

BLUEWATER BAY MSBU
BOARD of DIRECTORS PUBLIC MEETING
June 14, 2016

I. Call to Order

Chairman, Debbie Stretch called the meeting to order at 6:03 p.m. Ms. Stretch confirmed a quorum with the presence of Directors Jonathan Tallman, Steve Boswell, Judy Griffin and Felix Beukenkamp. Also in attendance were Bruce Buller, David Costa, Steve Duresky, Lynne Whittemore, Marcia Sanders with the Bay Beacon, Chris Rollins, Danny Willcox with ValleyCrest, Tami Rhodes, Steve Rhodes and Kathy Dillon. Representing Bluewater Management Services were Darlane Landsberger and Meredith Collins.

II. Announcements

A. Ms. Stretch announced that the next Public Board Meeting will be held on July 12, 2016 at 6:00 p.m. in the Bluewater Management Services Conference Room, 4400 Highway 20, East, Suite 311, Niceville Florida.

III. Approval of Minutes

A. **The May 10, 2016 Board of Directors Budget Workshop Meeting Minutes** were approved as amended, adding "Budget" to the Workshop title, with a motion from Ms. Griffin and a second from Mr. Beukenkamp, none opposed.

B. **The May 10, 2016 Board of Directors Meeting Minutes** were approved with a motion from Ms. Griffin and a second from Mr. Boswell, none opposed.

IV. Committee Reports

A. Finance – Steve Boswell

1. May 31, 2016 Financials:

Mr. Boswell presented the May 31, 2016 financials and reported:

- Assessments collected in May 2016 \$2,142.00
- Interest collected in May 2016 \$0
- Total revenue for October through May 2016 \$257,089.23 (\$24,983.77 remains to be collected)
- Total expenses for May 2016 \$23,373.33
- Total expenses for October through May \$181,825.38 (\$120,825.20 remains in the budget for expenses)
- \$3,400 of the FEMA grant share was disbursed to the County
- \$29,628.00 for the Winged Foot Drive sidewalks remains

The May 31, 2016 financials were approved with a motion from Mr. Beukenkamp and a second from Ms. Griffin, none opposed.

2. Insurance Coverage

Mr. Boswell asked Ms. Landsberger to report on MSBU Insurance Coverage:

Ms. Landsberger reported that at the May 10, 2016 Budget Workshop Meeting the subject of insurance coverage and increasing costs were discussed. She was tasked to investigate the need for liability insurance.

Historical Information

- When the ordinance was developed, a decision was made to include provisions for insurance to protect the Board and anyone working on behalf of the MSBU.
- Since inception, the General Liability policy has been maintained by Hiles-McLeod in Pensacola and the E&O or Public Officials Liability insurance has been maintained by Fisher-Brown in Pensacola. Fidelity Bonds have been handled by Niceville Insurance. Bonds are provided for each director upon election and/or appointment to the Board and are for the term of the director.

Review & Requirements

- After a complete review of all policies and with the encouragement of Mr. Beukenkamp, to determine insurance requirements and funding options, I solicited an opinion from County Attorney, Greg Stewart. There is no statutory requirement requiring insurance coverage for the MSBU. However, the ordinance governing BWB MSBU does require insurance. I think that we need to look at each of the different type of insurance policies separately. If the MSBU has property that it maintains then there would need to be coverage which would protect the County against claims relating to persons at that property who are injured (the liability component). For example, the management offices where the Board holds its meeting should have some coverage, in the event that someone is injured while there. Further, if there is property that is owned by the MSBU, then there would need to be some insurance that would provide coverage if there is damage. The reference to (if needed), applies to workers compensation which would not apply where you have no employees. At this point, I do not know have enough background on what property the MSBU might have but if there is any property, then there would need to be coverage. The applicable section says: **5) Insurance requirements**. *The board of directors committee shall purchase and continue in force property, liability, workers compensation (if needed), and other insurance policies to adequately protect against work related injuries, property damage and third party claims. All property and liability policies shall include Okaloosa County, Florida as an additional insured. Certificates of insurance evidencing the type and amount of insurance shall be provided the Board of County Commissioners of Okaloosa County, Florida at least annually. Any claim deductible or other claim cost will be paid from the reserve fund of the district.*

Mr. Stewart stated that the Board can pursue the revision of the Ordinance insurance requirements in the coming year to better define needed coverage

keeping costs at a minimum. Since the MSBU owns no property and roads and right of ways are County owned there is no need to have property coverage.

Action and Results

- In an effort to properly maintain insurance premiums at a manageable rate, through consolidation, I asked Niceville Insurance, Hiles-McLeod, Fisher-Brown and Bill Ferguson Insurance to provide estimates for the current level of coverage for each type of policy.
- It was established that the MSBU owns no roads or buildings and have no employees. All landscaping, general repairs, tree services and administrative work are contractual, through insured vendors.
- Agency Results:

Niceville Insurance declined to provide proposals for the current year but would like to be considered in the future. However, the Fidelity Bonds will continue to be handled by Niceville.

Bill Ferguson Insurance declined to provide proposals for the current year but would like to be considered in the future.

Hiles-McLeod, who provides the current General Liability \$3,693 and the proposed 2016-17 premium of \$6,093, found a less expensive premium of \$4,324. However, could not provide an E&O estimate due to time constraints. They would like to be considered in the future.

Fisher-Brown-Bottrell was the only agency to provide proposals in a timely manner. The \$1,204 Auto-Owners General Liability policy was paid by BWMS to take advantage of a \$133 discount with a savings of \$2,489 over the 2015-16 policy. Reimbursement will be provided. The \$2,166.09 Cincinnati E&O (public officials) policy remained consistent with 2015-16.

Ms. Landsberger stated that the Declaration pages for the new policies will be available, on request.

Mr. Beukenkamp recommended asking the County to change the MSBU Ordinance to remove the general liability clause. Ms. Stretch asked Management to contact County Attorney, Greg Stewart and request the changes. All agreed.

B. Landscape – Judy Griffin

Ms. Griffin reported the following:

- The landscapers have completed several irrigation repairs. Another irrigation audit is needed which will cost approximately \$2,000.00. This is a routine expense and funds are available for this purpose. Mr. Wilcox of ValleyCrest scheduling will be done, soon.
- A homeowner in attendance reported that there is an area near St. Kits, Jamaica Way and Bay Drive that has trees hanging very low over the sidewalks which needs to be addressed. Ms. Griffin stated that she will have someone evaluate the situation.
- Ms. Griffin reported that she asked Management to have Bayou Tree Service inspect the areas of need and give a day-rate quote for tree trimming. Ms. Whittemore asked,

why the County is not taking care of the trees. Ms. Griffin reported that they are very busy and this task is something the MSBU can do.

- There are some missing plants at the end of Bay Drive by the Tennis Center. Mr. Willcox reported that the zone in that area has been cleaned out six (6) times, will cut every head and run the irrigation again to try to unclog.
- Ms. Whittemore reported that volunteers that performed some trimming have left quite a bit of debris behind. Ms. Griffin reported that debris being left along the right of way continues to be a problem throughout Bluewater Bay and recommends the following:
 - Recommends putting bright colored notices on the debris asking homeowners to cease and desist
 - Contact Waste Management to see if they will pick up the debris once a month. A homeowner in attendance asked if the surrounding HOA's can be notified. Ms. Griffin stated that most of the offenders are in non-associated areas. Mr. Tallman recommended contacting the County and have Waste Management add the pick up to their new bid package

Mr. Beukenkamp made a motion to use the following process: First (1st) contact Waste Management (*WM*) to ask if *WM* will pick up yard waste on these right of ways in back of homes; second (2nd) contact Code Enforcement (Lisa Payton 651-7531) to verify the County Ordinance does not permit the deposit of yard waste on these right of ways, and third (3rd) put out the bright colored signs on the debris notifying all who dump to cease. Ms. Griffin seconded the motion, none opposed. Ms. Griffin suggested putting out bright colored signs until the problem is remedied. Mr. Beukenkamp suggested using the process in the motion, all agreed.

C. Communication – Felix Beukenkamp

1. Signs Update: Mr. Beukenkamp reported that he does not have an update on the signs.
2. County Email Update: Mr. Beukenkamp reported that he spoke with the County IT department and they hope to have a MSBU email address by the next fiscal year.
3. Ms. Stretch reported that the next movie night is scheduled for July 8, 2016 and the movie will be “**Finding Nemo**”.

VI. Unfinished Business:

A. Administrative Management RFP (See attached):

Mr. Beukenkamp reported that he had made several changes to the Administrative Management RFP List of Responsibilities, they are as follows:

- 2 – change Community Services Chairman to “a board representative”
- 4 – change bids to “proposals”
- 5 – remove “after an initial review with the Community Services Chairman”
- 6 – change daily or weekly to “periodic”; add “in order to maintain the appearance of the community in a manner consistent with the vision the board of directors has

defined” and change Community Services Chairman to “appropriate board representative”

- 9 – add “Board of Directors (BOD)”
- 10 – add “Within one week after each meeting, prepare minutes” and “Post the draft minutes (reviewed by BOD, but not formally approved) on the website as soon as possible”
- 14 – add “Board of County Commissioners (BCC), County Attorney”
- 15 – add “current information is posted in a timely fashion as directed by the BOD, including financial reports”

Ms. Griffin made a motion to accept the changes to the Administrative Management RFP with a second from Mr. Tallman, none opposed.

B. Winged Foot Sidewalk RFP:

Mr. Beukenkamp reported that Ms. Landsberger and Ms. Griffin worked hard on the RFP and that he didn’t review until yesterday but recommends the following changes:

- Change - the onsite pre-bid meeting from Monday, June 20, 2016 to Tuesday, June 28, 2016
- Change - Proposals must be received no later than 4:00 p.m. on Friday, July 1, 2016 to Friday, July 8, 2016
- Project summary change to read “construction of a five foot (5’) wide”
- Specifications – Sidewalk Construction Standards Materials, Equipment and Construction Methods changes:
 - Remove – repaired or rebuilt leave “shall be constructed”
 - Permits or County approvals - remove repair and add “Contact Ed Phillips, for right of Way permit at 850-689-5772”
 - Preparation of Subgrade – remove “Where necessary for the construction of ramps and drive approaches, the curb shall be cut for its full depth”
 - Slope and Width - change toward to “away from” and remove “four (4) feet eight (8) inches” and add five (5) feet.”
 - Forms. Add – “board of directors representative” and change “determine” to “schedule”; remove “is necessary”
 - Depth of Slab – remove “two (2) inches of granular”
 - Materials – remove “building”
 - Concrete – remove “Class MG Concrete (4000 psi)” replace with (3000 psi) and add “The MSBU reserves the right to request and pay for concrete testing. No accelerators or other additives that may compromise the design strength may be added without prior written approval from the MSBU”
 - Inspections – remove “placement of the forms and preparation of the subgrade”; replace with “completion of each pour” and add “and the County Engineering
 - Department to schedule an inspection of the finished work”; remove “The sidewalk can be poured once the form and grade inspection is approved.”
 - Remove – Permits. The contractor shall obtain any permits required by Okaloosa County

- Design Standards – change “work” to “coordinate his work” and add “The cost of the planning consultant, Mr. Brad Davis, Landscape Architect, will be paid for by the MSBU”
- Project Schedule – project to be completed no later than “December 31, 2016”

Mr. Beukenkamp made a motion to approve the Winged Foot Sidewalk RFP as amended with a second from Mr. Tallman, none opposed.

C. Lake Flood Committee Report and Grant Update:

Mr. Beukenkamp reported he met with the Friends of Bluewater Bay to discuss the status of the following fund raisers:

- The June 4, 2016 rummage sale was rained out and has been rescheduled for Saturday, January 25, 2016.
- A Paddle Board Race is scheduled at the Bluewater Bay Marina on July 9, 2016
- Hope to have a golf tournament in September 2016
- Mr. Beukenkamp reported that Randy Wise Homes submitted their pledge in the amount of \$2,000.00 to the Friends of Bluewater Bay.

Mr. Beukenkamp reported on an email he received today from Mr. Lee Lewis from AVCON:

Felix,

A few items for your consideration in tonight’s MSBU meeting related to FEMA Project 4177-6-R (DEM No. 16HM-H4-01-56-01-300):

- AVCON received the executed contract with the County on June 2nd, although we understand it was approved in April. There was some hesitation to have AVCON incur any costs and obligate the County until the local funding (from the MSBU) was resolved with Greg Stewart.
- AVCON is in the process of preparing and validating portions of the hydrological model of the entire drainage system that outfalls below Curacao Way.
- The County Public Works is currently supplementing the original survey data they prepared in March with some additional data identified by AVCON, to complete the modelling effort.
- Upon validation of the hydrological model, storm events will be applied to determine critical impacts on existing system and hazard mitigation requirements.
- The following proposed schedule was coordinated with the State of Florida Division of Emergency Management (administering the FEMA grant):

State Contracting:	Completed
County Procurement Process:	Completed
Topographic/Existing Condition Survey:	Completed
Hydraulic/Hydrologic Model:	June 24, 2016
Hydraulic/Hydrologic Report:	July 22, 2016
Engineering/Design 90% Documents:	September 9, 2016

Engineering/Design 100% Documents:
Permitting Documents:

October 21, 2016
November 4, 2016

Mr. Beukenkamp asked all in attendance to contact the County Commissioners office to put money in their budget for local contribution component for this project.

Ms. Whittemore reported that there is a lot of standing water on Bay Drive and Bluewater Boulevard. Ms. Landsberger reported that those are percolating drains and the water will drain, eventually. Ms. Whittemore reported that there is standing water there today and we have not had any rain for several days. Mr. Beukenkamp recommended Ms. Whittemore contact Mr. Gene Phillips at the County to report the problem at 609-6164.

Mr. Beukenkamp asked to discuss the following Old Business:

- 2017 Budget
- 2017-2018 Capital Projects

Ms. Stretch recommended a workshop in the future to discuss these items.

Mr. Beukenkamp reported that the Board previously discussed doing a one-time assessment of possibly \$100.00 to accomplish the following items:

2016 – 2017 Project List:

Maintenance:

- Maintenance Contract \$199,000
- Tree Maintenance and Removal \$6,600
- Pressure Wash remaining curbing \$6,000

Improvements:

- Renovate Bluewater Boulevard landscaping around monuments \$10,000
- Replace red tip shrubs at the Marina \$3,500
- Renovate medians at Hwy 20 – grass is all weeds \$15,000 - \$20,000
- Remove block walls and install additional perennials \$3,000
- Redesign Monument Signs on Bluewater Boulevard \$10,000
- New sidewalk at Winged Foot Drive \$29,653
- New sidewalk at Woodlands Drive \$50,000
- Possible use of Restore Act – Transocean Grant Money
- Addition of benches around the community \$3,000
- Add gravel and grade parking area on Southwind Drive \$1,000 - \$2,000
- Repair of Bay Drive sidewalks

Mr. Beukenkamp recommended that the Board agree on the list and then invite the public to a meeting to discuss. Mr. Beukenkamp also recommends having Bayou Tree evaluate all of the

trees in Bluewater Bay, in order to obtain an estimate to thin out and clean up dead trees along Bluewater Boulevard and Bay Drive.

Ms. Stretch recommends having a 5:30 p.m. workshop prior to the July 12th Board Meeting to review the project list and asked Board members to bring recommendations to the table.

Mr. Beukenkamp reported on an email he received from a homeowner regarding the Bay Drive sidewalk damages. Mr. Beukenkamp reported that he contacted the County to see if there were any funds available to make repairs and asked Board members if they received the email from the owner with the photographs. None of the Board members reported seeing the email. Mr. Beukenkamp stated that he would forward the information and photos to Management and asked that they distribute to the Board.

VII. New Business:

A. Establish July 12, 2016 MSBU Board Meeting Agenda:

1. Yard debris on County right-of-ways – status of process to eliminate
2. Status of Administrative Management and Winged Foot Sidewalk Project RFPs
3. Lake Flood Committee report and grant update and approval
4. Status of audit of Bluewater Bay street and traffic signs

B. Public Comments

1. Mr. Tallman read a letter into the record from Concerned Bluewater Bay Owners regarding the clearing of the brush on Bay Drive along the retention pond between Bermuda Circle and Hidden Lakes Drive which was done to increase visibility (See attached). The writer is unidentified and was disappointed that nothing has appeared in the Bay Beacon regarding homeowner's concerns about the clearing and installation of exercise bars.

Ms. Stretch reported that this is the fifth letter received since the clearing was completed and that the Bay Beacon Editor decides what is placed in the Bay Beacon. Ms. Stretch also reported that the installation of the exercise bars was discussed at a Board of Directors meeting and approved at no cost to the MSBU, volunteers donated their time and the equipment.

Ms. Griffin reported that there are no signatures on the letters submitted to the MSBU and no one has attended public meetings to discuss. However, the MSBU will think twice in the future before any volunteer efforts are completed.

2. Ms. Dillon reported that she purchased a concrete bench from Polly's Concrete and recommended that the MSBU consider concrete benches as they have little to no maintenance required. Ms. Griffin reported that the future benches will be a composite material and that Valleycrest has volunteered to be the first sponsor to purchase.
3. Mr. Steve Duresky reported on pursuing the Wildlife Habitat Registration & Certification for Bluewater Bay. This was discussed at a prior MSBU Board of

Directors Meeting and he reported that he would volunteer to do the Registration Paperwork, which is relatively simple and pay for the \$99.00 Registration Fee. Mr. Duresky reported that he did this for Southwind and got them certified. He reported that getting a full certification for a community the size of Bluewater Bay is much more complicated, but certainly doable. There are many hundreds of communities currently certified across the US and Bluewater Bay certainly has all of the ingredients it takes, in abundance. Mr. Duresky also asked for volunteers to help with this project, Mr. Beukenkamp volunteered along with the entire board and several of those in attendance. Mr. Boswell asked if the certification will mitigate the ability to remove beavers. Mr. Duresky reported that it would not, it's a habitat, not a refuge. The Board agreed to have Mr. Duresky move forward with the registration process listing all of the Board members as participants.

4. Ms. Whittemore asked about the overgrown bushes at the traffic circle and reported that several bushes need to be removed. Also, she has almost been hit several times while running in that area and it's very dangerous. Ms. Griffin stated that she will look at the condition of the shrubbery with Mr. Willcox from Valleycrest.
5. Mr. Beukenkamp reported that he spoke with the County about striping and that it will be accomplished by January 1, 2017. Bluewater Boulevard's bicycle lane is not normally part of the area they stripe. However, they will consider it "the edge of the road and include it.

VIII. Adjournment

The meeting was adjourned at 7:16 p.m. with a motion from Mr. Tallman.

Submitted by: Meredith Collins

Approved by: Debbie Stretch