

MINUTES OF MEETING  
BAYTREE  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Baytree Community Development District was held on Wednesday, October 2, 2019 at 1:30 p.m. at Baytree National Golf Links, 8207 National Drive, Melbourne, Florida.

Present and constituting a quorum were:

Melvin Mills	Chairman
Jerry Darby	Vice Chairman
Richard Brown	Assistant Secretary
Richard Bosseler	Assistant Secretary

Also present were:

Jason Showe	District Manager
Michael Pawelczyk	District Counsel
Jeremy Reiderman	District Engineer
Maryelen Samitas	District Engineer
William Viasalyers	Field Manager
William McLeod	DSI Security Services
Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Showe called the meeting to order at 1:30 p.m., called the roll and the Pledge of Allegiance was recited. All Supervisors were present with the exception of Ms. Witcher.

• **Chairman's Comments** *(Added)*

Mr. Mills: I would like to bring to everyone's attention that we had a tragedy in the community. Les Titus was a Voting Member (VM) for Chatsworth for probably two or three years. They had a condominium in Elsmerado. Les and Lynn went out for dinner two weeks ago and as they came across Route 1, Les was struck by a car and killed instantly. His wife is in Miami Hospital in critical condition. They replaced her femur bone and she just recently had surgery to put screws and plates in her foot. So, she's going to be incapacitated for quite a while. There may be a financial issue. We will keep you informed in case the community wants to get involved and help to donate towards her benefits. It's my understanding that they used a lot of the retirement money they had to buy this condo and the one on the beach. I will keep you

abreast of the situation, but it is a tragedy that happened in the community and I think everyone should know about it.

Resident (Not Identified): Did they move out of the community?

Mr. Mills: No, they are still here. It was their plan to retire next year.

Resident (Not Identified): He was a nice man.

Mr. Mills: He was.

## **SECOND ORDER OF BUSINESS**

## **Community Updates**

### **A. Security**

Mr. McLeod: The first thing that I wanted to talk about is Valerie Scott has been working on the TekWave for signing in and out and getting people registered. She wanted to be here, but she is out of town, attending her daughter's wedding in Atlanta. She encountered a problem running the Visitor Management System (VMS) and has someone looking into it. TekWave does a good job of staying in touch with us, so I'm sure this issue will be resolved. Nobody's information will be compromised or anything like that during this time.

Mr. Darby: Bill, when that is available, could you forward it to Jason to forward to the Board?

Mr. McLeod: Absolutely. As far as this account, in the past month, we have made a total of six visits at the site. There were no anomalies that we witnessed between myself and my Field Supervisors who primarily work at night. Matt just held a training with all of the officers during this past month, keeping them updated on the VMS as well as customer service and dealing with different issues at the gate. As you know, we had a hurricane threaten us and were able to handle that just fine, but that's as far as it goes for community.

Mr. Mills: For the communities' benefit, I think you should know that when there is a hurricane, depending on the category, the gates will be left open and the guards will be dismissed from their post if it's severe enough. We all expected a Category 5 storm, which Thank God, didn't happen. Anyway, we received some flack from some residents as to why the gates were open. We never did it before. So, please pass along to your community that it is standard operational procedure to open the gates during a hurricane. It's better to be safe than sorry.

Mr. McLeod: Not only will the gates be open, but the gate arms will be removed to prevent flying debris.

Mr. Mills: Exactly.

Mr. McLeod: The last thing I want to see is a gate arm flying like a spear through the neighborhood.

Mr. Mills: The gates arms would come off in a windstorm. Does anyone have any questions for security?

Mr. Darby: Bill, what is your and DSI Security Services' (DSI) protocol relative to approaching hurricanes when the guards leave their post?

Mr. McLeod: There is official protocol. We wait until the winds get to 45 miles-per-hour (MPH) before dismissing people from their posts. If they are at a post such as yours, we dismiss them from the post.

Mr. Darby: Okay. Thank you.

Mr. McLeod: That's with all of our accounts.

Mr. Showe: For the Board and resident's information, obviously, we were in contact with Bill the entire time, even over the weekend, telling him what was going on and where we were at.

Mr. Mills: I want to thank GMS for coming out to put the gates back on at the proper time. Unfortunately, we have a gate that went down. It's being ordered and we are waiting for it to come in. If anyone wants to know why the gate arm hasn't been put back on, that's the reason.

- **Security Services (Item 4A)**

Mr. Mills: We are going to discuss the security services addendum, at this time, while security is here. Does anyone have any questions?

Mr. Showe: I will note for purposes of the discussion, that this is the increase as requested by DSI. Jerry, William and I met with Bill and Matt to explain our expectations. Obviously, Bill reported a lot more than we had before. We are going to stay with the site visits to make sure that the guards do what we need. I think Jerry can provide additional comments on that.

Mr. Darby: One thing on the addendum that we put in here and what I would like to see, is that we make no reference to the officer pay, which was the whole idea in the first place.

Mr. Showe: Correct.

Mr. Darby: So somewhere it should state that a minimum officer wage should receive \$13 an hour and a Supervisor receives \$15 per hour, as a minimum.

Mr. Showe: Okay.

Mr. Darby: Because that's the intent. Bill, as you indicated, you are going to have field supervision monitoring once or twice a week. You probably have already done that for quality control purposes.

Mr. McLeod: Yes.

Mr. Darby: How are the incident reports distributed?

Mr. McLeod: We really don't generate a lot of incident reports, but when we get them, we go through Matt. If Matt is not writing them, then the officer would give it to Matt, our Site Supervisor, Matt would forward it to me, and I can distribute it to whomever needs it.

Mr. Darby: I suggest that Jason and I receive it.

Mr. McLeod: Absolutely.

Mr. Darby: We don't have to formalize this, but I would like to meet with you and/or Jason and William, one time a month on the property to discuss any security related issues.

Mr. McLeod: Absolutely.

Mr. Darby: Let's just put it on the calendar and I can work with you separately when you are onsite. It could be 15 minutes, or it could be an hour. Thank you.

Mr. Mills: Are there any other questions from the Board Members? Hearing none, are there any comments from the audience before we take a vote? Hearing none, I will entertain a motion.

On MOTION by Mr. Brown seconded by Mr. Darby with all in favor the First Amendment to the Security Services Agreement with DSI Security Services was approved.

**B. BCA**

Mr. Mills: Is there anyone here from the Baytree Community Association (BCA)?

Mr. Brown: They haven't had a meeting. The next meeting is scheduled for November. ARC has been meeting every two weeks.

Mr. Darby: Jason, you reached out to the BCA for their contribution?

Mr. Showe: Correct.

Mr. Darby: I think that's being handled.

Mr. Showe: They indicated that it would be. I haven't seen a check, but it's in the mail.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the August 7, 2019 Board of Supervisors Meeting and Acceptance of the Minutes of the August 7, 2019 Audit Committee Meeting**

Mr. Mills: Are there any additions or corrections? I think they have all been noted to Jason.

Mr. Showe: Yes. We also have the Audit Committee meeting minutes.

Ms. Samitas: I have a few clarifications. Is that appropriate at this time to present them?

Mr. Mills: If there are changes to the minutes, you would address them now.

Mr. Pawelczyk: Meaning if what was in the minutes was incorrect, you would address it, because if you are clarifying something that may have been stated at the last meeting, that is not changing these minutes. So, it's really up to you.

Ms. Samitas: Understood. There is one statement in the minutes about my qualifications and I'm obligated to make sure it's not misconstrued.

Mr. Darby: What page, Maryelen?

Ms. Samitas: Page 30. I think maybe it was the wrong choice of words. For the record, I need to correct it. It was about my being unqualified. To be perfectly clear, I am a licensed, registered professional engineer in the State of Florida. This is a recorded public hearing and I don't want it to be misconstrued. That's all.

Mr. Darby: Where is this?

Ms. Samitas: It's the sentence, "She doesn't seem to be qualified."

Mr. Showe: We can strike it.

Mr. Mills: I think we need to strike it. Thanks, Maryelen. Are there any other additions or corrections to the minutes? If not, I will entertain a motion.

On MOTION by Mr. Brown seconded by Mr. Bosseler with all in favor the Minutes of the August 7, 2019 Board of Supervisors and August 7, 2019 Audit Committee Meetings were approved, as amended.

**FOURTH ORDER OF BUSINESS**

**New Business**

**A. Consideration of Annual Contracts**

**i. Landscape Maintenance Agreement**

Mr. Showe: This is the first item under our annual contracts. It's a new contract because the prior one was out of extensions. Dave at Tropic-Care, requested a \$250 per month increase to help accommodate some of the additional annuals that were added as well as to offset some of the costs for labor and the service he provides out here. Mel, I don't know if you want to add some additional comments.

Mr. Mills: No. I worked with Dave on the price. He originally gave us a price, which was higher than this amount. I said, "Dave, you have to take into consideration that you are not going to be fertilizing, pruning, trimming and watering these plants as far as maintenance is concerned. Here's the price that I think we can live with," and he met it. I have been working with William and I meet with Dave and William, probably once a month to go over any deficiencies that we see. William meets with him twice a month with Mike who is the Supervisor of this particular community. That being said, I think it's justified based on the fact that when we looked at other organizations, they were quite a bit high. We get a lot of service that we don't pay for.

Mr. Brown: Are shrubs the same as hedges?

Mr. Mills: Yes.

Mr. Darby: Jason, did we consider the \$250 per month, increase in the budget?

Mr. Showe: There was a contingency in the budget for a slight increase. We typically include that just as backup.

Mr. Darby: With respect to the agreement, I just have three comments. I don't know if you want to put it into the agreement.

Mr. Showe: I will take whatever comments you want. Absolutely.

Mr. Darby: On Page 15, on the list of people notified under general coordination, I would think that the Supervisor in charge of beautification should be on that list.

Mr. Showe: Okay.

Mr. Darby: On Page 17...

Mr. Mills: Excuse me, can we go back to that? It does basically say, "By the owner and the contractor." The owner is the CDD, which would be the Supervisor of that particular individual. Would it not?

Mr. Darby: I'm just trying to be specific.

Mr. Showe: We can include it. I don't think it hurts.

Mr. Pawelczyk: You can change it if you want, but it's not necessary because it says it in the specs. It can be anybody. You can add it, if you are going to make other changes.

Mr. Darby: I would add it. Under ~~t~~rimming, I would obligate them to repair all damages to light poles.

Mr. Mills: We should include any damages incurred, which they have in the past taken care of.

Mr. Darby: Except for the pavilion.

Mr. Mills: At this point, because they actually damaged the wall in the front, they fixed that. So, I have not known them not to repair anything that's been damaged. Correct?

Mr. Showe: To the best of my knowledge, including irrigation and other things.

Mr. Darby: Are we are required to maintain the trees pruned to 12 feet above the roadway?

Mr. Brown: Yes, on CDD property. If the trees are on the homeowner's side, then it's the homeowner's responsibility.

Mr. Darby: Okay, but the CDD wants them to be about 12 feet, but all we had in 3.3 on Page 21 is, "Trees shall be canopied in a manner that will prevent interference with pedestrian walkways." It doesn't mention anything about the roadways.

Mr. Showe: The roadways are under a county ordinance. It's a requirement from even beyond this contract.

Mr. Darby: Then of course the other outstanding issue is the damage to the pavilion. I would like to get that done and make that contingent upon the approval of this landscape contract.

Mr. Showe: We will let Dave know.

Mr. Darby: I think William already coordinated with them.

Mr. Viasalyers: Yes.

Mr. Mills: Okay? If there's nothing further, we need a motion to approve this subject to the pavilion repair.

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor the extension of the Landscape/Grounds Maintenance Services Agreement with Tropic-Care, subject to the pavilion repair, was approved.

**ii. Aquatic Maintenance Agreement**

Mr. Showe: The Aquatic Maintenance Agreement is with ECOR. The general portion of their contract has a 2.5% increase over the current year. They kept their prices the same, probably the better part of 10 years. So, this is just the cost to help offset some of the chemical costs. They used to provide this service. The secondary one, which is for the natural areas, remains at the same price. So, there is a slight increase over their current contract. I think they perform a pretty good job. I think the lakes looked good today. Is that your opinion, William?

Mr. Viasalyers: Yes. Any time we have any issues with algae, they would address it.

Mr. Darby: Jason, just a clarification. Under “Basic Services,” it says, “Supplemental stocking of the first 200 triploid grass carp.”

Mr. Showe: Correct.

Mr. Darby: Are the optional services \$8 per fish over and above the 200?

Mr. Showe: That is correct.

Mr. Brown: In looking at all of the lakes that they are responsible for, on most holes, I can look in the lake and see the ball that I hit into the lake, but not on the 18<sup>th</sup> hole. That’s our lake. Is there any reason why that lake is so much darker in color than the other lakes?

Mr. Bosseler: That is not our lake.

Mr. Mills: It is our lake. It’s listed right here. Lake L-17 is for Hole #18.

Mr. Showe: We can always ask them.

Mr. Brown: There are probably a million golf balls in that lake. Normally you can see them when you are walking around the green. I’m running low on golf balls.

Mr. Showe: There are a lot of reasons for that, but we can ask them. They are very responsive. We will give you an answer.

Mr. Mills: Are there any other changes or questions? If none, I will entertain a motion to approve it.

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor the extension of the Aquatic Maintenance Agreement with ECOR Industries was approved.

**iii. Security Services**

This item was previously discussed.

**iv. Pool Maintenance Agreement**



Mr. Showe: Beach Pool Service performs pool maintenance. I think they are doing a good job. This is the same rate as their current agreement, so this is an extension of their current provision of services.

Mr. Mills: I noticed that there was a discussion before on whether we wanted to do three days or five days. William, based on the three days that we currently have maintenance, do we need to add two more days, in your opinion?

Mr. Viasalyers: I don't think so, based on the usage. If you had more usage, I would, but right now, especially over the winter, I wouldn't.

Mr. Showe: I think Will just hit on it. Typically, when you increase your usage, it's during the summer. If we need them to come out and provide additional services during the summer, that would be the time to look at it, but during the winter, typically because of the lower temperatures, the usage is a lot less.

Mr. Mills: Maybe what we want to do is to consider having the five days during the summer and three days during the winter.

Mr. Showe: We can. Just as a note, they are still here five days a week because we are required by the Health Department to check the chemicals. So, they take a look and if there are issues, they help filter those during the week.

Mr. Mills: Okay.

Mr. Darby: Who adjusts or monitors the pool temperature?

Mr. Showe: We can do that, or we can have the pool vendor do it.

Mr. Darby: Do we have a standard on what the temperature should be?

Mr. Showe: I think it's set at 85. We haven't turned it on yet, but it looks like in the next 15 days or so, we are probably going to have to start looking at that.

Mr. Viasalyers: I was going to address that in my report.

Mr. Showe: The folks that like it warmer are the ones that swim at 5:00 a.m. and 6:00 a.m. They normally will let us know if it is too cold. They have my number. I know it's in Williams report, but obviously one pool heater was bad. We ran last season on one heater and are having that second heater replaced. We already approved that going into next year's budget. That way, hopefully by the time we hit that season, we will have both heaters up and running to cover any issues.

Mr. Mills: So, William, your recommendation is to continue it for three days only?

Mr. Viasalyers: I would say yes.

Mr. Mills: We need a motion to approve the Pool Maintenance Agreement.

On MOTION by Mr. Bosseler seconded by Mr. Brown with all in favor the extension of the Pool Maintenance Agreement with Beach Pool Service was approved.

**v. Facility Use Agreement for Pool Facility**

Mr. Mills: This is for water aerobics.

Mr. Showe: We are extending it at their current rate. We don't have any issues with it. It's been a great program; probably one of the most successful ones that we have seen in any of our Districts. They are here all the time and have the place packed.

Mr. Mills: They do.

Mr. Showe: It's good to see residents use the facilities.

Mr. Mills: Are there any comments from residents? Hearing none, I will entertain a motion to approve the agreement.

On MOTION by Mr. Brown seconded by Mr. Darby with all in favor the extension of the Facility Use Agreement for the pool facility with Renee Hubert, Gina Palombi and Darcy Snyder-Covington to provide water aerobics was approved.

**vi. Holiday Lighting - Added**

Mr. Mills: I'm going to ask Rick to facilitate this item.

Mr. Brown: William and I met with the holiday lighting contractor a few weeks ago with our budget of \$9,000; \$6,000 from the CDD and \$3,000 from the BCA. We are basically going to redo everything that we did last year. This year, we are adding four new Sylvester Palms along the lakefront by the fountain. We are going to make sure that all of the Queen Palms in front of the Wickham Road entrance are lit. Last year, only four were lit. We want to do the Queen Palm around the guardhouse and are going to put colored lights directly towards the new fountain out front. We can rotate the colors or leave them at one color. We are going to see what they look like when they go on and rotate the different colors to see whether we like it rotating or we can just have it done with one color. We came in at \$4.50 under budget.

Mr. Mills: Hooray! Very good!

Mr. Brown: So, I would like that \$4.50 to go into the landscaping and beautification project.

Mr. Mills: Thank you sir.

Mr. Darby: Is the BCA paying \$6,000 and the CDD paying \$3,000 or the other way around?

Mr. Brown: The other way around. I already checked with Wayne and Jan prior to my meeting with the contractor.

Mr. Showe: Once this agreement is approved, I will send an email.

Mr. Mills: Bear in mind, it's holiday lighting, not Christmas lighting. We need a motion to approve the agreement.

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor the extension of the Holiday Lighting Agreement was approved.

**B. Consideration of Agreement with VGlobalTech to Provide ADA Website Compliance Services**

Mr. Showe: This is the proposal to have your website converted to be compliant with the Americans with Disabilities Act (ADA). Under the pricing, the one-time conversion cost is what we recommend. We are working with this company, but we are not sure exactly what is going to be necessary for the annual maintenance cost. There are some changes in terms of what's required as some of these additional lawsuits move through. So, it would be our recommendation to approve the \$2,500 one-time compliance cost. We can then work to keep the website updated as we update documents. We will make sure that they are posted to be in compliance. We are working with our insurance company to see what's required going forward in terms of ongoing certifications, but this is required as part of the Settlement Agreement that we had earlier for ADA compliance. I think it's required to be updated by February, so that's why we are bringing it to you now, so we can have it completed by the deadline.

Mr. Mills: So basically, your suggestion is to only do the conversion.

Mr. Showe: Yes, the one-time conversion, which is \$2,500.

Mr. Darby: What about the \$600 for one hour per month of support? Is that going to be required? It's number 7.

Mr. Showe: I think they bill as needed. I can ask them to separate that out.

Mr. Darby: Yes, because that doesn't sound like a one-time expense. It sounds like an ongoing expense.

Mr. Mills: At least clarify if it's included.

Mr. Darby: If we don't need the support, then why spend \$600.

Mr. Showe: I will check on it.

Mr. Brown: I have the same concern that I had six months ago. On Page 12 it says, "Client is responsible for verifying quality of work. VGlobalTech's work will be in best faith, but cannot guarantee all compliance/legal needs since we are not the SME's in the compliance area." Yet on Page 6 of their agreement it says, "With our technical capabilities, we make your website accessible, compatible and fully functional for all people including those with disabilities." Mike, am I splitting hairs?

Mr. Pawelczyk: I had not prepared an agreement.

Mr. Brown: On the one hand it's saying that we are going to be in compliance. I'm interpreting that we are going to be in compliance; however, the last page of the agreement says, "If we are not, it's not our problem."

Mr. Pawelczyk: We can do a front-end document to remove those inconsistencies or at least impress upon it in the main body of the agreement. So, I can pull those out if the Board moves forward with this.

Mr. Brown: We have to do something, but I don't want to hire a company that is on the one hand going to say, "We are going to be compliant," and at the end say, "If we are not in compliance, it's not our issue."

Mr. Pawelczyk: You guys have all been in business or run companies. Anything dealing with technology all have disclaimers saying, "Well, we don't know if this is going to work. It should work, but we can't guarantee it." Just like with the security system.

Mr. Showe: I think the second statement is they are not going to defend you in a lawsuit should someone sue. Our insurance would defend us if they are not comfortable defending us. If you don't have it in place, then the insurance won't cover it.

Mr. Brown: On one hand I'm thinking that I'm in compliance and if I'm not in compliance, it's because they didn't do what they said they were going to do.

Mr. Showe: I'm not speaking for them, but based on our experience, there is still a lot of ambiguity in what is actually required, what the law says has to be there, versus what has been interpreted from these lawsuits.

Mr. Pawelczyk: There has been some success in defending these lawsuits.

Mr. Showe: Correct.

Mr. Pawelczyk: Cases have been dismissed for standing or for whatever reason. It depends on what part of the country you are in.

Mr. Brown: Is VGlobalTech the only one that does this type of work?

Mr. Showe: We obtained other proposals, but we have been able to negotiate better rates with them because they are doing almost all of our CDD websites. So, their pricing is better because they are doing a large amount of work for us.

Mr. Brown: Okay.

Mr. Showe: They have done a nice job. I can show you some samples of websites. It will probably improve the functionality, because they overhaul the entire website. So, I think that there are a lot of improvements just beyond them making it a lot more ADA accessible.

Mr. Mills: Mike, what would be your advice on this particular contract?

Mr. Pawelczyk: If you move forward with it, we would prepare a front-end document, our standard Services Agreement, just to remove the conflicts, similar to what Rick was mentioning.

Mr. Brown: We really don't have a choice.

Mr. Pawelczyk: I think you need to do it. Our office may have already prepared a Services Agreement with another CDD for this company on behalf of myself. If not, it doesn't take much time to prepare.

Mr. Mills: So, we need a motion to approve this with Mike addressing the issues we discussed and prepare a front-end agreement.

Mr. Darby: With Jason inquiring about the one-time use.

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor the proposal from VGlobalTech regarding ADA website compliance in a one-time conversion cost of \$2,500, subject to verifying the service hours and District Counsel to draft a front-end agreement, was approved.

**C. Discussion of Engineering RFQ**

Mr. Mills: We are not going to address that issue today.

**D. Consideration of Proposals for Access for Recreation Facility**

Mr. Showe: Based on the Board's request, we provided you with two proposals. In terms of pricing, they are relatively close. The major difference is that ACT broke their scope of work out into several components. Their base cost is \$9,665. That includes a new gate at the rear of the pool. Because of the maglock system, they do not believe that the existing gate will function, so they recommended installing a new gate.

Mr. Darby: Would the existing cards work?

Mr. Showe: No.

Mr. Darby: So, they all have to be replaced.

Mr. Showe: Yes.

Mr. Darby: With a cost in the 200 to 500 card range, you are talking about \$1,800 for the cards.

Mr. Showe: If I was making a recommendation, I would recommend no less than 1,000 cards at a time. That is still two per household and some leftover for future residents. You are at about \$4,000.

Mr. Darby: Okay. So, on top of that \$9,665, you need to add \$4,000.

Mr. Showe: Correct. To compare it to the secondary quote, you would add in Action 1, which is for the tennis courts. The other two options are improvements to the existing RFID openers at the front and rear gate, which we would do separately. Those wouldn't be included.

Mr. Darby: Going back to the tennis courts, there are three openings. Would you permanently lock one?

Mr. Showe: Correct. I think we should lock the one by the lake on the far side.

Mr. Darby: I recommend that.

Mr. Showe: If we go with this.

Mr. Mills: I suggest that we not put locks on the tennis court. The reason is that \$15,000 is a lot of money to spend for the possibility of maybe one or two times that we have outsiders playing tennis. It is my observation that it only happened twice this year.

Mr. Showe: I'm only aware of a few instances where someone was giving lessons that may or may not should've been here. I couldn't verify it either way just off of hearsay.

Mr. Mills: Quite honestly, the tennis court is getting used quite frequently by our residents, and I think to spend that kind of money, plus the cards, we need to decide if we going to charge residents for the cards or eat that cost. I just think that's not a good move.

Mr. Darby: The cards are the same ones you use at the pool. Right?

Mr. Showe: Correct.

Mr. Darby: You are going to have the pool cards anyway. Honestly, I think we should secure the tennis court. We just spent \$16,000 to get it refurbished and it would be terrible for a resident who pays their portion of assessments, not to be able to play tennis because a non-resident is playing.

Mr. Mills: They only played twice that we know of.

Mr. Brown: That we know of. The only way to determine whether or not this is more of an issue than what we are hearing, because the BCA has their meeting in November, we should have them solicit through their VMs and the VMs through their neighborhoods. I was under the impression that we were of the mindset that we were not opposed to the tennis court, now that we have new a tennis court.

Mr. Darby: That's right.

Mr. Brown: We needed to develop a second mechanism to get into the pool area from the pavilion for people to use the bathroom and we were then going to look at a whole new system.

Mr. Bosseler: Can we move ahead with one and come back to the other until we get more information?

Mr. Showe: Procedurally, you cannot put a gate at the tennis court without having a gate at the pool. So, if you chose to upgrade the one pool door and the tennis court, you could do that, but you could not do just the tennis court with the capabilities of the system we have.

Mr. Bosseler: Right, but can we do both the front and back entrance to the pool and get more discussion and feedback on the tennis court?

Mr. Showe: Absolutely. To get to the tennis court, you have to do the pool. Procedurally, if you wanted to do more investigation to see the value you would get out of that, you could certainly do it in a different way. In order for us to expand at the pool, we have to replace that system. It's reached its capacity.

Mr. Mills: I'm in favor of replacing the pool gates. I think it needs to be done. I like Rick's suggestion that the VMs poll their communities and see if they know and then address that issue later.

Mr. Brown: My second question from a finance standpoint, since I'm in charge of financing, is whether we have this money set aside or we have to wait until we get past the first quarter?

Mr. Showe: It would always be my recommendation on any of these capital projects, that we hold them until the December timeframe to execute it.

Mr. Brown: That also gives us the opportunity to get feedback from the BCA Board after their November meeting for our December meeting.

Mr. Mills: When is the November BCA meeting?

Mr. Darby: I believe it's the 1<sup>st</sup>.

Mr. Mills: Would it be feasible to get that input back by our December meeting?

Mr. Darby: No.

Mr. Mills: I wouldn't think so.

Mr. Darby: If we tell the VMs to get it back to us by December 1<sup>st</sup>, that's possible.

Mr. Brown: I remember when I was a VM at the Hamlet, if there was something that I needed to get feedback from the residents of the Hamlet, I would indicate in an email to them, "Please let me know by \_\_\_\_\_ so I can report back." So, I think that's feasible.

Mr. Mills: Do we want to go ahead and do the pool?

Mr. Bosseler: Did we put it in this year's budget?

Mr. Mills: I think it is in there.

Mr. Darby: I think it's in the Rec Budget. Didn't we just lump it all together?

Mr. Mills: I think we did.

Mr. Darby: We have \$24,000 to \$27,000 in that fund.

Mr. Mills: Yes. The Rec area had \$21,400 in FY 2020.

Mr. Showe: Yes. That was initially tagged for "Playground Enhancement," but it should have been changed to "Recreation Improvements."

Mr. Brown: So, we have the money.

Mr. Darby: We have the money, assuming we are not going to do the playground this year.



Mr. Brown: Can we wait until after the first quarter?

Mr. Bosseler: What happens if the pool motor goes down?

Mr. Showe: Typically, pool motors aren't hugely expensive. That would still give you \$6,000 or \$7,000 for anything needed at the pool. So, we can tag it and keep an eye on it at the end of the year if we want to get some more furniture or other improvements.

Mr. Darby: We have \$4,200 in there for the pool heater.

Mr. Showe: Correct.

Mr. Mills: What are the wishes of the Board?

Mr. Bosseler: That we allocate the money.

Mr. Brown: I would proceed with the gates for the swimming pool and get feedback.

Mr. Bosseler: According to Jason's point earlier, we need to wait until after the November income starts coming in. I would rather get it done sooner than later and let the residents enjoy the pool before we get back to summer. Possibly doing it by the end of the year or first of next year.

Mr. Bosseler MOVED to approve the proposal from ADT for a gate access system for the pool gates only, as soon as the funds were available.

Mr. Showe: Are you okay with 1,000 cards to start with and are we going to charge residents or provide for free?

Mr. Darby: If you charge for them, you don't need 1,000.

Mr. Mills: No. One side of me says that we shouldn't charge, but the other says that we should.

Mr. Darby: What is our current practice?

Mr. Showe: Right now, we give them away. We had so many of them leftover, we haven't purchased any more. They have been given away, as far as I can tell, since before we started.

Mr. Mills: I would say that we give the cards to residents.

Mr. Darby: I agree. Jason, what are the logistics? Would you just send out two cards to every household?

Mr. Showe: We typically required them to at least call and request them as opposed to just sending them out. With this new type of a system, we probably can have the ability to register them.

Mr. Darby: So, it's going to be like a transponder.

Mr. Showe: I recommend doing it that way.

Mr. Mills: We can put on the marquis out front that anyone wishing a pool access card, can contact Jason.

Mr. Showe: We will work with Richard. Based on the timing, we will need to get some communications out to the residents, letting them know. Maybe we can run the old system parallel to this one for a while. We will try to find that out so maybe folks can still access with the old system while the new one was active.

Mr. Darby: Jason, with these cards, people are going to be associated with a particular card, meaning that we know when they go into and out of the pool.

Mr. Showe: This one would likely have a lot more reporting capabilities to what we have now.

Mr. Darby: So, there is traceability.

Mr. Showe: Yes.

Mr. Bosseler: Can we turn them off?

Mr. Showe: I will find out. I'm not 100% sure, but because it is internet based, more than what we have now, we should be able to.

Mr. Mills: Will the cards have serial numbers like the transponders?

Mr. Showe: Yes.

Mr. Viasalyers: I believe we can add the name and house number of the person who has the card.

Mr. Mills: Good.

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor approving the proposal from ADT for a gate access system for the pool gates only, as soon as the funds were available, with 1,000 access cards that would be provided to residents for free was approved.

Mr. Darby: What about the second option, Jason. Does it have to do with transponders?

Mr. Showe: Yes. Essentially what that does is it ties the controller at the pool to the other controller so you can use the card to get access. I'm not sure that we really want that.

Mr. Mills: No.

Mr. Darby: No.

Mr. Showe: We may need to do something like that with the gates, because the gates are at their capacity. We are evaluating that. I think we built some of that cost into next year's budget for the improvements of the transponder system and I think that's part of the process.

Mr. Darby: But that proposal is not included in any of these.

Mr. Showe: No.

Mr. Darby: Would that be forthcoming at the next meeting?

Mr. Showe: For the tennis court?

Mr. Darby: No, no, no, no. For the transponders.

Mr. Showe: Yes.

#### **E. Ratification of Addition of Water Aerobics Classes**

Mr. Showe: We included an email from Renee Hubert, requesting temporary water aerobics classes on Tuesday and Thursdays from October until December. Their contract contemplates that they can make changes. They just need to be ratified by the Board. I've already approved it pursuant to the contract so this would just be a ratification of that change, as long as the Board is amenable. They have been fairly successful. They get a lot of folks, so we always try to encourage that use, as long as it doesn't interfere with people swimming.

On MOTION by Mr. Brown seconded by Mr. Darby with all in favor the request for temporary water aerobics classes on Tuesday and Thursdays from October until December was approved.
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#### **F. Discussion of December Meeting Location**

Mr. Mills: We discussed having a December evening meeting in order to accommodate residents who can't attend day meetings. At that time, each Supervisor will present what we have accomplished over the year. It would be like a State of the Union for Baytree. We need to talk about where we would like to have the meeting.

Mr. Showe: Last year, we held it at Isles of Baytree (IOB), which seemed to work out well. We just want to make sure that they are amenable, and the Board is amenable.

Ms. Sandy Schoonmaker (Kingswood): That’s fine.

Mr. Showe: So, the December meeting will be held on December 4, 2019 at 6:00 p.m. I will send out an email.

**G. Consideration of Agreement with Berger, Toombs, Elam, Gaines & Frank to Provide Auditing Services for the Fiscal Year 2019**

Mr. Showe: This was the auditing firm that was selected through the Audit Committee at the last meeting. This agreement is in accordance with the approvals and proposals that were provided. We would like to get these agreements in place now, so as soon as all of the books are closed, we can start the audit.

Mr. Mills: Was that in a handout?

Mr. Showe: Yes.

Mr. Mills: We need a motion for acceptance.

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor the Agreement with Berger, Toombs, Elam, Gaines & Frank to provide auditing services for Fiscal Year 2019 was approved.

**FIFTH ORDER OF BUSINESS**

**CDD Action Items/Staff Reports**

**A. CDD Action Items**

Mr. Viasalyers: Regarding the sidewalk/tree repair, staff met with the county and we are currently waiting for a full summary. They would like for another seven trees to be removed that are causing a lot of sidewalks to buckle, as outlined in the Engineer’s Report. We have a few locations to put trees, some on the golf course. I spoke with an arborist who would only want to put them in the driving range area. He said that he would have to talk to his boss to confirm that was still available and I’m waiting for some feedback from him.

Mr. Brown: I didn’t know that arborists were lining up at the golf course to plant trees.

Mr. Darby: That’s crazy. You would have to drive around them to get golf balls.

Mr. Showe: To follow up, the County will not let us remove the tree in front of Mr. Sherbin’s house, because it exceeds more than 24 inches and is a specimen tree.

Mr. Viasalyers: Correct. There is a big one right next to when you pull in, but there’s a second one there. According to the County, we are not allowed to remove a specimen tree.

Resident (Not Identified): Why are allowing one, but not the other?

Mr. Viasalyers: Because it meets their criteria.

Mr. Darby: If we can get an arborist to certify that is a problem tree, there is the legislation that you were talking about last meeting..

Mr. Pawelczyk: That's a CDD tree, but you could still make that argument.

Mr. Viasalyers: They were pretty adamant about not having a tree.

Mr. Brown: Yes, and they were adamant that we had to have a sidewalk going to nowhere.

Mr. Showe: I think we are still going to discuss it. We just received the full report a day or two ago.

Mr. Viasalyers: It was recently. Once we have that full summary from the County, we will proceed. On number 2, the guardhouses and electrical boxes were completed.

Mr. Darby: I noticed that. Thanks.

Mr. Viasalyers: The meter box behind the guardhouse was completed. Behind the fence along the Rec area, we had some issues with saturation. We can't get in there because it's too wet. We are hoping to start that towards the end of October.

Mr. Darby: While we are on that subject, it looks like our property line and the fences do not align. In fact, when we do the fences again, we might want to alter it, so it does align with the property lines. I noticed there is no fence behind the tennis court.

Mr. Viasalyers: It goes to the tennis court.

Mr. Darby: Are we going to trim back those trees and if so, how far back?

Mr. Viasalyers: Behind wherever the gate is, we are going to take it about an inch-and-a-half.

Mr. Darby: Great. Since you put up that new fence, it makes no sense to have trees.

Mr. Viasalyers: We already addressed Item 4, the recreation facilities gate system. Items 5 and 6 are the same issue. We are waiting on proposals.

Mr. Darby: When do we think that's going to happen?

Mr. Showe: I think he gave us an October timeframe. That's a good target.

Mr. Mills: It's towards the end of October, provided we don't have a lot more rain.

Mr. Reiderman: Isn't that the one we walked from Tropic-Care?

Mr. Viasalyers: Yes.

Mr. Reiderman: I didn't think Tropic-Care wanted to do that work.

Mr. Viasalyers: They were supposed to provide a quote.

Mr. Reiderman: What is the expected work to be done by Tropic-Care?

Mr. Viasalyers: I have to follow-up with them.

Mr. Reiderman: Because they can't get across the lake to get into the conservation area. So, doing that was problematic.

Mr. Showe: I thought Bill was going to look at that with the lake vendor.

Ms. Samitas: He did take a look at that and it's not a restoration issue. He said if we really wanted, he could get some laborers out there. He was talking about trying to get a piece of equipment off and bridge it. I thought it was going to be cheaper to use the landscapers, but they don't have the equipment or manpower to do it.

Mr. Mills: Dave had a guy with him that said once it dries up to a point, he has a piece of equipment that may be able to drive across, but he can't do it now because it's just too wet.

Ms. Samitas: I say just stick with the plan and we will use Bill as a Plan B if we have to.

Mr. Mills: Right.

Mr. Viasalyers: We will revisit that at the end of October and see where we are at. Item 6 is the Kingswood Way drainage, which was referred to the District Engineer. Item 7 is the same thing. Item 8 is already completed.

Mr. Mills: Very good.

Mr. Darby: William, I have a couple of things. The awnings and practice board for the tennis court were taken down because of the hurricane. When do you think you will be reinstalling those?

Mr. Viasalyers: I was hoping to put them back this Friday. They are very heavy, and I need some help.

Mr. Darby: As I was driving up this morning, I noticed several streetlights were blocked out by trees. One in particular was near the intersection of Balmoral Way and Old Tramway Drive. You can't see the streetlight. It's stuck up in the branches. So, when Tropic-Care is looking at this, they should look at all of the streetlights to see if the trees are going to interfere and do the trimming appropriately

Mr. Mills: It's widespread throughout the entire community. The last time anything was done was when John Fenafrock and Lenny Jean upgraded them.

Mr. Showe: There is a challenge because a lot of the trees that are blocking those streetlights are resident trees, not CDD trees.

Mr. Mills: That is true.

Mr. Darby: I honestly didn't look. They looked like CDD trees.

Mr. Showe: I think a lot of the streetlights receded into yards. We can certainly address any of the CDD trees.

Mr. Reiderman: If you want to have a full assessment, we would be happy to.

Mr. Darby: It's a safety issue because people walk early in the morning when it's not quite light and you can't see anything.

Mr. Mills: Along those lines, when you go out the rear gate, how far up are we actually responsible for? Is it where we have residents in the street? The reason I'm saying that is because there is a tree that is almost touching the ground. I was hoping the hurricane would take it down, but it didn't. Is that ours or Suntree's?

Mr. Reiderman: It looks like Suntree's. I know which one you are talking about. It's about 100 yards up the road right now.

Mr. Mills: Yes. If that's our responsibility, it needs to come out.

Mr. Showe: I don't think it is, but we will double check.

## **B. Additional Staff Reports**

### **i. Attorney**

Mr. Pawelczyk: I don't have anything else to report other than I know that at least one of you spoke with Jason regarding the tree legislation. We will keep on seeing if Brevard County is going to do anything. I haven't been able to find anything, so we will follow up. I will just call over there to see if they know what's going on. What I imagine is going to happen is Brevard County is going to update their Tree Ordinance. As soon as I find something out, I will email the Board. It's on my radar.

Mr. Mills: The sad part of it is that the county can remove the trees, but we can't. Dave told me, point blank, that they instructed him that there should be no Oak trees along sidewalks and/or roadways. Palms have to be put in, instead.

Mr. Pawelczyk: One District I represent is using a Cathedral tree instead of a Live Oak. The Cathedral grows straighter up and doesn't spread out as much. A Live Oak has a 60-foot canopy, while the Cathedral has a 25-foot canopy, which also means that their roots don't go 60

feet. That might be something to ask the landscaper. You can't put it anywhere we removed trees.

Mr. Viasalyers: We asked the county what specimens were allowed. It has to be a certain square foot of coverage.

Mr. Brown: On the HOA side, the ARC Committee has always been following the guidelines on what Brevard County requires as far as the number of large canopy and medium canopy trees per property size. That's why I'm interested. We need feedback on what Brevard County is going to do with this new tree law because that's what we have been doing on a regular basis. As soon as the rest of the world to hear about this new law, all of a sudden, we are going to be inundated with arborist letters saying that this tree is hazardous to something and off it goes.

Mr. Pawelczyk: Hopefully that won't happen, but we live in Florida. I think you are going to let it be free of that. That's why I tell people, "Call the city and tell them you are going to move a tree." Then take pictures and send to the county. If they come out and look at it, fine. If not, at least you put them on notice. Chances are if you report it, they are just going to say, "Okay," until a neighbor calls.

Mr. Brown: Also, the ARC said, "You took down this hardwood and you are required to replace it with another hardwood somewhere on your property based upon county requirements."

Mr. Pawelczyk: The other issue is if you remove a tree from your property, you might not need a permit and it might not be required by Brevard County to replace the tree, but you may be required by your Declaration of Covenants to replace it because the Declaration of Covenants is a contract between the property owner and the community.

Mr. Brown: That's a good point. Thank you.

Mr. Pawelczyk: That's another avenue we have. That's all I have. It's been quiet.

**ii. Engineer**

Ms. Samitas: Before we get started, I just wanted to make a couple of clarifications. We reviewed the minutes from the last meeting, especially at the complaints that were voiced. I discussed this with my Supervisor and our Business Director. We want to make sure that we are meeting your needs as the client. As you have noticed, I've been having Jeremy fill in the past several months since we met in April. I thought Jeremy would be a good fit for this type of role.



So far it seems to be working, but if there are any additional concerns or complaints, please let me know and I will do my best to try to address those and find a solution. I have support at the office, if it's something I can't handle. Currently we are restructuring. I am actually Jeremy's manager. We have worked together for a few years. I just wanted to get that out there so there is no confusion about the set up. If you have feedback, I am open to hearing that today. If not today, talk to Jason. Is there any feedback for me today?

Mr. Mills: The only thing that I want to say is on behalf of the Board, is I want to thank Jerry and you, for the beautiful job on the parking lot. There were a lot of challenges there and there still are a few. I'm sure that Jerry will get into it in his comments, but I want to tell you that Jerry has gone above and beyond as a Supervisor, especially the pavilion project through. So personally, on behalf of the Board, I want to thank Jerry.

Mr. Darby: You're welcome.

Mr. Mills: I also want to thank Maryelen for her time in re-designing and re-engineering that particular situation.

Ms. Samitas: It was fun.

Mr. Mills: Thanks so much. We greatly appreciate it.

Ms. Samitas: I'm looking forward to seeing it through fruition. It looks good already.

- 1. Speed Humps**
- 2. Paving Projects**
  - (a) Pavilion Paving**
  - (b) Roadway Paving**

Mr. Reideman: The first item is the roadway paving. Atkins investigated the microsurfaced roads that we talked about at the previous meeting, which were microsurfaced two to three years ago. They look new. I sent photos and the locations. Following that, I scheduled a meeting with Mr. Darby and Asphalt Paving Systems. We drove the roads and verified with them that microsurfacing would work. For National Drive, the asphalt representative stated that it was on the verge between needing mill and overlay or microsurfacing. As a result, we obtained a quote for a mill overlay on National Drive from Atlantic Paving Systems (Atlantic) who quoted \$34,265.

Mr. Darby: Jeremy, did that include the installation of the speed humps or is that over and above?

Mr. Reiderman: That was separate.

Mr. Darby: I think that's around \$4,500 to \$5,000.

Mr. Reiderman: Correct.

Mr. Mills: For two speed humps?

Mr. Darby: Yes. I think the idea is if they were mobilized to do National Drive, that would be the time that we want to do the speed humps. Right?

Mr. Reiderman: Yes.

Mr. Darby: My recollection of the conversation with Chris was he was more inclined to mill and overlay National Drive than microsurfacing. I think \$34,000 eliminated Linford Court and a couple of other places. A prior quote was around \$50,000, so that seems like a reasonable quote. If you were to resurface the entire community, the cost is somewhere between \$1 million and \$1.3 million versus microsurfacing, which costs \$400,000. So, the amount of money saved is considerable, upwards of \$1 million. The useful life of microsurfacing is about 10 years. The only difference between microsurfacing and mill and overlay are that the mill takes the road down and is overlaid with an inch of asphalt versus microsurfacing, which puts down about a half inch of asphalt without the milling.

Mr. Reiderman: Three-eighths.

Mr. Darby: Thank you. That's where the savings comes from. They do large scale projects at one time. So, from a perspective of trying to do the most financially prudent thing for this community, it would seem to me that we need to consider the microsurfacing process.

Mr. Mills: I agree. When we discussed this at lunch with Jason, I came up with the idea that instead of piecemealing this, maybe we can go to the bond market. We already have some of the funds, but we would borrow \$500,000. There would be no assessment increase because we are already reserving for it. So therefore, we would pay for it from the reserves for the paving. If we do it now, it's like \$400,000, but if we do it piecemeal, it's over \$500,000.

Mr. Darby: That's about \$100,000 More.

Mr. Mills: Right. Basically, we could do the entire community at one time, have it all look the same and not just piecemeal it. It would look like a quilt if we did it in thirds. Rates are low right now, so going to the bond market might be the best alternative. I'm just throwing that out to the Board for their consideration.

Mr. Darby: You would only have to do it once every 10 years.

Mr. Mills: That's correct. Once the bond is paid off, we can still have that reserve and do it again in 10 years.

Mr. Darby: And probably not have to go to the bond market in 10 years.

Mr. Mills: Exactly.

Mr. Brown: So, it would be a 10-year bond?

Mr. Mills: Either a 5- or 10-year bond, with the least interest we could get.

Mr. Brown: I understand.

Mr. Pawelczyk: You probably don't want to do a bond because of the cost. The other problem is if you borrow money for more than five years, it has to be validated, meaning we have to go to court. It's not a big deal, but it takes time to go through the court system to validate that bond. That's not to say you could very easily get a five-year note pledging future assessments for that note at a good rate. By borrowing from a bank directly, your costs are significantly less. It's a smaller amount of money and takes less time.

Mr. Mills: I think this is a good route to take. That way we are using other people's money to accomplish what we need to do. How does the Board feel about that?

Mr. Darby: I think that's a good idea.

Mr. Brown: I think it's worth looking at. From a logistics standpoint, we are going to spend \$34,000. We are going to have to repave National Drive, eventually. So, if we go for the microsurfacing, National Drive will have to be left alone for a certain period of time.

Mr. Mills: We could do it all.

Mr. Darby: We can do National Drive right now, if you want to.

Mr. Brown: Yes. I got the impression the surface wasn't smooth.

Mr. Mills: They need to mill and then overlay it.

Mr. Brown: I understand.

Mr. Mills: So, we can do that now and do the microsurfacing in two years.

Mr. Darby: There is no urgency for us to do microsurfacing. We are trying to outline an approach that would make sense long-term, as opposed to doing a mill and overlay every other year.

Mr. Mills: I understand. Jeremy, do you think that we could let the community go for another two years, based upon what Maryelen has observed?

Mr. Reiderman: Yes. I'm a little hesitant to do the entire neighborhood all at once. I like the one-third. I haven't seen any cracking. If there is additional cracking or base failure, we would want to move it up, but I haven't noticed. So, I think putting it off would be okay at this time and doing National Drive.

Mr. Mills: What is your hesitation in doing the community all at one time?

Mr. Reiderman: Because it's a lot of money to spend all at one time. You do save money, so if that's what the Board wants, then you can do it.

Ms. Samitas: Microsurfacing provides more exposure and you would save \$200,000. We could postpone it a couple of years. There are a couple of roads where there is wear and tear. We know that we are going to have to do Balmoral Way and some places on Old Tramway Drive.

Mr. Mills: Unfortunately, some residents will say, "Why didn't you do my road? You did their road. Mine needed it worse." So, I'm just saying, let's keep the community calm and do it all at one time. Then nobody is hurt.

Mr. Darby: Not only that, they don't look the same.

Mr. Mills: It all looks the same.

Ms. Samitas: They are the same age in the process.

Mr. Mills: Exactly.

Mr. Bosseler: Jason, how much do we have budgeted this year?

Mr. Showe: I was just looking at that myself.

Mr. Darby: We are going to have \$317,947 in total reserves at the end of the year.

Mr. Mills: At the end of this year or next year?

Mr. Darby: Whenever we put into the reserves.

Mr. Showe: At the end of next year, we are projected to have \$317,000.

Mr. Darby: So, \$34,000 is for National Drive for this fiscal year.

Mr. Mills: Yes.

Mr. Darby: Leaving \$283,947.

Mr. Showe: Plus, if you add \$100,000 for next year, that gets you close for the cost to do the entire project.

Mr. Mills: I would rather finance it because that leaves us the ability to not have to have any large or any significant increase in assessments. We can still have the current cashflow. It will not cost anything further and we can still get what we need to have done.

Mr. Showe: I think if the Board is amenable, we can look at the option Mike suggested. We will get some pricing and bring some options back and say, "This is what it looks like if you do it this way and this is what it looks like if you do it that way."

Mr. Mills: Could you provide that for the December meeting?

Mr. Showe: Yes.

Mr. Pawelczyk: The Underwriters can help put the deal together. They will tell you how much money you can get in five years based on the current rate. You might decide to take care of other projects with the financing, which would save you money in the long run.

Mr. Mills: What's nice is we can borrow at a good rate. We can borrow money if we have to and are using other people's money to accomplish what we need to, so it is not hard on us.

Mr. Pawelczyk: Just so you understand the process, the District Engineer would prepare a report regarding the improvements and what we are using the money for. Then we would go through the assessment process and hopefully, our assessments will remain the same. You would have to advertise a public hearing, sending a notice to each individual. We would explain in a letter to residents, the end result, but they aren't going to read past the first line. It's a community project.

Mr. Darby: To make the microsurfacing work, you have to make sure that the underlying basis is good. There are going to be some needs for repairs. What we should get, which staff is already working on, is a hard quote on all of the repairs, mobilization, any and all costs for the entire community and also, the one-third that Jeremy proposed for the southern half. Once we have a hard quote, we can make a further determination, talk about how we want to finance it, if we want to finance it and break it up into thirds.

Mr. Showe: I'm sure I can get some preliminary cost estimates, some generic numbers for you from the Underwriters, so we can make a decision on which way you want to look at it.

Mr. Pawelczyk: I had a District a few years ago that did the exact same thing. Right when the rates were starting to go up, they borrowed \$900,000 for a mill and resurfacing project. It was a 25-year-old community where the roads have never been done.

Mr. Mills: In my opinion, it's the best route to take. It makes sense.

Resident (Not Identified): What is the timeframe for that?

Mr. Darby: I think we want the quotes as soon as possible; although, I don't see that we would be doing the work until February 2021.

Mr. Showe: We are a considerable time out. We are just trying to get into the planning stages. If we decide to go through a bond issue, there is a lot of work that goes into it, so we need to start that process.

Mr. Mills: Jeremy, from an engineering perspective, when is the best time to do the overlay; summer or winter?

Mr. Darby: Winter.

Mr. Reiderman: Yes.

Mr. Darby: What about National Drive? Do we want to do that sooner than later, since we have \$34,000?

Mr. Mills: We should do it.

Mr. Showe: We have the funds now, so if the Board wants to move forward with it, you can approve it, have District Counsel draft a front-end document and we can proceed. We've been discussing that for a while.

Mr. Darby: Let's do it and get it done.

Mr. Brown: We might want to let the golf course know what we are doing, since their parking lot is a mess. We have to pay for the upfront cost for the equipment.

Mr. Reiderman: They would have to mobilize more equipment.

Mr. Mills: I'm talking about the milling and paving.

Mr. Showe: If the Board approves this, we can let them know what we are doing and when they are going to be here.

Mr. Darby: Do you need a motion?

Mr. Showe: I think you have one motion. Could Atlantic do the speed humps at the same time?

Mr. Darby: Yes.

Mr. Showe: Do you have an estimate?

Mr. Darby: Yes, it's \$4,500.

Mr. Showe: If we can have one motion to approve both at the same time and the Board can approve a not-to-exceed amount.

Mr. Mills: That works.

Ms. Samitas: I think the signage was \$3,000.

Mr. Darby: There was a question about the signage.

Ms. Samitas: I think the total amount from Atlantic was \$6,000.

Mr. Darby: For signage, striping, everything.

Mr. Showe: That gets you to \$42,000. Would the Board feel comfortable with a \$42,000 not-to-exceed amount to get it all done?

Mr. Mills: Yes, a not-to-exceed amount of \$42,000.

Mr. Brown: That's fine.

Mr. Showe: That includes a \$1,700 contingency or do you think we need more?

Ms. Samitas: I don't think so. You would be direct hiring Atlantic, right?

Mr. Showe: Correct.

Ms. Samitas: There's one additional point, which is the parking lot. Not to complicate things, but we wouldn't want National Drive to get all torn up with a bunch of paving equipment.

Mr. Darby: You are saying that it should be coordinated at the same time.

Mr. Showe: Or it should be done first.

Ms. Samitas: Ideally, it should be done first, but if they are not going to do it for another 10 years...

Mr. Mills: I doubt they will do that.

Mr. Brown: At least we offered.

Mr. Darby: That's right, but I think it's appropriate to let them know.

Mr. Showe: Oh absolutely. I think the motion would be an approval not-to-exceed \$42,000 for the milling and paving proposal plus the speed humps and providing authority to District Counsel to draft the front-end document, once we get a final proposal reflecting the entire scope of work.

On MOTION by Mr. Bosseler seconded by Mr. Brown with all in favor approving the Atlantic Paving Systems proposal in a not-to-exceed amount of \$42,000 for milling, paving and speed humps and authorizing District Counsel to draft the front-end document was approved.

Mr. Bosseler: Rick, have you seen any results of the highways that Jeremy noted were microsurfaced eight years ago?

Mr. Brown: No, I haven't.

Mr. Bosseler: I haven't either.

Mr. Mills: I went down to West Melbourne and it looks great. That was done five years ago.

Mr. Bosseler: Can we get an email from you, giving us three or four locations that were microsurfaced?

Mr. Showe: He did. I will forward it to you.

Mr. Reiderman: I don't know if you noticed, but one was questionable. When you drive over it, you feel bumps. That road was probably well past when it needed to be microsurfaced, but it still looked a lot better and extended the life of the base.

Resident (Not Identified): Are the bonds tax exempt?

Mr. Showe: Yes.

Mr. Mills: I would imagine.

Mr. Showe: As a CDD, everything we do is tax exempt. Obviously, a lot of factors go into that. It depends on the method, project, structure, etc.

Mr. Mills: The fact is that we are not asking for any increase in assessments to do this project. We are doing it out of the current cashflow. It's a no brainer.

Mr. Pawelczyk: We can't sell the bonds directly.

Mr. Showe: Correct.

Mr. Darby: One quick question. Jeremy, Chris mentioned that the Florida Department of Transportation (FDOT) had some specific specifications for microsurfacing. Do you have those?

Mr. Reiderman: I don't have them with me.

Mr. Darby: Do you have access to them?

Mr. Reiderman: Yes.

Mr. Darby: I just wanted to make sure if we do anything with this, it's in the agreement.

Mr. Mills: The next item is the pavilion paving.

Ms. Samitas: All of you saw the parking lot as you drove by. They actually did the second pour today and are currently out there doing saw cuts. They still have a few more panels to complete. They have to re-stabilize the green. There is going to be a 10-day resting period and then they will stripe it. Then there will be a 28-day resting period for no truck traffic. We discussed maybe having permanently no truck traffic and putting up signage. That's for the benefit of the community. There is no need to have trucks in there. Beyond that, we are just waiting for them to finish up. I will do my final inspection to make sure everything is in place



and then we will do the as-built certification. Is there anything else that you want to add to that, Jerry?

Mr. Darby: Yes, a couple of things. First of all, I want to thank Maryelen for being on our beckoned call. She received many calls late at night or in the morning to come out to the site for problems, when the grades and elevations weren't right and the surveyor had issues. We had challenges beyond challenges. When all is said and done, including sitting on a picnic table hand calculating all of the elevations so that we could proceed while the contractors are there, I think you did a great job Maryelen. Thank you very much for all of your efforts. I also want to thank Advantage because they bent over backwards, including re-shooting the surveys two or three times that we paid for a surveyor to do and couldn't get right. Good ole Brian knows how to do that and saved us a lot of time and trouble. The county was no help at all. They decided to generate a lot of paper by asking for 22 different comments and once they came out, they wanted us to re-pave the Miami curbs, wanted to put in an outfall structure and whatever else they wanted, including mitered ends on the culverts. There are probably going to be some Change Orders, Jason. I don't expect them to be much. The Miami curbs were always considered outside of the scope of this project, but they did get pretty banged up. When all is said and done, though, it is a nice parking lot. We had more trouble with this than the pavilion, believe me. The county was absolutely merciless on this, but I think once we get there, people are going to enjoy it. We will restrict access to the parking lot effective tomorrow, once they do the final pour. People can go there and walk on it for tennis, but we are not going to allow any cars on it for 10 days. Once the 10-day period is done, it will not be roped off. Then we will take down the ropes, but we will have a ton of signage saying, "No Trucks."

Mr. Viasalyers: Yes. I already have it

Mr. Darby: Okay, great. I think it's going to be fine. It's a project that's long overdue and I think we are quite happy with the way it turned out. So again, thanks a lot, Maryelen.

Ms. Samitas: You bet.

Ms. Schoonmaker: Is there a 28-day resting period and after 10 days, we can drive on it?

Mr. Showe: After 10 days, you can drive on it. It is a 28-day full resting period for trucks over 5,000 pounds. We contacted Waste Management and Tropic-Care. Those are the two likely ones that would be using it. We let them know not to use it. We are putting signs out that say, "No trucks over 5,000 pounds."

Ms. Schoonmaker: Would food trucks be okay?

Mr. Darby: Food trucks would be fine.

Ms. Schoonmaker: You might want to talk to the restaurant. That might be a great turn around place to fill out their paperwork.

Mr. Darby: The truth of the matter is, if trucks after the 28-day period, drive on it, it's not going to fall apart, but why expose it to any undue wear and tear. So out of an abundance of caution, we are going to try to restrict that.

Mr. Brown: Will the cameras in the pavilion, focus in on the parking lot area?

Mr. Viasalyers: No.

Mr. Brown: I just don't trust the truck drivers.

Mr. Mills: That is a good point. We may want to get a hold of Mr. Rossi and get a price to install a camera in the parking lot. It can't be that expensive. See if you can get one added. That is a good point.

Mr. Brown: I just don't trust them.

Mr. Darby: We will take a look at the lighting at night and if inadequate, we can probably hang a light from the tennis court post.

Mr. Mills: Is there anything else?

Mr. Reiderman: The next item is the Kingswood Drive drainage. At a previous meeting, the Board wanted to look at the Space Coast Credit Union. I reviewed the drainage plan and performed a site visit to verify that the pond water elevation is being correctly maintained. It was at the correct elevation. The other question at the last meeting was if the Landscape Agreement was being followed and if it was a county concern. I didn't see the drainage concern being part of the Landscape Agreement. So, I couldn't say that it was a Code Enforcement issue. Sorry. The other item was the drainage from the swale along the Space Coast Credit Union property line. It needs to be able to drain to the west to the wetlands. The wetlands need to be re-established. That was the previous direction. Are there any questions?

Mr. Darby: We talked to Tropic-Care about removing brush. We established that flow. Correct.

Mr. Mills: That's right.

Mr. Darby: They are waiting until the end of October and after that point, we can determine whether that's effective and if not, take action.

Mr. Mills: That's right. The other option would be to put in a pipeline.

Mr. Reiderman: The next item is the lake bank restoration on Lake 1. I sent out an email during my site visit about three different options for the lake bank restoration work. One is pursuing the access to Lake 1 through the conservation easement. It seemed like this was objectionable to the resident at the end of Berwick Way. I met with the resident. She didn't want a truck going through her side yard. It was wet while I was there. The method of the restoration was in question. The third option is to do nothing and delay the lake bank restoration.

Mr. Mills: I am leaning towards not doing anything on that bank, but I need some guidance and support from you. If we don't do anything, how long do you think we would have before we would absolutely, positively have to do something.

Mr. Reiderman: I talked to Maryelen. We went out and did the assessment originally to prepare the Lake Bank Restoration Plan. It was based off of a variety of factors. One to have a 4-foot horizontal to 1-foot vertical drop, if the slope was too steep and the other to have a drop-off at the water's edge. I think the most important concern is if it's dropping off near a structure.

Ms. Samitas: I think the most critical one was at 8033 Kingswood Way, where they have approximately 3 feet between the property line to the lake bank, as measured by our staff. The most critical slope we had was 3:1, instead of 4:1. If you want, I haven't spoken with the homeowners directly, but if that's something you want us to do, we can go out there with one of the Board Members to find out how critical it is.

Mr. Mills: The reason I ask is the gentleman that Jason and William and I met with, is fairly adamant that I am not going to let you cross my property.

Mr. Showe: That's a fair assessment.

Mr. Mills: He basically said to us, "My bank has not deteriorated at all, so therefore, I don't care." Those were his words.

Ms. Schoonmaker: 407 Kingswood Way has a tree that is about to fall into the lake.

Ms. Samitas: The prior work was done in 2012 or 2013 and they may have made a change since that time. Should we just go in that one area to do another survey behind these homes?

Ms. Schoonmaker: There were previously tubes.

Mr. Showe: Correct.

Ms. Schoonmaker: The tubs are not intact. Stuff is floating along the shoreline.

Mr. Mills: How did we get in there before, Sandy?

Ms. Schoonmaker: His claim was that they went through, left ruts and he had re-sodded.

Mr. Showe: He never mentioned that.

Mr. Mills: He didn't mention that to us at all.

Mr. Showe: We assured him that the CDD would restore any damages areas.

Mr. Mills: We told him that.

Ms. Schoonmaker: That was his original statement to us.

Ms. Samitas: That brings up a larger issue, which is you must have access to maintain the lake. Now, you can probably get through there with an ATV vehicle, but with a larger vehicle, they won't be able to access the lake. I'm not sure that other contractors would have anything to say about that.

Mr. Mills: The only other option is to go through the conservation area to the right. To do that, we have to get permits from St. Johns.

Mr. Darby: I thought they have already given that to us.

Mr. Mills: How far do we have to go? We approached this individual and the lake bank is eroding.

Mr. Darby: It isn't.

Mr. Mills: He said it is.

Ms. Schoonmaker: Is there anything legally that you can do?

Mr. Pawelczyk: I don't know.

Mr. Mills: How far would you go?

Mr. Showe: I think it's one of those issues where unfortunately, the CDD was not given an easement to maintain that lake, so we are bound to access residential property that we don't have legal permission to. So, we have to use goodwill.

Ms. Schoonmaker: What was the resident's problem. Was it wet and she did not want you to go through it?

Mr. Mills: Yes, it was wet when we were there. Very wet.

Mr. Reiderman: There were shrubs. I took pictures of it.

Ms. Schoonmaker: The guy that lives in the house between her, replanted.

Mr. Mills: But we went to see that. There was an open space. At the house on the corner, they tore out a lot of that landscaping. So, we thought between them and the next house, we could get in there and replant whatever we destroy.

Ms. Schoonmaker: Yes.

Mr. Brown: We came up with a plan and set aside money on an annual basis. The plan was developed as a result of the Engineer's Report on the condition of the lake banks within Baytree on a critical basis. The area in red had to be done right away, then orange and finally green. We developed a proposal and budget along those lines. If the homeowner will not allow us to cross their property to get to the lake that is eroding onto their property, then I think we have done what we are required to do.

Ms. Schoonmaker: Everyone's lake bank is eroding.

Mr. Brown: We can't get back there because we have no easements, so what are we supposed to do? What are our options?

Mr. Darby: We have one option. You could go through the conservation area. Didn't St. Johns say that we were authorized to do that?

Ms. Samitas: They would entertain the idea. I don't know whether it's wet or not. It's a conservation easement. So, if it ends up being a wetland, they would want to know the wetland elevation, so they would get surveys, etc. If it's just a conservation area and it's dry, it's not a wetland. We could potentially clear half of what's in there, but we still need to notice them. They would probably make a determination. We met with John Juliana of St. Johns onsite about other conservation areas and he was going to work with us.

Mr. Mills: Sandy, would you like new landscaping?

Ms. Schoonmaker: I don't think there's room.

Mr. Mills: Is there a way that we could go between your house and your neighbor's house, since you are being affected by it as well?

Ms. Schoonmaker: I don't think it's going to affect me as badly as some of the others. You can probably discuss that with my husband.

Mr. Showe: I think at this point, we would be looking at all available options because it would be far cheaper than digging into a conservation area.

Mr. Darby: Absolutely. Sandy, does Marilyn Wood's property border that lake?

Ms. Schoonmaker: Yes, it does.

Mr. Darby: I will reach out to Bob Woods, who I know personally.

Mr. Mills: It might be a good option to talk to your husband and your next-door neighbor. Maybe Jason, William and I should do that.

Mr. Showe: Yes.

Mr. Mills: Then we will see where we go from there. How do you feel about it, Sandy, honestly?

Ms. Schoonmaker: Rick and I don't have a problem with it. It's the neighbors. The first one on the corner just moved in. The other one is an older couple. They have bushes.

Mr. Mills: So, there would be minimum invasion there.

Mr. Darby: Is that's 409 Berwick Way?

Mr. Showe: Yes.

Mr. Pawelczyk: We could provide a temporary access easement that would detail, specially how the CDD would restore the property. It wouldn't just say that we would restore the property. It would just have a level of assurance.

Mr. Showe: Correct.

Mr. Pawelczyk: Whatever that restoration entails can be detailed in the temporary access easement, even if it includes some additional landscaping.

Ms. Schoonmaker: I can't speak for them.

Mr. Showe: Understood. We appreciate at least having another option. Mike, we did reference that to the gentleman on the end of Berwick Way and he was still not interested.

Mr. Pawelczyk: We could also prepare it in a draft form if that is what it takes.

Mr. Showe: Let us talk to them. We need to make sure there is at least enough room to get the equipment through and then we will take it from there. We appreciate that.

Mr. Mills: Is the Board comfortable with Jason, William and I talking to Sandy and her husband to see if we can bring this to conclusion?

Mr. Darby: Yes.

Mr. Mills: Alright, let's do that. Jason, will you provide us with the dates?

Mr. Showe: Sure.

Mr. Mills: Maybe we can meet with the neighbor and Sandy at the same time. Would that be possible?

Ms. Schoonmaker: Yes.

Ms. Samitas: After whatever happens onsite, let us know the address.

Mr. Showe: Absolutely.

Ms. Samitas: We can measure the distances.

Mr. Mills: Perfect.

Mr. Showe: Can you just have Bill give us the footage he needs? That way we can just check it onsite.

Mr. Reiderman: There is an 8-foot minimum.

Mr. Showe: Okay.

Mr. Mills: Does the Board want them to go out and re-measure to see how it was done in the last four years?

Mr. Showe: Let's see if we can get access first; we need it.

Mr. Mills: Continue Jeremy.

Mr. Reiderman: In the notes from the onsite meeting, we met with Jean Allen and Mariah Greene regarding the tree removal permitting. We took the diameter of the total of the seven trees that could be removed at breast height, which was 114 inches. So, we did one-quarter of that; 26 inches. That could be met by 4 one-inch trees and 5 2.5-inch trees. Then she said 50% of the replacement trees would need to be Live Oaks. The trees have to be healthy. The replacement locations were along Southpointe Court and Chatsworth Drive and possibly the Clubhouse. We just stated that the trees need to be 8 feet off of the curb to prevent any future concerns. That's all I have.

Mr. Mills: Did we cover the 2020 lake bank restoration to repress erosion and create a new work proposal?

Ms. Samitas: I sent Bill a note today. We have a list, but a few properties were skipped, such as Lake 10. So, I would like to give him a priority list. We want those re-inspected to make sure whether we need to do them or not. I will check with Jeremy to make sure all of our criteria are met. Then we will proceed into the 2020 list, rather hop scotching around. If it makes sense, then I will propose that to the Board.

Mr. Mills: Sounds good.

Mr. Reiderman: You might also want to ask the community if there is a pressing need. You said that the resident at 407 was concerned about their tree falling into the lake.

Mr. Mills: Is it a big tree?

Ms. Schoonmaker: It's a Willow tree. We will talk to Rick about that.

Mr. Mills: I don't think a Willow tree is allowed.

Mr. Brown: Then remove it.

Ms. Samitas: I have one more item. Regarding the pavilion, I have a future scope for Tropic Care. [Ms. Samitas provided the Board with drawings of two drainage options]

Mr. Darby: Is there one option that's better than the other?

Ms. Samitas: Not really. Not knowing how the layout is going to end up looking, I prefer Option 2.

Mr. Darby: I like that option better because we have a low point in the playground area.

Ms. Samitas: Yes. We talked about in the future, filling up that playground area.

Mr. Mills: We could get some fill in there, level that and taper it down, but I think if we just wait as you suggested until we get some rain to see how the water is going to flow, that would be a great idea.

Ms. Samitas: That would give you some time to determine what you want out there. This is just for your use.

Mr. Mills: Thanks, Maryelen. Regarding trees, there is a whole strip of land from here out to the outer wall, along Chatsworth Drive at the very end that has no trees at all. So, there's an open spot where they can put some trees. We found another spot down in Southpointe.

Mr. Darby: Along the waste area?

Mr. Mills: On the right-hand side. There is a nice big opening down there where we can plant. Is there anything else?

Ms. Samitas: My Accounting Department needs an email from you as proof on what your budget is for engineering for your new fiscal year. We can do it month-to-month. I'm flexible.

Mr. Showe: The General Fund has \$25,000 in it. We can send her the budget and then any Work Authorizations.

Mr. Mills: Perfect.

Mr. Showe: I will send an email.

Ms. Samitas: Thank you.

Mr. Mills: Maryelen, on behalf of the Board, I would like to thank you for all of the hard work and effort that you have given to Baytree to this point.

Ms. Samitas: You are very welcome. You are in good hands with Jeremy.



Mr. Mills: If there are any issues, we will bring them to Jeremy so he can pass them on to you. Jeremy, we are looking forward to your support. Do not be afraid to interrupt the Board if you think that the Board is heading in the wrong direction. You are the expert, so tell us what we need to do.

**iii. District Manager’s Report**

**1. Field Manager’s Report**

Mr. Viasalyers: I have a couple of items. Going into the fall, we are going to work with the pool company to perform general maintenance on the pool heater to get it ready and prepped for the cooler weather. As Jason mentioned earlier, we are going to be replacing the other pool heater. On the landscaping side, we are going to be installing the quarterly annuals soon. I don’t have the exact date yet. Just so everyone knows, Florida, Power & Light (FPL) completed their LED conversion throughout the community.

Mr. Darby: Excellent.

Mr. Viasalyers: So, all the lights were switched to LEDs.

Mr. Showe: For clarification, just the FPL poles got changed. There are some that belong Baytree and we are working on converting those.

Mr. Darby: Okay.

Mr. Mills: I would like to thank William. He has stepped to the plate and has done some good things.

Mr. Viasalyers: Thank you. That is all I have unless the Board has any other questions.

**SIXTH ORDER OF BUSINESS**

**Treasurer’s Report**

**A. Consideration of Check Register**

Mr. Showe: In your General Fund, we have Checks 53516 through 53557 in the amount of \$147,725.36. In your Capital Projects Fund, we have Checks 86 and 87 in the amount of \$2,668.13. For Community Beautification, we have Checks 33 through 34 in the amount of \$7,235 and August Payroll in the amount of \$923, for a grand total of \$158,551.99. William and I can answer any questions on those invoices. If not, we need a motion to approve.

On MOTION by Mr. Brown seconded by Mr. Darby with all in favor the Check Register for July 30, 2019 through September 23, 2019 in the amount of \$158,551.99 was approved.

**B. Balance Sheet and Income Statement**

Mr. Showe: This goes through August. As we discussed in the budget process, there are some lines that have some overages. Most notably is engineering with all of the work that they have done this year. There have been some considerable expenses. We also had some overages in addition to landscaping, mostly associated with some Pepper trees that were removed, some additional hedges that were trimmed as well as some of the improvements at the front. The overage in lighting is due to the additional lights at the tennis courts. Although it was approved months ago, it was finally charged this year. So, the funding didn't carry forward, but the expense did. Other than that, most account lines fell in line as expected and we can answer any questions. I can also report that we are over 100% collected on your assessments so we are in good shape there. We will continue to monitor those as we go into the next fiscal year. Typically, a large portion of assessments come in at the end of November or early December. By that point, we should have about 90% of our collections.

Mr. Mills: Are there any penalties if it's not paid within a certain amount of time?

Mr. Showe: If you don't pay your tax bill or you miss the April deadline to pay your tax bill, a tax certificate is sold. When that tax certificate is purchased, we get our revenues at that point. The second the tax bill is paid, the CDD is paid. Between the owner and whoever owns that certificate is a private transaction.

Mr. Mills: So, we don't basically say, "*Okay, this month is \$1,800, so next month is \$1,650?*"

Mr. Showe: No. That is handled on the tax bill essentially so whatever rate they pay, you either get the 4, 3, 2, 1 or 0 discount when you pay your tax bill. That amount is remitted to us.

Mr. Mills: Okay.

Mr. Darby: Jason, I noticed on the tennis court that the new light is an LED light, while the others are metal halide lights, which consume a huge amount of electricity. Is that cost effective, instead of changing the existing metal fixtures to LEDs?

Mr. Showe: We can certainly get proposals. I don't know if it requires a whole new fixture or if it's just a matter of switching out the lights.

Mr. Mills: Is that the globes?

Mr. Showe: No. They are huge. We will find out. We will get with Best Electric and see what they can do for us.

Mr. Bosseler: William, you called me and asked me for approval to do the LEDs while they were there.

Mr. Viasalyers: Yes. That was based on the recommendation from the electrician.

Mr. Bosseler: Did they come back and do the other ones?

Mr. Showe: Correct.

Mr. Viasalyers: No, they needed to replace the entire fixture and they recommended doing LEDs.

Mr. Mills: That makes sense.

Mr. Showe: That falls in line with what we have been doing throughout the community. Any lights that goes bad, we are replacing with LEDs, but we are not going out and doing them before they die.

Mr. Mills: It would be interesting to find out if you can give us, since we have changed pretty much everything over to LEDs, what the cost savings are.

Mr. Showe: Once we start getting the new bills, because it's been relatively new, we probably haven't had a cycle or two yet, but maybe by the December meeting, we will start looking at the invoices and seeing if they reflect it.

Mr. Mills: I think all of us would like to know, the fact that we have gone to this, we decreased our electric bill by half.

Mr. Showe: We will take a look at it and see if we can give you some information.

Mr. Mills: Very good.

## **SEVENTH ORDER OF BUSINESS**

### **Supervisor's Requests**

Mr. Mills: Do you have anything Rick?

Mr. Bosseler: No.

Mr. Mills: Jerry?

Mr. Darby: Yes. I have a couple of items. Is the Bowman request ongoing? Are there any updates?

Mr. Showe: At this point, we are going to have to talk with District Counsel and figure out what an appropriate amount of effort it's going to take to fulfil that request. We will coordinate that with Mr. Bowman and see where we go from there. You guys won't need to do anything with that. It's a public records request to our office and we will handle it as quickly as we can considering the volume of the request.

Mr. Pawelczyk: So, you understand, a lot of questions have been asked. That's not a public records request. If you send a letter like this to the county, they won't respond.

Mr. Showe: Correct.

Mr. Mills: Then why should we?

Mr. Pawelczyk: That's a good question. The problem is the way it's drafted, we need to provide them records. So, Jason has to now coordinate with him as the Records Custodian to provide the records. If the requestor wants to pay GMS, separately, to get this information and GMS wants to do it, they can do that.

Mr. Mills: Could he give him the minutes from this meeting?

Mr. Pawelczyk: We can talk about that offline. It just depends. The letter is four or five pages long. Everything he's asked for is in some records, somewhere.

Mr. Mills: Dating back to 2010.

Mr. Pawelczyk: But the expensive clerical supervisory information technology resources that GMS will have to go through to gather those records, is costly and the District can charge for that. Actually, GMS charges for that.

Mr. Showe: Correct.

Mr. Pawelczyk: Because it's their time, we can charge for that as a District to respond to that request because what he asked for is extensive. With a public records request, the Records Custodian can reply, "Look, you need to clarify what records you want, and this is how much we think it's going to cost. Give us the check and we will do the work for you." So that's really the issue. Like when I ask for a public records request, on behalf of my clients or individually, I say, "I want the following records; any and all correspondence between \_\_\_\_\_ and \_\_\_\_\_ date pertaining to \_\_\_\_\_." Why? Because it's defined. It's not our job to respond to someone's questions.

Mr. Showe: Right

Mr. Mills: The bottom line is he is going through the motions for us to break down and say that we are going to do the work.

Mr. Pawelczyk: Most people don't understand what a records request is. It's different from a request for information, which is what he's asking for. Over the years, the District attempted to respond to those requests. Jason does it for anybody who asking for information. Now it's coming to the point where we need to narrow that down as to what they are actually asking for.

Mr. Mills: Can GMS actually bill for all justified time?

Mr. Darby: Yes, and the copy expenses?

Mr. Mills: How about the labor to look up the records?

Mr. Pawelczyk: It depends on what he's asking for.

Mr. Brown: Let them work it out.

Mr. Pawelczyk: If you make a request to the City of Melbourne for minutes from a meeting in 1995, they are going to send it to you at no cost. Why? Because they should have the minutes right there, but if they ask for specific minutes of a meeting that we can't find because they are from the 1991 timeframe, that could be extensive supervisory clerical assistance to find the information they are asking for. So, as a records requestor, I'm just going to say, "Send me all of the minutes from 1991 and I'll look through them." So that is what Jason has to work out with them to see what they want to inspect or have.

Mr. Mills: Sandy, do me a favor. In your summary of the meeting, please do not mention his name.

Mr. Pawelczyk: Just so the Board and public knows, the District and GMS take this very seriously to respond to a records request.

Mr. Showe: Correct.

Mr. Pawelczyk: A good manager keeps good records. Because this request is so extensive, Jason was asked to help them negotiate that records response.

Mr. Showe: Correct.

Mr. Pawelczyk: Because we want to respond.

Mr. Showe: There is a lot of interpretation, which I think is not necessarily subject to the response.

Mr. Darby: At the last meeting, a representative from Turnberry said that they had completed a survey and they were going to forward it to you. Did you ever receive that?

Mr. Showe: I don't believe I did.

Mr. Darby: I don't remember who it was. You also talked about the possibility of a CDD 101 workshop where you give an explanation of the CDD/BCA. Is there any interest in proceeding with that?

Mr. Mills: Could we do that at the December meeting?

Mr. Darby: That's what I'm thinking.

Mr. Showe: We certainly could. I think most of the folks in the room are pretty well educated on that, so I want to make sure if we are going to go through the process of doing it, we hit the right target of folks.

Mr. Darby: So, do we want to do that?

Mr. Mills: What do the residents think?

Ms. Schoonmaker: They call me all the time and ask for reports that I put out.

Mr. Mills: We were talking earlier in our strategic planning that the community is starting to change over. We are getting a lot of younger people moving in, engineers from Harris, Northrup, Grumman and all of these people. It might be a good idea to do that at the December meeting.

Mr. Showe: Absolutely.

Ms. Schoonmaker: If they will come to the meeting.

Mr. Mills: If they come.

Ms. Schoonmaker: Most people just pay the bill.

Mr. Showe: After we do the presentation, we can upload it to the website so the VMs can send out a reference if residents are looking for some basic CDD information.

Mr. Darby: That's a great idea.

Mr. Showe: We can absolutely do that.

Mr. Darby: We also talked about the checklist we would attach to the welcome letter. I know that you are working on the sidewalk improvements. Is there anything new on that?

Mr. Mills: I turned that over to Carolyn. To my knowledge, nothing has been done.

Mr. Showe: I will follow up.

Mr. Mills: I asked Jason to ask Carolyn for that backup and we will pursue that.

Mr. Darby: Okay. Just one other thought. I know that we have issues about residents and guests coming in at the same time. Would it help to have a sign on the guest lane that says, "Yield to Drivers on the Right?"

Ms. Schoonmaker: Yes.

Mr. Showe: Would it help? I'm not sure, but we can always try it.

Mr. Darby: I know that we have a lot of signs out there now. It looks like a Burma Shave commercial.

Mr. Mills: It looks like a trailer park. I think we just need to impress upon the security guards that they need to not open the gate.

Mr. Showe: I will say that when you are in that guardhouse, it is hard to do that because the cars come through that resident lane so fast.

Mr. Darby: Just put a sign out there.

Mr. Showe: We will take a look at it and see if there is something that might work.

Mr. Darby: Thank you.

Mr. Mills: Like Jerry, I have some items too. I would like for the Board to consider finishing the islands. I received a quote to do the last island in front of the guardhouse and would like to get started on that. I want to clear the entire island out, with the exception of the mature trees that are already there. One Palm is dying and has to come down. I met with Dave and would like to plant three blue Bismark Palms in the center, surrounded by Arboricolas and to carry the Arboricola theme from the front to the back. Then the rest of it will have sod. So, it will be all open. The cost to tear it all out, place sod, trees and plants is around \$10,000. I have \$45,000 in the beautification budget.

Mr. Darby: If it's in the budget, I would do it.

Mr. Mills: Very good.

Mr. Pawelczyk: We should have a motion authorizing spending a not-to-exceed amount of \$10,000 for the median landscaping.

On MOTION by Mr. Mills seconded by Mr. Darby with all in favor spending a not-to-exceed amount of \$10,000 for the median landscaping next to the guardhouse to be paid out of the beautification line item was approved.

Mr. Mills: There has been some discussion and I mentioned to William that the gate arms in some of the areas are turning black. That is due to the different metals. I asked William to spray the rust areas with Clorox.

Sandy, you do such a great job at doing your synopsis of our meetings. Seriously. One of the things you might want to do is say, "Ease of considering bonding."

Ms. Schoonmaker: Sure. I will discuss the microsurfacing.

Mr. Showe: And the funding mechanisms.

Mr. Mills: Very good. I have nothing further.

## **EIGHTH ORDER OF BUSINESS**

### **Public Comment Period**

Mr. Norm Amyot (Ashbourne Court): I was the first buyer in here. I have a couple of comments about the Bowman issue. Does the requestor have to have any legal basis for asking for that amount of documentation?

Mr. Showe: Essentially as a governmental entity everything we touch, own, and maintain is a public record. Everyone, including folks who don't live here, have the right to ask for any or all documents.

Mr. Amyot: For no reason whatsoever.

Mr. Showe: Absolutely.

Mr. Amyot: Thank you.

Mr. Pawelczyk: That is in the Florida Sunshine Law.

Mr. Amyot: When he is provided with that, can he cite the source of those records?

Mr. Pawelczyk: It's up to him.

Mr. Mills: His request is to the point where it is almost ridiculous, because the heaps of paperwork, is going too far exceed what we have at that table. It's stuff that we have discussed, made motions on, has been approved and budgeted, but he wants it all the way back to 2010, we can provide it.

Mr. Pawelczyk: He doesn't have to tell us exactly what he is looking for.

Mr. Showe: Correct. It came yesterday afternoon.

Mr. Pawelczyk: At some point, the Board is notified of the public records request. This one, Jason has to go through and determine what the requestor really wants. So that's really



where we are. As a matter of course, Jason and every other manager I deal with, is going to try to get the information, but we are not required to answer any questions.

Mr. Showe: We are not required to interpret the information.

Mr. Pawelczyk: If Jason answers wrong, some lawyer is going to be like, "It's he said/she said." So, it's better just to give them the records. That's where we are at now.

Mr. Mike Sherbin (Windsor): Are they going to put a new curb in, so I don't have water accumulating? I have been bringing this up for two weeks. In Connecticut, there was a mosquito that was carrying a disease. We don't have them yet, but that doesn't mean we are not going to get them. Are they going to replace the tree?

Mr. Showe: We just received the report yesterday. I'm not done yet and I'm not giving up on trying to get it removed. I still plan on trying to contact that person with some of the items you requested to let them know it's causing drainage and ponding issues. It's damaging property. Is there anything that we can do?

Mr. Sherbin: Based on our survey, 120 people answered that they didn't want speed bumps, but I believe that was for our neighborhood and not for the rest of the neighborhood.

Mr. Darby: Yes, but Mike, I think the issue was you portrayed speed bumps in your survey, not speed humps. We have been through this many times.

Mr. Sherbin: I clarified that with several people, and they don't want either one. The reason was emergency vehicles. They felt that a speed hump would critically injure the person in the ambulance.

Mr. Darby: Well the rest of the Board doesn't feel that way. I don't think we want an ambulance going through the community at 60 mph. The speed hump will slow it down to 25 mph. By the way, if you don't put speed humps in you are going to have a lot more ambulances in here because people are going to get killed on these roads. That's the whole point. This Board does not want to sit here and seem irresponsible because some child got killed by someone driving down the highway at well over the posted limit. I think it's a responsible public safety thing to do. This Board has discussed it ad nauseum with the residents and it's a done deal. It's going to happen. Thank you for your comment.

Mr. Brown: The residents in Windsor will only be going over one speed hump to get in or out.

Mr. Mills: What Jerry said is well taken. I just came back from Las Vegas. I was in a community where homes start at \$4 million. There were speed humps through that entire community. It's inevitable. I have to agree with Jerry. That's why we said they are going to go in. No matter what. Is it a life or is it a speed issue with emergency vehicles? To me and the rest of us, it's a life issue.

Mr. Sherbin: I think for issues like this in the future, we should probably have a poll.

Mr. Brown: I disagree, Mike. I live on Old Tramway Drive and my eight-year-old grandson and I cannot play out in front of our house or near the road because some turkey in an Audi is doing 40 mph down Old Tramway Drive. If I lived on Berwick Way or Birchington Lane, I would have no problems playing out in the middle of the street, because your road is two lanes, there is no outlet and you are going from one area into another. It's a beautiful neighborhood, but come out on Old Tramway Drive some afternoon and sit there and watch these people go by on their cellphones, texting and doing 40 mph. I don't want that, and I don't care if you have 95 people out of 100 that say they don't want a speed hump. You need to come on Old Tramway Drive. The people that say, "We don't want it," the first pedestrian that gets killed or hurt walking the street, are they going to take responsibility for that? We as a Board cannot take that responsibility and we aren't.

Mr. Sherbin: All I was saying is if we have an issue like this again and there would be a significant vote one way or the other, I want you to take that into consideration.

Mr. Darby: Well the residents are all free to attend these meetings.

Mr. Sherbin: You didn't go through the entire neighborhood.

Mr. Brown: No Mike. I'm sorry. I totally disagree with you. The BCA set up an Ad Hoc Committee of representatives of the BCA of all the neighborhoods. Whether someone from Windsor was part of that, I have no idea, but they were offered. There were people from Kingswood and The Hamlet. They came up with recommendations on how to handle the speeding in Baytree, which they presented to the BCA Board. Jerry represented the CDD on that Ad Hoc Committee. That Ad Hoc Committee, which the BCA Board took as a representative of the feelings of the entire community, passed that along to us and that's what we did.

Mr. Sherbin: I understand that. That's not an issue.

Mr. Brown: So, the way I looked at it, everybody had an opportunity to voice their opinion through their VMs, which is the way it was supposed to be. That Committee was certainly well known by pretty much everyone I talked to.

Mr. Mike Windom (Bradwick): Mike, I didn't get your survey. I'm with you guys on this. Someone passed me going 50 mph on Baytree Drive. If you go to the IOB, there is a retired cop that sits there. When he sees somebody speeding down there, he runs to the curb and chases them. It's real impressive. We have been here for two years and tried coming to these meetings. Does the community have two fountains?

Mr. Showe: When you come around that front lake, we have our fountain on the left. The next one is not a fountain. It's an irrigation pump for the golf course. That's how they get their irrigation water.

Mr. Windom: The community looks gorgeous. We see you out there with Tropic Care and know you are working hard.

Mr. Mills: Thank you.

Mr. Windom: Everything you are doing is good. As you leave the community and look to the right, there are one or two Palmettos that are a couple of feet higher and on top of the hill, there are a bunch of weeds. Are you going to do anything with that?

Mr. Mills: Yes. That is in my plan, but I have to prioritize what I'm going to do next, because I accumulated money over the years from the \$100 we approved six years ago.

Mr. Showe: In the Community Beautification Fund.

Mr. Mills: I saved some of that money and the majority of that money went to clearing out all of the stuff that you currently see. I ran out of money. I only have \$45,000 to finish, so it's going to take at least this year and next year to complete it all.

Mr. Showe: We are targeting certain areas.

Mr. Windom: My third item is a serious subject and I've been worried about it ever since it came up. Do we have anything to worry about as a community as far as this woman who got killed?

Mr. Darby: With the golf cart?

Mr. Windom: Yes. Is it an issue with the CDD, the BCA or the golf course itself?

Mr. Darby: No, the golf course.

Mr. Windom: What if this woman decides to sue? I would like for the Board to talk about how this would affect the CDD.

Mr. Showe: It didn't occur on CDD property. This Board and this community didn't have any issues with it because it happened in IOB.

Ms. Joanne Wagner (Isles of Baytree): It's not going to affect the CDD at all.

Mr. Darby: It's a golf course issue.

Mr. Showe: To give you the background, 15 years ago, the IOB separated from the CDD.

Mr. Bosseler: It's been at least 20 years.

Mr. Showe: It is a separate and distinct community and not part of the boundaries of either the BCA or the CDD.

Mr. Mills: They have their own government.

Mr. Pawelczyk: They pay a certain percentage of our maintenance costs.

Mr. Showe: They assist with security, streetlighting and roadway maintenance for certain specified roads that they might access, but the District is not a part of that community.

Mr. Mills: It's refreshing to see new people attend these meetings.

Mr. Showe: Do you want to talk about the fountain? I know you had questions about turning the fountain off.

Mr. Mills: Some of you approached me about the fountain saying that some days it's on and some days it's off. The reason it's off is to save the water because when the wind blows, water blows out of the fountain and then either I or William have to unplug the fountain if William has not.

Mr. Showe: The fountain will only refill when the irrigation is on, so if the water goes out and it keeps running, it will burn the pump out. So, we are trying to preserve the motor. Occasionally they turn the fountain off.

Mr. Darby: Can't you put a float switch in there?

Mr. Williams: We have an autofill.

Mr. Showe: The water has to be on for the autofill to function.

Mr. Mills: If you notice, the water is not black. That's because we are using bromine tablets. William does a good job of keeping that clear.

**NINTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor the meeting was adjourned.



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Secretary / Assistant Secretary



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Chairman / Vice Chairman