

MINUTES OF MEETING
BAYTREE
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Baytree Community Development District was held Wednesday, May 4, 2016 at 1:30 p.m. at the Baytree National Golf Links Meeting Room, 8207 National Drive, Melbourne, Florida.

Present and constituting a quorum were:

Nancy O'Hare	Chairman
Carol Witcher	Vice Chairman
G. Melvin Mills	Supervisor
Edward Rizzotti	Supervisor
Maria Hernandez	Supervisor

Also present were:

Jason Showe	District Manager
Michael Pawelczyk	District Counsel
Melissa DeFrancesco	District Engineer
Alan Scheerer	Field Operations Manager
Mark Sweat	Universal Protection Security
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Ms. O'Hare called the meeting to order.

Mr. Showe called the roll.

All in attendance recited the pledge of allegiance.

SECOND ORDER OF BUSINESS

**Discussion of SCCU Landscaping with
Special Counsel**

Ms. Rezanka: I was here on April 6th to give an update on the buffer issue and also the right way issue with the Baytree sign. As you may know the CDD maintains the entrance way, monument signs, trees, lighting, and also along the sides there. There has never been an agreement with the county, they own it but you all have put all of the improvements in and maintained it. We are trying to do a formalized agreement so the issue with Space Coast Credit Union coming in and wanting to take it out will not be an issue in the future. We are working on

the County with that and I have talked to the County Attorney's office. We are waiting on a survey of the exact improvements that this Board authorized on April 6th and then we can work on a right way agreement or interlocal agreement.

Regarding the buffer issue, everyone here knows what it looks like. The problem is you all got something different from what you thought. You believed that you were getting a solid landscape buffer that shall screen buildings B and D shown in Exhibit B. The county believes that is what you received because of the fencing and the trees that are there. I would submit that there is a discrepancy between the Binding Development Plan and the County Code. The County Code requires a compatibility buffer that is opaque that can include a wall, fence, or masonry wall. Sometimes when these Binding Development Agreements are done they actually specify the code language and this one did not. You all thought you were getting something other than the code and now we have the slatted fence that in my opinion is translucent. I have met twice now with County staff and Commissioner Smith was there the second time on April 4th. The County's position is that the fence is opaque and that if we wait the trees will grow in and then it will be fully opaque. I met with Commissioner Smith, many other County staff members, two representatives from Space Coast Credit Union, the contractors, and Mr. Nohrr. We discussed the issue and Mr. Smith suggested that they could put up a construction fence. If you look at the pictures, the construction fence was more opaque than what they have now. That was a suggestion that the builder looked into and they cannot put another fence along the inside of the slatted fence because it will void the warranty so it cannot be done. Now we are at the position of where do we go from here? At the meeting on April 4th, this Board authorized me to draft a letter to the County asking for a formal staff interpretation. That letter needs to go to Natural Resources. I have drafted it but it is not complete because County staff suggested for us to tell them exactly what we want and the preferred solution. I don't have that information from this Board yet. They are going to listen to you and their landscape and come up with something so I can finish that letter and send it to Virginia Barker and then she can make a formal staff interpretation. If we are still not happy and still no solution, then we can take that to the County Commission and say that we do not believe that your code means the same thing as the Binding Development Plan. That is where we are at right now and I think Space Coast Credit Union wants to work with us that is what the contractor Phil Nohrr said. Until we determine what we want then I can finish my letter. I know Commissioner Smith is here to listen to the concerns

and he may have further suggestions or more information but I have not spoken with him about this issue since April 4th. Are there are any questions or comments?

Mr. Mills: I was assigned by the Board to work with the residents in Kingswood. I had asked our Engineer to get their landscape architect engineer to take a look at what was there. He has designed and built many properties for Disney with a solid vegetation buffer. The BDP was a contract between Space Coast Credit Union and this Board and the residents of Baytree. It is not in compliance with what the County requires you have them do but as an individual contract between the understanding of this Board, Community, and Space Coast Credit Union. The environmental impact with what the County says meets what we have is fine, but it doesn't meet what the document says it should be met with. I'm going to ask our landscape architect from Atkins to stand up and review with everyone what he would have done if he designed this.

Mr. McBurney: I'm glad Mel invited me back. I realized that it was 2005 the last time I stood in the corner talking to you all about tree restoration after the hurricane and native plants. I have had the opportunity to work with a lot of great clients, Disney being one. My primary focus has been transportation and dealing with buffering along transportation systems. I understand the issues that we are dealing with here and I understand the desire to not be seen. It is a very difficult thing that we are talking about because we are talking about living, breathing plants that do not always act the way we want them to act. I heard conversation earlier about the annuals at a particular sign that they are struggling. That is not the way they look in the nursery and if I read the book it says that they are going to get this big, this tall, and this color. There are a lot of things that have to be exactly perfect for that to happen. With that being said, there are several ways to attack a project like this. I think the buffer that has been established is a well-designed buffer to be blocked some day. I think the plants and species are appropriate and the size of them. If I was asked to do something similar in that space, I might have held my hand up to say that this is going to be very difficult because of the size of the buildings that we are trying to block. One of the things that I may have said is that it needs more dirt and more space in order to get a plant that is tall enough or a berm that is tall enough to buffer. If I was doing this I might suggest that we change the engineering a little bit and perhaps share some dirt with the adjacent property owners to create a berm that might be tall enough. We aren't going to do that and I understand that we don't have that opportunity. I think there could be two ways to attack this. One way is perhaps there are larger and more plants installed on the Credit Union side of the

fence and there is also some opportunity to do some buffering on Baytree's side of the fence. That is to distract the eye. I think because of the amount of physical space that is there to work with and with the budget that you have to work with, I think it is appropriate to consider a combination of both. I have looked at the Credit Union plants and as I mentioned they are good plants. Does the bamboo blend with what you are doing here on your side of the fence? Yes I think it does. You have expressed a desire here to not to be totally Florida native plant pallet and that is okay. I think that the plants they have used is going to get immediate height when they mature and you will get a nice broad buffer. There are some other options for the Credit Union to consider; one being a couple of native plants that are durable and set into the southern red cedar or maybe a southern magnolia tree but it could be a little fussy in the wet soils that we have around here. Even another variety of bamboo that might get a little taller with a broader leaf on it and that might give us a quicker buffering. There are drawbacks to every plant that we put into the ground. For example, a southern red cedar tip might be the height that we want to match the building but there is a lot of room here that isn't buffered. That is where this blended plant material is appropriate, the oak setter there and down at the fence level with the buttonbush that they've got are great eye level buffers. The pine trees will give us great canopy and oak trees are another great eye level buffer. The point is that there are options and we aren't too concerned what it might cost to do that on their side of the fence. I will say that there is only so much land in order to dig holes and plant in larger trees so we have to take that into account. If I was being asked to design that buffer I might have done something a little bit differently, but I probably would've been given a budget.

Resident: Can you touch on the overplanting?

Mr. McBurney: Mel mentioned the buffer that we worked on and it was a residential buffer between a busy road and large homes. This buffer was very different because we had about 250 feet between the road and the back of the property. We were able to create a berm about 7 feet tall and then on top of that we were able to plant 22, 25 foot tall trees. We packed those trees in there because the residents didn't want to see the road on day one. That came at a very high cost but that is the kind of mission and budget that was provided to do that. The overplanting is good now but not necessarily in the future as the trees mature. Over time they begin to thin out and get leggy. If you go and look at the forest, the forest doesn't stay dense all the way to the ground. They begin to mature and branches are lost so there is constant evolution

of that from a growth perspective. Even that understory that is planted now will begin to change as the sun and shade changes over time. There are pro's and con's to planting a very dense buffer immediately.

Mr. Brekner: I understand what you are saying that when the trees that are planted mature that they will block a lot more of the buildings that we currently see. How long will it take for those trees to mature to that point?

Mr. McBurney: In my experience, a buffer like that will take probably five years. It could even be two or ten.

Mr. Brekner: Using your best estimate.

Mr. McBurney: I would say three to five years.

Mr. Brekner: It is going to be three to five years before we get some sort of blocking view of the building that we thought we were going to have initially. That is my question.

Mr. McBurney: I think the thing to remember is I used the word distract earlier. The easiest way to describe buffering to people is if you hold your hand in front of your face and you look at your hand, what do you see behind your hand? Not much but if you look behind your hand you can see everything. It is the same with trees; you don't know what a live oak is going to look like when it grows up. The bamboo is an interesting plant too and the one that was picked is one that grows like this. It was a great plant to pick to fill in those gaps. I'm not a bamboo expert and I haven't planted a lot of it myself but the research to me says that it is a pretty good cultivar variety that they specified to do that. They could've picked a taller one, but the taller one wouldn't give us the eye level buffer that we might want in the future. I've heard the discussion about removing the slats and I think you are going to see right through that fence then. Then that would require more eye level buffering immediately, which could mean a whole different series of shrubs that should be 8 feet tall to accomplish what those slats are doing. Slats in a PVC fence perform a function but I don't know if I would want one in my backyard either.

Mr. Bosseler: I appreciate your time and thank you for coming. We have ten homes that are directly affected by the discussion that we are having here. I believe our issue is the Space Coast Credit Union fulfill their obligation. We can meet with this gentleman and Mel and come up with five different solutions or additions to the plan. We could submit it to Space Coast and that would be great, but I don't think we are here today to talk about what we can add or subtract. I think we are here today to talk about the failure of Space Coast Credit Union whose Attorney

stood there and promised us that our homes would not be affected. We all can see that our homes are affected and they are going to be for at least five years.

Mr. Mills: We have a resident whose home has been on the market since November. Maybe you want to speak to Commissioner Smith about that.

Mr. Sorter: I live right across from this and my house has been on the market since November. I went back to my realtor and said that I needed some numbers on this so that I can tell the Board. I didn't have time to write a letter, Sir, but I really wanted to. Almost 100 people have actually gone through the house to look at it for purchase. Out of the 100, three couples are the only ones that did not say something about the construction across the street. It is a construction site and if you don't know that then you need to drive down there and look across the street. You could say put your hand over your face, but my hand is not the bush over there and those bushes do not come close to anything covering. Are they obstruction? Sure, but I have a bush by my door that obstructs the way you walk through, but that doesn't hide the door. That building looks like a prison and the lights in that area shine through. Before they tore all of that out there, you would not know there was anything on the other side. It has directly affected the value of my home and the ability to sell it. I bought in this neighborhood because of the neighborhood and I brought somebody in the other day and as we were driving in he asked about Space Coast. As we were driving he said that this place looks like a dump and I said you're right it does. If you drive down there you will look and I guarantee you it looks like some of the old places in Palm Bay. It is irritating to go down the street. I can go down Baytree Drive and come over by the golf course and everything is taken care of. I may get a little irritated over the moss in the ponds over there but I see them taking care of it so it's no big deal. Since they tore that out of there, the only thing I have seen them take care of is they put the plants in and that was it. You can say three to five years but I bet you are wrong because I look at it everyday and it is not as thick as people think it is. If you look at it at an angle, sure it looks a little thicker but when you look straight across the street there is not much there. You are right; they put in good plants and also mature trees and palms that are about 6 inches high that are supposed to be filling these gaps. I don't think that they have fulfilled what they said to us and I don't think that if you, Commissioner Smith, lived in my house that you would be saying anything different from what I'm saying. What we are saying to you is that we need some help.

Ms. Sorter: If you stand in our driveway, you can see from one end to the other of the fence. All you see the construction.

Ms. O'Hare: I think one of the big problems here, and I may be wrong, but there was a statement made at a Commission meeting that it would be solid and you will not see the buildings. That is not what is there and that is why the residents are so upset.

Mr. Smith: I understand that. I don't remember a statement ever being made like that because I think it would've stuck in my head.

Ms. O'Hare: It was in November at the County Commission meeting.

Mr. Mills: All of the Commissioners were there and you made the comment that you were probably going to lose votes because you were going to go in favor of doing the project. That is exactly what you said verbatim.

Mr. Smith: I am very proud to be your Commissioner although some of you may not be real happy that I am at this point in time. I am here to try and solve problems because I am a business guy and I know how to solve problems. How I got involved was a group of your homeowners came into my office and were very upset. Space Coast Credit Union wanted to do this construction and one of the problems I remember was that they wanted to get a variance for the buildings because when they built the original building they met code for height. Now the new code is lower so they wanted to put the extra floor on to match the other buildings. The other thing I heard from the homeowners is that they are concerned that the building in the back was going to be so high that those people in the upper floors of that building could look into your backyards, pools, and bedrooms. I am registering these concerns and I put out a call. The biggest problem was that you were going to lose your Baytree monument and your home values were going to be cut in half. There are solutions to everything and I got Space Coast Credit Union into my office within a few days of that meeting. Their perspective was that they thought they have always been a good neighbor with you and never had any problems, but they wanted to do this construction because in 2009 they inherited Eastern Airlines Credit Union in Miami. It was their responsibility to do something with all of those shareholders and the people that were invested in it. They did that and they did it successfully and now they have got six hundred employees and plenty of buildings and they can move this operation down there. To me I have two problems. I have one with you guys and a problem with them if they move because we will lose the three hundred plus jobs here. If we keep them here, then we keep the jobs and bring six

hundred more from the south. Our building department worked with an engineer from Space Coast Credit Union and came up with a design to save your monument and the big trees and all we had to do was take property off of CVS. We own that property so all we had to do from CVS was get permission to encroach on their property enough so we could put a sidewalk there. CVS said they didn't have a problem with that so with that, the monument was safe and the street could be widened. We also saved a lot of money for the County because it was our responsibility to upgrade that intersection. I told Space Coast Credit Union if they were willing to take on the cost then I would do what I could to get the intersection approved. They absorbed the entire cost saving the County taxpayers a lot of money. The next problem was that the third building that would be built on the back of the property would be so tall, so I suggested that we come up with buffers or tall trees. My question to Space Coast Credit Union was, when is that third building going to be built? They said probably not for eight to ten years. If we can strike some kind of a growth vegetation barrier that has eight to ten years to grow to prevent people from the upper floors from seeing into backyards and houses, is that going to get us where we need to be? I was told by the homeowners is that would be terrific. What we are looking is three to five or even eight years down the road before that building is built. To me it would seem that the problem is solved but what I'm hearing today is that we have on going construction. Does any one know how many homes are in this development?

Mr. Mills: 461.

Mr. Smith: Were they built in a day? No. They were probably over a period of two or five years.

Mr. Mills: Longer.

Mr. Smith: My point is, when you are dealing with a construction site they aren't nice until they are completed. It is something that you have to deal with unfortunately. I know what it is like to try and sell a property. I have a condo for sale in the Keys and it has been listed for two years while we have been doing construction and I haven't been able to sell it. As unfortunate as it is, we have prescribed an area there that will grow and hide that. We have also got Space Coast Credit Union who is contributing \$30,000 for you to fix it. Have you done it yet?

Mr. Mills: No they haven't met their obligation.

Mr. Smith: Which is what?

Mr. Mills: It was to be a no-see-through buffer. Not what the County says or requires, but what the BDP says will happen.

Mr. Smith: Did I miss that?

Ms. Rezanka: The BDP says a solid landscape buffer.

Mr. Smith: As Mr. McBurney said again, as we are in a construction zone, they grow and get nasty and then they diminish and go away. We have plants that have to grow and have to have time to grow. He is saying two to five years and my feeling was that we had eight years before the third building is going to be built so I missed the part about this being a solid buffer. Had I heard that, I would've said that is unrealistic because plants you put in the ground do not mature five years over night. You are saying they haven't met the obligation to make it opaque, so what is preventing them from giving you the \$30,000 to do your part so you will help them make that opaque?

Mr. Mills: There is no way that \$30,000 can begin to achieve the results. If they complied, the \$30,000 was for us to fill in where they did not adequately do so. We just got two bids, one was for \$65,000 and the other was \$45,000.

Ms. O'Hare: The \$30,000 was not meant to be part of their obligation for the buffer. It was to landscape our side of the buffer because of having to tear things out. It was not intended as part of their side.

Mr. Smith: I misunderstood that too because it seems in my mind that if you are going to put a buffering on this side, that is going to add to the overall opaqueness that you are looking for.

Mr. Mills: We have our Attorney on the phone.

Mr. Pawelczyk: We negotiated an agreement between the District, Space Coast Credit Union, and the County in that BDP. Since we wanted to negotiate a solid landscape buffer consistent with the Code of Ordinances of Brevard County, we stated that in the BDP. If we wanted to negotiate an agreement that said the landscape buffer would provide an opaque or solid landscape buffer within eight to ten year, we would've negotiated that in the BDP. We met with Phil Nohrr and he presented to the Baytree CDD Board of Supervisors on the record "You won't be able to see anything."

Mr. Smith: Then that is on Phil Nohrr. I wasn't a part of that discussion.

Mr. Pawelczyk: From the time period he said you wouldn't be able to see anything and that is how the BDP was negotiated and that is what the parties agreed to. I assume that is what the County staff reviewed when they reviewed the BDP they presented it to the County Commission and it was signed by the parties. The \$30,000 as Ms. O'Hare stated, was merely supplemental. That was additional money so we could fill in our side of the buffer because all of the other plants were being removed. We knew that we would have to supplement that somehow and that is what they agreed to do. They agreed that they would provide a solid landscape buffer from the time period set forth from the BDP, which has expired already. Then they said they would give us \$30,000 to use for landscaping and we could use that on the Kingswood buffer or in the Monument median on Baytree Drive. As long as we use it in connection with the project, that money could be used at either location. It was the Board of Supervisors that said we would use the money at the Kingswood area even though the BDP has flexibility for the District to use the \$30,000 for landscaping purposes in other locations. I think the Board and myself do not understand how three parties can enter into an agreement that says one thing and then someone is telling us something different. Even though it is very clear what the intent was when we negotiating a solid landscape buffer and I'm pretty sure there is not a resident in the audience that did not understand it any other way. There is not a Board member or any member of the District Staff that didn't understand it any other way and I would guess that Phil Nohrr didn't understand it any other way either. We talked about it and he put it in the agreement, he drafted it. That is the history on my end and I just want to make sure we are clear.

Mr. Smith: Thank you. I wasn't part and parcel of what Phil Nohrr told anybody. All I know is from what I discussed in my meetings with the people from Baytree and the people from Space Coast Credit Union.

Ms. Schoonmaker: I am one of the four people that met with you at the onset of all of this. I just wanted to clarify one thing. You mentioned all of the issues that we talked about but you forgot one. The other thing that we were extremely concerned about was a five-story parking garage. Besides the construction, which we all understand that it is going to happen, we have a five-story parking garage with lights on it that shine into our neighborhood and we did discuss that with you. That has always been one of the major concerns of the neighbors. We don't want to see the five-story parking garage and I just wanted to clarify that we did talk about that.

Mr. Smith: If you remember, I questioned them and they said that it would be up on the far front of the property so it shouldn't have any effect on the neighborhood.

Ms. Mercadante: My husband has worked very hard writing letters and taking pictures. I want you to take a good hard look at this because this is what I see when I leave my house every morning.

Mr. Smith: Why was all of that torn out?

Ms. Rezanka: They had to raise the level of the ground.

Ms. Mercadante: My husband, Richard Mercadante, is on a business trip and he asked me to read this:

"Thank you for allowing me to enter my comments into record for today's meeting because business travel is preventing me from attending in person. When the Space Coast Credit Union approached the Brevard County Commissioners in November 2014 for approval to change the zoning to expand their business onsite of the current Headquarters Building, they committed that there would be "No visual detriment" to the resident's of Baytree. In fact, the representative acknowledged that he was making the commitment on record and went on to say, "You won't be able to see it." Because the County Code was inadequate with regard to the commitment, a three-way Binding Development Plan was entered into between the County, the Credit Union, and the Baytree CDD to document the requirement to provide a solid landscaping buffer along the property line adjacent to Kingswood Way. The issue ahead is very simple. The Credit Union has utterly failed to satisfy a straightforward requirement. The BDP requires Space Coast Credit Union to have installed a solid landscaping buffer, screening buildings B and D from the property to the south of Baytree within six months from issuance of the additional permit. That meant that a solid landscape buffer of mature trees and vegetation of at least 30 feet in height would be in place by January 2016. Instead, we have fully nine months since the permit was issued and we have a clear view of both the backside of Space Coast Credit Union Headquarters parking garage, retention pond, construction equipment, portable toilets, business traffic along Wickham Road, and lights from the building and parking lot along the way. Before this project none of this was visible. When we reviewed the Credit Union's landscaping plan, we found that it was completely inadequate with the BDP reflecting opaque screening within five years and not a solid landscaping buffer within six months. We took proactive notion to highlight the issues to Commissioner Smith and the County Manager prior to

the start of the demolition of the previous buffer so that the short fold would be remedy prior to planting. Endorsements of that October 8th letter was secure by more than eighty residents in a span of two evenings, highlighting the importance of the issue, which is not yet corrected. I am encouraged by your attendance here today and look forward to hearing how the County will enforce the BDP in order to resolve this issue. The Credit Union is delinquent in meeting the straightforward requirement and establishing the BDP. As our elected official and one of the Commissioner's that approved the plan, I look forward to seeing the problem as corrected. In addition to failure to comply with the landscaping requirement, the Space Coast Credit Union has installed green plastic slats and a security fence, which is in front of the berm on Kingswood Way. In addition to the short fold and screening, this arrangement has created yet another eye sore. It also reflects the glare of vehicles heading down the length of the street after dark and we urge you to have these removed. Finally the extension of the retention pond and other work done in the decency of the berm have created an issue of standing water along Kingswood Way. During the recent dry spill, it took only one rainstorm to fill the Credit Union's retention pond and a swell along Kingswood. Under similar weather conditions over the past twenty years, the swell would drain within one to two days. Instead, the standing water remains for nearly two weeks. This situation will become worse as we enter into the rainy season with regular afternoon storms. I urge you to have the Credit Union correct this issue that has been created. Thank you for your time." Richard Mercadante.

Ms. Mercandante: One other thing, this was a statement that was made at the November 12, 2014 meeting. I don't know who said it but they said that the residents of Kingswood when the Credit Union first built the Credit Union they wanted to have a fence. That is not true and I want to read this. It was a misstatement that was made by the Credit Union representation at the November 2014 meeting. He stated that the residents of Baytree wanted that fence installed between the Credit Union Branch and Kingswood. We didn't have a voting right because when that was agreed to in 2004, we didn't own the properties, the developer did. At the meeting when they said that Kingswood residents wanted it, we didn't; Tom Vanny the developer wanted it.

Mr. Smith: Kim, what can I do to help? Some of this I didn't know anything about and this is the first time I have been hearing some of it.

Ms. Rezanka: That is because your staff has said they are abiding by the Development Code. The County is not going to send that repeatedly that it is opaque. The language is a solid landscape buffer shall be installed on or before six months from the day of issuance of the initial building permit, which is long passed. Further, it says a violation of this is a Violation of Zoning Code. We could go after Space Coast Credit Union originally and say that they are violating this, but the County can do it because now it is a Violation of Zoning. This is what we were asking staff to define.

Mr. Smith: Whom have you been speaking with? Virginia?

Ms. Rezanka: Darcy and Amanda. I haven't gotten to speak with Virginia but I have to do the letter to Virginia so she can give a staff interpretation so it can come back to you. However in talking with Willson, he hasn't given me an exact answer but they can make a solid landscape buffer within the next two weeks if they wanted to. It may take a lot of money and pulling plants out but they can do that. That is not what they want to do. I am not in favor of going after anyone but I am in favor of trying to a compromise that makes everyone happy with a solid landscape buffer.

Mr. Smith: Willson, I know plants have to have time to grow. Is it reasonable to expect that they can plant all of these plants within two weeks and make the building disappear?

Ms. Rezanka: It's not the building it's the solid landscape buffer.

Mr. Smith: What is the buffer designed to do as far as make the buildings disappear?

Ms. Rezanka: It is supposed to do two different things. There is supposed to be a solid landscape buffer and screen buildings B and D. Building B and D aren't built yet so the problem is they have got to be able to at least stop being able to see through it. They also have the issue of the parking garage, which is not included in screening of this.

Ms. DeFrancesco: Part of the negotiation for the Binding Development Plan was to screen those buildings. Those buildings are new and it was never the intent that the original building would not be screened at all because the existing buffer that you saw was there. We didn't know at the time that the buffer would disappear. In the Development Plan it indicates that new buildings would be screened. The intent is that whatever goes up right now or should've gone up six months ago, should have at the time screened the original buildings and screen the new buildings as well. Kim is right and we understand that, but there is no way that they should be able to see the back of the original building when they couldn't see it before.

Mr. Smith: My question to you Willson is the same, is this something that is reasonable and we can expect them to do?

Mr. McBurney: It is possible/

Mr. Smith: I will see what I can do.

Mr. Mills: I think we all understand economic development and we all understand that there is a partnership between business and residents. We live here and we work here. We have got to understand that there needs to be a blend between the citizens and the businesses. Those six hundred people that are coming up from lower Florida could buy his house, but they won't do it because of the situation. It has also affected some of the sales of real estate not even in Kingswood because they come in the front gate, look to the right and see all of that. We are a community that pays for streets, sidewalks, and the infrastructure in Baytree. All we need is for you as a County to support what we need to happen to solve that issue.

Mr. Smith: If we can get a solid buffer out there do you think that is going to help you sell your house?

Ms. Hernandez: Absolutely that is what we are asking for. We want what we were promised from the beginning.

Ms. Mercadante: How would you feel if you went from this to this and you had to look at that?

Mr. Smith: Personally, I wouldn't have it but at the same time this stuff has to grow and you put a buffer in here that is landscaped.

Mr. Schoonmaker: At the meeting we had with you in November, I was there and I spoke, the two major concerns were the monument and what is going to happen as far as the residents having to see the buildings. You couldn't see anything.

Mr. Smith: And a reasonable person would think that it was going to continue to look like that.

Mr. Schoonmaker: Exactly.

Mr. Smith: Kim said they had to rip it out.

Mr. Schoonmaker: A lot of people were there and their representative stood up and said very clearly beyond any doubt that when they got done you will not see anything.

Mr. Smith: I will call Phil and see where we can go from here and see if we can't get some kind of an instant buffer out there that would solve the problem.

Ms. O'Hare: If you could pull the transcript from the November 2014 meeting where he said what he did.

Ms. Rezanka: I have it and I can send it to you.

Mr. Mills: We do not want this to be an issue that is going to involve courts, but I think the residents are angry enough and the Board is going to support our residents.

Ms. Mercadante: It is a matter of what is the ethical thing to do. If you are told you that you won't see it period and you have proof on the record, why would we think any differently?

Mr. Smith: I agree. Whenever I have talked to them this is what I was told to be expected. Now, I am hearing something different. Let me deal with that. It was great being here and lets hope I can help you.

Ms. O'Hare: Thank you very much and we do appreciate you.

Ms. Rezanka: I am getting push back from the County Attorney regarding the right way agreement in the interlocal agreement. Once we get this survey of what you guys are maintaining, I would like for you all to authorize Willson or the Engineer to do an estimate of those improvements or replacement costs. I am guessing that they are going to be a couple hundred thousand dollars and that leads to a vesting argument and they can't take it away from you. I want to have that ammunition when I am negotiating. I have survey cost and I just wanted to talk to the Board about the survey. They are coming to take care of the improvements and I can have them pick up the elevations and I know this is additional. Do you think you are ever going to need it?

Mr. Showe: I don't think so.

Ms. Rezanka: I see no need for elevations. The cost to replace is \$11,050 and if we get the elevations it is \$15,045.

Mr. Mills: I think we should just do the whole thing.

Ms. Rezanka: You can use the rest for landscape projects in the future. I also have requested an estimate to get the elevations on Kingswood from the swale to the road where you are going to do your landscaping. I would like for them to do that at the same time. I am checking on someone that can do that. I hear that you want a solid landscape buffer so you do not see anything, correct?

Ms. Hernandez: Yes. That is what we were promised and that is what we want.

Mr. Mills: If you stand in Richard's yard and look out now, the bamboo height is just about right but if it was all filled in from that height down, it wouldn't be an issue.

Ms. DeFrancesco: Kim is there a date for when the next building goes up?

Ms. Rezanka: I do not know.

Ms. Schoonmaker: Are they confusing the issue of the green slats?

Ms. Rezanka: They are.

Ms. Schoonmaker: Would it be easier to ignore the slats and plant the big bushes that we have along Baytree Drive and hide the fence and get it over with? It would probably be less expensive than a landscaping plan but it would solve the problem because they do reflect light and they do look like a junkyard.

Ms. Rezanka: From what I am hearing now, we don't even need to deal with the slated fence. I think we need to deal with the solid landscape buffer.

Ms. Hernandez: Yes, get that done first.

Ms. Schoonmaker: Can we go ahead and start the planting?

Mr. Mills: I don't think we should until Space Coast Credit Union does what they say they are going to do.

Ms. Rezanka: That is what the Binding Development Plan says, a year after the landscape buffer you will then submit invoices.

Mr. Schoonmaker: The reason we were asking to remove the slats is so we could see all of their low bushes that they had planted behind the fence. That would be acceptable to us.

Ms. Rezanka: We don't want to change the BDP; we are trying to enforce it. If they actually put in a solid landscape buffer that you cannot see through, then no one would want to take out the slats.

Mr. Showe: I think it is a sequential thing; we need to do one first and then the next.

Ms. Schoonmaker: The fence and the vegetated buffer are two separate things, right?

Mr. Mills: Not according to County Code.

Ms. Schoonmaker: I think that is where the confusion is. If they put that fence in for security, then that was never part of the plan.

Ms. DeFrancesco: We were never apprised in the fact that was a part of their plan but they are saying that is what the County Code calls.

Ms. Hernandez: The sad part is they didn't put it in back of the buffer with a gate to get through for maintenance. That was Richard's suggestion and that would've been perfect.

Mr. Mills: The fence has to be on their side.

Ms. O'Hare: Which is why they took down the plants.

Mr. Jean: Do we know when they didn't know that they were required to change the elevation that required the elimination of the previous buffer? If it was known before hand, then we weren't aware of it. They withheld information that says that buffer is going away. If it was after the agreement, then they contributed to the cause of the elimination of the previous buffer, which have affected our agreement. The County could be a part of the problem.

Mr. Mills: It certainly is.

Ms. Rezanka: The County Building Codes have not changed it is just the way the development is.

Ms. DeFrancesco: I don't think it was a comment or a request from the County to raise the elevations. I think it was just the development of the site because they have parking lots that are close to the property line and they have to raise that area up. In order to do that, the landscaping that is in the area gets eliminated. On the first round of plans they still had much of that on the plans; Willson and I had spoke at that time. We said how could they keep all of this if they are showing a parking lot right next to the tree? It just doesn't work that way in construction and we even made that comment to them. From our point of view it was do not come back later during construction and remove a buffer that you have been showing all along that is there. It is think about this upfront during the design process so that if you have to remove it, it is shown on the plans and supplement plants for it. What they decided to do at some point between the preliminary plans and final plans was to eliminate the buffer and plant new. In my opinion, we didn't have any enforcement to tell them they couldn't take it out because the BDP still says the buffer has to perform to a specific level. It doesn't say that it has to be the existing buffer it says the buffer that is there. If they want to remove the plants and put in a brand new buffer, it has to perform the same way.

Mr. Showe: The BDP, unfortunately, by statute we have no ability as a CDD to regulate any kind of land views and the BDP didn't give us that authority. We saw the initial plans that went in, which was a requirement of the BDP, but between the initial plans and working with the County things were changed and that is the plan that got approved.

Mr. Mills: Thank you Kim.

Ms. Mercadante: What happens now?

Mr. Mills: Kim is going to submit a letter to the County and then we will wait to see what happens from there.

Mr. Showe: It also sounds like Commissioner Smith has some work to do.

Ms. Rezanka: He is going to follow up with Phil Nohrr and I will follow up will all of that. Do you guys meet again?

Mr. Mills: Yes next month, same place and time.

Resident: To my understanding, we aren't doing anything on our side of the fence right away?

Ms. O'Hare: Correct.

Mr. Mills: It would be like throwing money away.

Resident: Would you please talk to the grounds people about weed eating?

Mr. Showe: We already did. I know there is an issue with water standing over there and I have talked to them on Monday.

THIRD ORDER OF BUSINESS

Community Updates

B. Security

Mr. Sweat: We have gotten a couple of calls concerning some of the defective process at the gate. We are resolving those issues and there seems to be an issue with contractors coming in and whether or not they are being processed properly. There seems to be a delay and we are speaking to our guards about that just to make sure we are all on the same page. It's no longer a training issue and coaching has helped thus far but I think that we have to make sure an individual can process properly without delay. There was an incident report turned into the District Manager concerning the glass that had BB's in it. Staff and myself are conducting some investigation in-house to make sure that the guard who was on duty was a part of that and to make sure we have the best performance from our staff at the gate. I can answer any questions.

Ms. O'Hare: I assume the problem with the gate key system has been corrected?

Mr. Sweat: Yes we got that resolved about a month ago.

Ms. O'Hare: Have the guards been telling the real estate agents coming in that there is no soliciting?

Mr. Sweat: Yes. A couple of things we have passed on to them were about speeding and the real estate agents. Now the focus will be on how we are processing how the contractors are coming in.

B. BCA

Mr. Wilkerson: On April 29th we held three meetings. The first was the annual meeting of the voting members, the second was annual homeowners' meeting, and the third was the organizational meeting of the Board of Directors. In the meeting of the voting members we elected Richard Mather replacing Darrell Goolden for a Board seat, Jan Hill re-ran and was elected, and David Taylor re-ran and was elected. I had a parole meeting and it was denied and I was re-elected as President, David Taylor as Vice President, Jan Hill as Treasurer, Phil Ruhlman as Secretary, and Richard Mather as Director at large and working with the ARC Committee. The President's report included that all initiatives for the year have been completed. We had three categories of initiatives. One was communication, two was organization, and three was future initiatives. Under communication the BCA and CDD has been a great success. All of the meetings have been attended by the CDD and a representative of the CDD. The BCA communication with residents and the CDD communication with residents have greatly improved through the info link newsletter. Our newsletter in general has been upgraded in liaison with the voting members. We appointed our Property Manager Tina to liaison with our voting members so we have a close circle. Under organization, the ARC reorganization was completed. Ms. Schoonmaker's committee has developed a new paint book and we have had a lot of positive responses back on the paint book and how easy it is to pick out paint for their homes. We now have a \$25 non-refundable fee, which we have talked about; the big parts have been amended and rewritten. The homeowner's files have been purged and moved from their space. Our due process committee is alive and working and we have brought four homes into the due process circle and those have all been resolved. As far as future initiatives, my wife was walking down Baytree Drive and saw some feet and legs sticking out from a bush beside the lake on the right side going out of the gate. She talked to the lady and she had just sat down to rest on the ground because it was cool and there was nowhere else to sit. The second story is, Dr. Phyllis Mathers was walking down to Balmoral Park at the end of Old Tramway and there was a lady sitting on the electrical box. She had her dogs and she asked if she could share the box with

her and they ended up becoming friends. Today we have the tennis courts, pool, kiddie area, and bocce ball court. All of these are excellent additions to our community because they bring people together and they offer relaxation and recreation. We still do not have a central point for relaxing for everyone. Jan Hill came up with an idea and submitted it to the Board this past Board meeting that we propose a feasibility study along with the CDD to look at the possibilities of a pavilion in Balmoral Park. We voted on that and the committee was formed with 100% yes. The BCA understands fully that the property is under the management of the CDD and we don't have any misgivings about that. We have no authority to think or act otherwise. However, we would like to propose to the CDD that you appoint two people to participate on that committee and help us look at the feasibility of a pavilion on Balmoral Park. We believe the addition of the pavilion would enhance the beauty of Balmoral Park and serve as a focal point for the neighborhood. We believe this would be a positive effect for home values, pleasing to the eye, and a gathering spot for our families. This would also reflect a progressive spirit of both Boards through constructive action and well spent dollars. We ask that you strongly consider the goal and work forward to attain it. This is a win-win for everyone and I think it would stand as a legacy for a progressive and forward thinking Board. We certainly had some ideas and I want to pass these out to the Board.

Ms. O'Hare: Because we have the Commissioner and his Assistant as Special Counsel, I would like to continue this after they finish that item on the agenda and then have some further discussion with the Board.

Mr. Wilkerson: Okay that is fine.

Mr. Wilkerson's report resumed later in the meeting.

Mr. Wilkerson: I just handed out some pictures up there of something that has been brought up that we had in mind. I am finished with my report and would just request that we have some that you carry forward with this and you support it. I think it is a good legacy for the Board, it shows an aggressive spirit, and I think it is great idea for meeting places with our neighbors. We are not proposing parking areas or anything that would disturb the neighborhood and system is showing pictures up there now.

Mr. Showe: I know Wayne requested two people to be on that committee and because of Sunshine Laws you cannot have two members of the Board. You can have one member of the Board and appoint an audience member but I would caution you to not establish it as a

committee of the Board. If you do establish it then you are required to advertise it as a legal meeting and take minutes and that incurs some additional cost. I have also talked with District Counsel and the Engineer and gave them the preliminary information when we got the request. There are several ways the Board could approach this but I think the best thing is if one of the Board members want to serve, let them work and come back with a proposal. In terms of ownership you can come up with license agreements and there are several different ways to work it. I think the first thing to do is plan out what people want and we can work it in from there.

Mr. Mills: Wayne, I think it is a great suggestion but my concern with this issue is we have a lot of youth in the Balmoral area and it will be a gathering place for them. If it is not lighted and we light it, then you are going to have an issue with the residents saying it's lit. I don't want it to become a party place and that could very well happen. I have to look into it further and get a good feel for it before I can wrap my hands around it.

Mr. Wilkerson: I thought about that and anticipated that question to come up. We can't be afraid of our youth and this place is wide open down there. It is not like the pool where you can sneak off, this area is well-traveled and wide open. We could do a lot of things to make sure that it is not disturbed like bolting down the tables and chairs so there is nothing to destruct. As far as the teenagers, we have had problems but I don't think that we cannot be progressive and not build something like this because we are afraid of them.

Mr. Mills: I understand completely.

Ms. O'Hare: There is another problem involved here from my perspective and it has to do with construction. If the County requires a permit for this they may also require onsite parking and there isn't any. I'm not sure how the neighbors are going to feel about parking in the streets either. Even more importantly, we spent a lot of money up there taking care of the drainage problem that was affecting the Balmoral Park Lake and the one on the other side of Balmoral Way. By putting anything in there with a foundation, because there has to be some sort of floor, could adversely effect drainage. I did ask Melissa to take a look at that as to what we spent and whether this was a possibility of a problem. I don't want to have to deal with a problem if we could avoid a problem is really what this is all about.

Mr. Wilkerson: I certainly understand that and I would submit back to you that we could do whatever we needed to do to make sure that it would drain. No one could ever convince me that you have this big, beautiful area and you can't put a pavilion on it because of drainage. I

think that would be a part of the feasibility study so that we can look into that. I also suggest that Melissa could act as an advisor to the committee so that they would be able to contact her and she would be able to work with them.

Ms. O'Hare: Melissa do you have any comment in reference to the drainage at all?

Ms. DeFrancesco: I haven't looked at the exact size of the pavilion and checked the calculations for the floor but I think we could make it work. We would have to look at where they are going to put it and where it drains out. We just have to make sure it is sitting in a location that has positive drainage to the pond. We made some good improvements back there and they have been working very well. I think we would be okay.

Ms. Hernandez: Originally with the developer when Tom was there, that piece of land was going to be the site of a clubhouse.

Ms. O'Hare: No it was supposed to be two homes.

Ms. Hernandez: It was a clubhouse because I did a survey with the community back then. I was on the Board and that was the original intent and when we did the survey to see whether people wanted to do the clubhouse or not, it came back that the majority did not want to do it. I have all of those papers in my files as well.

Ms. Witcher: The people that have their homes that face the cul-de-sac in that area, it is not fair to them to put this in their front door. We are already dealing with something in your front door. Why are we going to do something to them to make their home not a place they want to be because there are four homes right there and some on the other side? It is a major intersection and we are always having problems with people racing up and down that street.

Mr. Mills: I think we could deal with the people across the street but you would have to ask them and again that is what the feasibility study is for. What impact is it going to have on the immediate residents in that area? The important part of it Wayne, is it is a tough time now asking for something like this because we really do not know how much money we are going to get involved in landscaping Kingswood.

Mr. Wilkerson: The funds that we have in the BCA Treasury are coming from old fines that came from developers that we think would be put to the best use by doing something like this. We would be willing to participate for the majority of expenses.

Ms. Hernandez: If that doesn't work out to be feasible, it might be okay to do next to the pool?

Ms. Witcher: No. There is no room.

Ms. Hernandez: There would be room if we move the swings out.

Ms. Witcher: Is it in the charter and are we allowed to do it legally?

Mr. Wilkerson: We believe that the BCA funds can be gifted to the CDD.

Mr. Showe: We can accept contribution but we would need to enter into some kind of agreement with them. There are vast ways to do that and as we get further along that would be something we would look to legal Counsel and draft up an agreement that details that. You can take a contribution for the CDD.

Mr. Wilkerson: Also Carolyn for concerning neighbors, I think this would be a situation where I would sit down with them and show them what we had in mind. I think that is part of the study and to get their input. I agree, you can't have a bunch of cars down there and I think this needs to be a walking and/or golf cart pavilion. I don't know about the codes and building to have parking places but I can't imagine if you have just a neighborhood shelter that you would be required to have parking.

Ms. Witcher: You also have to be in compliance with ADA.

Resident: You already have a walkway all the way around that area.

Ms. Witcher: I know but you have to make sure they can get in.

Mr. Mill: I will work with them.

Mr. Jack: Is there any way to determine the usage of this facility versus the money before we spend the money?

Mr. Mills: That would be covered in the feasibility study.

Ms. O'Hare: Melissa is sort of an advisor.

Mr. Showe: Let's let Mel coordinate directly with Melissa. Any questions you need to get to Melissa just send those through Mel.

Mr. Wilkerson: Thank you very much.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the April 6, 2016 Meeting

Mr. Showe: These are the minutes that we originally received. We have gotten several comments from Board members that have already been incorporated so those are included in the signature version. With only a month in between it was hard to get them out.

On MOTION by Ms. Hernandez, seconded by Mr. Rizzotti, with all in favor, the minutes for the April 6, 2016 meeting were approved.

FIFTH ORDER OF BUSINESS

New Business

A. Fiscal Year 2017 Budget Workshop

Mr. Showe: I recommend that we move this item after the Treasurer's Report that way we can get through all of the business items and we will come back to this.

B. Consideration of Pool Service Agreement with Beach Pool Service

Mr. Showe: I know we had a discussion of our services at the last meeting. You will see that we received this April 21st, and within about two weeks of that meeting our pool provider decided she no longer wanted to provide pool services. We have reached out to Beach Pool Services and they have agreed to take the contract at the exact same rates as our current provider. Overall, I think we are confident that they will do a good job. I have already met with them onsite. I have already talked to the current provider and although she has a thirty-day termination clause that she has already enacted, I think that we can come to some mutual agreement and we may ask Beach Pools to start earlier than the thirty days and terminate her contract. We can take any questions if you have any.

Ms. Witcher: Does the old company have any of our equipment?

Mr. Showe: No.

On MOTION by Mr. Mills, seconded by Mr. Rizzotti, with all in favor, the Pool Services Agreement with Beach Pool Service was approved.

C. Review and Acceptance of Draft Fiscal Year 2015 Audit Report

Mr. Showe: This was included in your agenda packet. On page 26 is where they detail all of the terms and conditions that they have to look at pursuing the Florida Statutes. You will see that there is no current year finding, prior year findings, and we have met all of the requirements. It is a clean audit.

On MOTION by Mr. Rizzotti, seconded by Ms. Witcher, with all in favor, the Fiscal Year 2015 Draft Audit Report was accepted and District Staff was authorized to file the final report with the State of Florida.

D. Presentation of Number of Registered Voters - 923

Mr. Showe: As of April 11th you have 923 registered voters. This Board has already transitioned into full resident services so this doesn't apply anymore but we are required by Florida Statute to announce this.

Ms. Witcher: When is the next time that there will be an opening on the Board?

Mr. Showe: There are two seats open this year. I believe it is Nancy's and Mel's seat. The qualifying period is June 20th to June 24th for anybody that chooses to run in those seats. That is all coordinated through the Supervisor of Elections and there is a process. If you go down there now you can get all of the paperwork and they will accept it during that time period. We will try to announce that at the next meeting.

Ms. O'Hare: Our next CDD meeting is June 1st.

SIXTH ORDER OF BUSINESS

CDD Action Items/Staff Reports

A. CDD Actions Items

Mr. Showe: We were finally able to get an agreement out of FPL that I signed yesterday. They will be coming in the first or second week of June to repair the four poles that I have been trying to get repaired. The tree removals we are still coordinating all of those. We did have one resident that volunteered and as soon as we get to planting our side of the Space Coast Credit Union buffer we will tie up our tree removals to go along with that. We will have fourteen trees to use so we will make sure to spread them out and because of the timing you have to replace those trees within sixty days of removal. Once we get lined up to do the buffer then we will coordinate that so we have time to use those trees with the buffer.

Mr. Mills: Do we want to take the plan that we have presented and use those trees?

Mr. Showe: Whatever plan we approve for the buffer we will try to use as many of those trees as we can. You guys approved pressure-washing sidewalks at the last meeting. They are going to start the first week of June and they are going to basically get everything down Phase 2 of the community and we also included the fingers at the end of the cul-de-sac that we didn't get

the last time. They are also going to get the guardhouse roofs while they are here. There are a couple of cul-de-sac's that have a tiny conservation area and we have asked them to include all of that. We have included some quotes on the benches for you. We put \$10,000 in your proposed budget that I will go over as a placeholder and you will have full control over the scope and how much you want to do. They quoted six benches and a concrete table in the amount of \$6,600 not including tax. That is just the materials and getting them here. There would be some cost to install some pads and maybe some installation cost depending on how we do that.

Mr. Mills: Do we need a pad?

Mr. Showe: You have to have some method of access for everyone to use.

Ms. Hernandez: Where would the table go?

Mr. Showe: I think the request was to put the table up near the tennis courts and the bocce ball. We have plenty of time to discuss that and the locations.

Ms. O'Hare: If you look at the bottom of what isn't included, they are going to take these to one location and drop them off. Then each one of the Board members is going to pick up a bench and move it.

Mr. Showe: We will coordinate all of that and we had the same issue when we had furniture delivered.

Mr. Scheerer: We have done benches, charcoal grills, and what has really helped us out in the past is have it delivered right to our landscape providers shop. They have the manpower we need to unload it and then they charge us a fee to have it installed. That is another option we can look at because you can't have it delivered here because we don't have those needs. We will work out all of the logistics.

Ms. Witcher: It doesn't necessarily have to be from this particular company.

Mr. Showe: These were the higher end benches and you can engrave the names in them. We went with the higher end for purposes of giving it a stilt for the budget.

Ms. Hernandez: They look nice and they don't require maintenance.

Mr. Showe: We were just continuing the discussion and giving you a scope of what you could do for the money.

B. Additional Staff Reports

i. Attorney

1. Discussion of 2016 Legislative Changes

Mr. Pawelczyk: There are four laws and three that are referenced here and you do have the bills behind them if you want to take them home and read them. The first one on page 1 requires the District to include that provision that is in bold in the Service Contract starting July 1st. After July 1st that provision will be in there. The purpose of that provision is it usually only effects the Baytree CDD but some other District's you have lawyers and advocates of the public records request of contractor's signed to skip them and get them in trouble. The purpose of this legislation is to make sure that if someone is making a public record request like the landscape provider. That landscape provider has the duty to tell the individual to forward that public records request to the records facility for the District, which is Jason's office. Then provide a record that he has to Jason so he can reply to the request. In the past people would intentionally send contractors these request and the contractor either ignores it or doesn't know what it is. Then next is a public records lawsuit against the contractor and the contractor ends up paying the Attorney's fees and it is wrong. The legislature actually picked something and this is a good statute and a good change. We have already started incorporating it in all of our contracts, so if you read the Service Agreement there will be a public records provision in there detailing the requirements of this 119.07.01. The next one, 2015-22 Laws of Florida chapter 189, requires that the proposed budget remain on the District website for at least 45 days and the final budget be posted within 30 days of adoption and remain on the website for at least two years. The proposed budget and the final adopted budget must be on the website. If we make changes to the budget those would also have to be included on our website. We are also required to forward a list of our scheduled meetings and make sure they are included on the website. Starting on October 1st we are required to post our agenda on our website at least seven days prior to the meeting. Jason usually has it out within seven days.

Mr. Showe: As soon as it is available it is on the website.

Mr. Pawelczyk: If something comes up before the meeting or at the meeting that does not mean that the CDD Board cannot entertain that item. You still have to put everything on the agenda but that doesn't mean we are precluded from hearing something and having to wait three months because it wasn't included on the website seven days before. The final item will probably never impact any of the special District's that I represent but it is an option. It is a Small Community Sewer Construction Assistance Act and this provides certain funding and

financing mechanisms to the District, local government, and the County. You can't afford to do something with water, sewer, or those types of utilities. It won't impact us but it financially is a disadvantage to a small CDD. I hope that Baytree doesn't ever qualify for that but I included a reference to all of my District's and some have been sitting dormant with two homes on them on 45 acres and they just haven't been built yet. The District may qualify for this because those utility systems are part of a financially disadvantaged small community. The final legislation will be referenced here and I'm only going to mention it because it addresses the portion of Chapter 190 dealing with mergers and the contraction/expansion of boundaries. I don't think we intend to expand the boundaries or contract the boundaries of the District, but if we do there are some changes in there that would not adversely affect the District it is just more procedural in nature. However, the merger provision, which I don't think there is a CDD that is like Baytree, but if there is they provide an interesting opportunity to allow those districts and encourage districts to merge and make the delivery of services more efficient. For example, if two districts neighbor each other and they merged, there is a provision in there and the Board of the district that initiates the merger would stay in tact. Now if two districts merge and there is a public hearing, there is opportunity for Board members to be represented from both communities. It is basically legislation to encourage districts that are neighboring to each other to merge. I will provide information on that once I have a copy of the bill and have the opportunity to distribute it.

ii. Engineer

Ms. DeFrancesco: Last meeting I talked about getting a paving evaluation for this year and we did that. It looks like the same streets that we had on there before, which is Kingswood, the cul-de-sac off of Kingswood, Ashbourne Court, and Berwick will be the next up along with Glastonbury and Duncastle. It will all be in the front area of the community. There are a couple of others that we will watch but I don't believe we will have to budget this year to put them in but that would be Ashwell Court, Chatham, Kessington, and South Point. Those will come up in the next few years. I talked to Jason and I think we are good on budget this year to do the ones that we need to do and I was also talking with Carolyn and we are both in an agreement that we won't put a contract out for that work until the improvements along Kingswood are done. It doesn't make sense to put in new paving and have contractors coming in and installing

landscape. I also looked at the Lake Bank Restoration and those will maybe come up in the budgeting as well. Lake 20 has a couple of areas that are getting pretty close to some private property so Jason already has some budget there. We have \$15,000 that we may use for restoration of the upcoming year on that lake. We have a proposal for mailboxes from the gentleman that the post office uses and it came in at \$5,600 to do 13 locations. I think we have 15 or 16 in the community and there are only 3 that didn't need any work. This is to move the mailboxes and rotate them around so they are accessible from the sidewalks. In most of those cases he has to put in new slabs and remove the old ones. I talked to Jason and Alan about adding \$1,000 of contingency for some irrigation changes that may need to happen when we move those locations slightly so it would be \$6,600 total. We can approve that and get started or we can look at budgeting that for the next fiscal year. It is up to the Board.

Mr. Showe: Do you want to set a not to exceed \$7,000?

The Board: Yes.

On MOTION by Ms. Witcher, seconded by Mr. Mills, with all in favor, the mailbox proposal not to exceed \$7,000 was approved.
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Ms. Witcher: This is for the ADA compliance so the people in wheelchairs do not have to go out in the street to get their mail.

Mr. Showe: We didn't put this in the budget but in the next version of the budget at the next meeting for the proposed we will put that in there as a Capital Project for this year and get it done.

Ms. DeFrancesco: The gentleman is out of town for the next few weeks but I can get with him when he comes back and let him know it is approved and find out when he can come out and start on that.

Ms. O'Hare: There were some complaints about some of the boxes not functioning. Does he work on them too?

Ms. DeFrancesco: He doesn't. He said that we needed to talk to the post office specifically about that. I did ask him about some of the locations where the keys weren't working and he said to just ask the post office and they will take care of that. They may be able to work it out so he doesn't put the same cluster mailbox back but it has to go through the post office first.

Mr. Rizzotti: I had a problem with the key not working and I went to the post office and they have a person dedicated to fixing those issues. They will come out and fix it. They are very good.

Ms. Witcher: Do we need to ask the post office to work with our guy that we hired to change them around? Are they just going to check functionality of them?

Mr. Showe: I don't think so.

Ms. DeFrancesco: He isn't checking functionality. If there is a problem you need to call and let him know which ones are not functioning.

Ms. Witcher: I just didn't want to pay to put the old one in and then have to take it out and but a new one back in.

Ms. O'Hare: I don't think you would have to take the old one out.

Ms. Witcher: If he finds one that is not in good shape, what do we do?

Ms. DeFrancesco: We would have to work with the post office. He will not check to make sure all of the keys are working.

Ms. Witcher: I know but I am talking about the whole structure of the mailbox.

Ms. DeFrancesco: I can check with him but I can imagine if there is an issue putting that structure back then he would not put it back. He would then let them know and they would provide him with a new one I would assume. He did not intimate that there would be any problem with that up front. He does this around the State for the post office.

Ms. Witcher: Is it going to be any problems with any kind of drainage because we are putting a piece of concrete in there?

Ms. DeFrancesco: There shouldn't be. It is right up next to the sidewalk and everything generally drains back towards the curbs. We are putting the mailboxes on higher ground than what they were before because they were down by the curbs. We will look at those and make sure we are away from any drainage structure.

Ms. Witcher: You can still drive next to your box and get your mail but you just have to walk around to the other side.

Ms. DeFrancesco: The last item I have is Jason had sent out an addendum to the Atkin's rates. It has been five years since we have updated our rates. I have that in front of the Board for consideration. The last time we did this was in 2011 and before that was 2004. I said I needed to do this more often and I have improved slightly but not much.

Mr. Mills: What percentage of increase do you get?

Ms. DeFrancesco: About 3%.

Mr. Mills: I have no problem with it. It has been a long time.

Ms. O'Hare: The amount of increase is very reasonable.

On MOTION by Mr. Mills, seconded by Ms. Hernandez, with all in favor, Addendum #3 to the Professional Service Agreement with Atkins updating the rates was approved.

iii. District Manager's Report

1. Field Manager's Report

Mr. Scheerer: We have Brian White with GMS here and he is training in the field. I think you would be happy to know that he is also a Brevard County resident and is currently working on six Districts throughout the state of Florida for GMS as part of his training and he is also an accountant in our office. He does budgets on a regular basis and understands numbers really well. I think the concept was to get Brian trained out here in the event of emergencies you are not waiting on me to come from Osceola County and he would be available to serve you here locally. We are happy to have him in the field and another Assistant Field Manager for me, which is good because we are staying busy at GMS.

Mr. Mills: Is he going to push you out and take your place?

Mr. Scheerer: I hope so. The goal is to serve the community and that is all GMS ever wants to do. We are grateful to be here for the length of time we have been here and we want to continue serving you by having someone close in Brevard County. If there is a problem Brian will be here on the spot and hopefully be able to take care of some problems. If he can take over this community and do as good or a better job than what I am doing then that is the goal. I will have him do the next Field Manager Report.

The swimming pool is operating properly and we are having the same minor issues, which is why Ohana is not going to be here. We are going to get Beach Pools back and we have addressed the resignation letter and Jason has met with Beach Pools. We have done some lining repair, cleaned the pool furniture, repaired the gate, and we are getting quotes to replace the box on the back of the pool gate that doesn't allow people to reach around to get to the door knob. The transponders are still being installed on resident vehicles every Monday. ECOR is cleaning

the trash and taking care of the ponds and the golf course irrigation pond still has algae issues off and on. Some days are better than others but the rain always helps. Turf is being mowed, the trash is being picked up, the weeds are being taken care of as needed, and irrigation inspections are being performed. We did some lighting repair at Chatsworth and Hamlet and we also replaced two lights at the rear gate by the flagpole and the palm tree. We put up the "Pick up after your pet" signs last week and we have some additional ones if those need to go up anywhere else. We had the awning repaired at the tennis court and we are purchasing another one for backup. We installed a new phone for the guard staff at the main gate. We have ordered additional stop signs and some of the ones that we are replacing now have lost their reflectivity. The 24x24 is a little less reflective where as the 30x30 are an engineer grade level 2 reflectivity so they reflect a little bit better. One of the other issues that have come up since the last meeting, Mr. Mills requested that we scrape out some of the street ID markers throughout the community. The problem that we are having is that they are extremely old and the bolts are not coming off as needed. I told Mel that we had taken the original pole that was at the corner of Baytree and Wickham and when they widened the roads and did the improvements it took us an entire day just to get that bracket off. The plan is to research the purchase of new brackets and going forward we will be able to pull the top portion of the street ID markers off and replace them with new ones and maintain them accordingly so we do not have to have such a struggle replacing them.

Mr. Mills: Thank you Alan.

Ms. Witcher: The guard door that has BB holes in it, are we getting a new one?

Mr. Showe: It has already been ordered we are just waiting for it to get here and installed.

Mr. Scheerer: I thought Mark had touched base on that in the security report but we got a call on that and right away we were able to research about six different local vendors that would respond back that day. We were finally successful in accomplishing that and the door has been ordered and we hope to have it in next week.

Ms. Witcher: We are coming up on hurricane season so it is good to have a waterproof door. I was in the guard shack and it is so crowded.

Mr. Scheerer: Everything in there belongs to them.

Ms. Witcher: I know but it is still very crowded. Is there anything we can do to help them to make it more efficient?

Mr. Showe: We can ask.

Mr. Scheerer: Pull some of the stuff out of there. It is very congested between our camera system, the gate key system, and the computer monitors. They also keep their filing cabinets in there and microwave because they really can't leave to get something to eat. It isn't the ideal guardhouse but realistically I think Universal is going to have to make it work. Whoever the Supervisor has been over the past few years in charge of security has always been instructing us to help them in any way shape or form and we have always gotten support from the Board and that support is translated to the security staff. Any needs that they have or suggestions Mark is aware and any other staff is aware and we would be happy to do it. We are limited in space and some of that stuff has been removed and taken to the rear guardhouse. That got clustered and we tried moving things out of the rear guardhouse so it doesn't become a storage unit and people can see that as they drive in through the rear gate at Baytree. Even though it is a resident only gate and an unmanned gate we still do not want it to look cluttered. We are doing everything we can in working with Universal to give them what they need in order to function throughout their shifts.

Mr. Mills: Maybe we need to put a storage shed at Balmoral Park instead of a pavilion.

Ms. O'Hare: I noticed you mentioned something about lake 1. I would like to back up to Melissa. We paid storm water drainage fees to the County and the County has checked our lakes before. Can we get them to come and do a water test for at least lake 1 and see if we can find out why the algae problem is so bad? It looked better today.

Mr. Showe: They sprayed it and the rain knocked it down.

Ms. DeFrancesco: I don't know but I can try. I don't know if they come out for that or if the fee is for that. That is a quality of lake issue.

Ms. O'Hare: They have come and tested our lakes before. It has been under the fee that we pay. If not we can get the University of Florida Extension Service because there is something causing that problem in lake 1 and we do not own it so we can't treat it. At least if we can specifically get what the problem is we may be able to get them to do something.

Ms. Witcher: ECOR has been over there working. It is the other lake though.

Ms. O'Hare: ECOR does not work for the golf course so they do not do the golf course lakes.

Mr. Scheerer: It is basically using the right chemical for the right problem. The maintenance program that you have here and several other communities with multitude of storm water ponds is consistency. Typically the companies that we use will tell you that we can put down an application of copper sulfate to deal with the algae blooms but the key to that is a follow up. You can't retreat it again for a minimum of 14 days based on the chemical that is being used. After the 14 days you can come in and retreat it but if you don't retreat it then the problem is just going to persist. If you don't do it on a regular basis, which I don't think is being done on a consistent basis like our ponds. They aren't following up after the initial application and that is not happening and that is the problem.

Ms. Hernandez: One thing I remember years ago on that particular lake, it seems to me that there was a drain at the north end of it.

Mr. Showe: Based on my conversation with you, I let them know that as well. I have reached out to the President of the ownership group of the golf course and I have done everything I could possibly do to try to solicit improvements there.

Mr. Scheerer: It is probably a money issue and they have to spend the money like you spend the money to make sure your stuff is done. I don't think it is being done because we don't have that issue on any of our ponds. People are fertilizing and they're fertilizing and it is running off due to rain.

Mr. Showe: Most of our lakes touch the golf course as well so it is getting the same fertilization.

Ms. O'Hare: The problem is lake 1 because that is reclaimed water. Reclaimed water is really high in nitrogen and phosphorus and now you add to that from the run off of fertilizing and you are double feeding the algae. If we could find out especially if it is free from the County or from the University of Florida, what the problem is and get at least something specific.

Mr. Showe: I can reach out to the extension office and just see if they will do anything. I will have to see if I am allowed to request that since we do not own that lake but I will reach out.

Ms. Witcher: All they could do is say no.

Mr. Showe: Or if not I will offer it to the golf course and say that I have talked to the extension office and they are willing to come out and check your water and give you a recommendation.

Ms. Witcher: Tell them they will spend less money by treating it correctly.

Mr. Showe: I have tried.

Ms. Hernandez: Maybe some of our residents who are members of the golf club could say something about it. That might help.

Mr. Wilkerson: That is our number one complaint from the neighbors.

SEVENTH ORDER OF BUSINESS

Treasurer's Report

A. Consideration of Check Register

Mr. Showe: We have checks 52569 through 52593 totaling in the amount of \$30,084.92. We have April Payroll totaling in the amount of \$922.67 and all totaling together in the amount of \$31,007.59. Alan or I can answer any questions you may have.

On MOTION by Mr. Mills, seconded by Mr. Rizzotti, with all in favor, the April 29, 2016 Check Register in the amount of \$30,084.92; and the April Payroll in the amount of \$922.67; for a total of \$31,007.59 was approved.

B. Balance Sheet and Income Statement

Mr. Showe: There is no action required by the Board and the lines are falling similar to what you have seen in the past. You are 98% collected on your assessments through April 7th and that is really in line with everything we have seen in the past couple of years. We generally get a couple of distributions after the tax certificate sales go out.

C. Fiscal Year 2017 Budget Workshop

Mr. Rizzotti: I talked with you on the phone and we went through everything and it looks good to me so lets go through it.

Mr. Showe: We can start on page 1 and that is your General Proposed Fund Budget. We always start the budget process with the same kind of philosophy and that is leaving the assessments alone and we have started that again here. All of your assessments are in and your revenue side remains the same. The only changes in your Isles of Baytree Cost Share Agreement

is a few thousand dollars and the only reason of that is we are increasing the amount we are contributing to roadway, so that increases their contribution to the District. The expenditure side remains the same and we are projecting six months worth of the budget from this point, so we do try to be conservative in those projections for the rest of the year. Some of the lines are a little harder to project so we do them best that we can. Your Admin Budget remains the same as your previous Fiscal Year and we think that is going to hold pretty well especially if we can get through the extenuating legal and engineering issues we have been dealing with this year. We have had some extra cost on those the last couple of years.

Page 2 starts your Operations and Maintenance Budget and the vast majority of this remains the same. I will point out that we increased the landscape contract line based on conversations with our current contractor he did indicate there may be an increase coming up so we projected that into the budget for now. As we get closer into approving contracts we will tighten those lines up. This year in 2016 we did limited Christmas lighting we didn't expand any we just had them put up what we had. I have gone ahead and included the full amount of \$4,000 so we can add some additional lighting down the main boulevard or wherever you would like to. We figure that will be enough money to add some to the main boulevard and we will look at how we do those monuments going forward since the BCA has returned those to us. Other than that I think your Operations and Maintenance side remains pretty similar to what you have seen.

Ms. Hernandez: I didn't see a separate item for the police.

Mr. Showe: Right now it is going to wrap into the Security line.

Ms. Hernandez: I didn't know if you were going to make a separate one or leave it.

Mr. Showe: It might be best at this point if that is a program you guys want to continue, we can just allocate a set amount of funds and work it that way.

Ms. O'Hare: Absolutely, it works.

Mr. Showe: Would you prefer \$5,000 for the year?

Mr. Mills: What did it cost this past year?

Ms. Hernandez: It is not going to change the line.

Mr. Showe: We can keep the assessments the same but would essentially reduce the transfer that you have into the Capital Projects Fund. I will take a look at it and I think we were just doing two patrols a week. Do you want to do that for all twelve months?

Ms. Hernandez: Yes.

Ms. O'Hare: It has been working and has been very effective.

Ms. Witcher: How is Kingswood going?

Ms. DeFrancesco: It depends who you talk to. The Sheriff hasn't been out and they're back to speeding. I would love to put a speed bump there.

Mr. Mills: It's not that expensive to do.

Ms. Hernandez: The problem with that is if you need a fire truck or something.

Ms. DeFrancesco: That is not a problem.

Mr. Mills: At Melbourne Mall they just put speed humps in.

Ms. Witcher: It has something to do with the paving too.

Ms. DeFrancesco: We can take it into consideration when we are doing a paving contract.

Mr. Mills: Maybe we want to consider that.

Ms. Hernandez: I have heard complaints about people who have low cars have a problem with speed bumps?

Ms. Witcher: Yes they do because they scrape on the bottom.

Mr. Mills: If they go the right speed there should be no problem. I really think we should consider one for Kingswood.

Mr. Showe: Melissa is going to have to come back with the street paving program so that would be the appropriate time and she can always add that in as an option. Then you can take a look at the pricing and decide the timing. I will say that we have them in some Districts and it is mixed results. They speed in between the speed humps and you have constant breaking so any homes that are adjacent to that speed hump are going to hear squeaking constantly.

Resident: Is there any law about putting up stop signs? If you put one up at Berwick Way and one at Ashbourne Court that would break it up also. Do you have to have permission to put them in?

Ms. DeFrancesco: Yes you do. I would have to talk to the County.

Ms. Witcher: They do have a detail for permanent speed humps.

Resident: Have we talked to the Isles of Baytree people to tell them we are thinking about speed humps? If we tell them we are thinking about them then maybe that will get aggressive and they can communicate with their neighbors.

Mr. Showe: I can communicate that. I have told them that we are concerned with the speeding and if there was any assistance they could provide us and I didn't get a reply.

Ms. Witcher: They have the same problem.

Ms. O'Hare: At the last meeting there was something said about talking to the Isles about additional patrols and they might want to pay for additional patrols in the Isles.

Mr. Rizzotti: If we get the police out it keeps things down and they aren't always in the same place.

Mr. Showe: We will add the police line for two times a week for the full year and you can see what it is. You can choose to use it or not to use it but at least it will be allocated.

Ms. O'Hare: Is that figure going to be staying the same or are you going to be adding to the security figure?

Mr. Showe: We may use a little bit of the Security figure contingency. We generally leave the contingency in there for any extra patrols, which includes the pool during the summer. We will just have to analyze that line a little tighter and we will use whatever we can out of that contingency but we'll add a separate line that says Police and we will adjust some of the other lines to try to offset that as much as we can.

Ms. O'Hare: I have one more question. The Holiday Lighting item, I am assuming whatever is built in here for this year is going to be the same as what we have had as far as how they are lighting out front?

Mr. Showe: Correct.

Ms. O'Hare: I have two requests. The Poinsettia's at the front gate are beautiful but at night because there is no light shining down on them you can't even see them. If we could find some kind of light that is not going to blind drivers that would shine onto the beds where the Poinsettia's are at night would really look pretty.

Mr. Mills: I had that in one of my request.

Ms. O'Hare: The other thing I had was there wasn't anything on the back gates for Christmas. We used to have garland or something on the back gate and I know the residents come in there and visitors don't. I think we would all appreciate it looking like Christmas there.

Mr. Showe: We put the lights on the palm trees at the rear monument but we will ask the vendor. It is about \$1,000 for him to come out and install what we have so we have allocated \$4,000, which would be for that installation and any additional stuff we would like to add. As

we get closer we will definitely consider that. We also have funding in the Lighting line so we can take a look at how to light up those annual beds.

Under the Reserve section, the transfer out to the Capital Projects Paving per our agreement with Isles of Baytree we do have those two separated. We do a Baytree amount and an Isles of Baytree amount. We did increase that 8% the percent went to the recommendations from our Engineer two years ago, so we are continuing to increase that. The Community Beautification Fund we have left at the \$100 per home that the Board allocated. What we do is we balance that last line which is Reserves to offset the budget to balance it.

Starting on page 3 you are going to get the breakdown of all of the account lines that we have throughout the District. We tried to give as much detail as we can to see how we get those budgets. Obviously under Pools that one is going to change with the vendor. Other than that page 2 through 8 are descriptions of all of the line items.

On page 9 we show what you have as reserves. In the General Fund at the end of the year we are projecting to have \$128,000 and that is your first quarter operating. Your assessments come in really quickly so we have been able to get down to \$128,000, which is enough to keep us operating until those assessments come in. You have additionally the \$272,000. We tried to allocate these in the budget but if something should come up these are funds that are available for you to use for any projects that the Board might need.

Mr. Mills: Do we still have our line of credit?

Ms. O'Hare: Yes.

Mr. Showe: I believe we do. I will check.

Mr. Mills: I didn't notice a fee in here for the line.

Mr. Showe: We don't budget for it. There is a fee that the bank charges and it keeps that line open. It is available for us.

Under page 10 this is our Capital Projects Fund. As discussed today at the Board meeting I am going to add in the \$7,000 for mailboxes that will be done in the next six months. We take the balance that gets carried forward into 2017 plus the new money and plus the minimal interest at this point and that gets you your total and then you do some projects. As Melissa indicated we always budget the \$15,000 every year for Lake Bank Restoration and we don't always need it every year but she has indicated this year that she thinks we are going to use it. We anticipate spending that. We always do some funding for sidewalk and gutter repair so

we have increased that to \$12,500 and that is generally enough to get all of the sidewalks and gutters for the year. We always allocate the \$10,000 worth of drainage maintenance whether we need it or not we like to have that funding there because when drainage issues come up we want to get those repaired as quickly as we can. Curb tree-trimming replacements numbers keep decreasing because we are taking care of the ones that are constant problems but we have allocated \$6,500 for 2017, which is pretty standard. We did put \$10,000 in benches and you can use that for anything that you would like we just put that in as a placeholder for now. We can open up for discussions if you want to leave that in there.

Mr. Mills: I think we should. There are a lot of people that walk and I think there are some really nice picturesque places in Baytree where benches would really look nice.

Ms. O'Hare: I just think we need to get something a little more reasonable than what was attached in here. Those are expensive.

Mr. Showe: I agree. When we do these we try to get the highest end so we make sure we can fit it in your budget. The last thing we want to do is tell you that we can do it for \$5,000 and then we start getting quotes and it is \$7,500. We will keep the \$10,000 in there and how much of that you use will be up to you. We did that reserve study a few years ago and they did recommend some pool equipment. We have done some pool upgrades but we are going to look to our new vendor to come in and take a look at all of the machinery. He has done that already and he thinks it is in good shape but there may be some things he may recommend to the extent we need some new pool equipment in terms of mechanisms we have allocated \$10,000. That doesn't obligate the Board to spend it all and we will only spend what we feel is appropriate.

Mr. Sheerer: We have a three phase 7.5 horsepower pump that is in there and those are probably the two biggest expenses that we would have.

Ms. O'Hare: On Beach Pools as opposed to Ohana, do people that come and do the servicing of the pools also know about repairs? I got the impression that these were kids doing the pool cleaning for Ohana but had no clue what to do with the mechanical.

Mr. Showe: Based on our experience with Beach Pools in the past, the person that comes and cleans the pool knows the machinery and we have someone we can always call who is always responsive and he is eminently familiar with commercial pool operations.

Mr. Scheerer: Ohana had a couple of kids that would come out in advance and service the pool and then either her or her husband would have some knowledge of the pool and what

they didn't have knowledge on they contracted out. Beach Pools is a little different. We never had any issues with service when Beach Pools was here before. If we had an issue we could call him on his cellphone and he was very responsive. He had some other issues going on at the time when we made the change but I think that has been corrected.

Mr. Showe: That is one of the reasons why we moved any upgrades to that pool equipment until he is here so that at least we have some comfort level that when he tells us, "This is a problem I think you should do this," I feel comfortable with that recommendation. I can tell you with the provider that we terminated today Alan and I have both had conversations with her where we said we understand this is a problem what do you recommend and we would get nothing back. I think in this case the vendor we selected will do a great job.

Mr. Scheerer: When the Board allowed us to bring Space Pools and do an overall analysis of the pool it was right on. Everything that we were experiencing was indicated in their report.

Ms. Witcher: What is the next big thing they think that we are going to have to replace in the pool?

Mr. Scheerer: I don't imagine there is any thing right now but I can tell you at all other communities we allocate enough money for the heaters. We have one pool here and at Reunion I have seven. I have three heaters that I allocate every year because it is two pool heaters per pool. Someone made a comment that they could go down to wherever and buy a pool motor you have to go to a commercial motor provider. They are a couple thousand dollars for the motor and that doesn't include the pump. The pump is about \$6,000.

Mr. Showe: We feel more comfortable at least with our past experience with Beach Pools. If they don't do a good job then we will find someone else and you have that ability in your contract.

On page 12 this is your Pavement Management Fund and all we are doing is carrying those funds forward from the previous year. As Melissa refines those numbers we will tighten those lines up there.

On page 11 we keep a five-year running total of what we think is coming up. We have handled a lot of the major projects for the District and the next big thing we have is in 2019 and that is a full tennis court surface. In the past we have just resurfaced the top. That was put in there based on the reserve study that we did a few years ago whether we need to do it at that time

or not we will take a look at it but we try to keep those things in line and look at your cash flow moving forward.

Page 13 is Community Beautification and we do not have anything budgeted for this year. Although, Mel and I have talked and we have authorized some work on the rear monument out of this Beautification fund. They are going to go ahead and recoat and repaint the whole thing. There is some damage on the rear monument especially on the back as you are driving out and they felt like it would be better to give the whole thing a fresh coat as opposed to making the minor repairs so we have authorized that.

Mr. Mills: I ultimately would like to see us revamp the entire front entrance monument to bring it up to date currently. Along with that was landscape lighting around the front of the monument to reflect on the flowers that are there. I don't know where the Board wants to put that, but it will not be cheap to do. I think we need to think about it and I'm not asking for the money this year. We are starting to get the community looking really nice and once we get Kingswood done we need to look at the front.

Ms. Witcher: We need to see if they give us the right of way usage agreement first. Kurt said thank you every time we were paying for something because the County isn't paying for it, we are.

Mr. Mills: Yes I agree.

Mr. Showe: The good thing with this fund is you unfold discretion on how you spend it. At this point we haven't allocated any projects so to the extent that something comes up and you feel like it is an appropriate project for that fund then it is there for you to use. There is about \$3,500 but we expect to have approximately \$90,000 at the end of 2017 in that account.

On page 14 is your O & M assessment page. There is no change in the assessments.

On page 15 is your Isles of Baytree proposed cost share agreement. We give this to them preliminary after you do the proposed budget so they can see what we think their contribution will be but we do true this up on an annual basis.

Mr. Mills: When was the last time we raised that assessment?

Mr. Showe: We don't raise it because the Cost Share Agreement specifically lays out what they are paying.

Mr. Mills: When we add the police into that, do they pay a portion of that?

Mr. Showe: They are responsible for paying portions of Security so as long as I am charging Security to that account line, which is what I have been doing, it goes into their charges.

Ms. O'Hare: It only gets allocated for certain streets.

Mr. Showe: With any of these account lines up top, which is security, gatehouse maintenance, the telephone at the gatehouse, and utilities. We roll all of those lines together and they pay a percentage of that based on that agreement.

Mr. Mills: What is the percentage?

Ms. O'Hare: 24.63 right?

Mr. Showe: That is of the Roadway Contribution. You take all of these account lines and add them up, take out what the golf course would've paid of that, and then you get the amount that would've been assessed to Isles of Baytree. Then, you add in every home both Isles of Baytree and the CDD and you come up with a per home amount and that gets multiplied by how many homes they have and that is what they pay. They pay a portion of all of what is associated with what they use, which is coming in the entrance, the main security, and through Kingswood Way.

Ms. Witcher: They have a very high density.

Mr. Showe: This is all proposed so we give them this amount so they have an idea of what we are going to bill them, but we do go back once a year as the financials close and send them a revised invoice that reflects if we were higher or lower or any credits that may be due. At your next meeting we will bring back the Resolution that will have the proposed budget that you will approve as a proposed budget and we will place that on the website. We will make the recommended changes and if you have any other changes let me know and we will do everything we can to accommodate the request from the Board.

Ms. O'Hare: Do any residents have any questions or statements?

Mr. Feucht: On the back gate could you add in a display area for announcements just like you have in the front gate? There are a lot of residents that only go in and out of the back gate. If you could add that in your beautification process I think that would be appreciated by several of the residents.

Resident: That is a good idea especially as they put more people in Space Coast. It is going to be harder for a lot of us to go in and out of the front gate.

Mr. Mills: Do you remember what that sign cost us?

Mr. Showe: I don't remember.

Mr. Mills: I want to say it was around \$5,000.

Mr. Showe: That sounds about right.

Mr. Scheerer: We will have to find someone to change it too.

Mr. Showe: The benefit of the one at the front is security is amenable to changing that board because they are right there so we will have to work out the logistics.

Resident: Is there any possible way to put a sign further down at the back gate that says residents only and not wait until they get to the gate to find out?

Mr. Mills: There is one.

Ms. Witcher: They see the guardhouse and they think there is someone in there.

Resident: The sign is too small. All it needs to say is this is a private gate residents only and have a little map on how to get to the front gate.

Mr. Mills: It should say "Private Entrance Residents Only."

Mr. Showe: The sign says that now I believe.

Mr. Sheerer: There are three signs there.

Resident: All of the GPS systems take them to the back gate.

Ms. O'Hare: Yes and that is the biggest problem.

Mr. Showe: We will take a look at that and see what we can come up with.

Mr. Scheerer: We are limited by space because we only have that one side of the road that we can put the signs on. You don't want to put the signs where the flag is or where the trees are. That is why that sign was suggested where it is. We can amend that sign and have something else but as long as GPS is bringing them there then they will continue to go there.

Mr. Mill: It depends on where you are coming from. If you are coming from the south then that is the way it brings you. If you are coming in the north it brings you in the front gate.

Ms. O'Hare: I was looking for directions at one point from Baytree Drive and it took me out of the back gate.

Mr. Showe: I'm pretty sure the sign says "Front Entrance at Wickham Road," but I will double check.

Ms. Hernandez: Take a look at it and see if we can get a sign that is further down. Sometimes if they get up to the gate and see the sign, they can't back out because there are cars behind them.

Mr. Mills: There is a sign before you even get to the entrance.

Mr. Scheerer: Maybe we can stripe the asphalt.

Resident: They just need to know where to go.

Mr. Showe: Maybe if we put the sign in the guardhouse glass window so if they get that close they can see it.

Mr. Mills: That still doesn't resolve the problem of them being at the back gate. I think where the small sign is that says, "Resident's Only" before you get to monument needs to be larger.

Mr. Scheerer: We will use some bold colors on the new sign.

Mr. Showe: That is all I have for the budget so any other suggestions you have now and between the time we do the proposed budget just let us know.

Ms. O'Hare: I have a question. We do not allow pods or anything in Baytree and we all know this. We also know that the golf course had pods in their parking lot this past holiday and both FedEx and UPS are using our roads. Do we have any recourse to the golf course for allowing the use of our roads by UPS and FedEx?

Mr. Showe: I don't think we do because the roads are public and they have access to use them. Under the BCA, I'm not sure if they allow pods or not. As far as the roads go they have access to use those because they are public.

Ms. O'Hare: We don't care about the pods but what about FedEx and UPS?

Mr. Showe: I don't know that we have any way to restrict them at all. I think we had this conversation when they were dropping packages off the back of the truck last year.

EIGHTH ORDER OF BUSINESS

Supervisor's Request

Ms. Hernandez: I have noticed again that we still have a lot of engineer's moving into Baytree. I have fixed transponders in April and two so far in May. I wondered if we could put a rock or something by the front monument where it gets hit. If we had a rock there so they wouldn't break the monument and that way we don't have to keep repairing it.

Mr. Showe: It's on the left hand side of the exit by the giant planter bed. We will take a look at it.

Ms. Hernandez: At the end of Sandhurst Drive there is a small area in the street that needs repair. It is only a narrow strip but grass keeps growing up in it and that looks bad.

Mr. Mills: I noticed that we have a rule of no parking on the main streets after a certain time. I have recently noticed that Suntree has put up signs right underneath the speed limit sign that says no parking on the streets and it spells out the hours. Does the Board want to consider doing something like that in partnership with the BCA because it is a BCA issue not ours? It is in their documents.

Ms. O'Hare: There is no way to enforce it.

Member of the BCA: We do enforce it. If somebody tells us someone is parking overnight Tina from Fairway Management sends him or her a letter and that usually works.

Mr. Mills: If it is working then leave it alone. The pine tree on National Drive is dead and we were waiting on a quote. That quote has come in and we have been given permission to take it down. I want to thank the Kingswood residents for their cooperation and it has been great working with you guys.

Mr. Rizzotti: We were talking about the back gate and telling people to go to Wickham Road. They don't know where that is. You need to tell them in detail because I have had to stop a lot and they know they aren't supposed to be back there but they don't know where else to go. If we are going to do something like that let's make sure the directions are in detail.

Mr. Scheerer: We will handle it.

NINTH ORDER OF BUSINESS

Public Comment Period

Mr. Wilkerson: Where did we end with the benches and table?

Mr. Mill: The money is in the budget for next year but after we approve the budget we will go out with quotes for them.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Mills, seconded by Ms. Witcher, with all in favor, the meeting was adjourned at 4:13 p.m.

Secretary/Assistant Secretary

Chairman/Vice Chairman

DRAFT