

**APPLICATION #2962  
PUBLIC COMMENTS  
RECEIVED  
10-15-2014  
TO  
10-31-2014**

## Adam Mengel

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**From:** JEFF SOUTHMAYD-PD [wnssfm@aol.com]  
**Sent:** Wednesday, October 15, 2014 11:59 AM  
**To:** Sally A. Sherman; Adam Mengel; Frank Meeker; Craig Coffey; Nate McLaughlin  
**Subject:** Back Room Deal After the Planning Meeting

May I have an explanation of how after the Planning Board voted to recommend the denial of the Salamander hotel project, the meeting was ajourned last night, and the audience left, a deal was struck to rescinding the Board's action and rescheduling a hearing for November?

I want to make sure my media coverage on this action is accurate.

Thank you

Jeff Southmayd  
President

**WNSS-FM 89.3**  
***The Christian Radio Voice***  
***of Flagler County & Palm Coast***  
**4 OCEAN RIDGE BOULEVARD SOUTH**  
**PALM COAST, FLORIDA 32137**  
**386.447-7108 FAX 888-557.3686**  
**[WNSSFM@AOL.COM](mailto:WNSSFM@AOL.COM)**  
**[WEB: WWW.WNSSFM.COM](http://WWW.WNSSFM.COM)**

## Adam Mengel

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**From:** Joy Ellis [joyellis@cfl.rr.com]  
**Sent:** Wednesday, October 15, 2014 2:35 PM  
**To:** Michael Boyd; Thad Crowe; Robert Dickinson; Michael Duggins; Russell Reinke; Laureen Kornel  
**Cc:** Adam Mengel; Charles Ericksen Jr.; George Hanns; Nate McLaughlin; Frank Meeker; Barbara S. Revels; Jan G. Carter  
**Subject:** Reversal of Action on Application 2962

Dear Planning and Development Board Member:

After adjournment of the Planning and Development Board meeting on October 14, the board apparently reversed or rescinded the earlier vote on this application and moved to allow the applicant to make modifications to the plan and resubmit it in November. This action was taken after the Board adjourned and the public had left. I do not understand how action like this can be taken after adjournment without the public being a part of it. What about the Florida Sunshine Law? Why was the applicant permitted to "continue" the meeting in private after the public had departed? The developer may have asked his supporters to stay without the voice of the opposition.

Respectfully,  
S. Joyce Ellis

## Adam Mengel

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**From:** JEFF SOUTHMAYD-PD [wnssfm@aol.com]  
**Sent:** Wednesday, October 15, 2014 9:52 PM  
**To:** Sally A. Sherman; Adam Mengel; Frank Meeker; Craig Coffey; Nate McLaughlin  
**Subject:** Potential and Undisclosed Conflict of Interest in the Salamander Hotel Proceeding

I have been informally informed that Robert Dickinson of the Planning Board is the paid ARB consultant to the Conservatory ARB and the Yacht Harbor ARB. I have also been informed that the head of each of those ARB's is Daniel Baker who is the Lupert Adler/Salamander advocate for the Salamander hotel project. While I do not immediately suggest any impropriety, I would officially request that an inquiry be made to determine the accuracy of these allegations due to the obvious conflict of interest implications and the potential criminal implications. I am not aware of the *bona fides* of these allegations but believe that there should be an inquiry on same in the public interest in order to insure the sanctity and legitimacy of the Salamander Hotel application processing proceeding going forward, and particularly so based on the highly unusual proceedings of the meeting on October 14th. I do recall that Mr. Dickinson did disclose his interests in these positions, but don't recall any disclosure of the involvement in Lupert-Adler/Salamander principals who may be his superiors in the organization.

Thank you.

Jeff Southmayd  
President

**WNSS-FM 89.3**  
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***of Flagler County & Palm Coast***  
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**PALM COAST, FLORIDA 32137**  
**386.447-7108 FAX 888-557.3686**  
**[WNSSFM@AOL.COM](mailto:WNSSFM@AOL.COM)**  
**WEB:**

## Adam Mengel

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**From:** Abby C. Romaine [abby.romaine@gmail.com]  
**Sent:** Wednesday, October 15, 2014 10:30 PM  
**To:** JEFF SOUTHMAYD-PD  
**Cc:** Sally A. Sherman; Adam Mengel; Frank Meeker; Craig Coffey; Nate McLaughlin  
**Subject:** Re: Potential and Undisclosed Conflict of Interest in the Salamander Hotel Proceeding

Dear Jeff,

During the conflict of interest disclosure phase of the meeting last night, Mr. Dickinson revealed that he was a consultant to the Conservatory ARB and Yacht Harbor ARB but had no interest in or relationship with the hotel plan. His exact statement can be found on the video of the meeting.

Sincerely,  
Abby Romaine

On Oct 15, 2014, at 9:51 PM, JEFF SOUTHMAYD-PD <[wnssfm@aol.com](mailto:wnssfm@aol.com)> wrote:

## Adam Mengel

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**From:** LukeLBG@aol.com  
**Sent:** Thursday, October 16, 2014 10:09 AM  
**To:** Adam Mengel  
**Subject:** Fwd: Old Salt Park/ Flagler County Planning and Development Board Mgt.

Oops, resend to you Adam because of error in your address. Luke

---

From: [LukeLBG@aol.com](mailto:LukeLBG@aol.com)  
To: [amengel@flaglercouonty.org](mailto:amengel@flaglercouonty.org)  
CC: [pdevadas@salamanderhotels.com](mailto:pdevadas@salamanderhotels.com), [ccoffey@flaglercounty.org](mailto:ccoffey@flaglercounty.org)  
Sent: 10/16/2014 10:05:52 A.M. Eastern Daylight Time  
Subj: Old Salt Park/ Flagler County Planning and Development Board Mgt.

Adam,

Your presentation of the history of the Hammock Dunes area was very informative. As I asked at the hearing, I think this process would be served by a review of the history of Old Salt Park. I know that for many residents this is a big issue for it represents an already paid steep public cost to foster this development. First, for some, is the issue of what parts of the park were given into private ownership to facilitate the original development. As to the part of the park retained by the county for public access and use, what was the agreement with the developer as to maintenance and accessibility. Does the county own this land? Second, there is much distrust today because the developer proposal of 3-4 years ago would have eliminated this public park all together. I know the current proposal does not eliminate the park but (1) how does it impinge on the park and (2) will it diminish in any way the public's rights to use and enjoyment of the park,i.e. will traffic in the area of park parking be made more congested and dangerous as a result of the traffic flow into and out of the proposed hotel? Naturally, there will be more congestion on the beach itself. Even today the monument sign identifying the land as "Old Salt Park" is obscured by vegetation which blocks notification of the land as a public park. Better would be a plaque or display identifying the history of the area and its significance to Flagler County as you identified in your presentation.

I would appreciate your answers to these questions and sharing that information with the Flagler County Planning and Development Board and our County Commissioners. It is important for any proposed plan to show that public access to the beach via 16th Road will not be diminished/discouraged and hopefully enhanced.

Thank you.  
Louis B. (Luke) Guttman  
61 Rollins Drive

## Adam Mengel

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**From:** Craig Coffey  
**Sent:** Monday, October 20, 2014 2:42 PM  
**To:** Frank Meeker  
**Cc:** COMMISSIONERS; Sally A. Sherman; Adam Mengel; Albert J. Hadeed  
**Subject:** RE: Reversal of Action on Application 2962

Commissioner Meeker,

Our response has been to direct everyone with questions regarding the proceeding to view the hearing on the web. On this bigger, quasi judicial item, we are taking all emails in for the record and not responding except publically at the meeting. Early on, it was determined that we could not possibly keep up with responding to all the flood of emails and various statements. We will respond if someone asks the time/date of next meeting, but not to these type of emails.

The Planning Board was of course not adjourned. There was a procedural misfire, when a motion was taken and a vote was cast before they had given the applicant a chance for rebuttal, per our process. To correct this, the public hearing was reopened and continued until November 12<sup>th</sup>. Note that the applicant requested the additional time to meet with the Scenic A1A Group and various opposition speakers prior to the next Planning Board meeting.

Craig

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**From:** Frank Meeker  
**Sent:** Sunday, October 19, 2014 7:52 AM  
**To:** Craig Coffey  
**Subject:** Fwd: Reversal of Action on Application 2962

Did a response go back out on this one?

Frank J. Meeker, C.E.P.  
Flagler BOCC, District 2

Begin forwarded message:

**From:** Joy Ellis <[joyellis@cfl.rr.com](mailto:joyellis@cfl.rr.com)>  
**Date:** October 15, 2014 at 2:35:15 PM EDT  
**To:** Michael Boyd <[mboyd@bellsouth.net](mailto:mboyd@bellsouth.net)>, Thad Crowe <[crowet6@gmail.com](mailto:crowet6@gmail.com)>, Robert Dickinson <[dickinsonci@aol.com](mailto:dickinsonci@aol.com)>, Michael Duggins <[Coryi62@earthlink.net](mailto:Coryi62@earthlink.net)>, Russell Reinke <[rreinke@aol.com](mailto:rreinke@aol.com)>, Laureen Kornel <[laureenkornel@hotmail.com](mailto:laureenkornel@hotmail.com)>  
**Cc:** Adam Mengel <[amengel@flaglercounty.org](mailto:amengel@flaglercounty.org)>, Charles Ericksen Jr. <[cericksen@flaglercounty.org](mailto:cericksen@flaglercounty.org)>, George Hanns <[ghanns@flaglercounty.org](mailto:ghanns@flaglercounty.org)>, Nate McLaughlin <[nmclaughlin@flaglercounty.org](mailto:nmclaughlin@flaglercounty.org)>, Frank Meeker <[fmeeker@flaglercounty.org](mailto:fmeeker@flaglercounty.org)>, "Barbara S. Revels" <[brevels@flaglercounty.org](mailto:brevels@flaglercounty.org)>, "Jan G. Carter" <[jcarter@flaglercounty.org](mailto:jcarter@flaglercounty.org)>  
**Subject:** Reversal of Action on Application 2962

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Palm Coast, FL 32137

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October 21, 2014

Flagler County  
Planning and Development Board  
Attn: Russell Reinke  
1769 E. Moody Blvd. Bldg. 2  
Bunnell, FL 32110

RECEIVED

NOV 10 2014

Flagler County Planning & Zoning Dept

Dear Mr. Reinke,

It has come to my attention that the Planning and Development Board will be voting on an addition to the Hammock Beach Resort.

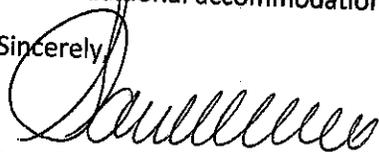
As a member of the tourism community in Flagler County and a member of the Flagler County Tourist Development Council, I would strongly suggest that you support the new addition.

Flagler County is acquiring a stellar reputation for tourism of many kinds and we are bringing in new visitors daily. The number of visitors and tourists staying in our county is growing progressively each month. These visitors not only bring in jobs, but they support our infrastructure in that they purchase goods here, go to our restaurants and visit our attractions such as Princess Place and the Agriculture Museum and more. They also see what a great place Flagler County is to live and therefore have a great opportunity to grow our community and our tax base by purchasing homes here.

One of our major problems however is that we are running out of good quality space be they hotel rooms, Bed and breakfasts and guest houses or campgrounds. The truth is...we need the addition at the Hammock Beach Resort to host larger meetings, bring in more visitors and grow our employment rates and our tax base.

Please consider carefully your decision when you vote and please vote to grant Hammock Beach to add these additional accommodations.

Sincerely,



Pamela L. Walker

Pres.

Walker Enterprises of Palm Coast, LLC dba Walker Adventures.

## Adam Mengel

---

**From:** Caroline McNeil [cmcneil@palmcoastlaw.com]  
**Sent:** Tuesday, October 21, 2014 9:41 AM  
**To:** Gina Lemon; Adam Mengel  
**Subject:** Salamander

Gina & Adam:

I am looking to obtain a copy of the supporting documents that went along with the Salamander Application heard on October 14, 2014. I went on your website to obtain the documents but I'm not sure if the file is too large because anytime I open the link the County page crashes. Michael also mentioned that there was a slide show of information put on as well, would it be possible to get a copy of that?

Any help you can give would be much appreciated!

Thanks!

### Caroline McNeil

Paralegal to Michael D. Chiumento & Michael D. Chiumento, III



"Your Legal Team for Life"

**Email:** [CMcNeil@PalmCoastLaw.com](mailto:CMcNeil@PalmCoastLaw.com)

**Website:** <http://www.palmcoastlaw.com/>

**Palm Coast:**

145 City Place, Suite 301  
Palm Coast, FL 32164  
Telephone: (386)445-8900 ext. 32  
Fax: (386)445-6702

**Ormond Beach**

**(By Appointment):**  
1414 W. Granada Blvd., Suite 4  
Ormond Beach, FL 32174  
Telephone: (386)868-5337



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## Adam Mengel

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**From:** Gina Lemon  
**Sent:** Tuesday, October 21, 2014 9:50 AM  
**To:** 'Caroline McNeil'; Adam Mengel  
**Subject:** RE: Salamander

Good morning Caroline –

We have placed all documents and/or links to agenda packages on a separate webpage accessible from our home page at “Quick Links”: [Ocean Hammock Golf Course Lodge PUD SDP](#). Maybe try opening the Application tabs individually. We have the information also broken up into tabs because the “complete application submittal” is very large. Same option available for the Applicant’s response to the TRC comments. Both the staff and applicant’s Planning and Development Board presentations are on this page too.

Of course paper copies are always available but with the required cost per page plus staff time. Let me know if the tabs are not opening for you either. We have not heard from others that I’m aware of having difficulties opening the documents.

Gina

---

**From:** Caroline McNeil [<mailto:cmcneil@palmcoastlaw.com>]  
**Sent:** Tuesday, October 21, 2014 9:41 AM  
**To:** Gina Lemon; Adam Mengel  
**Subject:** Salamander

## Adam Mengel

---

**From:** Craig Coffey  
**Sent:** Wednesday, October 22, 2014 12:52 PM  
**To:** Adam Mengel; Sally A. Sherman  
**Cc:** Albert J. Hadeed; 'Kate Stangle'  
**Subject:** FW: October 14th Planning Board Meeting - Commentary

Good Job Adam -- For the record. Craig

---

**From:** Robert Van Nostrand [<mailto:revan46@msn.com>]  
**Sent:** Wednesday, October 22, 2014 12:49 PM  
**To:** Frank Meeker; Barbara S. Revels; George Hanns; Nate McLaughlin; Charles Ericksen Jr.  
**Cc:** Craig Coffey  
**Subject:** October 14th Planning Board Meeting - Commentary

First - let me say this the first time I have ever written elected officials and my comments are in no ways intended to influence your opinions of any particular issue. My wife and I have been full-time residents of Flagler County since 2002 - and currently own two properties in the county.

We currently live in the Ocean Towers at Hammock Beach having bought in Feb 2013 - and as you might surmise, as both property owners and Hammock Beach Club Full Golf members since 2006 - we have more than just a passing interest in the proposal to develop a lodge/hotel onsite.

For that very reason - my wife and I both chose to attend the above meeting....again a first for both of us. We did not make any public comments - but we were very interested in the process, even enduring the entire 4+ hour meeting. I am compelled to write you to comment on the proceedings as opposed to any outcome. Allow me to be specific:

1 - it was obvious to anyone in attendance or who watches the tape that at least two commissioners had their mind made up long before any presentations and public comment. While that may or may not be appropriate - they should at least make an attempt to appear impartial and engaged until after all input is given. The Board's interaction with the private individuals on the prior agenda items was markedly different than the attitude expressed towards the Hammock Beach presenters.

2- As both a club member, condo owner and Flagler County resident/taxpayer I spent more that 15 hours of my time attending meetings, presentations, community discussions etc before coming to a decision on whether or not to support the project - likely more time than any on the planning board. The Chairman, just before the vote, spoke directly to the audience and stated (paraphrased somewhat) - I've been dealing with developers for many years and they always promise residents and members new amenities, better facilities etc but more often than not those never get actually delivered and ended that comment by saying "**you folks need to stop drinking their cool aid**".

As both a resident and as a retired Senior Executive from the 3rd largest Property and Casualty Insurance Co in the US - I am offended by that remark and in his capacity of an appointee to the Planning Board he was completely out line. I served on the Board of Directors of the Florida Insurance and Guarantee Association back when Hurricane Andrew hit - so I know a little about how Board appointees should handle themselves. He can choose to justify his own opinions but he has absolutely no right to characterize and denigrate opinions of others - many of whom have more skin in the game than he. The tape will confirm these comments and he should be required to apologize for those remarks !

3- Late in the proceedings one board member waxed on poetically for over a minute about how this project would impact gopher tortoises and cause them to lay their eggs at sea - only to be finally interrupted by another board member asking if he was really talking about sea turtles ?

4- One member stated she wasn't really in favor or against but was swayed by the opposition of the Scenic AIA PRIDE group. Does anyone in that group really look ALL at the existing development on AIA from Marineland to Flagler Beach and say with PRIDE and a straight face that the development in the entire area encompassed by the DUNES CDD isn't a vast improvement compared to any of those areas ?

5 - Your Adam Mengel is a consummate professional and has the patience of a saint to work with this Planning Board.

When appointments for the Planning Board come up in 2015 - I strongly suggest the time has come for both some new blood and better leadership.

Thank you for your time.

Bob Van Nostrand  
200 Ocean Crest Drive  
Apt 643  
Palm Coast, Fl 32137  
386-445-0296

## Adam Mengel

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**From:** Christie L. Mayer  
**Sent:** Thursday, October 23, 2014 6:45 PM  
**To:** Craig Coffey; Sally A. Sherman  
**Cc:** Adam Mengel  
**Subject:** Salamander project  
**Attachments:** 4136\_001.pdf

Craig or Sally – I am providing this information to you for instructions on distribution to the Planning Board as requested in the email.

Let me know how I can help,

Christie

---

**From:** VINCENT B. (JIM) VITRANO [<mailto:dolorada@aol.com>]  
**Sent:** Thursday, October 23, 2014 6:33 PM  
**To:** Christie L. Mayer  
**Cc:** [fretzjg@aol.com](mailto:fretzjg@aol.com); [DOLORADA@AOL.COM](mailto:DOLORADA@AOL.COM)  
**Subject:** Fwd: 4136\_001.PDF

DEAR MS. MAYER:

IT IS IMPERATIVE, THAT MR. COFFEY, THE FLAGLER COUNTY COMMISSIONERS, AND THE SEVEN (7) MEMBERS OF THE PLANNING/ZONING BOARD RECEIVE THIS INFORMATION ON HOW, WE THE RESIDENTS OF THE FOLLOWING COMMUNITIES IN CITED IN THE FIRST PAGE, SHOWS THE LATEST POLL, THAT WERE RECENTLY TAKEN. IT SHOWS HOW PASSIONATELY, THEY FEEL FOR THE APPROVAL OF THIS PROJECT, WHICH IS VITAL FOR THE FUTURE EXISTENCE OF OUR COMMUNITIES, SINCE THE PLANNING/ZONING BOARD MEETING.

YOU WERE PREVIOUSLY PROVIDED, BY THE SALAMANDER COMPANY, A TABULATION OF THE VOTES, FROM RESIDING MEMBERS OF OUR THE OHPOA, AND ASSOCIATED COMMUNITIES THAT ATTENDED THOSE MEETINGS (OVER 200), AT EACH.

I WANT TO MENTION ALSO, THAT THE VOTE THAT WAS ALSO PREVIOUSLY SUBMITTED TO YOU ON THE 200 OCEAN CREST DRIVE, PHASE 1 OWNERS THAT SIX (6) OF THOSE PERMANENT FULL TIME RESIDENTS VOTED FOUR (4) IN FAVOR, AND TWO (2) AGAINST THE PROJECT. YOU HAVE THE RESULTS OF THAT VOTE, SIXTY TWO (62) VOTED, OF WHICH THIRTY FIVE (35) WERE FOR, AND TWENTY SEVEN (27) AGAINST, OF THE 148 UNITS OF THAT PHASE.

THE FIRST PAGE OF THIS UPDATED POLL, REFLECTS AND DISPLAYS THE LATEST FROM THE OWNERS OF EACH CONDO ASSOCIATION, AND OR COMMUNITY ASSOCIATIONS, IN OTHER PARTS OF OUR COMMUNITIES, WHO ARE MEMBERS OF THE CLUB.

RESPECTFULLY SUBMITTED,  
VINCENT B. VITRANO  
56 OAKVIEW CIRCLE WEST

-----Original Message-----

**From:** Fretzjg <[Fretzjg@aol.com](mailto:Fretzjg@aol.com)>  
**To:** dolorada <[dolorada@aol.com](mailto:dolorada@aol.com)>  
**Sent:** Thu, Oct 23, 2014 2:20 pm  
**Subject:** 4136\_001.PDF

Jim, here you go. Five pages. This is the latest.

Jack

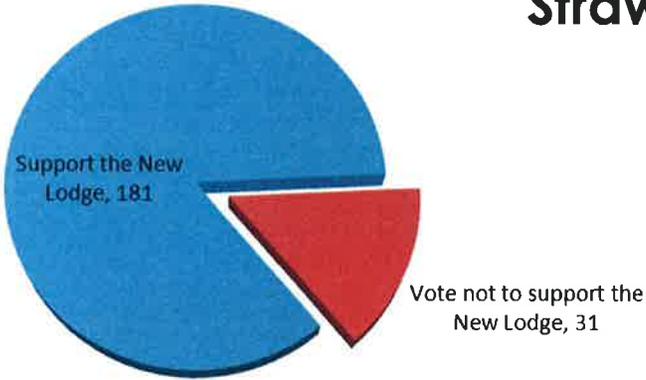
**Straw Poll Supporting Proposed Lodge Concept**

	<b>Initial Count</b>		<b>Total Units</b>
Phase 1 - 3 & 4 BR Condos	47	11%	148
Phase 2 - 1BR Condos	20	5%	127
Phase 3 - Ocean Towers	50	12%	92
Villas	42	10%	116
Conservatory	6	1%	203 voting owners
Yacht Harbor	27	7%	292 condos & lots
Palm Coast Resort/Tidelands	10	2%	33 voting members
OH POA`	152	37%	1080 includes Cinnamon Beach
<b>Total</b>	<b>354</b>	<b>85.92%</b>	<b>2091</b>

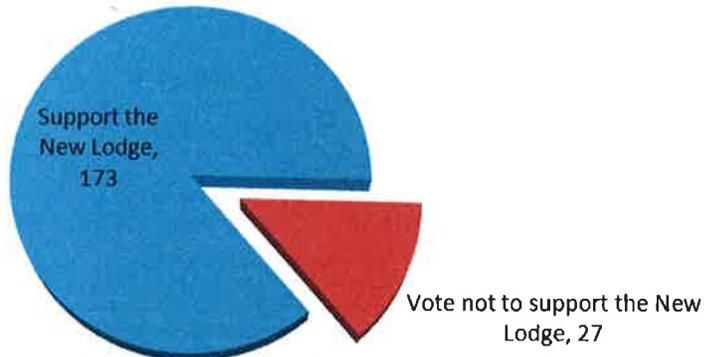
**Straw Poll NOT Supporting Proposed Lodge Concept**

Phase 1 - 3 & 4 BR Condos	20	5%
Phase 2 - 1BR Condos	7	2%
Phase 3 - Ocean Towers	2	0%
Villas	1	0%
Conservatory	0	0%
Yacht Harbor	0	0%
Palm Coast Resort/Tidelands	0	0%
OH POA`	28	7%
<b>Total</b>	<b>58</b>	<b>14.08%</b>

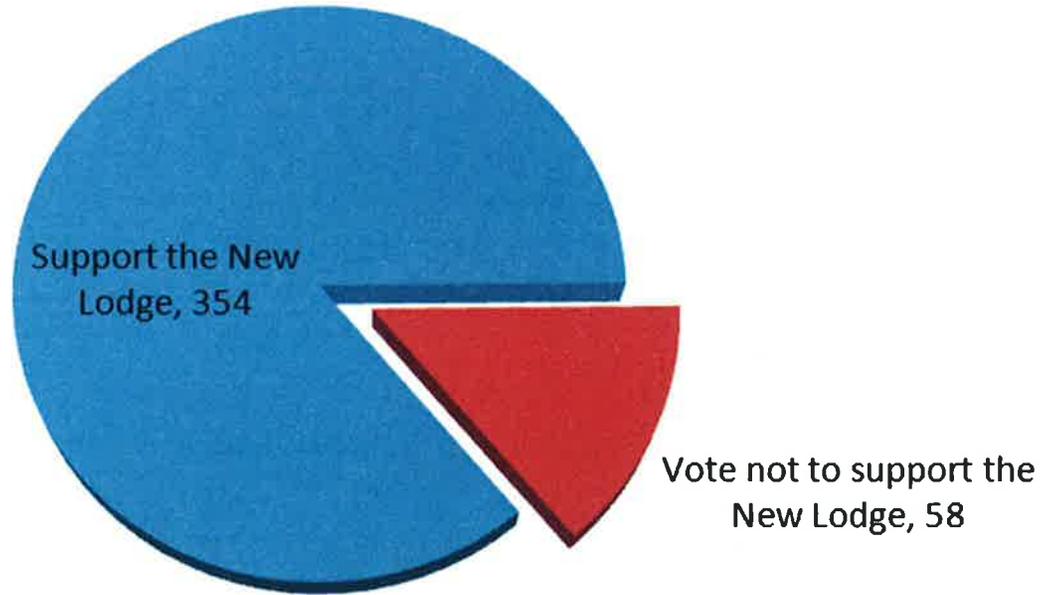
# Straw Polling – New Lodge Support



**Initial Balloting**  
85% Support  
(212 total ballots cast)



**Additional Balloting**  
87% Support  
(200 total ballots cast)



**Total Poll Results**  
86% Support  
(412 total ballots cast)

PROJECT N° 20120354 | 10/14/2014

STRAW POLL SUMMARY



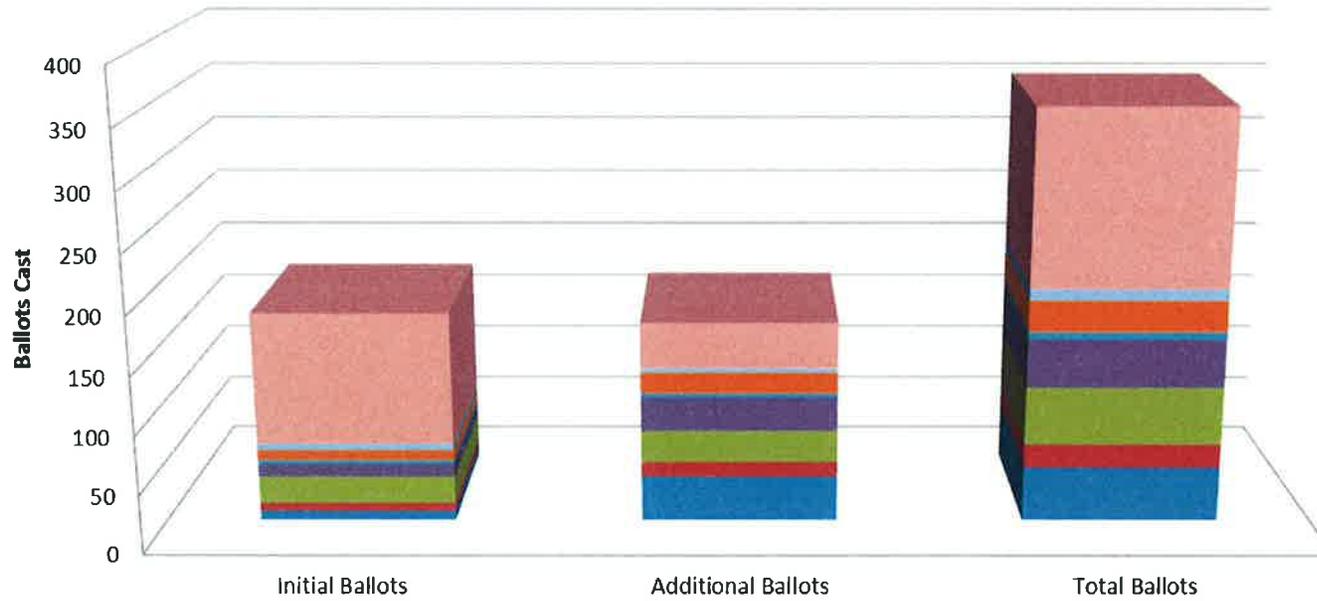
**FEG**



FLORIDA  
ENGINEERING  
GROUP



# Straw Polling – Support Vote Tally by Community



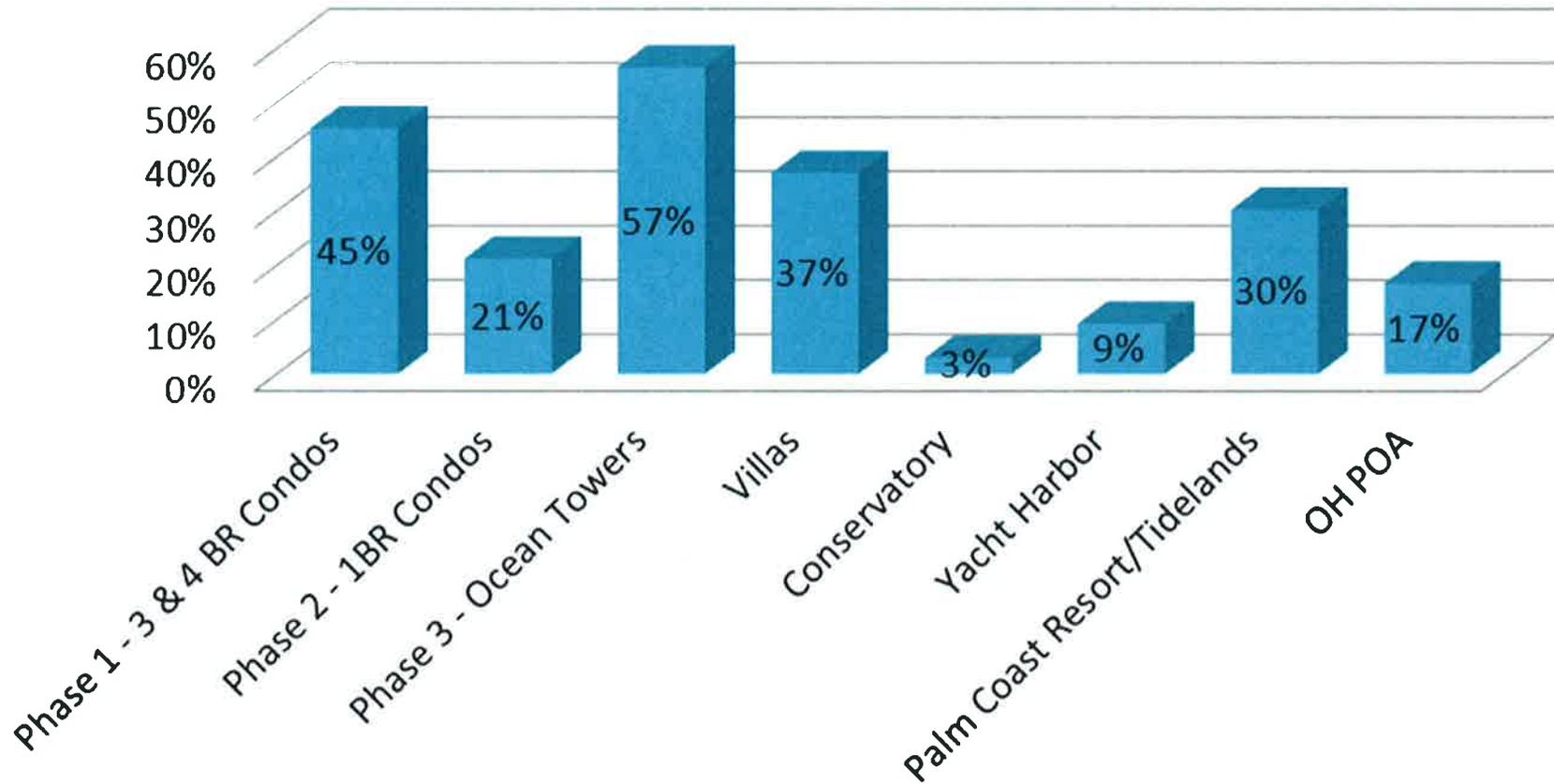
	Initial Ballots	Additional Ballots	Total Ballots
OH POA	113	39	152
Palm Coast Resort/Tidelands	6	4	10
Yacht Harbor	9	18	27
Conservatory	3	3	6
Villas	12	30	42
Phase 3 - Ocean Towers	23	27	50
Phase 2 - 1BR Condos	7	13	20
Phase 1 - 3 & 4 BR Condos	8	39	47

PROJECT N° 20120354

10/14/2014

STRAW POLL RESULTS

## Straw Polling – Percentage Participating



PROJECT N° 20120354

10/14/2014

POLL PARTICIPATION

© 2014 COOPER CARRY, Inc. 191 Peachtree Street NE, Suite 2000 Atlanta, Georgia 30303 Tel: 404-237-2000 Fax: 404-237-4276



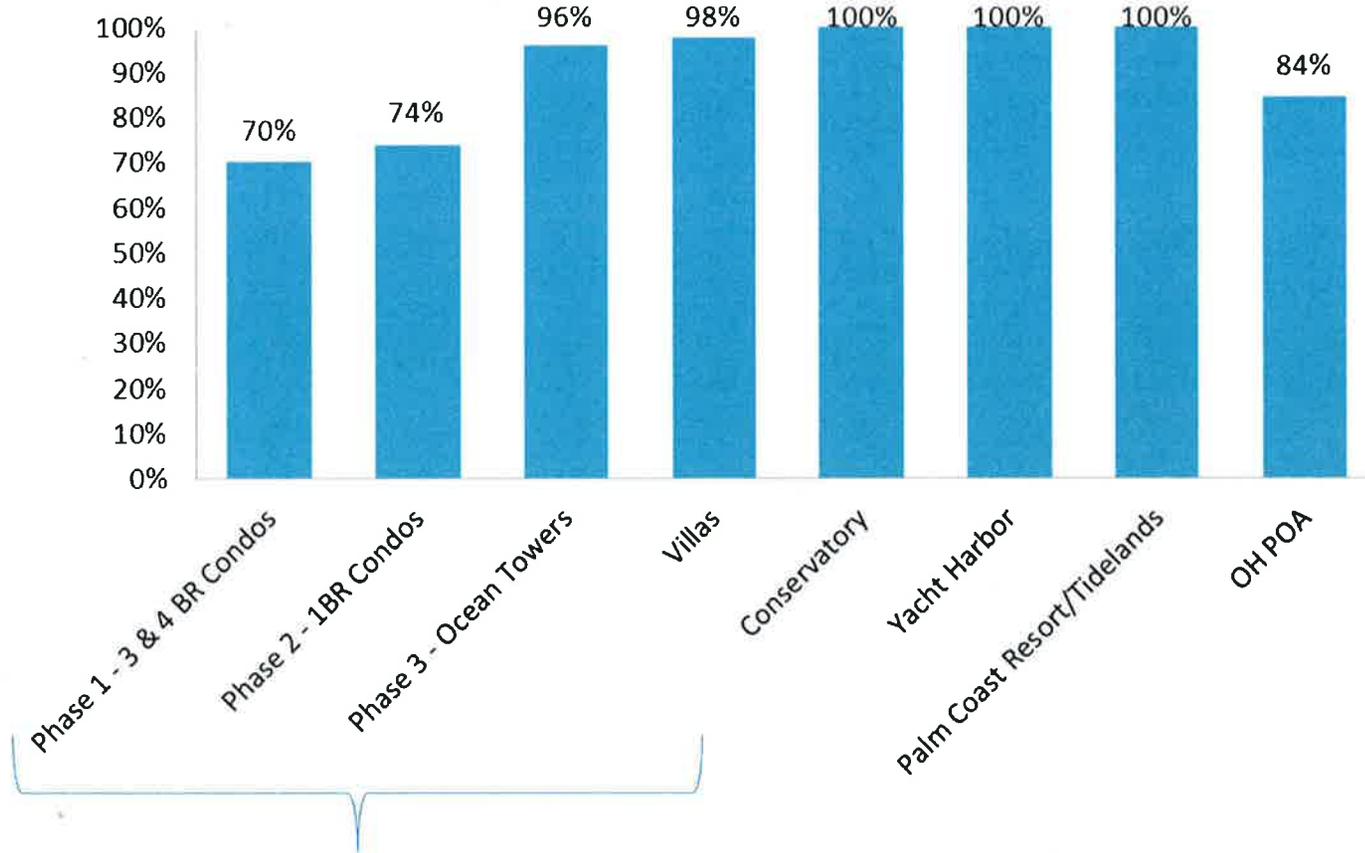
**FEG**



FLORIDA  
ENGINEERING  
GROUP



# Straw Polling – Percentage Support by Community (as percentage of ballots cast)



Note: With regard to Northshore Plat Five (e.g. Hammock Beach), those units closest to the New Lodge, the support level represents 84% with 39% of units casting ballots

PROJECT N° 20120354

10/14/2014

PERCENTAGE SUPPORT



**JEFF SOUTHMAYD  
SCENIC A1A PRIDE  
COMMITTEE  
PRESENTATION  
10-24-2014**

## **Recreation and Open Space Element (ROSE)**

### **Objective H.1.3**

The natural, recreational, archaeological, scenic, historical and cultural resources of the A1A Scenic Highway shall be preserved and enhanced for Flagler County residents and visitors.

## SHADOWING ON THE BEACH AND PARK





PROJECT N° 20120354

09/26/2014

RENDERED BUILDING ELEVATIONS

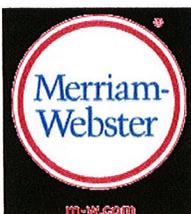
HAMMOCK BEACH RESORT  
*Palm Coast, Florida*

**EDSA**

  
**COOPER CARRY**

**THE PROPOSED HOTEL WILL DWARF THE 16<sup>TH</sup>  
ROAD PARK AND “MARGINALIZE” THE PUBLIC  
BEACH ACCESS**

The management plan for the Scenic Highway emphasizes "context sensitive design" for development occurring within the corridor. This means that whatever is built around the corridor should fit in or blend with the location where it is proposed. The mass and scale of development that is authorized under the NOPC [hotel] will dwarf the 16th Road park and **marginalize** the public beach access. Also, those persons occupying the new dwelling units in Cluster 35 (up to 561 units) will be concentrated directly at the intersection of the beach and the park. These impacts, whether collectively or singularly, would change the pristine, rural character of the beachfront and park at 16th Road, which continues to exist despite the development in the DRI to date. Therefore, the revisions conflict with the corridor management plan and are inconsistent with the requirement in policy 3-3 that the County support that [Scenic A1A] plan. **RECOMMENDED ORDER, Administrative Law Judge, D. R. Alexander, on December 15, 2010.**



### **mar·gin·al·ize**

*verb* \ 'märj-nə- ,līz, 'mär-jə-n' l- ,īz\

**: to put or keep (someone) in a powerless or unimportant position within a society or group**



## TRAFFIC

A TYPICAL TRAFFIC JAM OUTSIDE MY NEIGHBORHOOD ON  
PALM COAST PARKWAY DURING RENTAL SEASON



TREE REMOVAL ON THE PROPOSED 16<sup>TH</sup> ROAD  
PARKING LOT

## **16th Road and Ocean Crest Drive Tree Inventory for Review October 21, 2014**

This tree inventory was conducted by walking the area in question to review the inventory and general tree health, give a basic count of trees, along with a species inventory to be used as a guideline to the area and what impact the treed area would have if this area was removed to add a parking lot for a multi room hotel and resort.

The area we reviewed started at the base of the 16<sup>th</sup> Road beach parking lot and extended to Ocean Crest Drive, as a point of reference from east to west when reviewing the map I have attached. The area was approximately 257 yards long or 771 feet long going from east to west. We estimated the north to south depth where the trees would be removed to be approximately 113 feet wide as per Google maps. These numbers are a basic review and inventory of species and counts for the measured area. After conducting a sample test for two sampling areas where we estimated the site to be 30 feet by 113 feet, we counted the scrub oaks and determined there was approximately 1 scrub oak for every 6 square feet. We then walked the rest of the area and reviewed there to be a consistent number of oaks for this size plot for each section we reviewed. The site was then reviewed by Google maps and an overall size was determined for this plot. We applied our estimated count to the plot to come up with the numbers listed below.

771 feet on 16th Road from Ocean Crest Drive to the base of the parking lot, running west to east. 113 feet from 16 Road to the golf cart path south of 16<sup>th</sup> Road. In this area we estimated that site to have approximately 1,452 Scrub oaks, which would be 1 scrub oak for every 6 square feet. There was about one saw palmetto for every four square feet.

At this site the caliper of the trees at breast height was smaller at the first dune where wind and sand is a harsher environment and rate of growth is much slower than an area further down closer to A1A. This is typical of plantings along the Florida Scrub and ocean. We measured the tree calipers for the first third of the oak planting from first dune to be approximately 4 to 8 inches at breast height. The calipers of the scrub oaks increased as we headed west increasing to 10 to 14 inches for the next third area. The last section reviewed the tree calipers increased by quite a bit where there were trees ranging from 15 inches to as large as 30 inches.

These trees are in beautiful condition and have created a healthy canopy which has increased the protection area allowing the trees closer to Hammock Dunes Parkway to continue to grow and develop without wind damage and salt burn. The mix of species shows that safety in numbers allows a good mix of forest to thrive in this environment. Removal of any part of this section will greatly impact the trees beyond the area in question and will cause stress to these areas affecting the forest health and survival.

Subsequently tree heights were smaller the closer to the first dune ranging from 10 feet increasing to 20 feet and as we go closer to A1A the tree heights increased to over 30 feet falling again into the rule of thirds for reference points. Proving the first section offers protection to the rest of the planting from high winds and driving sand. Removing any part of this would expose the remaining trees to severe damage from winds and sand an environment that they have been protecting from by the first section of smaller trees.

Florida Scrub is one of the most interesting and one of the most endangered natural plant communities in the United States. Florida Scrub is a unique plant community that occurs in small patches scattered across the state. It is home to dozens of plant and animal species that occur nowhere else in the world. This small patch of greenery is home to many species of bird, insects and wildlife including several endangered or threatened species like the Florida Scrub- jay *Aphelocoma coerulescens* and gopher tortoise. No new landscape design or planting can recreate this environment. Once it is removed it is lost forever. The canopy, which is hundreds of years old, will not reestablish. We have removed hundreds of acres for golf course along side this section, which has made the wildlife in this area dependent on this small patch of protection making it vital to this area as habitat. These scrub oaks are priceless and are hundreds of years old and should be protected at all costs.

Florida scrub is a plant community easily recognized by the dominance of evergreen shrubs and frequent patches of bare, white sand. With more than two dozen threatened and endangered species dependent upon scrub, the entire community is itself endangered. Recovery of the community and its associated plants and animals will depend upon land acquisition and effective land management.

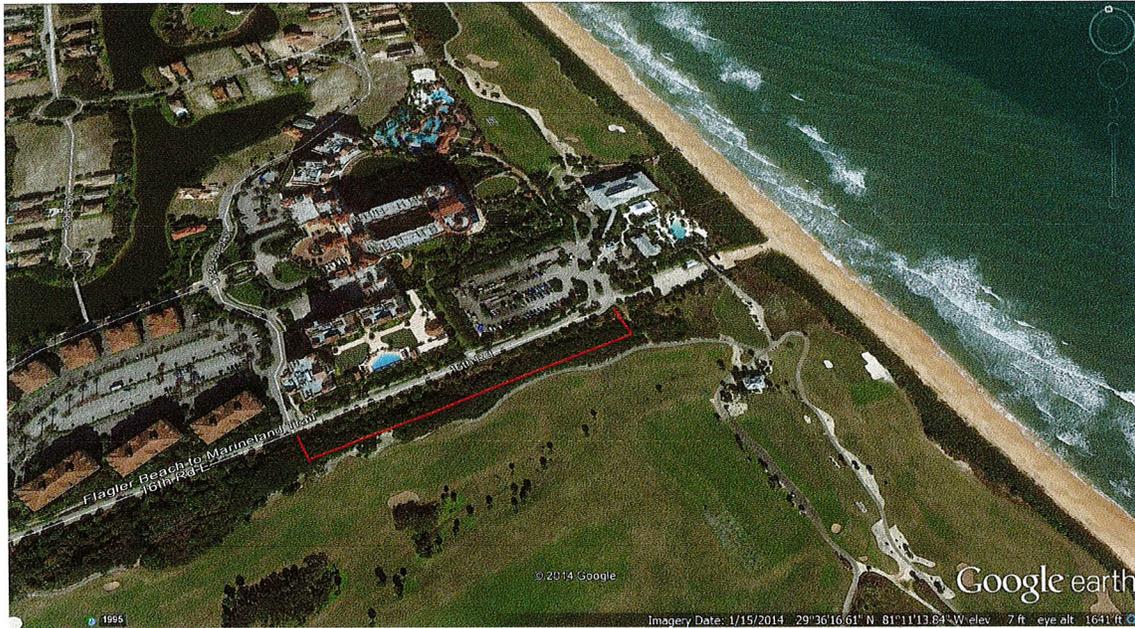
Scrub habitat is located on ancient dune ridges in central Florida and is characterized by sand pines, sand live oaks, myrtle oaks, scrub oaks and other plants that can survive in nutrient-poor soils. Florida scrub-jays can be found in patches of open sand with an open tree canopy.

#### Species List

1. Scrub Oak – *Quercus myrtifolia*
2. Saw Palmetto – *Serenoa repens*
3. Scrub Holly – *Ilex cumulicola*
4. Native persimmons – *Diospyros virginiana*
5. Red Cedar- *Juniperus silicicola*
6. Salt Bush – *Baccharis hamlimifolia*
7. Sumac – *Rhus copallina*
8. Willow – *Salix* spp.
9. Sabel Palm – *Sabal palmetto*
10. Lantans - *Lantana camara*
11. Brazilian Pepper – *Schinus terebinthifolius*
12. Magnolia – *Magnolia grandiflora* spp.

These additional species were found within the areas surveyed and were found in numbers about a third to the Scrub Oaks and Saw palmettos. These additional species provide cover for wildlife and protection from high winds and sand blowing from east to west in order to stabilize the area.

Louise Leister  
Horticulturist





**PLAT ADDENDUM**

**Ocean Hammock Golf Course**

This **PLAT ADDENDUM** is entered into this 10 day of ~~DECEMBER~~, 2001 between **LOWE OCEAN HAMMOCK, LTD.**, a Florida Limited Partnership, Post Office Box 354489, Palm Coast, Florida 32135-4489 (904)-446-6418, ("**Developer**") and the **BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA**, 1200 E. Moody Blvd., Bldg. No. 1, Bunnell, Florida 32110 (the "**County**"), and they are collectively referred to as the "**Parties**".

**WHEREAS**, Developer has applied for and the County has approved a plat for the Ocean Hammock Golf Course Subdivision ("**Plat**") located within Flagler County, Florida (the "**Property**"). This Plat is binding on the County, the Developer and its successors in title, and shall run with the land and bind all future owners.

In consideration of the mutual promises, covenants and conditions contained herein, the parties agree as follows in regard to the Plat:

1. **MAINTENANCE BOND**

Developer has installed all applicable improvements as provided in Section 4.03.01 of the Land Development Code of Flagler County (the "**LDC**"). The scope and value of the improvements are identified in Exhibit "A" (Engineers' Estimate of Probable Cost of Improvements, prepared by Gee & Jenson E-A-P Inc.), attached hereto and incorporated herein by reference. A maintenance bond shall be provided by the Developer to the County per section 4.03.03 of the Land Development Code for all subdivision improvements designated in Exhibit "A" attached hereto and incorporated herein by reference.

2. **PLAT RECORDATION**

The Plat shall be recorded in Map Book 33, Page 11-18, of the Public Records of Flagler County, Florida.

3. **DEVELOPMENT ORDER CONDITIONS**

Ocean Hammock Golf Course is contained within the Ocean Recreation Community of the Hammock Dunes (DR) development and is subject to all conditions of the Hammock Dunes Development Order issued by the County in Resolution 84-7 dated March 30, 1984, as amended in Resolution 95-50 dated July 17, 1995 and as amended in Resolution 98-10 dated March 6, 1998 (the "**Development Order**").

8. **MINIMUM FINISH FLOOR ELEVATIONS**

Minimum Finish Floor Elevation shall meet all County requirements at the time of application for a building permit for the golf course related buildings. However, the minimum floor elevation shall not be lower than elevation +9.3. A final certified as-built survey will be provided to the County prior to the issuance of a certificate of occupancy to confirm compliance with this criteria

9. **OAK SCRUB PROTECTION**

The Developer shall make reasonable efforts to protect or preserve the scrub oak and other oak communities in the common areas and other areas of the property not used as a roadway, clubhouse, or that would prevent the use of the land for golf. In its landscaping program, the Developer shall use native trees that will mature into canopy trees.

10. **LANDSCAPE REQUIREMENTS**

The Developer shall, to the greatest extent possible, utilize oak, scrub oak and hickory in a general landscaping plan which shall be submitted to and approved by the Flagler County Engineer prior to the commencement of construction.

11. **PROOF OF OWNERSHIP**

The Developer shall provide appropriate legal title documentation to the County reflecting all legal or equitable interest in the platted property at the time the Board of County Commissioners approves the final Plat.

12. **INTERNAL LAKES**

All internal lake systems shall be stocked and maintained with native fresh water game fish.

13. **WETLAND BUFFERS**

All wetlands shall have a twenty-five (25) foot buffer adjacent to the wetland boundary.

14. **DUNE PRESERVATION**

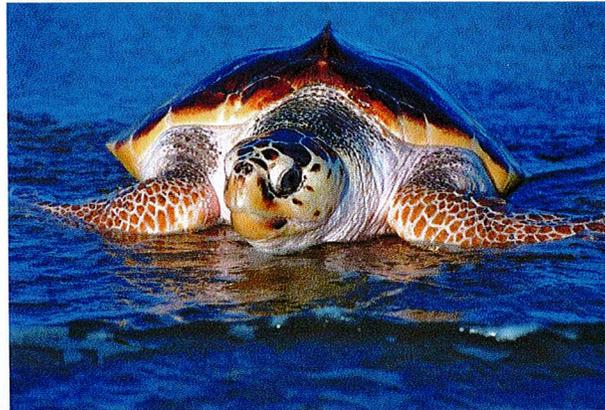
The land as shown within parcels "BPP1" and "BPP2", depicted on Exhibit "B" attached hereto and incorporated herein by reference, shall be a non-development zone which is to be preserved except for Dune walkovers permitted by the State and the County. Existing vegetation within parcels "BPP1" and "BPP2", if disturbed, shall be revegetated and restored and perpetually maintained with plant species approved by the Florida Department of Environmental Protection.

The clubhouse proposed to be located within golf course parcel "H" shall also be subject to the Coastal Construction Control Line ("CCCL") which is regulated by Florida State Statutes and application processes. A continuous barrier curb of 6" x 6" pressure treated timber shall be

## SEA TURTLE NESTING

Salamander has made no scientific showing on the potential impact of the construction of the hotel on the beach in a major sea turtle nesting zone.

### WHAT DO YOU THINK IT WILL BE?



“Human use of nesting beaches can result in negative impacts to nesting turtles, incubating egg clutches and hatchlings. The most serious threat caused by increased human presence on the beach is the disturbance to nesting females. Night-time human activity can prevent sea turtles from emerging on the beach or even cause females to stop nesting and return to the ocean. Beach Furniture and other recreational equipment (e.g., cabanas, umbrellas, hobie cats, canoes, small boats and beach cycles) can reduce nesting success and increase false crawls on nesting beaches. There is also increasing documentation of nesting females becoming entrapped in beach furniture.”



[http://www.conserveturtles.org/seaturtleinformation.php?page=beach\\_activities](http://www.conserveturtles.org/seaturtleinformation.php?page=beach_activities)

**SALAMANDER'S ABILITY TO ACTUALLY MAKE  
GOOD ON ALL ITS PROMISES?**

**0%**

**CURRENT  
OWNERSHIP**

**HAS ANYONE SEEN ANY OWNERSHIP AGREEMENTS?**

**HAS ANYONE SEEN ANY PURCHASE OPTION  
AGREEMENTS?**

**HAS ANYONE SEEN ANY PROOF SALAMANDER CAN MAKE  
GOOD ON ITS PROMISES?**

**PLAT ADDENDUM**

**Ocean Hammock Golf Course**

This **PLAT ADDENDUM** is entered into this 10 day of ~~DECEMBER~~, 2001 between **LOWE OCEAN HAMMOCK, LTD.**, a Florida Limited Partnership, Post Office Box 354489, Palm Coast, Florida 32135-4489 (904)-446-6418, ("**Developer**") and the **BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA**, 1200 E. Moody Blvd., Bldg. No. 1, Bunnell, Florida 32110 (the "**County**"), and they are collectively referred to as the "**Parties**".

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4. **MAINTENANCE RESPONSIBILITY**

The Ocean Hammock Golf Course will be a privately owned golf course and attendant facilities and all maintenance obligations with respect thereto shall be performed by the owner of the golf course facilities. The golf course property owner will not be required to belong to the Ocean Hammock Property Owners Association, Inc. (the "Association"). The golf course property owner shall be responsible for the maintenance of all cart paths, including, without limitation, those located within the landscape buffer parcels. In addition, the golf course property owner shall initially be responsible for the maintenance of the internal storm water management system; provided, however, that the golf course property owner shall have the right to transfer such maintenance obligation to the Association or the Dunes Community Development District.

The Association shall be responsible for maintenance of all internal roadways, common landscape improvements, the dunes preservation area, the internal stormwater management system (subject to the terms and conditions set forth in the foregoing paragraph), the landscape buffers (excluding the golf cart paths located thereon), all recreational trails, all improvements located within the beach access easement areas (including those located within the landscape buffers), and any common property or facilities owned by the Association within the platted area, provided however, that the Association and/or Developer shall have the right to transfer such maintenance obligation and/or title of the common property or facilities owned by the Association or Developer within the platted area to the Dunes Community Development District.

The Dunes Community Development District is responsible for maintenance of the community wide drainage system, the wastewater collection system, water distribution system and reuse water system.

5. **WATER/SEWER AND REUSE**

All proposed golf course related buildings open to the public and providing sinks and/or toilet facilities will connect to central water and sewer services. Potable wells and/or septic systems are prohibited.

Installation of reuse lines is required to serve the entire golf course for irrigation including all golf course related buildings, open space and common areas.

6. **GOLF COURSE PARCEL RESTRICTIONS**

The parcels shown hereon will be perpetually used as golf course land, lake, clubhouse, appropriate associated golf course facilities, open space, parks, dune preservation or such other appropriate recreational or governmental usages approved by the Board of County Commissioners.

7. **FLAGLER COUNTY LAND DEVELOPMENT CODE REQUIREMENTS**

Development is subject to the Flagler County Land Development Code except to the extent preempted by the Development Order.

## Adam Mengel

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**From:** Robert E. Dickinson [dickinsonci@aol.com]  
**Sent:** Monday, October 27, 2014 8:38 AM  
**To:** Adam Mengel  
**Subject:** Fwd: Hammock Beach Hotel Proposal

FYI

Robert E. Dickinson , RLA  
10 Florida Park Drive North, Suite D-1  
Palm Coast, Florida 32137

Phone : 386 446-8304  
Fax : 386 446-8306

Cel Phone : 386 931-2853

-----Original Message-----

From: Mel Haught <[mel.haught@gmail.com](mailto:mel.haught@gmail.com)>  
To: mboyd <[mboyd@bellsouth.net](mailto:mboyd@bellsouth.net)>; crowe16 <[crowe16@gmail.com](mailto:crowe16@gmail.com)>; rreinke <[rreinke@aol.com](mailto:rreinke@aol.com)>; dickinsonci <[dickinsonci@aol.com](mailto:dickinsonci@aol.com)>; pam4houses <[pam4houses@gmail.com](mailto:pam4houses@gmail.com)>; Coryi62 <[Coryi62@earthlink.net](mailto:Coryi62@earthlink.net)>; laureenkornel <[laureenkornel@hotmail.com](mailto:laureenkornel@hotmail.com)>  
Sent: Mon, Oct 27, 2014 8:21 am  
Subject: Hammock Beach Hotel Proposal

Dear Planning and Development Board Members,

We have previously written to you regarding the proposal from Prem Devadas, the President of Salamander Hotels and Resorts, requesting your support of this important project. We were not able to attend the meeting on October 14th to consider the request and of course were disappointed to hear that the Board voted 4-2 against the request. We were pleased to see that you rescinded that initial vote and will hear Mr. Devadas again on November 12th for further consideration.

Since we weren't at the meeting in person, we decided to not take the word of others as to what occurred and what was said at the meeting. We have seen the proposal in person and know that it is quite comprehensive and has been vetted a number of times with the Hammock Beach residents and members to assure that all inputs were taken into consideration. We once again request your thoughtful consideration of the information that Mr. Devadas will provide on November 12th.

There is one point of view that was included in the Palm Coast Observer article of October 23rd that we would like to address. One of the Board members was quoted as saying that "hundreds of visitors from a new hotel building would "jam up that beach awfully bad."

We live a short walk from the Beach and therefore walk the Beach at various times of the day throughout the season. With few exceptions, the occupancy of the Beach is very low and even in the "busy" times it is underutilized. If each member of the Board has not personally visited the Beach during various times, we might suggest that would help in considering the proposal.

We appreciate your time and effort in keeping Flagler County a great place to live and visit and considering all of the positive impacts that this Proposal will have on the County and the Community. There is an old saying that "if you aren't moving ahead, you are falling behind." We believe that this very much applies to this proposal and that is exactly the position we are in at Hammock Beach as members and residents of this community and Flagler County.

Thank you very much for listening to our request and giving this Proposal another opportunity to be heard.

Sincerely,  
Mel and Dorna Haught

## Adam Mengel

---

**From:** Dennis Clark [denclark@cfl.rr.com]  
**Sent:** Monday, October 27, 2014 12:25 PM  
**To:** Alma Nemrava; Bonnie Simms; Danielle Anderson; Dr. Lynne Rosewater; George Nelson; Jane Culpepper; Joyce Skaff; Andrew Johnson; Anne Wilson; Carole McCleery; Frank Meeker; Don Hoskins; Donna Richardson-Drevniok; Frank Carelli; George Harnden; Judy Griswold; Marge Rooyakkers; Marianne McNeil; Mary Ann Ruznecki; Maryanne Taddeo; Sonja Zander  
**Cc:** Daniel Baker; Adam Mengel; Doug Gutierrez  
**Subject:** FW: A1A 10/24 presentation  
**Attachments:** LRA HBO.FCPA Map.2.jpg; LRA HBO.FCPA Map.jpg

To Scenic A1A PRIDE members. The Oct 24 presentation by Prem Devadas and Daniel Baker is available at the link below and also at [www.thehammock.org](http://www.thehammock.org) under Downloads/ 2014 HB Resort. Also read Daniel's message below about the attachments. Upcoming dates for this project are:

Wed Nov 12, 6:00 pm at the Govt. Services Building – Planning Board

Mon Nov 17, 5:00 pm at the Govt. Services Building – Board of County Commissioners Meeting

Dennis

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**From:** Daniel Baker [<mailto:dbaker@acpcommunities.com>]  
**Sent:** Monday, October 27, 2014 11:34 AM  
**To:** Dennis Clark  
**Subject:** RE: A1A 10/24 presentation

Good morning Dennis,

Thank you for continuing to listen to our Plan; we are trying very hard to fully understand the concerns of interested parties and determine how we can incorporate elements, or make changes, that address them. Please find below a link to a PDF version of the powerpoint presentation; don't hesitate to let me know if you have any questions or have any issues with the file or information contained therein. You are welcome to post the presentation on the Scenic A1A PRIDE media site.

<https://atlanticcapitalproperties.sharefile.com/d/se894aad99cf46cea>

Since there was quite a bit of discussion regarding ownership of areas eastward of the CCCL, please find attached a couple of images from the Flagler County Property Appraiser's website which graphically depict the extent of our property (red line shows property limit). We encourage the CME and interested parties to fully research this matter, as the easterly limit of our property cannot be ascertained by the location of the high tide, or oceanic debris deposited on the shore.

The limit of the State's, or Federal Government's, sovereignty submerged land, and the limit of our ownership landward of this, is defined as the Mean High Water line. As you may know, the Mean High Water line is a scientific and specific delineation of Waters of the State or United States, and the Mean High Water line is defined and established by the Florida Department of Environmental Protection. Generally, in the area of the Lodge and Ocean Course, the mean high water line is approximately 100 feet eastward of the toe of the dune (or eastward limit of the dune vegetation).

While it is a little surprising this fact is not well understood, it is important, just like the nature of the 16<sup>th</sup> Road parking lot not being a County "park." It would be terribly unfortunate and unjust for misinformation and misunderstanding, especially when it may be longstanding and unfounded, to somehow be an excuse or basis for someone to take a

position against the New Lodge Plan. Our goal has been to educate and inform, and accept and absorb input; we will continue to do this in a transparent, inclusive, and professional manner.

Daniel Baker  
VP Development & Operations



P 386.246.5845 | M 386.931.6462 | F 386.246.5855  
200 Ocean Crest Drive, Suite 31, Palm Coast, FL 32137  
E [dbaker@acpcommunities.com](mailto:dbaker@acpcommunities.com)

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**From:** Dennis Clark [<mailto:denclark@cfl.rr.com>]  
**Sent:** Saturday, October 25, 2014 8:13 AM  
**To:** Daniel Baker  
**Subject:** A1A 10/24 presentation

Daniel,

It was evident that you put a lot of work into yesterday's presentation. I can find a place to post it unless you'd rather have it posted only on the Flagler County website. I can accept either PPT or PDF format.

Dennis

## Adam Mengel

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**From:** Craig Coffey  
**Sent:** Monday, October 27, 2014 1:02 PM  
**To:** Albert J. Hadeed  
**Cc:** Adam Mengel  
**Subject:** FW: Planning Board Meeting on November 12th

---

Al, You may need to weigh in on this one. Craig

**From:** JEFF SOUTHMAYD-PD [<mailto:wnssfm@aol.com>]  
**Sent:** Monday, October 27, 2014 12:32 PM  
**To:** Sally A. Sherman; "amengel"@"flaglercounty.org"; Frank Meeker; Craig Coffey; Nate McLaughlin  
**Subject:** Planning Board Meeting on November 12th

I would like to be allowed to give a 10 minute presentation on the Salamander hotel proposal. It would be similar to the presentation I made to the Scenic A1A Pride board on Friday.

Salamander was given 15 minutes for a presentation at the last Planning Board meeting, was given a 10 minute rebuttal period (which turned out to be more like 20 minutes) and will be given another 15 minutes at the November 12th Planning Board meeting as I understand it.

Fairness dictates that the opposition be given an opportunity to make a formal presentation rather than merely the 3 minute individual comment period. I would need the use of the audio/visual gear used in the meeting for my presentation.

In order to not impinge on the schedule for the meeting, four people who will be attending the November 12th meeting have agreed to assign their 3 minute comment period to me to use in connection with my presentation. Their email consents are below. So, my presentation will actually expedite that portion of the meeting.

Thanks in advance for your kind consideration of this request.

Jeff Southmayd  
President

**WNSS-FM 89.3**  
**The Christian Radio Voice**  
**of Flagler County & Palm Coast**  
**4 OCEAN RIDGE BOULEVARD SOUTH**  
**PALM COAST, FLORIDA 32137**  
**386.447-7108 FAX 888-557.3686**  
**[WNSSFM@AOL.COM](mailto:WNSSFM@AOL.COM)**  
**WEB: [WWW.WNSSFM.COM](http://WWW.WNSSFM.COM)**

From: [Alma Nemrava \(hammockcc@bellsouth.net\)](mailto:AlmaNemrava@hammockcc@bellsouth.net)  
Sent: Fri 10/17/14 4:23 PM  
To: [Jeff Southmayd \(jdsouthmayd@msn.com\)](mailto:JeffSouthmayd@msn.com)

-  
**Jeff:**  
**I am volunteering to not use the 3 minutes I could use at the Flagler Planning Board meeting on November 12th to discuss the Salamander hotel project and instead allow you to use that time for a presentation.**

**Alma Nemrava**

-  
From: [Joy Ellis \(joyellis@cfl.rr.com\)](mailto:JoyEllis@joyellis@cfl.rr.com)  
Sent: Fri 10/17/14 4:26 PM  
To: [Jeff Southmayd \(jdsouthmayd@msn.com\)](mailto:JeffSouthmayd@msn.com)

**Jeff:**

*I am volunteering to not use the 3 minutes I could use at the Flagler Planning Board meeting on November 12th to discuss the Salamander hotel project and instead allow you to use that time for a presentation.*

-  
Joyce Ellis

-  
From: [Ann Butler \(annbutler110@cfl.rr.com\)](mailto:annbutler110@cfl.rr.com)  
Sent: Fri 10/17/14 4:57 PM  
To: [Jeff Southmayd \(jdsouthmayd@msn.com\)](mailto:jdsouthmayd@msn.com)

Jeff:

-  
*I am volunteering to not use the 3 minutes I could use at the Flagler Planning Board meeting on November 12th to discuss the Salamander hotel project and instead allow you to use that time for a presentation.*

-  
Ann Butler

From: [Gerri Gilison \(msgg44@gmail.com\)](mailto:msgg44@gmail.com)  
Sent: Fri 10/17/14 4:30 PM  
To: [Jeff Southmayd \(jdsouthmayd@msn.com\)](mailto:jdsouthmayd@msn.com)

-  
Jeff:

-  
*I am volunteering to not use the 3 minutes I could use at the Flagler Planning Board meeting on November 12th to discuss the Salamander hotel project and instead allow you to use that time for a presentation.*

-  
Geraldine Gilison

**Adam Mengel**

---

**From:** Andrew Johnson  
**Sent:** Monday, October 27, 2014 2:05 PM  
**To:** Adam Mengel  
**Subject:** FW: A1A 10/24 presentation  
**Attachments:** LRA HBO.FCPA Map.2.jpg

FYI.

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**From:** Jeff Southmayd [mailto:jdsouthmayd@msn.com]  
**Sent:** Monday, October 27, 2014 12:40 PM  
**To:** Dennis Clark; Alma Nemrava; Bonnie Simms; Danielle Anderson; LYNN ROSEWATER; George Nelson; Jane Culpepper; Joyce Skaff; Andrew Johnson; Anne Wilson; Carole McCleery; Frank Meeker; Don Hoskins; Donna Richardson-Drevniok; Frank Carelli; George Harnden; Judy Griswold; Marge Rooyakkers; Marianne McNeil; Mary Ann Ruzecki; Maryanne Taddeo; Sonja Zander  
**Subject:** RE: A1A 10/24 presentation

So there does appear to be county park land on the beach at Old Salt Park that Lupert Adler does not claim to own.

**SOUTHMAYD & MILLER**  
**4 OCEAN RIDGE BOULEVARD SOUTH**  
**PALM COAST, FLORIDA 32137**  
**386.445.9156**  
**888.557.3686 FAX**  
[jdsouthmayd@msn.com](mailto:jdsouthmayd@msn.com)  
**Member District of Columbia Bar.**  
**Practice limited to Federal agencies.**

\*\*\*\*\*

THIS TRANSMISSION IS INTENDED ONLY FOR THE ADDRESSEE SHOWN ABOVE. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, OR OTHERWISE PROTECTED FROM DISCLOSURE. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE DO NOT READ, COPY, OR USE IT, AND DO NOT DISCLOSE IT TO OTHERS. PLEASE NOTIFY THE SENDER OF THE DELIVERY ERROR BY REPLYING TO THIS MESSAGE AND THEN DELETE IT FROM YOUR SYSTEM. THANK YOU.

\*\*\*\*\*

## Adam Mengel

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**From:** Andrew Johnson  
**Sent:** Monday, October 27, 2014 2:05 PM  
**To:** Adam Mengel  
**Subject:** FW: A1A 10/24 presentation  
**Attachments:** SCENIC A1A SALAMANDER SITE PLAN PRESENTATION.pdf

FYI #2.

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**From:** Jeff Southmayd [mailto:jdsouthmayd@msn.com]  
**Sent:** Monday, October 27, 2014 12:47 PM  
**To:** Dennis Clark; Alma Nemrava; Bonnie Simms; Danielle Anderson; LYNN ROSEWATER; George Nelson; Jane Culpepper; Joyce Skaff; Andrew Johnson; Anne Wilson; Carole McCleery; Frank Meeker; Don Hoskins; Donna Richardson-Drevniok; Frank Carelli; George Harnden; Judy Griswold; Marge Rooyakkers; Marianne McNeil; Mary Ann Ruzecki; Maryanne Taddeo; Sonja Zander  
**Subject:** RE: A1A 10/24 presentation

You may recall that in Salamander's last presentation they claimed to own the parking lot at Old Salt Park. It is attached showing their ownership claim. Apparently their current ownership claim corrects this.

JDS

**SOUTHMAYD & MILLER**  
**4 OCEAN RIDGE BOULEVARD SOUTH**  
**PALM COAST, FLORIDA 32137**  
**386.445.9156**  
**888.557.3686 FAX**  
[jdsouthmayd@msn.com](mailto:jdsouthmayd@msn.com)

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**Practice limited to Federal agencies.**

\*\*\*\*\*

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\*\*\*\*\*

---

**From:** [jdsouthmayd@msn.com](mailto:jdsouthmayd@msn.com)  
**To:** [denclark@cfl.rr.com](mailto:denclark@cfl.rr.com); [anemrava@bellsouth.net](mailto:anemrava@bellsouth.net); [simmsjen@aol.com](mailto:simmsjen@aol.com); [danielle\\_anderson@scenica1a.org](mailto:danielle_anderson@scenica1a.org); [lynnrosewater@me.com](mailto:lynnrosewater@me.com); [biggeorgen2000@yahoo.com](mailto:biggeorgen2000@yahoo.com); [jbpepp@msn.com](mailto:jbpepp@msn.com); [skaffjl@hotmail.com](mailto:skaffjl@hotmail.com); [ajohnson@flaglercounty.org](mailto:ajohnson@flaglercounty.org); [annwilson@cfl.rr.com](mailto:annwilson@cfl.rr.com); [quakermac@cfl.rr.com](mailto:quakermac@cfl.rr.com); [fmeeker@flaglercounty.org](mailto:fmeeker@flaglercounty.org); [donaldhoskins@bellsouth.net](mailto:donaldhoskins@bellsouth.net); [donnadbeach@earthlink.net](mailto:donnadbeach@earthlink.net); [fcarelli@cfl.rr.com](mailto:fcarelli@cfl.rr.com); [jazzman481@gmail.com](mailto:jazzman481@gmail.com); [judyct64@outlook.com](mailto:judyct64@outlook.com); [petmom07@cfl.rr.com](mailto:petmom07@cfl.rr.com); [jjmcneil@bellsouth.net](mailto:jjmcneil@bellsouth.net); [mruzecki@aol.com](mailto:mruzecki@aol.com); [taddeom@bellsouth.net](mailto:taddeom@bellsouth.net); [sunandmark@gmail.com](mailto:sunandmark@gmail.com)  
**Subject:** RE: A1A 10/24 presentation  
**Date:** Mon, 27 Oct 2014 12:40:27 -0400



PROJECT N° 20120354

09/26/2014

ARCHITECTURAL SITE PLAN

HAMMOCK BEACH RESORT  
*Palm Coast, Florida*

**EDSA**

**COOPER CARRY**

## Adam Mengel

---

**From:** Sally A. Sherman  
**Sent:** Monday, October 27, 2014 5:50 PM  
**To:** Adam Mengel  
**Subject:** FW: Planning Board Meeting on November 12th

---

**From:** Sally A. Sherman  
**Sent:** Monday, October 27, 2014 5:50 PM  
**To:** 'JEFF SOUTHMAYD-PD'  
**Cc:** "'amengel\''@flaglercounty.org'; Frank Meeker; Craig Coffey; Nate McLaughlin; Albert J. Hadeed; 'Kate Stangle'  
**Subject:** RE: Planning Board Meeting on November 12th

Mr. Southmayd:

In follow up to your email, please be advised that your request for additional time to speak at the Planning Board meeting should be requested at the meeting. Note, it is not a practice at our organization to yield ones time to another speaker. However, the Planning Board has the discretion to allow additional time to a speaker during public comments, if they deem it is needed. Thank you for your inquire. Sally

---

**From:** JEFF SOUTHMAYD-PD [<mailto:wssfm@aol.com>]  
**Sent:** Monday, October 27, 2014 12:32 PM  
**To:** Sally A. Sherman; "amengel\''@flaglercounty.org; Frank Meeker; Craig Coffey; Nate McLaughlin  
**Subject:** Planning Board Meeting on November 12th

## Adam Mengel

---

**From:** Sally A. Sherman  
**Sent:** Monday, October 27, 2014 10:23 PM  
**To:** JEFF SOUTHMAYD-PD  
**Cc:** Frank Meeker; Craig Coffey; Nate McLaughlin; Albert J. Hadeed; KSTANGLE@BROADANDCASSEL.COM; Adam Mengel  
**Subject:** Re: Planning Board Meeting on November 12th

Mr. Southmayd

I appreciate your dilemma, however, as stated, the Planning Board has the discretion to allow additional time to a speaker during public comments, if they deem it is needed. To pole the Chairman of the Planning Board and its members on a matter that the members will vote on would be a violation of Florida Statute 286.011. It is acknowledged that on the surface, your request is a simple one, however, as staff who serve this public board, it is not appropriate to be liaison between board members to obtain what would be a matter that would be approved by a vote or consensus. Each step in the decision making process is considered an official act.

Please know that you do have the opportunity to be heard in accordance with the approved policy. We will be happy to let the Chairman know of your request and he can be prepared to address the matter with the Board.

Sent from Sally Sherman's iPad  
Deputy County Administrator  
Flagler County, Florida  
386-313-4001

On Oct 27, 2014, at 8:07 PM, "JEFF SOUTHMAYD-PD" <[wnessfm@aol.com](mailto:wnessfm@aol.com)> wrote:

Sally;

Thank you for your prompt reply. However, before I spend a considerable amount of money on my presentation I would like to make sure I will be allowed to give it.

Please forward my reply to the Chairman of the Planning Committee and anyone else who needs to consider the request.

I would hope my county counsel member, Frank Meeker, might assist in my getting a straight and prompt answer on this request. "Maybe" is not a very respectful answer.

Thank you.

Jeff Southmayd  
President

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**386.447-7108 FAX 888-557.3686**  
**[WNSSFM@AOL.COM](mailto:WNSSFM@AOL.COM)**  
**WEB: [WWW.WNSSFM.COM](http://WWW.WNSSFM.COM)**

-----Original Message-----

From: Sally A. Sherman <[ssherman@flaglercounty.org](mailto:ssherman@flaglercounty.org)>

To: 'JEFF SOUTHMAYD-PD' <[wsssfm@aol.com](mailto:wsssfm@aol.com)>

Cc: "amengel" <[amengel@flaglercounty.org](mailto:amengel@flaglercounty.org)>; Frank Meeker <[fmeeker@flaglercounty.org](mailto:fmeeker@flaglercounty.org)>; Craig Coffey <[ccoffey@flaglercounty.org](mailto:ccoffey@flaglercounty.org)>; Nate McLaughlin <[nmclaughlin@flaglercounty.org](mailto:nmclaughlin@flaglercounty.org)>; Albert J. Hadeed <[ahadeed@flaglercounty.org](mailto:ahadeed@flaglercounty.org)>; 'Kate Stangle' <[KSTANGLE@BROADANDCASSEL.COM](mailto:KSTANGLE@BROADANDCASSEL.COM)>

Sent: Mon, Oct 27, 2014 5:49 pm

Subject: RE: Planning Board Meeting on November 12th

## Adam Mengel

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**From:** JEFF SOUTHMAYD-PD [wnssfm@aol.com]  
**Sent:** Tuesday, October 28, 2014 12:00 AM  
**To:** Sally A. Sherman  
**Cc:** Frank Meeker; Craig Coffey; Nate McLaughlin; Albert J. Hadeed; KSTANGLE@BROADANDCASSEL.COM; Adam Mengel  
**Subject:** Re: Planning Board Meeting on November 12th

My "dilemma" is dealing with local government beaureaucrats. I will wait patiently to get a rational response from someone in charge.

Thank you.

Jeff Southmayd  
President

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***of Flagler County & Palm Coast***  
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**[WNSSFM@AOL.COM](mailto:WNSSFM@AOL.COM)**  
**WEB: [WWW.WNSSFM.COM](http://WWW.WNSSFM.COM)**

-----Original Message-----

From: Sally A. Sherman <ssherman@flaglercounty.org>  
To: JEFF SOUTHMAYD-PD <wnssfm@aol.com>  
Cc: Frank Meeker <fmeeker@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>; Nate McLaughlin <nmclaughlin@flaglercounty.org>; Albert J. Hadeed <ahadeed@flaglercounty.org>; KSTANGLE <KSTANGLE@BROADANDCASSEL.COM>; Adam Mengel <amengel@flaglercounty.org>  
Sent: Mon, Oct 27, 2014 10:22 pm  
Subject: Re: Planning Board Meeting on November 12th

## Adam Mengel

---

**From:** Andrew Johnson  
**Sent:** Tuesday, October 28, 2014 9:31 AM  
**To:** Adam Mengel  
**Subject:** FW: Beach management-ownership  
**Attachments:** beach management report final.pdf

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**From:** Dennis Clark [<mailto:denclark@cfl.rr.com>]

**Sent:** Tuesday, October 28, 2014 5:52 AM

**To:** Alma Nemrava; Bonnie Simms; Danielle Anderson; Dr. Lynne Rosewater; George Nelson; Jane Culpepper; Joyce Skaff; Andrew Johnson; Anne Wilson; Carole McCleery; Frank Meeker; Don Hoskins; Donna Richardson-Drevniok; Frank Carelli; George Harnden; Judy Griswold; Marge Rooyakkers; Marianne McNeil; Mary Ann Ruzecki; Maryanne Taddeo; Sonja Zander

**Subject:** Beach management-ownership

You may be interested to know that the subject of beach ownership and public usage was studied extensively by the Scenic A1A PRIDE Beach Management Committee in 2004. See section 9 of the attached report.

Also, for more information on public rights of beach access, see

<http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/0/83d21148206bf5ef852575bb005321eb?OpenDocument>

...and [http://www.beachapedia.org/Beach\\_Access](http://www.beachapedia.org/Beach_Access)

I didn't look for any specific provisions in the HD DRI.

The Flagler County 2010-2035 Comprehensive Plan is available at

<http://www.flaglercounty.org/index.aspx?nid=689>

Section E-Coastal Management has Goal E.3 (p E-37) which describes Public Access

Dennis

## Adam Mengel

---

**From:** Albert J. Hadeed  
**Sent:** Wednesday, October 29, 2014 8:07 AM  
**To:** Craig Coffey; Sally A. Sherman; Adam Mengel; 'Kate Stangle'  
**Subject:** FW: Bob Dickinson - conflict of interest

FYI

---

**From:** John Bettencourt [mailto:jvbetten1@aol.com]  
**Sent:** Tuesday, October 28, 2014 9:45 PM  
**To:** Albert J. Hadeed  
**Cc:** Steve Hatcher; Jeff Southmayd; Frank J. Meeker  
**Subject:** Re: Bob Dickinson - conflict of interest

Thank you Mr. Hadeed for forwarding this on to the appropriate parties for disposition.

We await their response to this delicate issue.

Regards,  
John Bettencourt

Sent from my iPad

On Oct 28, 2014, at 9:40 PM, Albert J. Hadeed <[ahadeed@flaglercounty.org](mailto:ahadeed@flaglercounty.org)> wrote:

Gentlemen - I did not receive the emails from Messrs Southmayd and Hatcher, as they were sent to an address I do not use. This email made it to my county address and should be the one used.

Responding to your inquiries, in this quasi judicial process I do not represent the Planning Board. It has its counsel. I am certain that the claim of conflict has been made to County staff and the special counsel.

I do not know the facts but the info you are providing will be forwarded on. I expect that they will address this issue since these claims have been made.

Thank you

On Oct 28, 2014, at 7:11 PM, John Bettencourt <[jvbetten1@aol.com](mailto:jvbetten1@aol.com)> wrote:

Dear Mr. Hadeed,

Could you please advise the status of the request below.

Will Mr. Dickinson be 'recused' due to conflict of references noted below.....we await your answer prior to the next County Planning Development meeting on November 12, 2014.

Thank you for your response.

Regards,  
John Bettencourt

**From:** Jeff Southmayd <[jdsouthmayd@msn.com](mailto:jdsouthmayd@msn.com)>  
**Date:** October 22, 2014 at 1:25:17 PM EDT  
**To:** Steve Hatcher <[stevehatcher@cfl.rr.com](mailto:stevehatcher@cfl.rr.com)>, "[alberthadeed@gmail.com](mailto:alberthadeed@gmail.com)" <[alberthadeed@gmail.com](mailto:alberthadeed@gmail.com)>  
**Subject: RE: Bob Dickinson - conflict of interest**

Albert;

Steve Hatcher is clearly correct.

The conflict of interest problem is undeniable. Mr. Dickinson's disclosure of his membership on the two ARB's without disclosing that one of the principals advocating the hotel project, Daniel Baker who was sitting right in front of him preparing to participate in the Salamander hotel presentation, is the chairman of both ARB's, and his boss, arguably rises to the level of deceit.

Nondisclosure of that material fact raises serious questions about the intent to be entirely honest and forthright in the disclosure. Otherwise, why hide the fact? Had the full extent of the relationship been disclosed, I would have asked the Chairman for a disqualification at the Planning Board meeting.

Moreover, Mr. Dickinson was the landscape architect for Ginn/Lupert Adler in connection with various Hammock Beach projects and undoubtedly hopes to continue the association in connection with the proposed hotel.

Finally, I find it hard to believe that Mr. Dickinson and Mr. Baker have avoided discussing the hotel project in the course of their numerous meetings of the ARB committees, either before or afterwards.

Conflict of interest considerations include avoiding the appearance of impropriety. That appearance is unavoidable in this situation.

I certainly don't want to embarrass anyone, or cause any unnecessary disruption at the next Planning Committee meeting in November on the hotel project. Mr. Dickinson should merely agree to recuse himself from participation in that item at the next meeting.

Jeff Southmayd

**SOUTHMAYD & MILLER**  
**4 OCEAN RIDGE BOULEVARD SOUTH**  
**PALM COAST, FLORIDA 32137**  
**386.445.9156**  
**888.557.3686 FAX**  
[jdsouthmayd@msn.com](mailto:jdsouthmayd@msn.com)  
Member District of Columbia Bar.  
Practice limited to Federal agencies.

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\*\*\*\*\*  
\*\*\*\*\*

Begin forwarded message:

**From:** Stephen Hatcher  
<[stevehatcher@cfl.rr.com](mailto:stevehatcher@cfl.rr.com)>  
**Subject:** Bob Dickinson - conflict of interest  
**Date:** October 22, 2014 at 6:37:55 AM EDT  
**To:** [alberthadeed@gmail.com](mailto:alberthadeed@gmail.com)

The proposed expansion of the lodge at the Hammock Beach Resort was evaluated at the most recent Planning Board meeting. Bob Dickinson disclosed that he was on the

architectural review boards for the Yacht Harbor and Conservatory developments; however, he did not disclose the relationship between those boards and the owner of the Hammock Beach Resort. I believe that if full disclosure had been made, it would have become very apparent that he has a serious financial conflict of interest in this development and that he should have recused himself.

- Lubpert-Adler is a money manager who has invested client pension money in the Hammock Beach Resort. Either Lupert Adler or the funds under management by them are the sole owners of the property. Salamander, currently has no financial interest.
- Danial Baker is either a Lupert-Adler employee or a consultant retained by them who chairs the Architectural Review Board for both the Yacht Harbor and Conservatory properties. These properties were developed by Bobby Ginn, and Lupert-Adler took possession of them as a result of Ginn's financial problems.
- Bob Dickinson disclosed that he is a paid consultant to the Conservatory and Yacht Harbor Architectural Review Boards, providing landscape architect services to those boards. He did not disclose that Lupert-Adler, the effective "owner" of the Hammock Beach Resort and the "silent" backer of the proposed lodge, determines if Dickinson is retained by the Conservatory and Yacht Harbor ARBs, and that he is probably paid by Lupert-

Adler or entities controlled  
by them.

I believe this is a very serious,  
financial conflict of interest. He  
should have recused himself.

---

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Flagler County Board of County Commissioners and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

## Adam Mengel

---

**From:** Thad Crowe [crowet6@gmail.com]  
**Sent:** Friday, November 14, 2014 2:25 PM  
**To:** Adam Mengel; Gina Lemon  
**Subject:** Re: Salamander Hotel Meeting November 12th

Somehow this ended up in the spam folder. I don't know if Russ has provided it to you, so here it is anyway.

t

On Wed, Oct 29, 2014 at 1:08 PM, JEFF SOUTHMAYD-PD <[wnssfmaol@aol.com](mailto:wnssfmaol@aol.com)> wrote:  
Mr. Chairman;

I attended the last meeting and was the first speaker against the hotel application. Your committee and you have been extremely generous in granting Salamander time to make their presentation, rebuttal, and second presentation. I wondered if I could take advantage of that generosity.

I would like to be allowed to make a 10 minute presentation at the hearing on November 12th following the Salamander presentation. In order to not unduly use the Board's time, I have four people who will attend the meeting on the 12th who have agreed to defer using their 3 minute commnet time in order that I may make my presentation. Their email messages are below. Since my presentation will take some time to prepare, I would greatly appreciate a response to this question at the earliest convenient time for your board members and you.

Thank you in advance for you kind consideration of this request.

Jeff Southmayd  
President

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**[WNSSFM@AOL.COM](mailto:WNSSFM@AOL.COM)**  
**WEB: [WWW.WNSSFM.COM](http://WWW.WNSSFM.COM)**

From: **Alma Nemrava** ([hammockcc@bellsouth.net](mailto:hammockcc@bellsouth.net))

Sent: Fri 10/17/14 4:23 PM

To: **Jeff Southmayd** ([jdsouthmayd@msn.com](mailto:jdsouthmayd@msn.com))

-

**Jeff:**

*I am volunteering to not use the 3 minutes I could use at the Flagler Planning Board meeting on November 12th to discuss the Salamander hotel project and instead allow you to use that time for a presentation.*

Alma Nemrava

-

From: **Joy Ellis** ([joyellis@cfl.rr.com](mailto:joyellis@cfl.rr.com))

Sent: Fri 10/17/14 4:26 PM

To: Jeff Southmayd ([jdsouthmayd@msn.com](mailto:jdsouthmayd@msn.com))

Jeff:

*I am volunteering to not use the 3 minutes I could use at the Flagler Planning Board meeting on November 12th to discuss the Salamander hotel project and instead allow you to use that time for a presentation.*

-

Joyce Ellis

-

From: **Ann Butler** ([annbutler110@cfl.rr.com](mailto:annbutler110@cfl.rr.com))

Sent: Fri 10/17/14 4:57 PM

To: Jeff Southmayd ([jdsouthmayd@msn.com](mailto:jdsouthmayd@msn.com))

Jeff:

-

*I am volunteering to not use the 3 minutes I could use at the Flagler Planning Board meeting on November 12th to discuss the Salamander hotel project and instead allow you to use that time for a presentation.*

-

Ann Butler

From: Gerri Gilison ([msgg44@gmail.com](mailto:msgg44@gmail.com))

Sent: Fri 10/17/14 4:30 PM

To: Jeff Southmayd (jdsouthmayd@msn.com)

-

Jeff:

-

I am volunteering to not use the 3 minutes I could use at the Flagler Planning Board meeting on November 12th to discuss the Salamander hotel project and instead allow you to use that time for a presentation.

-

Geraldine Gilison

## Adam Mengel

---

**From:** Tim Hale [timothyahale@gmail.com]  
**Sent:** Friday, October 31, 2014 8:38 AM  
**To:** Adam Mengel  
**Cc:** Sara Hale  
**Subject:** 10/14 presentation on the hammock

Adam,

I was not able to attend the 10/14 P&DB meeting as I was out of town for work, but my wife, Sara, did attend. She commented how impressive your presentation on the hammock (history to now) was. I (finally) watched the video of the meeting last night and your presentation stood out as extremely insightful and informative. I think the picture merging you did was particularly compelling.

Is your presentation available somewhere so that I can point other residents to it? Many interested residents did not make the 10/14 meeting and I think the information from your presentation would be very educational for them.

Thanks,  
Tim

(PS - your email address has a typo on it on this webpage: <http://www.flaglercounty.org/index.aspx?NID=159> )

--

Tim Hale  
Managing Partner  
Coastal Cloud  
Mobile: 386-237-7718  
email: [Tim.Hale@CoastalCloud.US](mailto:Tim.Hale@CoastalCloud.US)