

**BLUEWATER BAY MSBU**  
**BOARD of DIRECTORS**  
**Public Meeting**  
**September 8, 2015**

**I. Call to Order**

Chairman Debbie Stretch called the meeting to order at 6:00 p.m. Present were Directors Jonathan Tallman, Felix Beukenkamp, Judy Griffin and Steve Boswell. The presence of a quorum was confirmed. Also attending were Marcia Sanders with the Bay Beacon, Jason Connor with Valleycrest Landscaping, Kathy Dillon, Chris Olson, Jane Rainwater, Pat and Phil Fralix, David Vardaman, Lee Lewis with AVCON, Joe Jellison, Robert Snider, Betty Severino and William Hall. Special Guests were Kelly Windes, Okaloosa County Commissioner, Greg Stewart, Okaloosa County Attorney and Jason Autrey, Director of the Okaloosa County Public Works. Representing Bluewater Management Services were Darlane Landsberger and Meredith Collins.

**II. Announcements**

**A. Next Public Board Meeting**

The next Public Board Meeting will be held on October 13, 2015, at 6:00 p.m. in the Conference Room of Bluewater Management Services, located at 4400 Hwy 20, East, Suite 311 (Directly Behind the Bluewater Post Office), Niceville, Florida.

**B. Approval of Minutes**

The August 11, 2015 Board of Directors Meeting minutes were approved as presented with a motion from Ms. Griffin and seconded by Mr. Tallman, none opposed.

**III. Committee Reports**

**A. Finance – Felix Beukenkamp**

Mr. Beukenkamp reported the following:

**August 31, 2015 Financials:**

Mr. Beukenkamp reported on the August 31, 2015 financials and they were approved with a motion from Mr. Boswell and seconded by Mr. Tallman, none opposed.

**B. Landscape – Judy Griffin**

Ms. Griffin reported the following:

- Ms. Griffin, Valleycrest and Management did a drive through inspection this morning
- Annotated several sprinkler heads that need addressing
- There is also a pump by the tennis center that needs trouble shooting which will cost an estimated \$180.00 and will be up to \$2,000 to repair. Ms. Griffin made a motion to repair the pump, this was seconded by Mr. Beukenkamp, none opposed. Landscape Irrigation budget line item will be used for the repairs.

- Ms. Griffin reported that the vines that are encroaching around the traffic circle need to be addressed. We will need to get a bucket truck to remove, hope to have a quote for the next meeting, there are two or three pear trees that need to be removed as well. Both of these items will be done during the next budget cycle.
- Ms. Griffin reported that the three flags at the traffic circle need replacing, they are the U.S. Flag, the State Flag and the Bluewater Bay Flag. The total is \$400.00 for all three and Ms. Griffin made a motion to approve, this was seconded by Mr. Boswell. Mr. Beukenkamp asked if the Bluewater Bay flag can be purchased, Ms. Landsberger reported yes, we found the company that had the template. Mr. Tallman reported that instead of a Bluewater Bay he would like to see a different flag such as a POW flag. All agreed to stay with the Bluewater Bay flag, none opposed.
- Ms. Griffin reported that at the last meeting a homeowner asked about the Woodlands entrance and what would be done. There are no sprinkler heads at the wall, however, we are seeking quotes on what can be done there, such as some jasmine. We also hope to install some jasmine in the spring at the right of way. Pine straw application will be applied in the fall to spruce up the area.
- Ms. Landsberger reported that the road work will be completed by the end of the month and all signs will DOT road signs will be removed at that time. Mr. Beukenkamp also asked Management to remove the road work information off of the website as well.
- A homeowner in attendance reported that he is concerned with the area from Highway 20 to Bluewater Bay Boulevard. He reported that the flowers look great, however, further back looks terrible. He also reported that the decorative stones need pressure washing as well as the sidewalks. Also there are a lot of weeds in the stone bed areas and asked when will these items be addressed. Ms. Griffin reported that the flowers at the monuments were removed and hope to replace with plantings as money permits. She also reported that the landscaping contractor will be addressing these issues.

### **C. Communication – Steve Boswell**

**Community Events** – Mr. Boswell reported that the movie night was a great success and reported that a committee will need to be formed to start planning another future event.

### **IV. County Attorney & Mr. Kelly Windes – Board Question and Answer Session on Lake Flooding**

Mr. Tallman read the following emails the following emails into the record:

#### **E-mail from Mr. Chris Olson:**

*Good evening,*

*Two of the key members of our community around the lake, Hal and Mary Tiaht, are out of town caring for his mother overseas. Knowing they can't make it for tomorrow's meeting, they have asked me to forward the below note to all of you for your consideration. Hal and Mary are in many ways the personification of our neighborhood's struggles with lake flooding, having been flooded out three times since they moved into the neighborhood. They are one of the families in Bluewater that would gain the most relief from MSBU support in alleviating flooding in Caribbean Village.*

*My neighbors and I are looking forward to some informative, civil discussion about flooding and other issues at tomorrow night's meeting. It would be a disservice to everyone, and erode the confidence of many of our neighbors in our MSBU processes, if excess emotion marred the proceedings, or if all sides were prevented*

from adequately explaining their position due to time constraints or other parliamentary limitations or maneuvers. Past proceedings have established, based on the review of the MSBU ordinance by multiple lawyers representing the County, that the Board has the authority to support the proposed flood mitigation measures. Now all of you have to decide where you stand on this matter, and live with the consequences of your choice on this surprisingly divisive issue. No matter where you stand, my neighbors and I appreciate your efforts and ask only for fair and objective consideration of our positions. Thanks for your time and I look forward to seeing all of you tomorrow night.

Sincerely,

Chris Olson  
119 Dominica Way

**Email from Mr. & Mrs. Tiaht.**

Chris. Please pass along/forward this to the members of the BWB MSBU.

MSBU members.

We understand the board is about to vote on a grant application to study and mitigate the flooding that occurs throughout Bluewater Bay; particularly the drainage pond behind Aruba Way. Please approve this grant request.

We appreciate the difficult position the board has in interceding between the county (storm water drainage), the resort (golf course lake drainage), and property owners (flooding).

Through this process, please remember your mission "...to preserve and enhance property values along with the natural environment." Approving this grant would certainly be the most "...cost-efficient manner."

We wish we could be there in person to express our thoughts in this matter, but we are unavailable as we care for my mother.

Still, we have elected you, the board, to represent us in this effort. Please support our efforts to protect our investment.

We should not delay the remediation process.

As you know, it does not take a hurricane or major storm to result in the lake/pond to overflow its banks. These waters will continue to encroach into our home and undermine the foundations of other houses in the area. Please recall your vision and mission statements and work to preserve and safeguard our property values.

Harold and Mary Tiaht  
408 Aruba Way  
Niceville, FL 32578

Ms. Stretch reported that the purpose of this evening's meeting is to discuss with the County the Lake Flood issues and do a question and answer session with Mr. Kelly Windes, Okaloosa County Commissioner and Mr. Greg Stewart, Okaloosa County Attorney. Ms. Stretch reported that Mr. Boswell will be reading the questions prepared. Mr. Boswell thanked the County for being in attendance this evening and asked the following questions:

1. Who proposed the submission of the recent grant and how did it come up? **Mr. Windes reported that he communicated with Mr. Beukenkamp when Mr. Beukenkamp**

**approached him. Mr. Windes reported he then spoke with the County Administrator on how much money could be obtained, and it was reported under \$20,000.00**

2. Why was the grant presented by County Staff to the Okaloosa County Commissioners without MSBU Board knowledge or approval?
3. A MSBU board member reported that the County offered a \$20,000 loan to help with the cost of matching funds needed for the recent grant request. Why did the County make the offer? **Mr. Windes reported that perhaps more could be done with in-kind services vs. how the current situation evolved. Mr. Autrey reported that he has more flexibility with labor, not cash. Mr. Beukenkamp reported that at this time we do not know how much the grant will fund. Mr. Autrey was asked who would run the grant if approved. Mr. Autrey reported that would be his department and that the county is the recipient of the grant and they would manage the project and give specific details. Mr. Stewart reported that it's important for everyone to know how the county operates and the evolving process. The county is always trying to work on all situations and what is best for all. We have had neighborhoods with huge flooding and problems and we incorporated solutions.**
4. What would the terms be to pay back the loan? Is it even possible for the MSBU to take on a loan when we have no resources or funds to repay it? **Mr. Boswell reported that he would like to know what the MSBU is getting into if the MSBU acquired a loan. Mr. Beukenkamp reported that the Lake Committee is working very hard on raising funds. Ms. Griffin asked how much money has the Lake Flood Committee raised to date. Mr. Olson reported that \$5,000 has been pledged at this time. Ms. Fralix reported that there are a lot of affected homeowners who are willing to donate and there is a lot of community support and she alone spent \$16,000 building a seawall to protect her property. Ms. Fralix asked the county what are they responsible for, only maintaining the right of way. Mr. Autrey reported that it is nearly impossible to say exactly what the county is responsible for, he would need to see specifically each area and also reported that the county can take down beaver dams. An owner in attendance reported that years ago, Mr. Trim with the Bluewater Bay Resort would open the gates to allow a better flow of water. Mr. Beukenkamp asked if the county would grant a loan for \$20,000 to the MSBU. Mr. Autrey reported that the county is nowhere near that yet and recommended in-kind services vs. a loan. Mr. Stewart reported that the county is not in the business to make a profit. Ms. Griffin asked if the ordinance allows for the MSBU to borrow money. Mr. Stewart reported that community participation is vital and any type of county contribution would be based on those factors. Mr. Tallman asked if possibly the Golf Course could deed the property over to the county. Mr. Autrey reported that if that were to happen the property would have to meet all requirements and would have to be compliant, the property was developed in a time where today's regulations were not in place. Mr. Windes reported that there have been many prior MSBU Board of Directors as well as five (5) different commissioners and that all areas have problems and communications is not what it used to be.**
5. The Bluewater Bay MSBU ordinance does not define drainage as one of our responsibilities. Is it the proper use of our assessments considering it is not included and we have limited funds available? **Mr. Stewart reported that the MSBU's intent is to provide community services**

**as the MSBU deems appropriate. Early on in the process we were asked to review the ordinance and it discusses community services, does not define as maintenance. Looked at other communities such as Bluewater Bay and those are legitimate expenses, i.e., landscaping is a benefit provided by the MSBU. Drainage can be funded with MSBU funds if the Board decides it's a priority legally. Ms. Griffin asked historically, who has been maintaining the drainage. It was reported that the county will not maintain outside of the right of way.**

6. If the MSBU were to use assessed dollars for drainage projects, how could we fund it with the current ordinance restrictions which set limits on assessments? **Mr. Stewart reported that that the MSBU has limited fund availability and it is not up to the county to set what is funded, that's the MSBU's responsibility. Mr. Autrey reported that the Board cannot fund everything and needs to prioritize. Ms. Griffin asked if it would have been wiser for the Lake Committee to approach the County vs. the MSBU.**
7. Why isn't the County taking care of the right of way at the back of the lake where the drain goes under the road on Curacao Way? **Mr. Autrey reported that it's unclear and if a specific area is an issue to please contact our office and we will send a maintenance crews out to evaluate. A homeowner in attendance reported that if the Golf Course property is flooding a county road, why isn't the county held responsible. Mr. Stewart reported that he will have the Curacao Way looked at.**
8. Why are residents of flooded areas not being heard by the County, directly? **Mr. Autrey reported that residents need to notify him with concerns and he will work on the issues as much as he possibly can. Mr. Windes reported that he personally heard from a lot of owners who were impacted from the flooding and listened to all complaints, however, we can only do what we can with the funds available.**
9. All taxpayers in Okaloosa County pay a large portion of their tax collection for drainage and roads, which go hand in hand. Why would the taxpayers of Bluewater Bay need to take their limited assessment dollars and use them for drainage projects in their community?
10. Once the MSBU takes point on a drainage situation will all the drainage issues in Bluewater Bay revert back to the MSBU? **Mr. Autrey reported that the county does not solve drainage problems, Mother Nature doesn't allow that to happen on public or private property. Mr. Beukenkamp reported that he hopes to have more information on the grant before the October MSBU Board meeting and at that time will review the amount of the grant, pledges to include the Bluewater Bay Resort, the MSBU and the HO's pledges and tally all of the figures and report at the next board meeting. Mr. Beukenkamp reported that AVCON will do the engineering study to include the swamp, golf course, etc., and we hope to have an idea on how improvements can be made to permitting and construction. As far as private property, the Resort will be responsible for making improvements. There will also be a drainage basin analysis completed to include the Bluewater Bay Resort, Antiqua Way and Troon Drive, this will be an incredible benefit for all. Mr. Boswell asked if the county is inclined to use AVCON's plan. Mr. Autrey reported that the county will still need to pull permits and that the county usually uses consultants. Mr. Beukenkamp reported that AVCON was chosen**

**because they have done a lot of consulting with county projects. Ms. Severino asked the county if it will be necessary to have the ordinance rewritten to include the drainage and also why can't the MSBU raise the rates without having a huge mail out completed notifying all homeowners. Mr. Stewart reported that the ordinance does not need to be rewritten, however, discussed amending the ordinance. Mr. Stewart also reported that notice is required by the State to mail notices to all homeowners regarding any rate increase. Ms. Severino asked who would pay for the mail out as the MSBU doesn't have a line item in the budget for such a costly distribution. Mr. Stewart reported that the MSBU would need to fund, however, in the future we hope to possibly include it in the TRIMM notice to save on postage.**

**Mr. Tallman asked about the Winged Foot sidewalk project and if there is labor and funding to get it completed. Mr. Autrey reported that we hope to get it on the schedule when time is available. Mr. Beukenkamp also reported that he spoke with Mr. Plunkett, the Director of Parks for Okaloosa County regarding the Winged Foot sidewalk project and Mr. Plunkett reported that he hopes it will be scheduled for within the first three (3) months of 2016.**

Ms. Rainwater reported that we are all part of the community and recommends sending out letters to help support the lake flooding effort and that we all need to work together. She also reported that back in 2006 a Facebook message was sent seeking funds for the Sherriff's station at Magnolia Plantation and funds were raised. Ms. Griffin asked the county about the responsibility of the median between Bluewater Bay and Magnolia Plantation and she understood there may be grants available to clean that area up. Mr. Autrey reported that is the State's responsibility and he recommended she contact Mr. Ian Sutter with the Department of Transportation and he will be able to provide any information needed. Mr. Autrey reported that he has left some of his business cards out and asked all in attendance to contact his office via email with any questions or concerns.

Mr. Tallman asked Mr. Stewart if there are any rules about putting items on the ballot reference stormwater. Mr. Stewart reported that when the MSBU was created there was a referendum and back in the 1980's the referendum was optional. Mr. Stewart reported that if the ordinance is amended can amend without the referendum, however, when it was created there was a lot of community outreach and we may want to keep the rate structure as approved initially. Ms. Griffin reported that dues need to be increased to fund the budget. Mr. Stewart reported that any amendment would still need to be approved by the Board of County Commissioners and would also need community support. Ms. Griffin reported that this MSBU Board has held several workshops discussing the budget. Mr. Stewart reported that workshops are an excellent tool and we will be working on the ordinance to help the MSBU help the citizens within Bluewater Bay. Mr. Beukenkamp reported that this Board has discussed in the past about doing a one-time increase, i.e., a possible \$50.00 contribution. Mr. Stewart reported that the community would need to support and be given all specifics.

The MSBU Board of Directors thanked Commissioner Windes, Mr. Stewart and Mr. Autrey for attending this evening's meeting.

11. How does the MSBU avoid future responsibility for drainage?

## **V. Unfinished Business**

**Website** – Ms. Stretch recommended that the MSBU continue to use the Word Press platform for the current website until the end of 2016. There are no funds in the budget to make changes at this time.

### **New Business:**

#### **Establish October 13, 2015 MSBU Board Meeting Agenda:**

The following items will be on the October Board Meeting Agenda.

1. Lake Flood Committee
2. Calendar with workshops, meetings and county deadlines
3. Reprioritize upcoming projects listing

### **Public Comments**

A homeowner in attendance reported that the lines by the four way stop signs need to be repainted, particularly by the tennis courts.

Ms. Severino asked about the striping around the edges. Mr. Autrey reported that is completed annually. Ms. Severino also asked about the painting of the light poles. Ms. Landsberger reported that the Department of Transportation is supposed to paint the poles. Mr. Autrey reported all in attendance that if they have any questions about road issues to contact Brian Moore, who is Clay Simmons replacement.

Mr. Beukenkamp reported that one of the MSBU's priorities is to do a sign inventory and replace signs with a DOT conforming sign. Mr. Autrey reported that he will address the issue.

## **VI. Adjournment**

The meeting was adjourned at 7:25 p.m. with a motion from Mr. Beukenkamp.

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Submitted by: Meredith Collins

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Approved by: Debbie Stretch