

**Hammock Dunes Owners Association, Inc.
Board of Administrators Meeting Minutes
March 2, 2023**

Call to Order:

The duly noticed monthly Board Meeting was called to order by Greg Davis at 3:01 p.m.,
In the Hammock Dunes Club Board Room.

Board Members Present:

In Person: Greg Davis, Shannan Kolbe, David Betsill, Mike
Heller, Doug Guarino
Via Zoom: Steve Hastings, Phillip Dolamore

Hammock Dunes Club Present:

John Langhauser

Community Management Present: Travis Houk, Craig Nisbett, and Brie Cunniff Southern
States Management Group

Shoreline Management Committee Members Present: John Condit and David Eckert

A quorum was established. No Sign-In Sheet was filed because the meeting was held via Zoom
and in person.

Opening Comments, Greg Davis

- Mr. Davis reviewed the history of the Perpetual Easement and what the Board approved
in the February 9, 2023 meeting. The Flagler County's attorney rejected the Hammock
Dunes Owners' Association (HDOA) Board's approved proposal and sent a new redline
proposal that contained significant material changes. With help from the HDOA's marine
engineer, Olsen Associates, two proposed material modifications have been added to the
Perpetual Easement Agreement, which we are seeking approval of from the Board.

Revised Perpetual Easement Agreement with Flagler County, VOTE

- Mr. David Condit, who is a member of the Shoreline Management Committee (SMC)
working group, went over the changes made in the Revised Perpetual Agreement.
 - Material change appeared in the first section paragraph five. The term Project was
defined. "Unless expressly authorized to the contrary in this Agreement, any
maintenance, restorative, or rehabilitative activity performed by the
Grantee/Administrator on the Property (hereafter referred to as a Project) shall be
done pursuant to a written agreement signed by the Parties. "
 - There was a small section that carved out a small level of activity that is not defined
as a project found in Section eight, the first paragraph, "Any maintenance,
restorative, or rehabilitative activity that is performed on the Property by the
Grantee/Administrator pursuant to a declared emergency and that does not require
any funding from the HDOA shall not constitute a Project and may be performed
by the Grantee/Administrator without a written agreement signed by the Parties.
All other maintenance, restorative, or rehabilitative activities performed on the

Property by the Grantee/Administrator shall be deemed Projects and shall require a written agreement signed by the Parties.

- Mr. Doug Guarino asked the following, “What isn’t defined in a project? Is there any instance under the definition that the HDOA would end up being financially responsible for projects?
 - Mr. Eckert responded that potentially yes if the Hammock Dunes Owners’ Association proposed a project to Flagler County it could become a bona fide project or if Flagler County rejected the project the HDOA could move forward at their expense since it is their private property.

ON MOTION BY MICHAEL HELLER, seconded by Doug Guarino, the Board voted on whether to approve the March 1, 2023, version of the Perpetual Easement as written and to delegate the authority to approve non-material changes to the President of the HDOA, Greg Davis:

- Mr. Guarino asked if the sovereignty of the HDOA would be threatened mainly by granting accessibility through our gates to the public at large on our beaches.
 - Mr. Condit contended that the agreement does not change HDOA residents’ access to the beach. The public has access to the beaches via Jungle Hut and Varn Park. If FEMA or Army Corp of Engineers funding comes in there may have to be an area where the public can access our beaches which we would have to deal with one way or the other so the HDOA could receive the funding.
- Mr. Betsill asked if having the County be the administrator of our shoreline would that make the HDOA FEMA eligible?
 - Mr. Davis stated that HDOA is a private nonprofit organization that is currently not eligible for FEMA funding. If the HDOA can establish public purpose with Flagler County through the Perpetual Easement, if Flagler County applies for FEMA funds the HDOA could be eligible.
 - Mr. Eckert reviewed FEMA B and FEMA G funding and how HDOA could potentially qualify for a future dredge project with an established public purpose with the County.

ON A CALL BACK TO VOTE, ON MOTION BY MICHAEL HELLER, seconded by Doug Guarino, the Board voted on whether approve the March 1, 2023, version of the Perpetual Easement as written and to delegate the authority to approve non-material changes to the President of the HDOA, Greg Davis. On a role call vote, Mr. Philip Dolamore, Mr. Steve Hastings, Ms. Shannan Kolbe, Mr. Michael Heller and Mr. Doug Guarino in favor and Mr. David Betsill abstained, the motion carries, 6 to 1.

- Mr. Davis said additional meetings may be scheduled as material changes to the document are made.
- Mr. Heller stated, On behalf of Ocean Estates they were extremely thankful for SMC’s working group.

Adjournment

ON MOTION BY Doug Guarino, seconded by Steve Hastings, with all in favor the Board of Administrators meeting was adjourned at 4:00 pm.

These are draft minutes which will be adopted at the next regularly scheduled board meeting.