

MINUTES OF MEETING
BAYTREE
COMMUNITY DEVELOPMENT DISTRICT

The October 5, 2016 meeting of the Board of Supervisors of the Baytree Community Development District was recessed and reconvened Thursday, October 20, 2016 at 1:30 p.m. in the Baytree National Golf Links Meeting Room, 8207 National Drive, Melbourne, Florida.

Present and constituting a quorum were:

Nancy O'Hare	Chairperson
G. Melvin Mills, Jr.	Supervisor
Maria Hernandez	Supervisor
Edward Rizzotti	Supervisor

Also present were:

Jason Showe	District Manager
Michael Pawelczyk	District Counsel
Christian Ossa	District Engineer
Brian White	Field Operations
Kim Rezanka	Special Counsel
Tim Mercadante	Resident by telephone
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Ms. O'Hare called the meeting to order.

Mr. Showe called the roll.

Mr. Mills led the pledge of allegiance.

The Second Item of Business was taken later in the meeting.

THIRD ORDER OF BUSINESS

Community Updates

A. Security

The security report was presented at the October 5, 2016 meeting.

B. BCA

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the August 3, 2016 Board of Supervisors Meeting and Acceptance of the Minutes of the August 3, 2016 Audit committee Meeting

Ms. Hernandez: On page 1 the bottom paragraph it should be Natural Resources not National Resources. The other change is on page 7 towards the bottom where Mr. Mercadante is speaking and it should be preempt.

On MOTION by Mr. Mills seconded by Ms. Hernandez with all in favor the minutes of August 3, 2016 Board of Supervisors meeting were approved as amended.

On MOTION by Mr. Mills seconded by Mr. Rizzotti with all in favor the August 3, 2016 Audit Committee meeting minutes were accepted.

FIFTH ORDER OF BUSINESS

New Business

A. Consideration of Agreement with Grau & Associates to Provide Auditing Services for Fiscal Year 2016

Mr. Showe: This is inline with the agreement for the selection process that we did. We also handed out to you an addendum to that contract, which just includes the public records laws and the public records disclosure that is required in all of our contracts now.

On MOTION by Ms. Hernandez seconded by Mr. Mills with all in favor the agreement with Grau & Associates to perform the Fiscal Year 2016 audit and the addendum were approved.

B. Discussion of Line of Credit

Mr. Showe: The bank wanted confirmation that the Board would still like to have the line of credit that we have had for several years. The line of credit is for \$100,000 with the same terms and the fee is \$175 to initiate it with an annual fee of \$150.

On MOTION by Mr. Rizzotti seconded by Ms. Hernandez with all in favor continuation of the \$100,000 line of credit was approved.

C. Consideration of Resolution 2017-01 Amending the Fiscal Year 2016 Budget

Mr. Showe: Resolution 2017-01 amends the Fiscal Year 2016 budget. We made some adjustments to the legal, engineering, capital reserve and community beautification line items.

On MOTION by Mr. Mills seconded by Mr. Rizzotti with all in favor Resolution 2017-01 was approved.

D. Consideration of Resolution 2017-02 Declaring Vacancies in Certain Seats

Mr. Pawelczyk: Nobody qualified for seats 1 and 2 and Resolution 2017-02 declares the vacancies and within 90 days after those terms are scheduled to begin, which is the second Tuesday following the election, you will fill those seats. The individuals who currently sit in seats 1 and 2 will be holdover supervisors until those seats are filled.

Ms. O’Hare: Do we have to publish any kind of notice in reference to accepting applications for appointment to the Board?

Mr. Pawelczyk: No you are not required to do anything other than to declare that there is a vacancy and to fill the seat within 90 days. It’s really up to you.

On MOTION by Ms. Hernandez seconded by Mr. Mills with all in favor Resolution 2017-02 was approved.

E. Discussion of Vacant Seats

It was the consensus of the Board to post a sign at the front notifying residents that there are vacancies on the Board and direct them to the website that if they are interested to contact the District Manager’s office and a notice will go in the next newsletter.

SECOND ORDER OF BUSINESS

Discussion of SCCU Landscaping with Special Counsel

Ms. Rezanka: We went before the county commission for the appeal of the Natural Resources opinion that said the buffer is fine it meets code. I did a letter of appeal stating it may

meet code but it doesn't meet with the new development agreement that we entered into. The landscape architect, Wilson McBurney wasn't available Tuesday and Space Coast Credit Union showed up with their landscape architect, she gave a presentation and the item was tabled until November 1st. We need a landscape architect to be present to give a full presentation at the commission meeting.

Mr. Mercadante: We sent a letter signed by over 80 residents to the commission last October and I sent Mr. Smith a letter on May 1 saying you need to be at the CDD meeting and it showed before and after pictures and when he got to the meeting he claimed not to have any knowledge of the commitments that were made on the record even though they were stated right there in letter form along with the pictures and it sounded like he was trying to move on and they were done and they were denying our appeal for a postponement. We can get a letter out to everybody and we should have an article in Florida Today and have the media there and news crews.

Ms. Rezanka: The media was there for this issue. Petitions don't work it needs to be individual homeowners, individually sending emails. I like your line of argument and I think you ought to send that to each commissioner. It doesn't matter what you sent in October last year or May of this year or August of this year it is what is going on now that matters. Anyone can send an email to the commissioners and say this is what is going on now, they violated the agreement, it may meet a type A buffer but it is not solid and we were promised a solid buffer. That needs to be done. Emails need to be sent now and people need to show up at the meeting. If the commission doesn't do the right thing there is an opportunity to file a petition for a cert about this interpretation at the circuit court level. With your permission I will have a court reporter there November 1st and you can make the decision with whatever happens after that.

Mr. Mills: I suggest we have all the VM's ask all the people to attend this meeting on November 1st because it is a community issue.

Mr. Mercadante: I suggest that all the Board Members attend as well.

Mr. Mills: I suggest that Mike also attend the meeting.

Mr. Mercadante left the telephone conference at this time.

Mr. Pawelczyk: Kim is asking the public to get together and address the commissioners. This is not the CDD going along, the public shouldn't rely on the CDD because the public has more weight with the commissioners than the CDD or any one of you Board Members.

Mr. Showe: If we are unsuccessful in the appeal we have until the end of January to get our \$30,000 from Space Coast Credit Union. We provided you the updated and revised plan from the landscaper and totals \$52,000. It may be beneficial if we are not successful in the appeal that we authorize Mr. Mills to make that deposit so we can show we spent \$30,000 to recoup the \$30,000.

Ms. O’Hare: I don’t want to rely on the fact that we put a deposit down. We need to get that stuff in there by the end of January so we don’t lose out on the \$30,000.

After further Board discussion the following action was taken:

On MOTION by Mr. Mills seconded by Mr. Rizzotti with all in favor staff was authorized to proceed with the District’s portion of the Kingswood Way landscaping project in an amount not to exceed \$55,000 with Tropic-Care Landscape and the proper District officials were authorized to execute an installment agreement when prepared with a start date to be after November 1.

SIXTH ORDER OF BUSINESS

CDD Action Items/Staff Reports

A. CDD Action Items

Mr. Showe: As soon as we get this plan going for the tree removals they will all be taken care of. A motion at the last meeting approved a message Board at the rear gate in an amount not to exceed \$4,000 and with the electrical work it came out to \$4,027 and I would like approval of that.

On MOTION by Mr. Mills seconded by Mr. Rizzotti with all in favor the additional \$27 expenditure for electrical for the message board at the rear gate was approved.

The purchase of benches was put on hold for the present time.

Mr. Mills: The Board also needs to be aware that we have a lot of requests for pepper tree removal. We are going to do one area a month because the most expensive one is \$3,500.

Mr. Showe: We have that recorded and Dave said it is the largest pepper tree that he has ever seen. We have probably about four or five of these that are sticking out now and we talked to Mel so we think that we are just going to do one a month. It will take them a little while to do each one anyways so if any residents are asking about pepper tree removal we have a lot of projects going on and the landscapers will need to get some staff onsite. I think the top priority

at this stage would be the buffer and then we will start moving through everything else. I also made several contacts with the County Emergency Management and I could not get a time frame on when they are going to pick up the debris from the hurricane. There is an alternate contractor that they are using for FEMA and it is not your regular waste provider. They have a contract and a designated area for each contractor and he will get here when he gets here.

Mr. Mills: They were in Lanford Court this afternoon. It is the first right after you turn onto Old Tramway.

Ms. Hernandez: The County does put out emails on it and they lists the towns that they are going to next.

Mr. Mills: We have homeowners that are putting their rubbish on CDD property. It might be good for you to please to ask residents to refrain from doing that. On National Drive there is a big pile of garbage on the right hand side coming in and it is on CDD property. I had proposed that we plant some miniature palm trees there but we cannot plant them until the debris is moved so if you AVMs and VMs could get that out to the residents that would be appreciated.

Resident: This project that we just approved for landscaping, lets call it the Kingswood Way Landscaping Project because the buffer is what they are supposed to do. I don't want someone to be reading our minutes and be confused. Lets called it the Kingswood Way Landscaping Project and the buffer is SCCU's responsibility because they are supposed to buffer our property.

Ms. O'Hare: Do we know anything about the cement pads for the mailboxes from the Miami Curb?

Mr. Showe: The Engineer has that on his report.

B. Additional Staff Reports

i. Attorney

There being none, the next item followed.

ii. Engineer

Mr. Ossa: Are we scheduled to proceed with the design to do the mitigation on the drainage on the shoulder of Kingswood Way?

Mr. Showe: The Board is going to have more discussion on that. The Board will have to determine based on the Engineer's recommendation if their building caused the drainage issue.

Mr. Ossa: We did an assessment of all the mailboxes that were rotated and out of the 15 mailboxes three already have sidewalk access, out of the 15 three had an adjacent driveway. There were 12 locations where a sidewalk could be added.

Mr. Showe: We will have sidewalks that need to be fixed due to tree removal and we can coordinate that contract with sidewalks for the mailboxes. It is an extra panel to what you already have for our sidewalk in 12 locations so it shouldn't be that expensive.

Ms. O'Hare: I would like to have some idea of the cost before we proceed. The storm drains that are parallel with the road have grates on top and it catches all of the debris. There are others where the curb is like an overlap and there is just a space and everything goes right down into the storm drain. The one in front of my house I had to pull huge branches out of. Is there anything that can be put in there that would block it? There is nothing there to stop anything from going down.

Mr. Showe: I will check with Melissa when she gets back.

Mr. Ossa: There were two locations for lake bank restoration in the budget that are two feet from the property line, there were five other sites we evaluated that are five feet from the property lines.

Mr. Showe: We budgeted \$15,000 and you can provide us a scope and estimated prices for at least the two feet and five feet ones.

Mr. Pawelczyk: When you bid get a bid for the two feet ones and an alternate for the five feet ones and depending on the prices that come in the Board can make a determination as to which ones we do.

iii. District Manager's Report

There being no additional report, the next item followed.

1. Field Manager's Report

Mr. White: The report that you have in your agenda packet is a couple weeks old and some things have changed since Hurricane Matthew. The swimming pool is operating properly

and the hurricane did blow over some of the lighting covers. I think we are going to be looking into replacing those.

Mr. Showe: Yes we are taking that opportunity because all of those fixtures are really old and even in their best days, it is hard to get the globes to stay on there. We took down the globes before the storm and some blew over that we couldn't get out and we decided that we are going to take a look at that entire lighting system and try to put something up there that is new and will hold up better. If you see the globes down for a little while that is why and we are working on that.

Mr. Mills: In the future as we move forward in replacing lights I would like to suggest that we use LED lighting. It will save on our electric bills.

Mr. Showe: We always compare and take a look at those.

Mr. White: We have a quote to replace the storage room door behind the pool facility and it has rotted at the bottom. We are also in the process of getting quotes to replace the entrance gate into the pool facility because it is flimsy. We replaced the sign in front of the pool facility around the landscape area. We had an issue with the back flow at the pool and it appears someone may have hit it but the plumber repaired that as well.

Mr. Showe: We did talk to the landscaper and we are going to put some plants around that just to make it a little more pronounced.

Mr. Mills: They were grading back in there so I wonder if it happened then.

Mr. Showe: We weren't able to figure out who did it or how it happened but we got it fixed. We are going to get plants to make it more pronounced so if you are not paying attention and you are in a golf cart, then you can damage it.

Mr. White: The transponders are being installed weekly. We did have to repair a gate arm that a pool vendor hit and we are in the process of getting reimbursement for that. Ecore is maintaining the lakes monthly and they address any issues that we have. The lights at the fountain at the front lake were repaired. Ecore cleared the storm water structures before and they also advise that we clear them after the storm.

Mr. Showe: We checked them all before the storm hit and there was one tree that came close over off of Kingswood area but they came out a couple days later and took care of it. It didn't block anything but it was kind of falling over on the structure.

Mr. White: TropiCare is maintaining the landscaping and they have their hands full right now from the storm. The preserve areas were cleaned up a couple months ago in the front.

Mr. Mills: I have had some residents call me about this when you come in on the right hand side and they went in pretty far into that area. That is our area and not St. Johns' so we are going to be planting plants where these areas have been cleaned out. I've asked Dave to come up with a plan so periodically we are going through and cleaning out these areas and we are going to do some planting so please bear with us.

Mr. Showe: We authorized the planting right before the storm so he is going to get to it as he can get to it.

Resident: What about the dead tree that should've been cleared out?

Mr. Mills: Dave is supposed to get that out but it must be too wet right now.

Mr. Showe: Is that the one on Kingswood?

Mr. Mills: No, Baytree Drive.

Mr. Showe: We will get it done. I know he said there are a lot of areas that are really wet right now.

Mr. Mills: We also tore out all of the rubbish back by the pool and we are going to replant all of that.

Mr. Showe: It will be very simplified but very nice and we have the plan for that already.

Mr. White: Our concrete contractor has replaced sidewalks in various areas and we will be having a few more with the tree removals. The lights at the tennis court have been repaired and I believe it was the same pole that fell over in the hurricane. They have removed that pole and made it much safer.

SEVENTH ORDER OF BUSINESS

Treasurer's Report

A. Consideration of Check Register

Mr. Showe: In the General Fund we have checks 52664 through 52715 in the amount of \$112,022.07, Capital Project check 52 in the amount of \$783, Community Beautifications checks 12 through 14 in the amount of \$14,450, and we have August Payroll totaling in the amount of \$922.67. This all totals in the amount of \$128,177.74 and we can answer any questions that you may have.

On MOTION by Mr. Mills, seconded by Ms. Hernandez, with all in favor, the check register in the amount of \$128,177.74 was approved.

B. Balance Sheet and Income Statement

A copy of the balance sheet and income statement was included in the agenda package.

EIGHTH ORDER OF BUSINESS Supervisors Requests

Mr. Mills: The hedges on Baytree Drive that were real high they have trimmed last week and they look good.

Ms. Hernandez: I have a fixed in number of transponders this month.

Ms. O'Hare: I don't know if the BCA is ever going to do anything about it but there was an article three weeks ago and residents are responsible for their guests and if there is speeding in here it is the residents who are responsible. They have the ability to fine and it may be something they want to consider if it gets out of hand.

NINTH ORDER OF BUSINESS Public Comment Period

A resident: When do you propose having the trees removed?

Mr. Showe: We have to find out from Dave when the trees are coming because when we put the permit in to the county we have 30 days to remove and replace but that can be extended to 60 days.

Mr. Mills: According to Dave there is a shortage of live Oaks right now.

A resident: About the Brazilian Pepper removal, I found an article that tells you how to cut down rather than removing the root ball, cut it down and treat the trunk with vegetation remover and it may save you some money.

Mr. Showe: They do that; they cut the tree and treat the root so it does not grow back.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Hernandez seconded by Mr. Rizzotti with all in favor the meeting adjourned at 3:28 p.m.


Secretary / Assistant Secretary


Chairman / Vice Chairman