUSINESS**

**CALL TO ORDER/ROLL CALL**

Mr. McGaffney called the meeting to order at 10:03 a.m. Supervisors Davidson, Lawrence, Smith and Foley were present, in person. Supervisor Gaeta was attending via telephone.

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

All present recited the Pledge of Allegiance.

**THIRD ORDER OF BUSINESS**

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

Resident Karen Durand expressed her disappointment in the conditions of the common area landscaping and deterioration over the past year.

Resident John Polizzi discussed the Tennis Advisory Group (TAG) and requested that the CDD communicate better about what it is, who is on it and when the meetings would be held.

Resident George Behler discussed a kudzu plant issue on CDD property and asked if the CDD was addressing the issue.

Resident Jerry Kagan asked why the agenda was not e-blasted until yesterday instead of one week in advance. He discussed Vesta's Café revenue cost-share arrangement with the CDD and voiced his opinion that it should be a set percentage, such as 20% off the top. He mentioned concerns about the paint color but did not elaborate. Mr. McGaffney stated that agendas are posted on the CDD website at least seven days in advance, which meets the statutory requirements.

**FOURTH ORDER OF BUSINESS**

**CONSULTANTS, GUEST REPORTS & PRESENTATIONS**

- **Presentation: Village Center Amenity Building Landscape Design and Proposal, Louise Leister, Horticultural Consultant**

Ms. Leister presented a rendering and discussed the design plans for the new landscaping at The Village Center and noted the following:

- It would have more of a "free, natural" look, with natural boulders to match the stonework on the building and turtle sculpture area.
- Drainage areas would have a dry river bed to accept water flow when it rains.
- Fewer plants would be used to reduce overgrowth and maintenance.
- The landscaping was Mediterranean-themed to match the new building color.
- The new landscaping would be lower maintenance and require less irrigation.

Discussion ensued regarding the types of trees, plants and flowers under consideration, irrigation, including lighting after the design is finalized, illuminating the walkway, best time to install the landscaping, etc. Mr. Kloptosky estimated that the building stucco project would likely be completed in February.

Ms. Leister stated that the landscaping project would be awarded through the Request for Proposals (RFP). Regarding Ms. Durand's comments about the poor condition of the landscaping, Ms. Leister noted that the new fiscal year commenced; therefore, landscaping projects that were on hold, due to budget constraints, were now underway.

Supervisor Smith asked if the landscape budget adopted for Fiscal Year 2020 was adequate to complete the landscaping projects that Ms. Leister wants to complete. Ms. Leister stated that work was being completed according to need, with the worst items being addressed first; it is a good budget and she would work within it but additional funds would always be welcomed. Ms. Leister was asked to compile a list of the landscape needs for the next year to two years, along with the approximate costs for each project, for presentation at a future meeting, and to provide monthly updates of the projects and progress, which could be communicated to Mr. Kloptosky and the Board.

Ms. Leister discussed the landscape plans for the area with the new military monument, including a hedge for privacy and to distinguish it from other areas.

Supervisor Smith asked if funds were being raised for the landscaping. Dr. Rob Carlton, a resident, stated that the group organizing the monument was raising funds for the "area", with the thinking of installing a retaining wall behind the monument, similar to the wall behind the turtle sculpture, and benches. There were no conversations about who would pay for a hedge but contributions to the project were still being received and the cost for the hedge could possibly be shared; if the raised funds exceed what is needed, the group might give it to the CDD to go towards maintaining the monument area.

Ms. Leister stated that the District previously received grant funds for expensive work, such as vine removal, but she did not think those grant funds would be available anymore.

Ms. Leister asked to review the RFP and discuss it with Mr. Kloptosky. The RFP should be updated, as many more areas were added compared to before; the landscape contractor currently maintains certain areas despite them not being in the contract. Mr. McGaffney stated that Ms. Leister should attend another meeting to discuss the plans for the \$112,000 budgeted. To start the Fiscal Year 2021 budget planning, recommendations and costs would be needed.

Ms. Durand discussed the prior Advisory Council with various committees that compiled lists of landscape issues. Ms. Leister felt that working with committees slows the process.

Discussion ensued regarding the landscaping design plan and Yellowstone's cost estimate. The Board Members expressed their support for the design plan and the price range for the project; proposals would be obtained.

**FIFTH ORDER OF BUSINESS**

**BUSINESS ITEMS**

**A. Continued Discussion on: Survey Results [Amenity Center Holiday Schedule]**

Mr. Stuart reported the following results from surveying the amenity employees:

➤ Were employees willing to work on Christmas Day and New Years Day? One employee was willing to work those days but three would be needed; therefore, it would not be possible to staff the amenities without forcing some employees to work.

It was determined that Christmas Day would be closed and employees were to have been asked about working a half-day on Thanksgiving and New Years Day. Discussion ensued regarding the extent of which amenities would be open, should both amenity centers be open, why three employees would be necessary, whether one person would be sufficient for a five to six-hour shift, etc.

The results of resident survey were as follows:

- 21% response from the 1,800 properties.
- With regard to the 1,800 properties, 8.3%, or 159, wanted the amenities or some part open one or more of the holidays.
- 13% did not want the amenities open at all on the holidays.

Discussion ensued regarding the survey results, whether the 8.3% that wanted the amenities open on the holidays was a high enough number to merit opening the facilities on the holidays for which the amenities are traditionally closed, staffing options, staffing only one person on the holidays, leaving outside amenities unlocked on the holidays, legal and liability issues of opening and allowing use of the amenities without supervision, etc.

Board Member preferences:

- Supervisor Lawrence: Keep facilities closed on the holidays being discussed but leave all amenities outside of the pool areas unlocked, except the bathrooms.

- Supervisor Gaeta: Keep all amenities closed on those holidays. Questioned how guest fees would be collected.
- Supervisor Smith: Agreed with Supervisor Lawrence. He did not agree with the interpretation of the survey results and suggested consulting professionals.
- Supervisor Foley: Keep the amenities open for several hours on the holidays being discussed and staff with one person.

Supervisor Davidson discussed the potential for damage to the District’s amenities, which are very expensive, if left open and unsupervised. Supervisor Foley felt that there was little risk of damage.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with Supervisors Davidson and Gaeta in favor and Supervisors Lawrence, Smith and Foley dissenting, keeping all amenity facilities and amenities closed on Thanksgiving, Christmas and New Years, was not approved. (Motion failed 2-3)**

**On MOTION by Supervisor Lawrence and seconded by Supervisor Smith, with Supervisors Lawrence, Smith and Foley in favor and Supervisors Davidson and Gaeta dissenting, keeping the Amenity Facilities closed on Thanksgiving, Christmas and New Years and leaving all amenities outside the perimeters of The Village Center, Creekside Amenity Center and pools unlocked, was approved. (Motion passed 3-2)**

**B. Ratification of: Paul Culver Construction, Inc., Change Orders No. 1-5**

Mr. Kloptosky presented Change Orders No. 1 through 4. There were issues with Change Order No. 5 so approval should be deferred.

**On MOTION by Supervisor Davidson and seconded by Supervisor Lawrence, with all in favor, the Paul Culver Construction, Inc., Change Orders No. 1 through 4, were approved.**

Discussion ensued regarding the paint color selected for The Village Center.

**C. Discussion on: Proposed District Policy Regarding Use of Special Events Fund**

Mr. McGaffney stated that the District lacked a policy or guidelines regarding how Amenity Management uses CDD funds budgeted for special events.

Mr. Deary stated that the items typically covered by the special events budget funds included labor/staffing, supplies, food and possibly entertainment for the event. Vesta does not make money from special events and looks to be reimbursed directly; it is a pass-through approach and Vesta attempts to maximize the special events budget to the benefit of the entire community. Mr. King stated that Vesta tries to use existing labor for special events so labor charge only occurs when additional staff is necessary for the special event. Depending on the community, when possible, Vesta tries to find sponsors for special events, which helps the event budget go further, and, there is occasionally a charge for an event, which also helps offset the cost to put on the event.

Discussion ensued regarding what and the types of events that the special events fund could be used for, whether guests should be allowed to attend special events and should they be charged a fee, the signup/ticket distribution or sales procedure for special events, free versus fee-based events, etc.

Mr. McGaffney stated that he would draft guidelines for how Amenity Management can use the budgeted special events funds.

**The meeting recessed at 12:45 p.m., and reconvened at 12:56 p.m.**

**D. Consideration of: Authorization to Publish Notice of RFP for Landscape Maintenance Services**

This item was discussed during the Fourth Order of Business.

**On MOTION by Supervisor Davidson and seconded by Supervisor Gaeta, with all in favor, authorizing Staff to update and publish a Request for Proposals for Landscape Maintenance Services and compensating Ms. Leister for her time reviewing and assisting with updating the RFP, was approved.**

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

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

Regarding Vesta’s progress addressing the recently identified deficiencies, Mr. Deary stated that, despite the challenges due to the extensive construction in the community, Vesta was actively addressing the deficiencies. Mr. Stuart was embracing the need to lead, assess and improve the amenity team, attempting to engage and communicate with residents and the Board and Staff through weekly updates and embracing the tangible support that Vesta can and does provide. Mr. Deary stated that Mr. Stuart filled positions that were needed and

understood the need for thorough and sustainable processes, in coordination with the District Manager and Operations Manager. He felt that the foundation was forming and, within 30 to 45 days, the amenity operations would be moving forward with a lot of energy.

Ms. Sue O'Lear, the new Amenity Office Manager, discussed her background and experience.

Mr. Andrew Huebner, the new Assistant Amenity Manager, discussed his background and experience and responded to questions.

Supervisors Lawrence and Foley expressed their dissatisfaction with the changes at Café. Discussion ensued regarding complaints that Board Members received regarding the food prices, quality and quantity, the revenue share amount that Vesta returns to the CDD, etc.

Mr. Stuart and Mr. Deary discussed why certain changes were made, the small number of complaints received in the Café and that those were addressed immediately, the surveying of Café guests for their preferences to gauge what menu items they wanted, etc.

Supervisor Gaeta proposed eliminating the Café revenue sharing arrangement, as, in her opinion, it was possibly driving Vesta's price increases and might have created some of the Café issues being discussed. She expressed her disagreement with the opinions of Supervisors Lawrence and Foley regarding pricing and comparing the Café to chain restaurants.

Mr. Stuart invited the Board Members to dine at the Café, as some of them had not within the last week or so.

Supervisor Davidson believed the perception regarding the increased prices and that the Café was no longer an amenity but was trying to be run like a professional café. His preference would be to eliminate the Café revenue share arrangement and for the Café to reduce prices by the percentage that was being shared with the District.

Discussion ensued regarding a portion of Mr. Stuart's salary being tied to Café revenue.

Mr. McGaffney did not discount Vesta's attempts to address the deficiencies but noted that Vesta was given an extension from 30 days to 120 days to make the necessary changes; the 120 days was now up. He stated that he and Mr. Kloptosky believed Vesta would need more than just a little more time to "right the ship". He expressed concerns about the current Amenity Services contract and stated that, administratively, it needs to be amended, and asked the Supervisors to think about how they want the Café to be run. He stated that the deficiencies identified with regard to the Café had nothing to do with quality or employee pay. The issues were about communications, operations and maintenance (O&M) and oversight.

Communications includes how Amenity staff interacts with the Operations Manager and how the prior Amenity Manager interacted with the Operations Manager; he felt that this situation was improving. Regarding the O&M issues, the tennis courts were only a small portion of the contract that Vesta must oversee. Regarding oversight, he stressed that Vesta must have someone manage the on-site Amenity Manager.

Mr. McGaffney stated that amending the Amenity Services contract would probably require the RFP process.

**E. Update/Discussion on: Property Purchase [425 Riverfront Drive]**

Mr. Clark recalled that he prepared a form of contract consistent with the discussion at the last meeting; it was transmitted to the broker who presented it to the seller and the seller’s attorney. If the seller agrees to the terms of the agreement, a 90-day period of due diligence would commence; during that time the District Engineer must be engaged to fully evaluate the site, tests might be necessary, an appraisal must be obtained and the existing Development of Regional Impact (DRI), Planned Unit Development (PUD), approvals, etc., must be researched. Costs of approximately \$15,000 to \$20,000 would be incurred during the 90-day period.

Discussion ensued regarding financing options for the purchase and/or improving the property, status of the property next door, what the purchased property might be used for, etc.

**F. Discussion on: Realtor Roundtable Questions [November 7, 2019]**

Supervisor Davidson urged Board Members to email their questions for the realtors to Management’s office so that the questions can be sent to the realtors, prior to the roundtable.

**G. Continued Discussion on: Military Monument**

This item was discussed during the Fourth Order of Business.

**SIXTH ORDER OF BUSINESS**

**CONSENT AGENDA ITEMS**

Mr. McGaffney presented the Consent Agenda items.

**A. ACCEPTANCE OF UNAUDITED FINANCIAL STATEMENTS**

- **Unaudited Financial Statements as of August 31, 2019**
  - **Updated CIP**

Supervisor Davidson questioned the irrigation repair expenses, which seemed high to him. Mr. Kloptosky discussed the expensive repairs that were made. Supervisor Davidson asked for the irrigation expenses to be evaluated to make sure they were valid.

Supervisor Foley asked about the "Adopted Budget", "Unassigned" amount on Page 4.

**B. APPROVAL OF MINUTES**

**I. August 1, 2019 Continued Regular Meeting**

**II. August 1, 2019 Community Workshop**

**III. August 15, 2019 Regular Meeting**

The following changes were made to the August 15, 2019 Regular Meeting Minutes:

Line 10: Add "(via telephone)" after "Lawrence"

Line 13: Delete "(via telephone)" after "Foley"

**On MOTION by Supervisor Gaeta and seconded by Supervisor Lawrence, with all in favor, the Consent Agenda Items, as amended to include revisions to the minutes previously submitted to Management and today's revisions, were approved.**

**SEVENTH ORDER OF BUSINESS**

**NEXT MEETING DATE**

- **November 7, 2019 at 10:00 A.M., Regular Meeting**
- **November 21, 2019 at 10:00 A.M., Community Workshop**

This item was an addition to the agenda

○ **QUORUM CHECK**

All Supervisors confirmed their attendance at the November 7, 2019 meeting and the November 21, 2019 workshop.

**EIGHTH ORDER OF BUSINESS**

**STAFF REPORTS**

**A. District Engineer: DRMP, Inc. [David Sowell]**

There was no report.

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

This item was presented following Item 5D.

In response to a question regarding the Tennis Advisory Group (TAG) being formed, Mr. McGaffney explained that the Amenity Manager was to assemble and work with the TAG; it was not supposed to be a function of the CDD Board. Supervisor Foley disagreed, as he believed the Chair provided clear instructions of how the TAG members were to be selected and felt that it was not being compiled properly. Mr. McGaffney stated that type of process

would equate to the CDD Board telling the Amenity Manager who to select. Supervisor Davidson stated that he wrote the guidelines 10 years ago and he felt that they should still be followed now to have fair representation of various interest groups in the community, with two representatives from each and at least two non players to represent the interests of the remainder of the community; it did not require a public audience.

Mr. John Polizzi, a resident, stated that he did not believe the CDD needed to be involved in the TAG; however, he felt that there should be transparency and communication to the community that it is being re-established. Supervisor Davidson stated that the Amenity Manager should notify the community, not the CDD.

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

Mr. Kloptosky had nothing additional to report.

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

Mr. Clark reported the following:

➤ Hurricane Matthew FEMA Claim: An appeal would likely be necessary for the denied expenses related to debris removal for lack of documentation or other information.

Mr. Clark stated the Federal Emergency Management Agency (FEMA) denied several debris removal invoices for lack of backup and other reasons. Discussions with FEMA were ongoing.

➤ City of Palm Coast Code Enforcement Violation Notice: The City had been cooperative about including Firewise wildfire mitigation into the prior Interlocal Agreement; efforts were underway to amend the current Interlocal Agreement.

- **Public Comment Policy and Agenda Formatting**

Supervisor Davidson recalled that, in the past the public was generally allowed to speak without always being held to the three minute time limit; however, with the growth of the community came a much larger number of residents that led to more comments, it has become necessary to create a more structured Public Comments procedure.

Mr. Clark stated that CDDs typically have Public Comments early in the meeting, which can take a large amount of the meeting time. The purpose of Public Comments is to give citizens a chance to comment on decisions that the Board would make before it makes them. It can but is not required to allow citizens to raise matters that they want the Board to address, instead of what is on the agenda, which frequently occurred because residents have the expectation that answers to their questions should be immediately provided. In order for

meetings and workshops to flow smoothly, enforcement of the three-minute rule has become necessary; however, there may be times for exceptions. He reviewed the sample resolution.

Mr. Clark responded to questions, as follows:

- Taking public comments is not required at workshops because it is only required when decisions are being made or actions are being taken, which cannot be done at a workshop.
- Technically, the Board is not required to take public comments about anything that is not on the agenda; however, most Boards allow comments on non-agenda items.
- If the Public Comments section early in the meeting is limited to non-agenda items, the Board would essentially be committing to taking public comments during the specific agenda items prior to making a decision or taking action.
- The Public Comments section could apply to both agenda and non-agenda items and the Board would not be required to take public comments during the specific agenda item, with the exception of Public Hearings.

Discussion ensued regarding enforcing the three-minute time limit, whether to respond or address matters during Public Comments, whether to take public comments during each agenda item, etc.

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

There was no report.

**NINTH ORDER OF BUSINESS**

**SUPERVISORS' REQUESTS**

Supervisor Gaeta stated that the Community Information Guide (CIG) would be distributed next week.

**TENTH ORDER OF BUSINESS**

**OPEN ITEMS**

This item was not discussed.

**ELEVENTH ORDER OF BUSINESS**

**ADJOURNMENT**

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

**On MOTION by Supervisor Smith and seconded by Supervisor Lawrence, with all in favor, the meeting adjourned at 2:35 p.m.**



Secretary/Assistant Secretary



Chair/Vice Chair