

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, December 4, 2019 at 6:00 p.m. at Isles of Baytree Clubhouse, 456 Glen Abbey Way, Melbourne, Florida.

Present and constituting a quorum were:

Melvin Mills	Chairman
Jerry Darby	Vice Chairman
Carol Witcher	Assistant Secretary
Richard Bosseler	Assistant Secretary

Also present were:

Jason Showe	District Manager
Michael Pawelczyk	District Counsel
Jeremy Reiderman	District Engineer
William Viasalyers	Field Manager
William McLeod	DSI Security Services
Gordon Young	Atlantic Southern Paving & Sealcoating
Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Mills called the meeting to order at 6:00 p.m. Mr. Showe called the roll and the Pledge of Allegiance was recited. All Supervisors were present with the exception of Mr. Brown.

• **Chairman's Comments** *(Added)*

Mr. Mills: I would like to welcome those of you who are new to our meeting. I'm glad you could make it. If you don't know, Nancy O'Hare, a former Board Member, passed away earlier this spring, and her husband, who went to Virginia over Thanksgiving, passed away in Virginia. So let's have a moment of silence for a resident that was very involved in the community. Thank you. Jeremy, do you have someone to introduce to us, so he doesn't have to sit through the entire meeting?

Mr. Reiderman: Yes. This is Gordon Young with Atlantic Southern Paving & Sealcoating, to update us on the work that's going on. He gave us a good quote for additional paving.

Mr. Young: Thank you. I appreciate the opportunity to speak with you today. Our corporate office is in South Florida. We have an office in Cocoa Beach and one in Fort Myers. It is a family owned business that has been around since 1992. We have 150 employees total. We opened this branch about two years ago. In April, I'll be here for eight years. I ran the South Florida office and decided to move to Brevard County, but didn't realize it would be this cold up here. I miss those 80-degree nights in South Florida. As you know, we are doing the National Drive and Old Tramway Drive mill and paving next Wednesday, Thursday and Friday. So that's already on schedule. Everything is set up. We will have flagmen out directing traffic.

Mr. Showe: I wanted to make it clear for the residents that they will only have one lane open at a time, so there will always be access through that area. Just be very cautious as you are driving through. Keep in mind, we are going to mill the entire road one day and come back the next day and pave it. We are going to do each side at a time. So cars will be able to pass, but once we mill, it's going to be a little bumpy, but then the next day we are going to pave half of it, move over and pave the other half. As soon as we are finished paving and rolling, it is going to be completely dry. There will be no downtime like there would be for sealcoating. It will be a nice, smooth process. Then on Friday, we will do the speed bumps, put the chevrons on it, get the sides in by the weekend and then we will be out of your hair. It's not a very intrusive process at all.

Mr. Darby: Jason, could we have notices at both entrances?

Mr. Showe: Yes. I already have a note on my calendar. As soon as this meeting is over, we are going to have something posted.

Ms. Witcher: Are we supposed to have any rain this weekend? Did you look at the weather forecast?

Mr. Young: The rain doesn't hurt us when we are milling, but it affects the paving. As long as it's not pouring, we can be out there because we don't want standing water. We are just doing straight line paving, which is much easier to do than the cul-de-sacs. I am here today to give you a bid to mill and pave all of the cul-de-sacs. They are very time consuming. That's why the unit cost you will see is much higher than us doing milling and paving for the entire

community. I can do this entire community in seven days, versus five days to do all cul-de-sacs. I was asked to provide a bid for a 1-inch mill and paving on the entire roadway system. I know you were doing your due diligence in looking at microsurfacing, but we don't do that. What I do know is if you are from up north, they do a thicker seal coat. It's 3/8-inch aggregate and sand. What people don't realize is that it is not designed for the long-term. You typically have to redo it every five to seven years. Keep in mind that microsurfacing may have to be redone in 2025 or 2026. With milling and paving, we are going to come in and do a 1-inch mill across the entire roadway system from valley gutter to valley gutter. We will put a nice 1-inch of compacted asphalt in, which will be nice and tight. You can get productivity out of that for 25 or 30 years. I rode the community yesterday and went through all of the areas that we are talking about. The community has never been sealcoated, but you don't have to sealcoat. Some people love it and some people hate it. If you sealcoat, you are looking at probably about 1/10<sup>th</sup> of the cost of the milling and paving. So if it's \$600,000 to mill and pave, it would cost \$60,000 to sealcoat the entire community. It's a lot cheaper to do that, but once you sealcoat it, every four to five years, you probably need to sealcoat it again. Just keep that in mind. It's not a one-time cost. If you are going to spend the money to do something like this, you may want to put together a Maintenance Plan. Now, the one thing I can say is you don't have heavy trucks driving through here; just FedEx and maybe pool trucks. You typically don't have big tractor trailers, so you may not need sealcoating. Sealcoating is designed to help breaking ultraviolet rays down into a gas and it is probably in good shape right now. So nothing I saw out there would make me think, if you don't do this in six months, you are going to have more problems. I don't know what your timeframe is for this milling and paving, but if you tell me in a year or two from now that you want to do it, I didn't see anything out there that would make me think that it's going to cost you 10% more. So I'm just letting you know that. I'm not here to say that we have to do it by March. You have time, as the roads are in good shape. I didn't see any major cracking.

Mr. Mills: We have some cracking in various areas. In the summertime when we have torrential rains and it's really hot, you can see it bubble up through the black top. You have to look at it closely, but it does do that in certain areas and I've seen that.

Mr. Young: Typically what they are looking for ideally, are cracks from a quarter inch to three-quarter inch wide and about a quarter inch deep. Anything smaller than that is not a good candidate because the crack fill doesn't stay inside of it. It's kind of a waste of money. Anything

bigger than that, the same thing. Over time it works its way up, so you probably need to soften it up and remove it. Crack fill, just to give you an idea, typically runs about 75 to 85 cents per linear foot. It's like caulking. We have a machine that has 1,000-degree hot lamps that we use to blow out all of the sand and moisture. Then we put the crack fill inside and it hardens up.

Ms. Witcher: It looks like snakeskin.

Mr. Young: It is not attractive, but it's beneficial because it keeps water from getting down inside of the asphalt, underneath the base. The worst friend of asphalt is water intrusion, which causes potholes. So if you have major cracks, we crack fill them.

Ms. Witcher: We have big trucks coming up Baytree Drive to the golf course all the time, making deliveries.

Mr. Young: I don't know if you own the golf course, but their parking lot is a wreck.

Ms. Witcher: We don't own the golf course.

Mr. Mills: During Christmastime, UPS parks big tractor trailers in the golf course parking lot to unload packages into little storage areas before delivering to residents. So Baytree Drive definitely gets heavy traffic.

Mr. Young: That's normal. We have a community in Merritt Island with 450 homes that received deliveries at the back of the clubhouse. We did a 1-inch mill and pave on their spine road, all the way through about a year ago. It's held up fantastically, even with the traffic. Going back to the sealcoating, when you have an area like Baytree that has high volume traffic, it would be like sealcoating I-95. I probably wouldn't even recommend sealcoating because it looks terrible when it wears. It's an eyesore and only lasts four to seven years, versus milling and paving, which is good for 25 years. You can take it off of your budget and are good to go.

Mr. Darby: I have a couple of questions. Does the quote you provided for milling and overlaying the entire area include Balmoral Way and Old Tramway Drive?

Mr. Young: Yes. The entire package includes the base issues on Old Tramway Drive and Balmoral Way. So we have the mill and pave price, the cul-de-sac price and the price for repairs at Balmoral Way and Old Tramway Drive. I told Jeremy that I was able to get a 2% discount to get to this final number. If we were able to do all three like a package deal, there would be less mobilization, which saves us money, which can in turn pass on to you. So these numbers, the \$769,000, is inclusive of everything, including the cul-de-sacs. You can pick and choose. If you



don't want to do the roadway now or you want to do the cul-de-sacs next year to save money, we can revisit that.

Mr. Darby: Mill and overlay typically lasts about 25 years, but what is your actual warranty?

Mr. Young: Our actual warranty on industry standards is two years. So anything that we do, we give you a two-year warranty. If a garbage truck comes in and drags a dumpster, tearing up the asphalt, obviously that's not in the warranty, but if it starts falling apart and there is cracking around the valley gutters, we will come back. It is very important that you understand if something like this does happen and we have to come back a year later and fix it, keep in mind it's going to look like a patch in the asphalt. It's not just going to blend in perfectly with the rest of the asphalt.

Mr. Mills: We had that issue on Bedford Court. When it was done, garbage trucks tore it up.

Mr. Young: There is not a whole lot you can do about that, unfortunately. The best thing that I can say is to try to keep garbage trucks off as much as possible, especially the cul-de-sacs, because brand-new asphalt, even though it's just been rolled, will show ruts. Keep in mind that scuff marks will be gone in four months. They blend in with the asphalt.

Mr. Mills: What I didn't see were cross bars. At various stop signs, we have white paint in the roadway.

Mr. Young: Correct.

Mr. Mills: Is that included in your quote?

Mr. Young: No. When I first submitted the bid, I just had the square footage. I didn't have any striping. There will be no stop bars at stop signs, no yellow lines or crosswalks. We can do that at a nominal cost. I don't know how many you have.

Mr. Showe: There are five or six crosswalks.

Mr. Young: I'm talking about the stop bars. If you have 100, you are probably talking about an extra \$2,500. It's not that expensive.

Mr. Mills: We want white iridescent paint, not just the regular paint.

Mr. Young: That's a big difference in price.

Mr. Mills: It lasts longer.

Mr. Young: It does last longer. If you don't want thermoplastic, we can use Florida Department of Transportation (FDOT) paint and throw glass beads on it. It kind of does the same thing and is a lot cheaper. That's a way to save some costs.

Mr. Darby: What is the wear difference?

Mr. Young: Quite a lot, because cars are going to be stopping on it. Keep in mind, on new asphalt, paint absorbs much quicker. When we use thermoplastic, we put the stop bars down initially and then come back 30 days later with the thermoplastic. New asphalt has to be in the ground 21 to 30 days before putting the thermoplastic down. We can't do that immediately. If you want to pay for temporary paint, we know where the stop signs are and if you don't need them for 30 days, then we will just come back 21 to 30 days later to do the thermoplastic. Then you don't have to worry about temporary painting at that point. As long as you realize there are stop signs there and you need to stop.

Ms. Witcher: On a highway, FDOT uses temporary stickers to divide lanes of traffic.

Mr. Mills: Lane markers that mark the lanes; the passing and no passing lines.

Mr. Showe: We don't need it.

Ms. Witcher: Are we liable if we don't have striping?

Mr. Showe: No.

Ms. Witcher: For 30 days?

Mr. Young: That's a good question. A stop bar, maybe. Someone could say, "I didn't realize there was a stop sign there."

Ms. Witcher: Yeah.

Mr. Young: Most of the stop signs are where the road peaks. Again, there is just a nominal cost to do the painting and then coming back to do the thermoplastic. I can get you prices on that if you want to know for the future.

Mr. Mills: Please. Gordon, just to be clear, you have excluded National Drive. Is that already under contract?

Mr. Young: Correct. These 70,000 square yards is for the rest of the community, not including National Drive and a small section of Old Tramway Drive. It's part of National Drive.

Mr. Tom Dwyer (Saddleworth): Gordon, if and when you do the milling and paving and come across areas of limestone that's deteriorated or no longer viable, do you repair that as well?

Mr. Young: That's a great question. When we are doing the milling, our goal is not to get into the limestone.

Mr. Showe: Right.

Mr. Dwyer: What if you go down and find limestone?

Mr. Young: My thought process is this asphalt an inch-and-a-half thick. Most communities have a three-quarter inch lift. Initially, they build the houses, remove all of the big equipment and come back to put the final three-quarters. If we are milling 1-inch, we are going to leave about half-an-inch of asphalt, which is ideal. If for some reason, there's only an inch to begin with, we are probably going to mill about three-quarters of an inch at that point. We need to leave that asphalt alone, because once we get into the base and start tearing it up, that results in a lot of problems.

Mr. Dwyer: That's very expensive. I am concerned about roots from Oak trees. If we re-mill all of the roads, are we going to bring it up to the current FDOT requirements?

Mr. Young: We are going to use the proper asphalt.

Mr. Dwyer: Is the signage or striping going to be at current FDOT standards?

Mr. Young: Yes. The striping required by FDOT are the stop bars. You don't need divider lines. That's a bonus if you have it.

Mr. Dwyer: What I'm trying to say is at the guard gate, the stop signs aren't the legal height. So I would like to see, if possible, doing it to current FDOT standards.

Mr. Showe: Just as a note, we wouldn't be paving anything from the exit gates out because that's a County road. So none of that would be included.

Mr. Dwyer: Who put in the stop signs at the exit gate?

Mr. Showe: The CDD put those stop signs up. We can always take a look at replacing those.

Mr. Dwyer: Coming in from the guard gate entrance, it's a little confusing when you have two lanes that converge. You can actually make a right-hand turn when someone is going straight.

Mr. Young: We can always delineate that with striping.

Mr. Dwyer: It would be nice if that can be done.

Mr. Showe: We can definitely take a look at that, if and when we have a project.

Mr. Dwyer: You can actually put little plastic delineators into the ground. You can cross over the line, but you can't cross over the delineators.

Mr. Mills: When we asked the County to allow the sheriff to come in and issue tickets, we had to go before the County Commissioners in order to make sure that our stop signs were, at that time, the proper level or they would not allow the sheriff to come in here. So to my knowledge, Jason, we had those stop signs adjusted to meet the County code.

Mr. Showe: All of the interior stop signs are informational. They are not official stop signs. The police couldn't ticket you for not stopping at the signs.

Mr. Dwyer: What I'm getting to, is if it's not official, then I don't have to stop either. If we are going to do them, we might as well do them right.

Mr. Showe: We will take a look at them. I have them on my list.

Mr. Young: One last thing, gates have loops in the ground that open the gate automatically when you drive. When I mill, I'm ripping those out. So you will need to call your access entry company and have them come out after we finish, to put those loops back.

Mr. Showe: That's a good point.

Mr. Young: It's an additional cost.

Mr. Showe: We need to include that in the quote.

Mr. Young: It's something that people forget about. Just keep that in mind.

Mr. Mills: Are there any more questions? If not, thank you very much.

Ms. Witcher: Thanks for coming to our meeting.

Mr. Young: I left some information about our company. I appreciate the opportunity. If you have any questions, let me know.

*Mr. Young left the meeting.*

Mr. Mills: Just for informational purposes, how many communities are represented here tonight?

Audience Members called out: Saddleworth, Hamlet, Windsor, Balmoral and Kingswood and Turnberry.

Mr. Mills: Very good. Thank you.

## **SECOND ORDER OF BUSINESS**

## **Community Updates**

### **A. Security**

Mr. Mills: Security is not present.

Mr. Darby: Jason, I noticed going through the invoices that DSI Security Services (DSI) is invoicing us at the higher rate.

Mr. Showe: Correct.

Mr. Darby: At the last meeting, I requested that any increases go to the officers. Did that happen?

Mr. Showe: That is a question for Bill. He's stuck in traffic.

Mr. Mills: I spoke to Bill and he said that the officers salaries were raised to \$13/hour.

Mr. Darby: Thank you.

**B. BCA**

Mr. Wayne Wilkerson (BCA): I don't have a formal report. I will hold my remarks until public comments.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the October 2, 2019 Meeting**

Mr. Mills: Does anyone have any additions or corrections? If not, we need a motion to approve.

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor the Minutes of the October 2, 2019 Meeting as presented were approved.

**FOURTH ORDER OF BUSINESS**

**CDD Presentations**

**A. CDD 101 Presentation**

Mr. Mills: Since there is confusion between the BCA and the CDD, I asked Jason to provide a CDD 101 presentation.

Mr. Showe: I'm Jason Showe with Governmental Management Services (GMS). We serve as District Manager for the CDD. I just want to go through some basic information about how a CDD is formed, what it does and its purpose. We will start with an overview, some benefits on how a CDD is established, financing, assessments, elections and turnover, some of the reporting requirements and most importantly, the Public Records Law, Sunshine Law and Code of Ethics. A Community Development District or CDD, is a local unit of special purpose government. Our Bible is Chapter 190, Florida Statutes, which was established in 1980. A CDD

provides a mechanism to finance, construct and maintain the improvements and amenities. It is important to note that we are completely separate from a city or county. So the County can't tell us how to run our CDD. Bill just arrived so we will take his report.

- **Community Updates - Security** (*Item 2A*)

Mr. McLeod: I'm sorry I'm late. Since our last meeting, we visited the site 13 times at various shifts. We retained the people that we wanted to keep and eliminated the people we wanted to get rid of. There is only one person that we are trying to change out and that unfortunately is the Midnight shift, which is the hardest shift. We have repeatedly put out ads and flyers for that position. We interviewed seven people thus far but did not feel they were qualified enough for Baytree, so we are continuing to look for someone. I don't believe in just replacing somebody with someone that is going to be just as bad. That's why our Midnight guard is staying in place right now, even though we are actively looking for a replacement. The meetings so far that Matt had with his staff, included active shooter training as well as policies and procedures for the Baytree gates. They reviewed hurricane procedures. Now that the hurricane season is over, it was best to debrief. We also reviewed the Visitor Management System (VMS). Valerie is trying to get an update from Tech Solution. Our system is fine, but what she was trying to pull, she wasn't able to get, so I'm not able to give you a report on the amount of people we have on the system. With that, I will take any questions.

Mr. Showe: Jerry wanted to confirm that the guards received their raises.

Mr. McLeod: Yes.

Mr. Mills: I don't know if this is relative or not to the guards, but I came in the other night at 11:30 p.m. and both gate arms were wide open. I didn't see anybody at the guardhouse. If they are in the restroom, which is probably what happened, is there a way they can put a note on the door?

Mr. McLeod: There should be a note on the door. I was under the impression there was a hang tag.

Mr. Mills: It used to be out there.

Mr. McLeod: On my way out, I will verify that.

Mr. Mills: I slowed down because both gates were wide open.

Mr. McLeod: That shouldn't be, and I will make sure Matt understands that the gate arms aren't supposed to be up. If it's a quick restroom break, we like to keep the gate arms down. If

it's an officer that is starting at 11:30 p.m., there's no reason to have the gate arms up. We all have emergencies and I understand that, but I'm sorry, that's not going to cut it for me.

Mr. Mills: All in all, we heard good things about what's taking place.

Mr. McLeod: Good. I'm very happy to hear that and I'll pass that along to Matt. Matt's been working hard with his staff and I appreciate the work he's been doing. I'll pass that long.

Mr. Showe: Is there anything else for security? Okay.

Mr. McLeod: I will be calling you. I had an officer walk on the roof to look at everything.

Mr. Showe: Thank you so much.

*Mr. McLeod left the meeting.*

- **CDD 101 Presentation** *(Continued)*

Mr. Showe: I went over the basics of what a CDD is. Now let's talk about some of the things that a CDD can do. All of our powers are generally derived from Florida Statute, Chapter 190. The special or broad powers of a CDD are that we can sue and be sued. We can contract for services. CDDs can borrow money and issue bonds. They can adopt rules and maintain an office. CDDs can do eminent domain; although we discourage that as much as we can. It's an ugly process that is expensive, but it's there. CDDs can also charge fees. They can levy, collect and enforce special assessments. They can exercise any or all of the powers within Florida Statute, Chapter 190. Some of the things that a CDD can build and acquire are water management systems and control structures like your lakes and ponds, wastewater and sewer system. CDDs can do that and build all of that infrastructure as well. The CDD can also build and acquire bridges and culverts, roadways, streetlights, alleyways, landscaping, hardscaping (monuments) and underground electric utility lines. They also build and acquire transit services, like buses and trollies, environmental and conservation areas like we have here in Baytree and any other projects that are required under the Development Order (DO). We are starting to see that more and more often. When communities are approved, a County may approve a CDD, but the CDD has to do something for them, such as something that is part of the DO. Pursuant to Florida Statute, Chapter 190.012-2, a CDD can also obtain additional powers. CDD's can build recreation facilities, fire stations, water mains and plugs. Typically, this isn't something that any of our CDDs do. There are other places that do that far more efficiently. They can build and maintain school buildings and related structures and site improvements, but that is typically part



of the DO. We have one developer in Orlando that approved a CDD, but as a developer, you have to donate 15 acres for us to build a new school. A CDD also handles security, like guard houses and detection systems. You can also perform mosquito control, waste collection and disposal services. Most CDDs don't do that because they have other efficient ways of doing that for less money. It is important that a CDD is a limited purpose government, so we cannot take any action, which is inconsistent with any comprehensive plans, Ordinances or any city or county regulations. A CDD does not have the power to approve plans. We can't go to a developer and say, "You can't build that house in here," as an example. The CDD does not have that authority. Everything must comply with local city and county laws. The benefits of a CDD are that developers and builders now have increased demands being placed on them by cities and counties. So a CDD provides a way to get less expensive infrastructure through tax exempt financing. So if a county says, we will let you build that, but you have to put roads in, a developer might have two choices. They can either pay for all of that upfront, for example \$10 million or collect that \$10 million from property owners. For example, if you buy a house in a CDD, you can either pay all of the upfront costs or spread the costs over the users of the facilities. We also have a more stable stream of revenue because we collect assessments on their property taxes. Because of that, we typically get well over 100% collection. We can also handle the procurement of contracts and the development of public works; although it must be in accordance with the Florida Statutes. You also have a savings because we are tax exempt. It also allows you to have enhanced amenity levels and recreation options. Finally, the most important one for this community in particular, is that a CDD allows you as residents choose the level of service that you want your community to look like. CDDs can do a lot to enhance your community, but at a cost, but residents can determine the level of service they want and what they are willing to pay for it. Regarding the difference between a CDD versus an HOA, as a CDD, you are a governmental entity. That means you are subject to Sunshine Laws, which we will go over later. All of our records are open. We have sovereign immunity, which means we have limits to what we can be sued for. All of our accounting is public accounting. We can issue tax exempt bonds, which saves the District a little on the pricing. Obviously, there is revenue collection and enforcement through a CDD. It is easier for a CDD to collect revenues, as they are collected on the tax bill. We have public procurements, so we can piggyback on State contracts. Again, there are tax savings with a CDD. There is an elected Board of Supervisors through the

Supervisor of Elections and at a General Election. In comparison, CDD records are public versus HOA records, which are private. With our accounting, we have public accountability, meaning we have more reporting to the Department of Economic Opportunity. We have auditors, bondholders, etc. There are a lot of people looking at our financials, versus an HOA. With hurricane recovery, the CDD can be more self-sustaining because it can receive FEMA reimbursement. We are not reliant on a city or county. Typically a CDD is a preferred entity by its stormwater system, when it comes to Water Management Districts, because of the reliability of a revenue stream. A CDD reverts to homeowners, once two triggers are met; six years after the CDD is established and 250 registered voters, versus the HOA turnover process, which is longer. There is also the assurance of funding. When a CDD issues bonds, the funding is available from Day 1 to be spent. With an HOA, the flow of funds is slightly different. Again, this is introductory information. When a CDD is established, you have to identify the nature of the project, the timing and delivery of improvements and private versus public infrastructure. It's important to note that anything owned and operated by a CDD is public, meaning you have to allow access. If you were a developer building a community, you need to determine what you want public and what you want private. So to the extent that's important to you, that would be something you need to look at. The need to finance offsite improvements is for newer developments. Again, you might have to build a road that's not in your community, but one that connects to your community. So that's something to look at for establishment, but there are other considerations. As far as the process for establishment, if you are over 1,000 acres in size, it must be approved by the State. If you are under 1,000 acres, it must be approved by a city or county. It's important because you have to go to a public hearing to have the CDD approved. There is no referendum. It's also important to note that when the CDD was first established, you must have the consent of 100% of the homeowners within the CDD. Once the District is formed, they typically issue bonds, which Baytree did that was paid off a few years ago, but this is the process. The first part is levying those assessments. You do that by preparing a Capital Improvement Plan (CIP), which consists of an Engineer's Report. The District Engineer will detail all of the improvements the District needs to make, how much it is going to cost and then you prepare an Assessment Methodology levying those costs over all of the properties. You then have to notice a public hearing. Part two is also the bond validation. It is a complicated process and will sound strange, as you end up having to sue the State for the right to issue bonds through

an administrative process. They are almost always approved. After those two parts are completed, you can issue the bonds. Showing the oversight we have, the folks involved in issuing bonds are the District Manager, District Engineer, District Counsel, Financial Advisor that helps to market and sell the bonds, an Investment Banker who works with the bonds and Bond Counsel. What we would look for a developer to put together for us is an Acquisition Agreement, meaning if the developer builds something for the CDD, they have to agree to give it to the CDD; a Construction Funding Agreement, where the builder can get reimbursed if they build quicker and a Completion Agreement, meaning if the CDD can't build everything that's needed, the developer must complete it. There is also a True-Up Agreement. This is very important. If a community is designed for 1,000 homes and they only build 900 homes, when we issue the debt, we can't just say, "Oh, there's 100 less units and we are going to spread it over the rest." The developer actually has to pay off the debt for the 100 homes he did not build. We also have a Continuing Disclosure Agreement that requires us to continue noticing and providing details about the District. Special assessments are what you see when you open your tax bill, mostly in November. It's important to note that CDD assessments are first priority liens on the tax bill. We can also do on and off roll collections. Off-roll collections means we send out a direct bill, but once a lot is platted and once a community is developed, if we go onto the Property Appraiser's website and see Lots 1, 2, 3, 4 and 5, at that point those lots have to go on a tax bill. That's typically required as part of our bond documents. This is important too. There are two requirements that the District has to meet. One, we have to determine that the property assessed receives a special benefit from the assessment or the services, and two, it has to be fairly and reasonably apportioned. So when Baytree had debt, there were two different levels based on Phases 1 and Phase 2, but the operation and maintenance (O&M) was the same. So that's how they can hit the trigger for fairly and reasonably apportioned, because every home pays the same O&M. What that translates to, is it's a determination of the Board where every home benefit equally from security, landscaping and recreation. That's the way they assess you. When you have debt, you follow the same process. You have the Methodology, hearing and a notice. With a Methodology, you have to determine benefit and make sure assessments are fairly and reasonably allocated. There are two different ways to do that allocation. In Baytree, every home is the same, so it's on a per unit basis. In some communities where there are different types of developments, such as townhomes and single-family homes, 40 foot and 60-foot lots, you

might determine as a Board that maybe a 60-foot lot is going to have a lot more cars, so they are going to impact the District more. So you can balance those assessments, so that a 60-foot lot would pay more than a townhome, because they would have less impact on the infrastructure. That's possible and we see that in other Districts. So the District issues O&M special assessments and you paid off all of your debt. O&M assessments are adopted in connection with the annual budget, as far as what the Board is setting when they go through their budget process annually. It's used to pay costs for administration and O&M. The process is similar to debt service, but there's no cap on increases. Whatever the Board sets as the O&M for that year, that's what it is. There's no cap on it. They can set it at whatever level they determine, but if there's an increase, by statute, we are required to send the homeowner a mailed notice, letting them know when the hearing is, where they can get information and who to contact. The Methodology typically follows the debt assessment. Here every house pays the same. Regarding elections and turnover, our CDD is a government. We have five elected Board Members, the ones up here, plus Rick Brown who is not here tonight. In the early years, Board Members were elected through a landowner election process, whereby an owner of a lot or acreage, gets a vote in accordance with how much property they own. So it's a majority of acres. Typically that's the developer. He would control who is on the Board while they are developing the project. After six years and 250 registered voters, residents begin to take over control. So when that trigger is met, two seats rotate from landowner election to general election. In two more years, two more seats turnover and in the sixth year, the fifth seat is filled by a general election. Board Members cannot be removed unless it was through a process from the Governor's office, but it's typically only done in cases of strong abuse. Some of the reporting requirements that apply to Baytree, is you must follow all applicable rules under the Florida Statutes. That applies to elections. All elections as a Board are performed by the Supervisor of Elections. It's not anything the Board has any involvement in. We also have bidding and awarding of contract requirements through the Florida Statutes. We have to advertise every meeting as it must be conducted in the Sunshine. According to the Sunshine Law, all governments of Florida must operate in the Sunshine, meaning that Board Members can't make decisions outside of a publicly advertised meeting. So we can only conduct business at a public meeting like the one we are having here tonight. There is the preparation and distribution of minutes. We maintain the official records and file financial information. All of these Board members and myself as an officer of the District, are required to

fill out a Form of Financial Interests every year and file it with the Supervisor of Elections to report your financial information if you are a Board Member. We also have internal accounting controls and you must disclose to potential landowners in the CDD that they are buying in a CDD. There is statutory language that has to be placed in any sales contract that says, "I acknowledge that I am purchasing within a CDD and are subject to assessments." I know most folks miss it because they are signing document after document but it's very likely there. So these are some of the disclosures we have to make. There is a Notice of Establishment, which is on file at our office and a Notice of Special Assessment, which is typically placed in the official records. So if you pull a lien on your property, that will come up. The sales contract is under the Florida Statutes. Chapter 190.048 has the exact language, but that has to be in any sales contract if someone is purchasing within a CDD. We have the Disclosure of Public Financing, which talks about how the District is financed. We have one of those for Baytree and right now, it just reflects O&M because you have no debt. If you have bonds, you are required to provide some bond disclosures. We have to file one annually with the Department of Economic Opportunity. Is there a question?

Mr. Pawelczyk: Just a clarification. Chapter 190.048 involving sales contracts, only needs to be in the initial contract. So if you are selling your home, you are not required to put that in your sales contract, but if a developer like Lennar Homes is building a project or sell the home, it has to be disclosed. The reason is because you have limited title information in the backup. Jason referred to the Notice of Establishment, Notice of Special Assessment and the Ordinance. Right now, if you did a title search on your home and you refinanced your mortgage or someone bought a home here, the title report will show that you reside in a CDD. So that Chapter 190.048 requirement is in there to make sure that new homeowners in a new community understand that they reside in a CDD. A lot of times, assessments haven't been levied yet. Right?

Mr. Showe: Yes.

Mr. Pawelczyk: In this case, if you look at the tax bill when you buy property, you are going to see all of that information.

Ms. Witcher: On the bond market disclosure, are we required to buy the bonds from a certain place?

Mr. Showe: No. You are not involved in that process at all. You will typically hire an Investment Banker to market and sell the bonds. Other people buy them, and you receive the money from that sale.

Ms. Witcher: Do we have to do more than one in order to do it competitively?

Mr. Showe: No. The market has changed, obviously because of interest rates. It used to be that you would issue all of the bonds at 6% and that's it. Now we are getting these deals where a third of it is at 6% and a third of it is at 5.5, etc. The folks that do those sales, know how to get the right people. They sell it as a bidding process. So they will sell a certain portion, how much people are willing to buy at 4% and then sell another portion at 5%, but the District is not involved in that process.

Mr. Mills: Is it like municipal or tax-free bonds?

Mr. Showe: Correct. Anything the CDD would do is tax exempt.

Ms. Witcher: So we can buy a bond after you do this.

Mr. Showe: The District wouldn't be able to buy it, but if you as a resident get in touch with the right people, you can buy those. It is important for the residents and the Board to know how we maintain things as a CDD. The Sunshine Law is set forth in Chapters 286.011 of the Florida Statutes. Meetings of the Board must be held and open to the public. That means all of the public. You don't even have to live here to show up at our meeting and make a public statement. The public must have reasonable notice of all such meetings. We are also required to advertise our meeting schedule annually in the newspaper. It's required to be on our website, which is a newer requirement with the Florida Statutes. In addition, this Board also put up meeting signs at the front rear gate. Those aren't required, but it's something additional that this Board does to reach out to residents. Minutes must be taken at every meeting, which is why you always see me with my recorder, to take verbatim minutes of everything that's recorded. We keep the recording as well. Similarly, every record that we have as a District is public, meaning documents, papers, letters, emails, maps, books, tapes, photographs, film, anything that's District related and can be requested, even more so now. This applies to text messages or social media, if it's related to the Baytree CDD. Florida Ethics Laws govern how Florida public officials work. It is important to know that they are public officials as the Board, just like a city or county commission. They are filling the same role and are required to prohibitions and disclosures. So here are some prohibitions. You can't use your office for personal gain. You can't vote on a



measure that would benefit you or your private gain of either an employer, relative or relative's employer. There is an exception for landowner seats, because they are often voting on things that as a developer, they would just naturally benefit from. It's a little hard to not have that conflict there. They can't accept or solicit gifts for a vote. You can't disclose or use your information of anything that was obtained because of your position. You can't employ, promote, appoint any of your relatives into a position and you can't do business with the CDD, although that's relatively difficult to do, even if you try. The Supervisors must file a Statement of Financial Interests annually with the Supervisor of Elections. I also have to file one. Next are voting conflicts. Board Members are not allowed to abstain from voting on any issue, unless there is a conflict. If there's a conflict, there's a form that they have to fill out. These are the only things that qualify as a conflict, if you are getting private gain. So if you are a principal in the company and you are voting on a contract, that would be a conflict. It could result in a special gain or loss of a relative or a private gain or loss to some business associate. If you have any of those qualification triggers, you have to fill out a voting conflict form and abstain from voting on that issue. You also have to disclose any gift more than \$100. So that's the background on the structure of a CDD. Regarding Baytree, first and foremost, if a property is on a private home lot, it's not the CDD's. If it's not, it's likely the CDD's. We maintain all of the common areas throughout the community. There are some little exceptions here and there, but for the most part, that is what we look at. If it's on your home lot, it's not the CDD's. If it's not on your home lot, it's typically the CDD's. The things that the CDD maintains is security, recreation, roads and sidewalks, lakes and landscaping and common areas. For Fiscal Year 2020, \$1,884.67 is on your tax bill for the CDD. It's important to note that the accounts you get on your tax bill for paying in November, apply to the CDD.

#### **A. CDD Board Supervisors Updates/Accomplishments**

Mr. Showe: For this year, the Board finished and opened the pavilion with joint funding from the BCA. That was a very successful project and we are proud of that. We removed the old playground and repaved the recreation lot. We refurbished the tennis courts, awnings, net, fence and benches, finally got the lights back up and operating again and approved landscaping cleanup. Unfortunately, they have to wait until the dry season, but the work has been approved. We installed additional cameras at the recreation center and approved a new gate access system.



We will talk later about how the Board is going to roll that out. Richard, do you want to add anything?

Mr. Bosseler: No. I spent enough money.

Mr. Showe: As Jerry mentioned earlier, we increased the guard wages with DSI to help us provide some better service. We also expanded the Tech Wave rollout information. Jerry, is there anything else that you wanted to add?

Mr. Darby: Not on security. We are just continuing to do it right.

Mr. Showe: For landscaping, this year we re-landscaped the front entrance by removing shrubs and adding palms. We also installed the VMS. Mel, is there anything else that you want to add?

Mr. Mills: I would like to mention the stone on the monuments and all of the lighting. We have proposals to finish the rest of it on the right-hand side. We will be implementing that starting in January, little by little. Jason provided me with a budget, which isn't much.

Mr. Showe: With the help of the BCA, we expanded the holiday decorations. We are working to replace any CDD lighting with LEDs. They look nicer plus it's a lot cheaper. We also upgraded electrical systems throughout the community. We did some electrical work at the pool house, guard house and down the main Boulevard. Mel, is there anything else on the monuments? You also shortened all of the landscaping beds to tighten and clean those up.

Mr. Mills: Nothing other than the electrical issues were serious. That's one of the reasons Christmas lights were popping last year. It had to with the GFIs. We found boxes that we didn't even know were there. There were holes in them so when the sprinklers went on, water would get inside of the boxes and short them out. We finally have that under control.

Mr. Showe: Roads is Carolyn's issue. We worked with Florida, Power & Light (FPL) to replace all of the lights that we leased from FPL. They were upgraded to LEDs for some savings. The CDD painted all of their poles and street signs. As you heard from the contractor today, we authorized the paving on National Drive and adding speed humps. That will be added starting next week. We are looking at microsurfacing. We also re-stripped a lot of crossings at intersections and repaired a lot of sidewalks throughout the community. Is there anything else, Carolyn?

Ms. Witcher: No. We did the area by the mailboxes. We tried to switch it around so people in chairs or walkers didn't have to walk out into the street to get their mail. They could stay on the sidewalk. We are trying to fix corners, so they are ADA compliant.

Ms. Sandy Schoonmaker (Kingswood): Are you done repairing sidewalks?

Mr. Showe: No. We have a whole new set coming. It's on the Action Items List. We had some trees that are going to get removed. We have to put some replacement trees in. We typically wait until we get the permit from the County, but we just received it. So we are removing the trees that we are allowed to remove from the damaged sidewalks. Once that is done, that is the time to bring the contractor in because he can repair those and all the others throughout the community. We will go through and identify all of those.

Mr. Reiderman: I already have a list.

Mr. Showe: So that's occurring. Financial belongs to Rick who is not here tonight. We held assessments level in 2020. Under the lakes, we have our annual lake bank restoration. Is there anything else on that, Rich?

Mr. Bosseler: We have one more lake to do.

Ms. Witcher: Is there a way to get in there?

Mr. Showe: I know Jeremy has been looking at that.

Mr. Mills: I would like to thank Sandy and her husband for giving us approval to go through their property.

Ms. Witcher: Thank you.

Mr. Mills: Jeremy is working on that. I want to thank the Schoonmakers for their cooperation.

Ms. Witcher: Does that fix the property that had the pool that was getting close to the edge of the lake?

Ms. Schoonmaker: Yes.

Mr. Showe: As long as the contractor can get in there and is willing to go through, we agreed. If that access is usable, we are likely going to have to remove some plants. We will work with District Counsel and residents to draft up an agreement that lets them have some comfort that we will repair it and work with them to restore their landscaping to a condition that they are satisfied with.

Ms. Witcher: The sprinkler systems too.

Mr. Showe: All of that. We've always done that typically, but I know in this case, this is probably a larger project, so we want to have assurance that they feel comfortable with that process. Then we have some general items. The Board agreed to hold an annual night meeting, which is where we are at tonight. They have also done two strategic planning workshops. We will talk later in the meeting on how they want to proceed with their strategic planning for the Board. With that, I will open it up to any general questions. I will put this presentation on the website tonight.

Mr. Dwyer: I want to thank the Board for having a night meeting. This is a nice place to meet.

Mr. Showe: Absolutely.

Mr. Dwyer: When you do the sidewalks, do you hire a subcontractor?

Mr. Showe: We have a contractor, not a subcontractor.

Mr. Dwyer: When they do that, do they wet it down?

Mr. Wilkerson: It depends on the situation.

Mr. Dwyer: I don't think they ever did. With sawing it dry, there is a consequence of asbestos. Sawing concrete wet removes that possibility. So you are not just putting the person doing the work at harm, but someone walking down the street is also put in harm's way. It is the same principle as asbestos, just so you know.

Mr. Showe: There are two things that they do with sidewalks. If it's a small lift, they grind it down. The last time the contractor was out, they developed a saw with a vacuum on it. That is the first time I have ever seen it used. So when they are grinding it, it actually sucks the dirt into the shop vac.

Mr. Dwyer: If it's a HEPA it's okay. If the sidewalk can't be ground, they just break it up and repour the panels, but they don't saw it.

Mr. Wilkerson: I would like to ask Tom to tell the Board what he does for a living and maybe he can be a resource for us.

Mr. Showe: Absolutely.

Mr. Dwyer: I work in safety with the Occupational Safety & Health Administration (OSHA). I look at FDOT regulations, anything that has to do with safety and construction. I saw them saw cutting in the past and didn't say much about it, but if they do it enough, they expose

themselves to asbestos, but they also expose the community, so I prefer if they just use a wet saw or a HEPA vac.

Mr. Showe: We will make that note when we speak to the contractor. Absolutely.

Mr. Mills: Wouldn't they have to follow OSHA requirements?

Mr. Dwyer: Yes, but trying to find an OSHA compliance officer that will stop them is not going to happen.

Mr. Mills: The point I'm trying to make is they should be following OSHA regulations. They should be liable.

Mr. Showe: Correct.

Mr. Dwyer: All I'm concerned about is our community.

Mr. Showe: Correct.

Mr. Dwyer: I am concerned about the workers, don't get me wrong, but I'm trying to relate it more towards us.

Mr. Showe: Absolutely. We will work with the contractor to make sure that they are operating in accordance with the regulations.

Mr. Darby: Jason, when this presentation goes on the website, can you put it in a downloadable format?

Mr. Showe: I will put it in a PDF format. That way it's simple and easy.

Mr. Darby: It needs to be ADA compliant.

Mr. Showe: We are working on it.

Mr. Mike Sherbin (Windsor): When they grind the sidewalks, they expose rocks and it does not look good. Is there some sort of spray or coating that they can put on it? I know you are saving money by grinding versus replacing, but it really doesn't look good. For example, if you walk down Birchington Lane, there are probably 12 places where rocks are showing. It doesn't look nice. That's not what we want.

Mr. Showe: Understood.

Mr. Sherbin: It should be something that they can either spray on top or maybe cut down a little more, put a layer on it or something. In reality, when they do the cutting, it means there is a root underneath and they have to go after the root. They are going to have to do it next year as well as the year after.

Mr. Showe: If it's been grinded once or twice already, we typically break the panel up. We don't grind anymore. When they break the panels up, they go in and saw cut any roots that are lifting that panel up. So when the panels are broken, they remove any roots.

Mr. Sherbin: That's smart.

Mr. Mills: Mike, if there are unsightly stones, I talked to Carolyn about a sealer and a stain. I don't know where that stands.

Ms. Witcher: I'm not recommending it, because every two years we have to reseal. If the property owner wants to do their own repair, then they have to bring it before us, I guess.

Mr. Mills: I thought the information I had was resealing every five years.

Ms. Witcher: It's every two to five years. I went to the commercial guys and they said every two years with the heat and sun.

Mr. Mills: Figures. Okay.

Ms. Witcher: We are also continuing to clean it. Even if you are shampooing and not pressure washing, it will come off. It's expensive.

Mr. Showe: Are there any other questions? Will is also here with GMS. He is your Field Manager. He does the more day-to-day operational stuff, but we work together as a team to make sure that we try to take care of the guys as best as we can. We are always available. So email or call if you have questions and we will be more than happy to help you out. With that, we will return to the Board meeting.

Mr. Mills: Thanks Jason. That was very well done. It's worthwhile information. It's too bad we had a minimal audience here tonight.

## **FIFTH ORDER OF BUSINESS**

### **Organizational Matters**

#### **A. Election of Officers**

Mr. Mills: It is that time of year where we have the election of officers.

Mr. Showe: There are two different ways you can handle this. We typically take nominations. If there is any inclination from the Board to keep the current officers, you wouldn't need to adopt another resolution. Most of our Districts elect officers every other year or every couple of years, so it's up to the Board on which process you want to go through. Typically you vote for a Chair and Vice Chair and the other Board Members fill the other roles, but we are more than happy to accommodate the Board.

Mr. Darby: I would be comfortable keeping the officers as they are.

Ms. Witcher: I feel the same.

Mr. Showe: If there is no change in officers, you can disregard the resolution and we will move forward. We don't need a motion.

Mr. Pawelczyk: Under the law, you only have to elect officers after there is a change in the Board, whether someone leaves, and you appoint someone new or there's an election. I think some policy was adopted when we were all appointed or elected to the Board, indicating that every year, we would elect the officers and assign responsibilities. This is just pursuant to that policy.

**B. Consideration of Resolution 2020-02 Electing Officers**

This item was removed from the agenda.

**C. Discussion of Board Member Responsibilities**

Mr. Showe: No action is required, but if you want to discuss the responsibilities, we can open that up.

Mr. Mills: Yes, let's talk about responsibilities. Carolyn, do you want to maintain the task that you currently have?

Ms. Witcher: Yes, I do.

Mr. Mills: Richard?

Mr. Bosseler: I heard Jerry at the last meeting say that now he was all done with the pavilion, he would like to handle something else, so I volunteer assigning him the lakes.

Mr. Darby: I don't mind doing that.

Ms. Witcher: What are you going to take, Richard?

Mr. Bosseler: I have all of the recreation items. I have plenty to do.

Ms. Witcher: Alright.

Mr. Mills: I will continue with landscaping.

Mr. Showe: If we are just keeping the same tasks, we can just proceed.

Ms. Witcher: Mel, have you thought about offering your services to the golf course?

Mr. Mills: No, but I have been talking to them. They have been doing a pretty good job of keeping things pruned.

Ms. Witcher: Maybe our paver could talk to the General Manager. He could give us a proposal.

**SIXTH ORDER OF BUSINESS****New Business****A. Discussion of Recreational Facilities Communications**

Mr. Showe: Jerry put together a document that's in your agenda package. So we will let him go through that.

Mr. Darby: Now that the pavilion is completed, perhaps we should take a look at the recreation area. Basically, we had this discussion at a previous Board meeting. Since we have a paved area, we have an under-utilized recreation facility. We have a beautiful pool with beautiful tennis courts, but we also have a bocce ball court that I don't think anyone uses. I think it was used once. We also talked about this community having a change in demographics with new people coming in so we should see what else we want to do with that area. However, there is no consensus within the Board on what we should do, so I think we should go to the VMs and the BCA to solicit input. It would be advisory, not mandatory. We are not saying that the majority of residents must do that, but we can get some idea of what the residents prefer. I drafted something, subject to the Board's consideration. Jason, do you want me to read it?

Mr. Showe: Absolutely.

Mr. Darby: It says: *"The CDD has a number of options regarding the use of the Recreational Areas which includes the pool, tennis courts, pavilion and the adjoining undeveloped area. It should be understood that this solicitation is for information purposes only and does not obligate the CDD to take any action as a result of this survey. To that end, the CDD is asking for Owner's opinions on the following: The open area where the playground equipment was can be left as is or developed with other recreational equipment. How do you feel about the following? 1) Do you feel the open, undeveloped area in and around the location where the playground equipment was located should be left as is or do you feel the CDD should invest in any combination of the following (list all that apply)? Re-install upgraded playground equipment, install a half-court basketball court, invest in cornhole equipment, replace the bocce ball court with a shuffleboard court, remove the bocce ball court completely, modify the tennis courts to accommodate pickleball, install grills and additional picnic tables near the pavilion, consider water slides at the pool and handicapped access, offer lifesaving scuba lessons at the pool or other. 2) Some have alleged that non-residents have used the tennis court without being guests of residents. Do you believe this is a problem? If so, do you feel the CDD should restrict access to the tennis courts through the use of a key card restricted access system similar to the*



*one currently in use at the pool?"* So the idea here was rather than just asking open ended questions, we want to have a script or structure. I would like to discuss with the Board how you feel about any and all of these and how they feel about this approach. There is a BCA meeting the day after tomorrow and if we can come to consensus, I would like to give this to the VMs so they can respond to us by our February meeting regarding what direction we want to go in.

Mr. Mills: Richard, do you have any comment?

Mr. Bosseler: I have a couple of comments. I've had two suggestions given to me for the area where we removed the playground. One was to put in a permanent grill and the other one was to put in a swing set. I like either, but I would like to postpone until we get more input from Baytree and hopefully, we get more consensus because I don't want it to be up to us. I've said in the past that if we put another playground in there, it will probably be in excess of \$50,000 to put something that's safe, approved and legal. I'm not encouraging a playground, but I would like to open it up to the community.

Mr. Mills: Carolyn?

Ms. Witcher: I would like to see a grill in the pool area, so it is closed off to other people. It would only be for Baytree residents because it would have their card access to the pool area.

Mr. Bosseler: Yes, but you would be too far away from the pavilion.

Mr. Mills: You don't have room.

Ms. Witcher: I don't like it out in the open.

Mr. Bosseler: We could put it out there and see how it works.

Mr. Darby: That's fine.

Ms. Witcher: I don't think the VMs should be involved in this. We have had no mailings from the CDD asking questions of the development in a very long time, and I think we can afford to write something that we like, send it out and we will take care of it. This is a CDD, not a BCA matter. We were inquiring to our homeowners what they would like to do.

Mr. Wilkerson: I disagree. I think that the BCA should handle communications to residents.

Mr. Bosseler: I think we discussed this a few years ago, when I wasn't on the Board. We built the bocce ball court, which has become a disaster. We wasted all of that money because it has to be removed or redone. So I'm never opposed to opening up anything for discussion.

Ms. Witcher: I would like for us to communicate because they really don't know what the CDD does half of the time.

Mr. Mills: Wayne has a good way of communicating. If you are amenable to take this on, at your next meeting, I ask that the VMs use this format and basically say, "The CDD is requesting that we have some guidance on what the community would like to have."

Mr. Wilkerson: Absolutely.

Mr. Mills: I think it would be a great opportunity for us to work together as a group for the betterment of our community.

Mr. Darby: That was the original intent. I think in the interest of working closely with the BCA as we established over a couple of years, it's prudent for the CDD to use the resources of the BCA offers, as the BCA has been very cooperative.

Mr. Showe: I don't want to make it more complicated than that, but one of the discussions that I will get into when we go through our Action Items List is the access system for the new pool and how we are going to distribute the cards. So if we are going to mail the cards out, there may be an opportunity for the CDD to include something like this as part of that mailing. I'm just throwing that out there. You kind of get some efficiencies if you do it all at the same time.

Mr. Mills: Jason, if I may. I'm sure that there are people in this room who remember when it was us against them. I think that needs to stop and it has stopped to this point. I think we need to work with each other to make it happen.

Mr. Showe: Absolutely.

Mr. Mills: It's not the BCA against the CDD. We all are residents of this community and we all want to make it a great community to live in. It's not, "*We are the best and they are the best.*" We are together. As Chair, I would like to see us work again with Wayne. They have done the Christmas decorations with us, helped with the parking lot, the pavilion, the list goes on and on.

Mr. Darby: Jason, I just want to add one other thing. This is meant to also be part of the dialogue.

Mr. Showe: Correct.

Mr. Darby: So when the VMs are asking, they may have other suggestions that we did not anticipate that frankly the Board might be amenable to.

Mr. Mills: Exactly.

Mr. Showe: Absolutely.

Mr. Darby: I totally understand the point and it makes perfect sense, but I think VM dialogue on the survey is also very helpful for us.

Mr. Showe: I just wanted to throw that in because if there is something that the Board would like to communicate to residents, if we are looking to mail those cards out to owners of the community, there would be an opportunity for you to include some things in there.

Mr. Darby: I think that's a good idea. There are probably some other items that will come up between now and then that we can include in the newsletter since we lost *Baytree Living*.

Mr. Showe: Absolutely.

Ms. Schoonmaker: As a VM, I have no problem sending this out and I don't think there is an issue with you guys using us as the conduit. I'm totally in agreement with that. The only problem I see in all of this, Jerry is that we do not have 100% coverage.

Mr. Darby: I know.

Ms. Schoonmaker: And you guys do because you have our tax records. So that would be the only reason that I would say it may be more efficient for the CDD to do the mailing.

Mr. Wilkerson: We can mail them.

Ms. Schoonmaker: That's fine.

Mr. Wilkerson: They don't have anything we don't.

Ms. Schoonmaker: I agree. I was thinking that we were going to email it, because I don't have email addresses. If we are going to mail them, I have no problem doing it.

Mr. Wilkerson: Jerry, we don't want to confuse the residents. It has taken a full year to un-confuse them.

Mr. Showe: I 100% agree.

Mr. Wilkerson: We don't want to do that. It's not a matter of autonomy for the BCA. We just want to be a part of the CDD. We just don't want to confuse the residents about where the information should come from. The VMs have a tough enough time.

Mr. Showe: I agree.

Mr. Wilkerson: I think Brad and Mike have gone door-to-door to Windsor where there are 126 homes and 312 residents, soliciting information over the past two weeks.

Mr. Dwyer: It's not 126 homes, it's 150. Mike and I and Greg have been collecting information and getting information. It's hard just to stop and endure and not say, "I want you to vote yea or nay on this item." They want to talk about what is important and we are their representatives. If you are going to take that away from us by doing a mailing, you heard us.

Ms. Witcher: I know, but the problem is that we raised the rates and they want to know what we are spending our money on. They don't come to the meetings. We need to have some communication with them also. I'm not saying, don't do yours, but we can also do something to say, "This is what we want to do for the development, and this is what we are spending our money on."

Mr. Dwyer: This what they had four years ago. You are confusing them. You have the CDD versus the BCA. You should have the BCA deal with the people, and you be the Advisory Board.

Mr. Sherbin: Emails are inconsistent. I can never get anybody's email. People change. I really hate emails. Going door-to-door, people are very skeptical. I can't get a hold of everybody. I don't have the time to spend walking up to everybody's door and taking a half hour/20 minutes with everybody. I would love to see a mailing go out and people actually read something and provide input. So everyone has an equal chance.

Mr. Wilkerson: We would be happy to do that.

Mr. Dwyer: Mike and I did go door-by-door today. A lot of times, we scotch tape the questionnaire on their door, but in most cases, people wanted to talk. They want to talk to their Rep and right now we are the only Rep. So if you want to take that on, that's fine.

Mr. Sherbin: I applaud you for doing that. I'm just saying that not everybody can do it.

Mr. Mills: Let's make a decision as a Board. Do we want to hand this over to Wayne and the BCA to come back to us with some kind of guidance?

Mr. Bosseler: I think our intent at the last meeting was to ask for input.

Mr. Darby: I agree.

Mr. Mills: Wayne, do you mind doing that?

Mr. Wilkerson: Absolutely.

Mr. Darby: I will print it out and provide it to you.

Mr. Mills: Very good. Let's move on.

**B. Discussion of Recreation Area Parking Lot**

Mr. Darby: What can I say, it's done. The County still has to approve it. They had 15 comments, which Maryelen and Jeremy have put together and responded to. There's just one remaining issue, which is the outfall structure and the water volume in the dry pond. The other part is that I asked Jason to go through and do a budget versus actual, because we incurred a lot of expenses that we were not anticipating, particularly in compliance with the County. There is a significant amount of engineering involved, much more than anticipated. So I think it's fair for both the BCA and the CDD to know exactly where money is being spent. That will probably be available, maybe at the February meeting?

Mr. Showe: We should have that for the February meeting. I think we will have all of the costs in at that point and can capture everything. We did put out a draft. I stamped it as draft for you. It's on your desk. Just so you can see where we are at now, it's missing the engineering piece. We should go through their invoices and pull the things that are specific to this project. We just need time to compile those and get their last couple of invoices. I think we will be able to capture all of those. Are there any outstanding costs?

Mr. Darby: I think everything that we have is going to be fine. If for some reason the drainage system doesn't work, then we will need to have mitered end sections in four places, which would be an additional \$6,000, I believe.

Mr. Mills: When the County originally approved the plan, why do they all of a sudden come back and say that we have all of these other issues?

Mr. Reiderman: There are a couple of different issues. One was that the survey was different. We tried to save money in the beginning by not using a survey or the record drawings, which were done via laser as opposed to a typical survey, so we had to make a few field adjustments that were approved by the Building Inspector, but not the County Engineer. So they gave us 15 comments on as-built certification. I never had that happen. We got the parking lot approved with no comments through the St. Johns River Water Management District (SJRWMD). One of their comments was, "We reserve the right to have additional comments."

Mr. Darby: They were ridiculous. The ADA grade, based on the drawings, was 2.1%. The maximum limit was 2.0%. So they went out and measured it and it was 2.0%, 1.9% and 1.98%. So it's those kinds of things that we had to spend a fair amount of time explaining to the individual that this is going to present a problem. The radii of the driveway was less than a

commercial parking lot. We just didn't have space for a 50-foot radii. We had to prove that a fire truck could circle around the parking lot, which it did. That's only 2 of the 15.

Mr. Reiderman: We had to show that a ditch would drain. Even if it flooded, it wouldn't matter.

Mr. Mills: Doesn't some of this responsibility, when I look at the financial situation, fall on the County? If they originally approved the plan and now they come back and want all of these changes at quite an additional cost, I think we would have an argument with the County.

Mr. Reiderman: It's an issue that you can bring up with your County Commissioner.

Mr. Darby: I think part of the problem is that we have a number of field changes starting with the elevations. The topographical surveys were not correct. When they started laying stakes and put in the elevations, we saw that the way the grade was, you would have to go down about a foot-and-a-half to two feet to go down to the pavilion. Over a space of five feet, made no sense whatsoever. So obviously an elevation is off, and we had to recalculate. If you look at the land prior to the paving, it sloped down completely from the front to the back of the pavilion. What Maryelen did in the design, was to put a hump in the middle, where the back gate goes to the pool so half of it drains into the dry pond and the other half drains towards the pavilion and playground. The Building Inspector approved it. Now when you get a field approval from a Building Inspector, you think that's the approval, but the County Engineer did not accept it. So we went through everything that he approved in the field and re-did it again. Most of it got re-approved. We provided drawings showing what they wanted to see. This outfall structure is probably the only remaining physical thing we have to do. We could've had much more expenses like having to dig up the culverts because the elevations were not correct, but we did have to do that, unfortunately.

Ms. Witcher: What about all of the water in the back where you took the play structure out?

Mr. Darby: That would be contingent upon what we want to do with the rec area because Atkins provided, at the last meeting, recommendations for additional drainage. If we were to do anything significant in that area, we would tear that out, put in a pipe and drain it all towards the back, towards the golf course.

Mr. Mills: I just wanted residents to be aware that we were having some issues.

Mr. Showe: Challenges.

Mr. Mills: I want to thank Jerry. I was advised several times to not talk to him because of the Sunshine Laws, but he spent probably a good three weeks, if not four or five hours a day, making sure everything was correct. That is the work a Supervisor does. So Jerry, thank you.

Mr. Darby: You're welcome.

Mr. Mills: I really appreciate it and I'm sure the Board appreciates it as well. Jerry, will you keep us up to speed on this?

Mr. Darby: Yes.

#### **B. Ratification of Resolution 2020-01 Amending the Fiscal Year 2019 Budgets**

Mr. Showe: We presented Resolution 2020-01 to the Board. Pursuant to Florida Statutes, this must be approved prior to December, so we had Mel execute it two weeks ago. So this would be a ratification to re-balance the 2019 budget. It's something that we do every year. If you recall, the one year that we didn't have a December meeting, we had a write up in the audit for not completing it.

Mr. Mills: Yes.

Mr. Showe: So we are just recognizing some additional fund balances and transfers to cover your expenses and make sure the funds balance at the end of Fiscal Year 2019. We calculated most of these in your 2020 budget, so we just have to go back and readjust the prior year to make it balance on paper.

Mr. Mills: We need a motion to adopt Resolution 2020-01.

Mr. Darby: Jason, I looked at some of these numbers and it concerned me. Engineering was \$88,000. I think I know why, but I am also concerned about why \$25,000 was budgeted for Fiscal Year 2020. Do you feel it may have been overspent in Fiscal Year 2019 and are we in jeopardy relative to Fiscal Year 2020?

Mr. Showe: Engineering is an item where even if they have exceeded the budget in the past, we have been able to recoup that money from other expenses. Typically you balance those things out throughout the year. I think we had a year where there were a lot of projects going on. Also, we had a storm causing additional cleanup.

Mr. Darby: So you are comfortable then?

Mr. Showe: I think we are comfortable. We don't have a good trendline on that. Some years \$25,000 is more than enough and some years like this year, where they are doing research on the paving and completing the recreation projects, it's an intensive job. So it's up to the Board



to scale their expectations and if we expect that it's going to be more than that next year, we will take a look at it.

Mr. Mills: You probably had seven or eight projects this year.

Mr. Reiderman: Yes, meeting expectations. How many hours I spend is directly related to the costs. We have been spending a decent amount of time each week on this exhibit we created to help clarify it and give you a value between two different options. Yesterday, we met with Bill Anderson onsite to discuss an additional lake restoration issue. So we exceeded the \$25,000.

Mr. Showe: Our hope is that we can balance it out with some savings in other account lines, so not much of a transfer is required next year.

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor the adoption of Resolution 2020-01 Amending the Fiscal Year 2019 Budgets was ratified.

### **C. Discussion of Potential Roadway Bonds**

Mr. Mills: I spoke with Jason about a bond versus borrowing money. I then contacted a friend of mine who is Vice President of lending for Seacoast Bank and they are very interested in financing the road project for Baytree. In your agenda package, you will see an email for an approximate interest rate. If we borrowed \$500,000 for five years, the interest is 3.95%, which is a great interest rate. If you do the same amount for 10 years, it's 4.15%. Maybe what we need to do is hold this until after we talk with Jeremy and maybe bring this back at the February meeting for final consideration. I will tell Daryl Bishop of Seacoast Bank that we are interested, but we are on hold.

Mr. Showe: I think process wise, there are a couple of things to consider. We have now been presented with some other options for how much money we might need to mill and resurface. So I think there are a couple of things. The first step is to determine what process you want to do, how much you are willing to spend and the timing because we wouldn't want to issue bonds a year in advance of needing it. I passed some of this information to Mike so he can review it from a legal perspective. There is a process of issuing bonds for a CDD or even getting a loan. It does, in many cases, constitute a lien against the homes, even if you are not assessing more. It could be a complicated process, but you are looking at different options. I think the first step would be to decide on the process, the amount and the timing. Then we can look at the financing mechanisms that fall in line with the Board's goals.

Mr. Mills: Mike, at the last meeting, didn't you say that we don't want to issue bonds because of extensive marketing?

Mr. Pawelczyk: No. I indicated that there are additional expenses if you are going to issue bonds as opposed to a loan, but I think like Jason said, the first thing you need to do is determine how much money do you need? Then you can figure out the annual assessment per homeowner, based on an interest rate of 4% or whatever it is. If the annual assessment is \$1,000 per homeowner for a five-year loan, that's probably not going to be something you are going to want to do, because you are going to borrow money for a longer period of time.

Mr. Mills: We figure that we would cover that in the money that's being appropriated for the roads, so we wouldn't have to raise the assessment.

Mr. Darby: It depends on how much we borrow.

Mr. Pawelczyk: It might be a case where you borrow some money and utilize what you have for next year to complete the project, or you can wait until you levy and go through the budget process next year and then put all of the money into the project at once.

Mr. Showe: I think a critical component of the timing of this is the condition of your roads because there are varied conditions throughout, but as he indicated, there's nothing he would consider critical at this point. So if you do a project in the next year, such as repaving the entire community, you might still have some usable life left in your assets. So I think that's just a consideration in terms of how you approach this.

Mr. Pawelczyk: If you borrowed money for more than five years, you need to validate.

Mr. Showe: Correct.

Mr. Pawelczyk: Which means I need to go through that court process. It's not a big deal, but it does take additional time. I think it all comes down to the amount and what you are going to assess the residents, if anything. We can figure out the amount and then talk to this bank and the Underwriter we generally work with.

Mr. Showe: I already let them know that there may a potential once we establish where we want to go.

Mr. Pawelczyk: I think you should look at both options Mel. Daryl going to tell you the best way to do it. He's a financial advisor. I'm not and neither is Jason, so in the interest of generating additional business, he is going to try to give you the best rate, even if you were to go with Seacoast Bank or another bank. However, it doesn't make sense that there's a monthly

payment of \$9,200 a month. We don't pay by the month because we collect all our money or have the money available. Typically, these payments are made twice a year, May and November. Right, Jason?

Mr. Showe: Correct.

Mr. Pawelczyk: That can change, but I just want to make sure you understand that before we proceed, because sometimes if you enter into these arrangements with banks and they aren't familiar with the process, your legal and management fees go up, because we are doing all of the work.

Mr. Mills: He mentioned to me that they have already done this in other CDDs.

Mr. Pawelczyk: I just wanted to bring that to your attention.

Mr. Mills: I just need to hear from Jeremy and then the Board can decide which way to go.

Mr. Showe: I think what he said is important about how there's nothing super critical at this time. I know that interest rates are really favorable now, but I also don't want you to jump on something you may not need for three or four years either.

Mr. Mills: What bothers me is that we were told the roads would last us another 10 to 15 years and hearing him talk about microsurfacing.

Mr. Showe: He is selling his product. So look at it that way.

Mr. Pawelczyk: Some of you may know already, but in an interest of full disclosure, I told Maryelen about a guy I knew that does resurfacing when we were having trouble getting bids. So I conveyed the information from Mr. Young's firm. Gordon's son and my son played little league together way back in the day. I'm not pushing the Board one way or the other, but I know you were desperate to get some additional options.

Mr. Showe: To provide some history, mill and resurfacing is all we have done in here. So microsurfacing would be new and there may be some value. We can have them provide a sample, to see what you think of it before you invest. We have money in the budget.

Mr. Darby: I think the problem with the sample of the microsurfacing is that mobilization is significant.

Mr. Showe: Correct.

Mr. Reiderman: The Board was not happy with the prior microsurfacing and wanted other options. Asphalt Paving Systems is a quality company, but I was a little disappointed when

we found out our cul-de-sacs were not included after the fact. Therefore, if you do a mill and overlay on the cul-de-sacs and have the rest of it microsurfaced, you will have two different products that wear differently.

Mr. Showe: It's going to provide a different look.

Mr. Reiderman: There is a difference in sealcoating, microsurfacing and mill and overlay.

Mr. Showe: Yes. We wouldn't recommend sealcoating. That's typically only done in communities that have parking lots or something small and contained. I don't think you want that on your road.

Mr. Mills: I think we should leave this up to our District Engineer to decide.

Mr. Reiderman: The question is the timeline and the level of service that you want. There are economies of scale doing it all at one time to get the look that you want. The gentleman that did the cracks, did a good job. It will function fine until a pothole develops. Then you have to fix it with a patched seal. Is that the look you want?

Mr. Mills: Did you go around with the guy that was doing the microsurfacing or was that Maryelen?

Mr. Reiderman: I did.

Mr. Mills: He basically looked at the structures and said everything looked fine, with the exception of the one on Balmoral Way and Old Tramway Drive. Old Tramway Drive has been a problem from Day 1. So I would like to see the Board put off this loan until February, so we can get some more information from our District Engineer. I do not want to have to assess each resident and pay it out of cashflow. I think we need to do it that way.

Mr. Darby: Let me just interject something here. When we looked at it, the original project was estimated to cost \$1.3 million to mill and overlay the entire community. The microsurfacing came in around \$500,000 to \$800,000. That makes perfect sense and it sounds like a good idea. The microsurfacing combined with the cul-de-sac mill and overlay is about \$554,000. To mill and overlay the entire community is \$769,000, for a total difference of only \$214,000. So now the question is, for a \$214,000 difference, do you want to mill and overlay the entire community, versus doing the microsurfacing? Microsurfacing allegedly would last 10 years, versus 15 to 20 years for mill and overlay. In addition, financing \$769,000 is a little different than \$554,000. For \$554,000, you can do it in five years, versus \$769,000 without having to raise assessments, but we will have to wait 10 years. First, we have to figure out what

process we are going to use and then what the financing is. Maybe we will do the entire community at one time or one year and five years later do the other half.

Mr. Reiderman: I think you will have time to wait until your Pavement Fund is built up enough to take your borrowing amount down to \$500,000.

Mr. Mills: I hate to put you on the spot, but if you were to make a decision right now, between microsurfacing versus mill and overlay, what would you do?

Mr. Reiderman: Like I said, I was very disappointed having two different products. So we hire one company and do it all at one time. This quote that he provided is so much better than the other quotes.

Mr. Mills: It is. It's unbelievable.

Mr. Darby: Jeremy consulted one of his colleagues who is an expert in asphalt. What did he say?

Mr. Reiderman: Microsurfacing was used in Flagler County. I'm on the Palm Bay Infrastructure Advisory Oversight Board and they passed a motion to use microsurfacing on cluster roads. My road is over 20 years old, but it's one of the nicest roads in Palm Bay, and I can't justify milling and overlaying the road.

Mr. Mills: was the road microsurfaced?

Mr. Reiderman: I'm assuming they are going to. Hopefully, they still have money. They are currently preparing a five-year Capital Improvement Plan (CIP). The first year was \$50 million and the remaining \$100 million has to be disbursed through the remaining four years.

Mr. Darby: There is definitely a difference in the quotes.

Mr. Reiderman: The point is that a mill and overlay has twice the life of a resurfacing, so if your costs are less than twice the amount, go with the mill and overlay.

Mr. Mills: There's another issue that we need to face at the same time, which was brought up by Michael, and is a good point. We have some curbs that are holding water and there is no need for us to do the paving, until those curbs are fixed. So there's another expense that we have to consider as well. I would advise, the next time we have a rainstorm, that your firm come out to look at them and give us a quote for what it's going to take to fix it. There's no use doing either one of these until the curbs are repaired.

Mr. Reiderman: You can just drive around the community and see the ones that have more mildew than others or a buildup of sand. The problem is that you have a cross section slope

that's 2%, but then you have the longitudinal slope of the curb and gutter, so if you have any settling of your road, your concrete worker could make an error and you are going to have standing water.

Mr. Showe: Correct. To follow up with what Jeremy is saying, we actually had surveys and site lines done before and the elevation change is so small from one driveway to another, that just a slight imperfection in the way the concrete is poured, slows it down.

Mr. Dwyer: You are missing the Oak trees, which impact these curbs.

Mr. Bosseler: I'll look at them.

Mr. Reiderman: So I wouldn't recommend replacing the curb and gutter until the grade is exactly .3%. When I went to Virginia for a couple of years, I tried to use .3% and found that they couldn't build it to that accuracy; they wanted .5%. For 1,000 feet, that makes a lot of difference.

Mr. Mills: Mike?

Mr. Sherbin: The problem that I brought up was mosquitos forming in large areas of water during the summer, which is a health hazard. Why don't we do something about it? If the water is enough to create a mosquito hazard or health hazard, you have to at least figure out what is washing down. They told me it was because of the Oak trees.

Mr. Mills: Jeremy, we haven't had rain for over a week. William and I drove around before the meeting and there is one spot on his street on the left-hand side that has standing water.

Mr. Reiderman: What road?

Mr. Mills: Birchington Lane.

Mr. Sherbin: 490 Birchington Lane.

Mr. Reiderman: Our job was easier with Google Street View. When I was on a site visit, I simply had to click on the location, and I would have video documentation of what the road looked like in 2015 or 2007. That fact that your community is gated, and they haven't driven through your community, means I have to drive around and take more time to document it. There will be a cost savings by having your roads on Google Street View.

Ms. Witcher: Could we invite them to a meeting?

Mr. Reiderman: I sent them an email, but they didn't respond. I can follow up. I also wanted to verify that you weren't opposed to it and wouldn't turn them away.

Mr. Showe: I definitely don't think we would turn them away. They wanted \$500 to come in and put a community in Satellite Beach on Google Street View.

Ms. Witcher: We can pay them \$500.

Mr. Reiderman: Google wanted to charge \$500?

Mr. Showe: Someone who worked with Google Street View offered to come through and drive the community for \$500.

Mr. Mills: That's cheap.

Ms. Witcher: We would save in engineering costs.

Mr. Reiderman: Atkins owns a company that uses a van to take measurements of the edge of pavements and performs a pavement condition assessment. We can do an Asset Management Plan, but it's really expensive.

Mr. Mills: Is the Board okay with having Jeremy asking Google Street View to come in?  
*There was Board consensus.*

Mr. Darby: It makes sense.

Mr. Mills: Absolutely.

Mr. Darby: Plus we would have a permanent record.

Ms. Witcher: It would make it easier for the ARC when people want to cut down trees and put in landscaping. The BCA would also benefit.

Mr. Mills: Very good.

Mr. Sherbin: I think it's a benefit for the homeowner when they want to sell their property.

Mr. Mike Windom (Bradwick): I have lived in Baytree for only a couple of years, but I lived in Suntree since 1978. We have been attending CDD meetings religiously and the roads were discussed at many meetings. I'm just curious. I know Baytree was established around 1995.

Mr. Mills: Right.

Mr. Windom: Have the roads ever been redone before?

Mr. Mills: Yes.

Mr. Showe: Absolutely.

Mr. Windom: There was discussion about milling and how to fund it. Wasn't there proforma in the past about how to repave roads and pay for them?



Mr. Showe: I can address that. Initially when I started, we were allocating \$60,000 of your assessment into a Roadway Paving Fund. The District Engineer developed a full-scale program that covered the entire community, so we were reserving \$60,000 at a time for milling and resurfacing. We found out if we actually held the money and did two- or three-years' worth at one-time, we received some savings because the contractor wasn't coming out and repeatedly doing small jobs. Once the price of that work increased, the District Engineer recommended allocating more money, so we started reserving \$60,000 to \$100,000 per year from assessments to go into a Roadway Paving Fund. Prior to this discussion, we were only doing the milling and resurfacing on a rotating basis. Every couple of years, the District Engineer would come to us and say, "This community has the highest profile, so let's do that because there are some cost savings for the mobilization from the contractor." We found out the microsurfacing process was considerably cheaper and the Board was trying to weigh whether they wanted to look into microsurfacing.

Mr. Windom: How did you fund it before?

Mr. Mills: Out of cashflow.

Mr. Showe: Out of your current assessments. I think the intention with the borrowing is that we would use the \$100,000 we are allocating now, to pay that bond back. There wouldn't be an additional assessment. It would just be a method for them to get the entire project done and do the entire community at once. After they repay back the bonds, even with the microsurfacing process, if it lasted 10 years, they would pay off the bonds in five years and have five more years to collect another \$500,000. So if it needed to be done again, they wouldn't have to borrow money again.

Mr. Windom: Rather than doing it piecemeal like before.

Mr. Mills: We are doing the whole community at one time.

Mr. Darby: There was considerable cost savings for a one-time paving.

Mr. Showe: Initially.

Mr. Pawelczyk: Supposedly interest rates are very favorable, compared to where they were six or seven years ago.

Mr. Windom: Okay. Thank you.

Mr. Mills: Let's table this until February, so Jeremy could give us some more detail with the overlay.

Mr. Darby: And how to pay for it.

*There was Board consensus.*

#### **D. Discussion of Golf Course Roadway Stain**

Mr. Mills: I promised that I would bring up the stain on the roadway that was caused by the golf course. I'm sure all of you have seen a stream going up Baytree Drive. It is hydraulic fluid that leaked out of one of the machines from the golf course and not our landscaper, as originally assumed. I asked Ken Horn who power washes our sidewalks if he could possibly power wash that out, and he said, "Mel, it won't come out because it's a petroleum product that is in the tar. If I power wash it, it will even be worse because it will clean around it and will be more noticeable." So this is all the more reason that we need the microsurfacing.

Mr. Bosseler: Are we sure that was the golf course, because it goes down Kingswood?

Mr. Mills: It came right off of the golf course.

Mr. Bosseler: Why would it be up and down Kingswood?

Ms. Schoonmaker: It's all over my development too as well as every street in here. It's from the garbage trucks.

Mr. Bosseler: That's what I assumed. It could be both.

Mr. Showe: We will solve it.

Mr. Darby: So the bottom line is we are not going to do anything?

Mr. Mills: We can't do anything. We have to let it wear away. The golf course said that sun and water would wear it away. So we will see.

#### **E. Discussion of Strategic Planning – Next Steps**

Mr. Mills: I attended a meeting that Jason was at in another development that had issued \$1 million worth of bonds. They have quarterly workshops.

Mr. Showe: Every month, they have two meetings; a regular meeting and a workshop. They meet every two weeks.

Mr. Mills: I was going to suggest having a quarterly workshop because we have so much going on. How does the Board feel about that?

Mr. Bosseler: I'm fine with it.

Ms. Witcher: Would it be on the same day as the regular meeting?

Mr. Mills: We could have it at 10:00 a.m. and have our regular meeting at 1:00 p.m.

Mr. Darby: Let's put the calendar on the website for 2020, indicating what days we are going to have workshops.

Mr. Mills: The first one would be the first Wednesday of February.

Mr. Darby: February 5<sup>th</sup>.

Mr. Mills: Then March, May, August and November.

Mr. Pawelczyk: Why don't you advertise a workshop at 10:00 a.m. on every meeting day for the next fiscal year? In other words, you would adopt a meeting schedule to include the workshops. If you cancel the workshop because there's nothing to discuss, there's no agenda. Jason will post on the website, "There is no workshop today, only the regular meeting."

Mr. Showe: The reason that they have the workshop two weeks before the Board meeting is to discuss what's going to happen at the meeting. If you hold the workshop the same day as the meeting, I don't know that it's going to be productive, because you are going to talk about a meeting that is going to happen in two hours.

Mr. Mills: At the workshop, we can't take any action.

Mr. Showe: Correct. If you schedule a workshop three weeks in advance of your Board meeting, you would have time to talk about what's going to be on the agenda and plan accordingly.

Mr. Mills: Good point.

Mr. Showe: I just don't want to see you waste your time.

Mr. Mills: Let's do it quarterly.

Mr. Darby: So you are talking about having 12 separate meetings per year.

Mr. Showe: No. There be four.

Ms. Witcher: In addition to the other meetings.

Mr. Showe: Correct.

Ms. Witcher: Do we have the funds?

Mr. Showe: Yes.

Mr. Pawelczyk: My office typically doesn't come to a workshop, because you are typically talking about what kind of tile are you going to put in the pavilion, what color of paint or microsurfacing versus milling. If any legal issues come up, call us and we will attend by phone.

Mr. Showe: Why don't you let me put a schedule together to present at your February meeting?

Mr. Mills: Perfect.

Mr. Showe: Wednesdays are packed in our office in terms of meetings, so I would like to put together a tentative schedule to have meetings between two workshops for the rest of this fiscal year. For next fiscal year, we will build those workshops into your annual notice.

Mr. Mills: Very good.

## **SEVENTH ORDER OF BUSINESS**

## **CDD Action Items/Staff Reports**

### **A. CDD Action Items**

Mr. Showe: Regarding the sidewalk/tree repair, Will is coordinating that.

Mr. Viasalyers: I have some updates. The four trees we were allowed to remove, were removed yesterday.

Mr. Showe: There were seven trees on our list.

Mr. Viasalyers: Originally.

Mr. Showe: I emailed as many residents as I could. We also sent a letter. In the past, we sent out a letter, giving them two or three weeks to answer it and say either, "Yes, I want the tree removed" or "No, I don't." If they don't answer the letter, we leave the tree. That has been our policy. We don't want to remove trees and get into an argument with residents. We never heard anything, so we removed the four trees. I did hear back from another resident, but he didn't seem to want his tree removed.

Mr. Mills: That being said, if any damages occur, do we have a legal right to bill the resident for the repair of the sidewalk?

Mr. Showe: We are still going to repair the sidewalk.

Mr. Mills: I understand that, but is the CDD going to be financially responsible for repairing the sidewalk because the homeowner wants it? I don't think that's fair to the community.

Ms. Witcher: You mean to leave the tree in?

Mr. Mills: To leave the tree in. That's what I'm talking about.

Mr. Showe: Ultimately, it's our infrastructure no matter what.

Mr. Pawelczyk: It's our responsibility to make the sidewalk safe.

Mr. Mills: But we can't bill the homeowner.

Ms. Witcher: No.

Mr. Sherbin: If you choose not to take the tree out, the homeowner is absolved. You are going to repair my sidewalk two more times.

Mr. Mills: We don't have a choice, but you have a specimen tree.

Ms. Witcher: What is a specimen tree?

Mr. Showe: If it's over 30 inches, the County will not let us touch it.

Ms. Witcher: Like the one in my yard.

Mr. Bosseler: Is that tree on their property or our property?

Mr. Mills: It's on our property, but they have to maintain it.

Mr. Pawelczyk: Well, if it's our tree, we can take it out, but you would have to adopt rules.

Mr. Showe: We adopted a tree rule. This Board tried to be good neighbors with those folks regarding their trees, because there are some definitely don't want their trees removed.

Mr. Mills: I understand. So I think if it becomes a safety concern, we have to look at it, but I think we always try to do the repair and replacement first. We have a tree rule in place where I believe if a tree becomes a problem and it can't be solved any other way, we can remove it. They are technically all of our trees, per the rules that you approved several years ago.

Mr. Mills: If a resident says they don't want the tree to be removed and we find out that we have to replace a sidewalk three or four times, do we have a right to take that tree out? Is that what you are saying to me?

Mr. Showe: I think we can pursuant to the rules that we adopted.

Mr. Pawelczyk: If they are our trees, you could take them out if you wanted to.

Mr. Showe: Correct.

Mr. Pawelczyk: As long as you are not in violation of the Tree Ordinance, which basically says you need to get a permit.

Ms. Witcher: What if it's in my yard and it's a specimen tree that damages a sidewalk?

Mr. Showe: We have to fix the sidewalk. We can't do anything about the tree.

Mr. Sherbin: What if it's inside of my yard?

Mr. Showe: The CDD owns the road and the right-of-way (ROW), which is basically back of sidewalk to back of sidewalk and the strip of grass between the sidewalk and the curb. So trees that fall in that area are within CDD ownership. We passed rules requiring that the

residents maintain those trees, but if it poses a safety concern or an issue with our infrastructure, we have the ability to remove them.

Mr. Pawelczyk: The reason we had to do this was because either the County or the developer, thought it was a good idea to put Oak trees in a 3-foot swale. That is why we have this problem. The District has done its best to try to figure out the best way to accommodate homeowners, preserve the canopy, while at the same time maintaining it. That is the best way.

Mr. Showe: Correct.

Mr. Mills: Now the County is saying, "We don't want any more Oak trees near sidewalks, so they told Tropic-Care, "No more Oak trees near sidewalks. We only want Palm trees."

Mr. Showe: Oak trees have to be 8 feet.

Mr. Mills: Yes. Eight feet back.

Mr. Sherbin: I trim those trees a lot and it's a lot of work.

Mr. Mills: Let's move on.

Mr. Viasalyers: To finish what I was saying, yesterday four trees were removed and tomorrow they are going to finish stump grinding. Then we will work on adding sod.

Ms. Witcher: Where are we going to put the four trees?

Mr. Showe: I think we have to put six trees back.

Mr. Viasalyers: Six trees. They have to take measurements. I met with Mel tonight and we reviewed an area on Chatsworth, at the end of a cul-de-sac on the right-hand side, to put the six trees. They will measure it and put stakes there.

Mr. Mills: They must be eleven feet off of the road.

Mr. Viasalyers: Eleven feet off of the road and 30 feet apart.

Mr. Sherbin: What about the stumps?

Mr. Viasalyers: They are going to be stump grinding tomorrow.

Mr. Showe: They are going to grind them and then repair the sod. You will have to water the sod. The goal is to make it look like it was never there.

Mr. Viasalyers: That's all for that item.

Mr. Showe: We are waiting for the fence along the recreation area to become completely dry.

Mr. Viasalyers: They have equipment in there right now, so we are looking at hopefully around January.

Mr. Showe: The next item is the gate system for the recreation facilities. They are about six to eight weeks out with that project, so we have some time once they get started. They will initially order 1,000 cards, so we want to discuss with you how to provide those cards to residents. My thought was that we mail two cards to each owner. The owner would then pass it on, if there was a renter in the house. I think that's the proper way to do it. We can even log the ID code of the card and which house it went to so we can track them.

Mr. Darby: Good.

Mr. Showe: Is that amenable to the Board or is there's some other method that you prefer?

Mr. Mills: Perfect.

Mr. Darby: I was thinking about adding another enclosure into that mailing.

Ms. Witcher: If they want more cards or they lose them, can you deactivate them?

Mr. Showe: I think we have that capability.

Ms. Witcher: I would like to register them to the house.

Mr. Viasalyers: We can pull up the log and see who swiped it.

Mr. Showe: Are you comfortable with providing two cards per home?

Mr. Darby: Yes.

Mr. Showe: I'm just making sure. Perfect. We will coordinate that process. We will also include in that letter, the timeframe because once they implement this new system, the old cards will not work. So everyone will have new cards. We will just have to try to make that clear in the communications we send out and put some signs up on the gate saying, "By this date, you should have your new cards; if not call our office."

Ms. Witcher: Can we let your pool aerobics lady know what we are doing so she can advise her people to come in?

Mr. Showe: Yes.

Mr. Bosseler: As well as the pool maintenance guy.

Mr. Showe: We will take care of all of that. The next item is the 510 Royston vegetation. Did Bill have some input on that?



Mr. Viasalyers: For \$12,000, Bill would use an excavator to remove some of the silt that's built up. The estimate is about 300 linear feet of silt and would take three days for Bill to remove it. He will dig a 5-foot-wide by 2-foot-deep channel.

Mr. Showe: Jeremy, what is your opinion?

Mr. Reiderman: Functionally, it still works.

Mr. Mills: There was a concern from the homeowner with the peninsula connecting one part of the lake from another. Did you address that issue?

Mr. Reiderman: Unlike some of the other lakes, that lake doesn't stage up high. There is a lot of room for the water to stage up. So the water could stage up 1 foot, and as soon as it does, the water would go right over that peninsula and the two lakes will be interconnected. As far as lake maintenance, you are supposed to remove muck. Regarding that conservation tract, we met onsite with SJRWMD and the conservation tract is supposed to be cleared of vegetation to maintain the original bank, but it's still functioning. So it's up to you, if you want to incur that extra cost, the level of service, how you want it to look, etc.

Mr. Mills: They said nothing about the peninsula slowly creeping in? At some point there is supposed to be two separate lakes.

Mr. Reiderman: So it will cost \$12,000 to get in there. You have to put the dirt somewhere. The resident who we talked about was re-establishing the lake bank and it's a pretty steep drop off that has concaved slightly. We would re-establish the bank into a straight line and put the dirt pile off to the side if the homeowner is okay with that. Otherwise, you must have a trailer and get back in there and move the dirt, which is an extra expense. That \$12,000 did not include hauling the fill offsite. It also did not include removing brush. Once again, if you remove the brush, you have to do something with it. There is an area in the conservation area that we can use to haul the fill to.

Mr. Mills: The owner of that property with the peninsula just passed away. So if the lake is working, maybe we should just let it be until we have to do something about it.

Mr. Showe: We have a quote so the Board could take action at a later time if need be. We have Bill in here almost every year doing lake bank restoration so it can always be rolled into that project if the Board deemed it necessary.

Mr. Reiderman: I did try to reduce the number of projects for this year to have a little extra money in the budget. I was going to present that to you.

Mr. Showe: We will do it in your report. The Kingswood Way drainage is the same as the pool fence. They just have to wait until it's dry enough over there that they feel comfortable enough getting their equipment in. We will wait until Jeremy's report to discuss the Lake 1 access. We approved the contract for the website conversion. It is underway and we will make the February deadline.

Mr. Mills: There was discussion, Jason, at the last meeting about the maintenance fee.

Mr. Showe: Yes. They don't need that. The price was re-adjusted based on the amount of new documents. That quote was about six months old, so we went ahead and approved it because we needed to get them going on that project.

Mr. Mills: So if we need them at all, did you get an hourly rate?

Mr. Showe: It would be \$600 per hour, but I think we are comfortable based on how many other websites we have done, that they will convert everything properly and we will post them in a compliant format because we now have the software. It's compliant. It is just the effort of going back and reconverting all of the old documents.

Mr. Mills: Are there any other questions for Jason on the Action Items?

Mr. Darby: Yes. What is the status of the transponders?

Mr. Showe: We will likely look at that system in the first quarter. I know that we showed that to the Board as part of the approval for the access system and discussed how the old transponders were outdated. In order for us to keep continuing with that process, we need to upgrade it to a web-based program. I think it was about \$6,000 for both gates.

Mr. Viasalyers: To track everything better.

Mr. Mills: But you are not going to be issuing new transponders.

Mr. Showe: No. It's the same system. Anyone who uses it, are not going to know the difference. This is kind of a back-end IT web-based support, which will give them the ability to have more tracking capabilities. It is important to note that the old system was installed in 2008, so we are dealing with 11-year-old technology. So it's really just a refresh. We plan on executing that as soon as we get the first large assessment check and get it up and running.

Mr. Darby: We were looking at the cost of replacing lights on the tennis court with LEDs.

Mr. Viasalyers: I don't have any information at this time. We will bring it back at the February meeting.

Mr. Darby: Rick brought up an interesting point at the last meeting about installing a camera from the tennis court to the pavilion parking lot to watch for trucks that might get stuck in there, so if there is an issue, we can get back to them much like we do when they damage gates. Can we look at that?

Mr. Viasalyers: I'm checking now to make sure that Modern Security was out here tonight installing that. I'm not sure if that was completed.

Mr. Darby: I think it's a good day to do it.

Mr. Showe: Absolutely.

Mr. Darby: We have space on the system.

Mr. Viasalyers: Yes. We have three extra channels. I will have to follow up. He was out here tonight installing the camera, so I will see what he does tomorrow.

Mr. Darby: Okay. That's all I have.

## **B. Additional Staff Reports**

### **i. Attorney**

Mr. Pawelczyk: I don't have anything to report. At the last meeting, we approved a bunch of contracts. It's been quiet since then.

Mr. Mills: Do you need to get with the guard?

Mr. Pawelczyk: No. I just asked Jason to send me property address information. I'm going to try to keep it to a page, which we talked about at the last meeting. We will fix it if we break it and restore it to the same or better condition.

Mr. Showe: Trust me we will. If we don't, we will hear about it.

Mr. Mills: We are getting into the dry season now.

Mr. Pawelczyk: I will have these done in the next week. I have a similar format, so it is not going to take more than 15 minutes to put that together.

### **ii. Engineer**

Mr. Reiderman: I have a revised Lake Bank Restoration Report. Item 1 in my Engineer's Report was the roadway repaving. I stand behind my original recommendation of micro-resurfacing. I really think that is what is going to be done to my road, but the cost from Atlantic Southern, instead of having two different products, recommends mill and overlay. Because your

assets are in fairly good condition, we are waiting until you have under \$500,000 that you need to borrow per the criteria.

Mr. Mills: So you are giving us that answer now.

Mr. Reiderman: That is the answer.

Mr. Showe: Alternatively, we could still do what we are doing now, where are collecting \$100,000 and we just wait and do \$300,000 to \$400,000 at a time instead of doing the entire project at once.

Mr. Reiderman: You want a uniformed area and uniformed look.

Mr. Mills: I think that's important.

Ms. Witcher: Someone suggested that we save our money for three or four years because we still have good roads and don't have to borrow or bond as much. Just set aside half of it to be paid. It's already paid for and then we have the other half to go or do it all at one time. You don't have to borrow the entire \$1 million.

Mr. Mills: Do we want to put that in writing for our February meeting?

Mr. Reiderman: I will run it by my staff.

Mr. Mills: Please do.

Mr. Reiderman: We covered the pavilion parking lot already. The County Engineer was on vacation and we are waiting for final approval. We will stay on top of that. It was addressed before the rainy season. Regarding the lake bank restoration, we met onsite yesterday with Bill Anderson. I also brought an employee with me, Katie Stephens, who is familiar with lake bank restoration. She helped us prepare the spreadsheet and Exhibit. This was the first time that I walked the lake bank with Bill. We started at Lake 1. Getting that work done is very important, so I'm glad that we were able to get access. We show that in the 2020 work. The other areas that we walked, the drop off is private. Bill had been stopped because the resident didn't care that there was a large drop off. I want to come forward next meeting with a better process of documenting the lake bank restoration requests and procedure. We need residents to have an understanding of their survey and their property lines, showing that the corner of their property does not go into the lake. It goes to the top of the bank. The distance between the top of bank and the normal water level varies based on of the normal water level and the slope of the bank. The design rate and zone were out 5 feet horizontal with a 1-foot drop. Obviously, in some places, it's too steep, 3:1. Then there is the erosion at the water line itself. Sometimes it's a vertical drop.

If it's greater than 9 inches, it's supposed to be addressed, but like I said, there's a 2-foot drop, but it was stable. To fix it, Bill would've had to cut the side. It's flatter up to the lake bank edge and then it drops off. So you have to cut the bank down and people don't want that, as it causes a safety concern. I would keep my two-year-old away from it.

Ms. Witcher: how about the lawn mower?

Mr. Reiderman: It's slim.

Mr. Bosseler: I think they will fall in.

Mr. Reiderman: My other question is whether it's done by the CDD or the residents up to the water line.

Ms. Schoonmaker: We mowed it.

Ms. Witcher: There's an easement if I am not mistaken, 15 feet from the water line.

Mr. Reiderman: You typically want 15 feet. If you have a normal water level and then you have a storm, as the water falls in volume, which is up to the top of the concrete control structure, it will start going out the outfall. If you go another couple of feet, that is the top of bank, which can stage up quite a bit depending on how much rain you received. There is different statistical rain fall amounts like a 10 year or 25-year storm. I believe that this development was built for a 24-hour storm.

Ms. Witcher: I've been here since it started, and the developer let some people not have an easement. They own up to the water. There were about six or seven houses in Baytree that bought to the water line. Is there any way to know when it's not CDD property and it's the homeowner's property?

Mr. Reiderman: We can overlay the design plans of the plat.

Ms. Witcher: We should look and see which ones. There were not many.

Resident (Not Identified): We have some erosion too.

Mr. Showe: I think it's actually part of the requirements that if you own on the lake, you can cut all the way to the lake.

Ms. Witcher: Just don't blow the grass cuttings into the lake.

Mr. Showe: The CDD will cut around lake banks that are adjacent to CDD property.

Mr. Wilkerson: I see them cutting on the other side on property that Suntree doesn't think that we own.

Mr. Reiderman: There is a difference between an easement and a tract.

Mr. Showe: Correct.

Mr. Reiderman: The lake is an actual tract of the CDD, so your property line is away from the water line.

Mr. Pawelczyk: As Jeremy indicated, the lake tract itself that is owned by the CDD is typically top of bank or thereabouts. You just have to look at your survey. The easement, like Jeremy said, is over a resident's property so the District can access it.

Mr. Reiderman: The storm pipe goes from the street to the ROW and then through the resident's side yard along the property line. There is an easement that covers that storm pipe. That's where Bill will try to get in, but there were some nice Oak trees on the storm pipe. That is the majority of my report. For 2020, I show 532 linear feet for \$21,280. I'm trying to consolidate it to where it made sense with doing all of the work on one lake, not doing one house. In the future, we did an assessment originally and tried to address the problem area, but the issue is there's no immediate structural damage to their pool enclosure. There is a slight safety concern with the drop off, but it depends on whether the resident wants it or not. There was a story where a resident wanted the drop off, so alligators couldn't jump up.

Mr. Mills: Jeremy, while you are addressing the Board, would you please go into what you found with a resident who decided to pull out landscaping from what he thought was his property, but come to find out it is CDD property? They got a backhoe stuck in a lake and tore up the lank bank.

Mr. Reiderman: That has to do with knowing your survey and maintaining the property. His property was only a maximum of 10 feet off of his house. In fairness, there is a bunch of Cabbage Palms and some other large landscaping. To try to repair it, sod was placed over an area that was not finely graded. So now it is all hilly. Once it grows and you are on the other side of lake, it's not the golf courses concern, but the concern is whether he is going to mow it.

Mr. Showe: That tract is probably ours and Tropic Care is probably mowing it.

Mr. Reiderman: It is probably going to be re-graded and re-sodded, or at the very least, more dirt would be brought in to try to fill in over the sod without killing it.

Mr. Mills: Did you send him a letter?

Mr. Showe: Yes. We sent him the initial letter. We were just waiting to see where the Board wanted to go. I think at this point, we just need the District Engineer put together a checklist of things you need to do, or we will just send a bill from our vendors.

Mr. Mills: William and I met with the gentleman and basically told him that we were going to have you look at it. Whatever you did, is what he would have to do. He asked me if he could have his people do it. I said, "As long as they meet our engineer's specifications, your people can do it," but he did stop, because we even said to him, "Don't do any more."

Mr. Reiderman: It's unfortunate because the sod people just laid the sod down. They didn't do the proper preparation.

Mr. Wilkerson: Did he do all of the lake with reclaimed water?

Mr. Reiderman: Yes. We could see where the original sod was along the lake bank edge.

Mr. Mills: He pushed a good deal of that dirt back into the lake.

Mr. Reiderman: That part was okay. I didn't see an issue.

Mr. Mills: Alright. I suggest that we go ahead and pursue having him correct it.

Mr. Wilkerson: Should the BCA go ahead and fine him? I don't think we recommended a fine.

Mr. Showe: I don't know. That would be decision of the Board.

Mr. Wilkerson: Michael, do we need to fine him to stay consistent?

Mr. Pawelczyk: You should ask your own lawyer. The Architectural Review Board (ARC) doesn't have any control over CDD property.

Ms. Witcher: In the past, we sent a letter. That's what we should do.

Mr. Pawelczyk: I agree with that approach, subject to what Rob says. I look at it this way, we are one community and are just trying to work together. I treat this like Code Enforcement or Code Compliance. I don't care. I just want them to fix it. As long as they fix it within this timeframe or pay us to fix it, that's fine. So I would want to fine him \$500.

Mr. Mills: It could also be like a warning.

Ms. Witcher: We need something in writing showing that it's been done before.

Mr. Wilkerson: If you had seen it when Bill and I saw it that way, it was unbelievable. He had his front-end loader in the lake.

Mr. Mills: We found out it was rented. Anyway, let's move on.

Mr. Showe: For lake bank restoration, Jeremy, it looks like you are at about \$21,300. Do you want to bring a proposal back at the next meeting that the Board can approve? Just for the Board's reference, we allocate \$30,000 a year.

Mr. Mills: Why don't we go ahead and approve it instead of waiting until next month.



Mr. Reiderman: The only question was the \$12,000 for that work.

Mr. Showe: I think the Board wants to hold on that for now.

Mr. Darby: Jeremy, is there anything that the additional \$9,000 could be used for? Are there any other areas where that money can be applied to this year?

Mr. Reiderman: There are a couple of different issues. First, we noticed some areas that were fixed with geotube. You can't do the geotube lake bank restoration technique twice to the same area. That was a little concerning. As you can see, some reasons have been piecemealed. I would prefer to try to do it either all at one time or with a documented agreement by the homeowner to address it. So I would rather set up a process this year to have a little extra money and then move forward next year.

Mr. Mills: Okay

Mr. Wilkerson: I didn't understand how much we are going to charge to redo the area.

Mr. Showe: The CDD is going to identify the work that needs to be done. He could either have it done at his cost or we can have our vendor do the work. Either way, the work has to be done at the satisfaction of the District Engineer and the District.

Mr. Reiderman: Is Tropic Care the landscape maintenance company?

Mr. Showe: Yes.

Mr. Reiderman: I will probably call them.

Mr. Mills: After he has it done, you are going to have to go back and make sure it was done correctly.

Mr. Showe: What is the timing that Bill gave you on the lake bank? Do you know?

Mr. Reiderman: The Board could approve it now. He said that he will be in this area around January/February. So if you put it off until February, you are going to get pushed out.

Ms. Witcher: Let's do it.

Mr. Showe: If the Board is amenable, I recommend a motion not-to-exceed \$25,000 to do the recommended work from the District Engineer for the lake bank restoration.

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor approving a not-to-exceed amount of \$25,000 for lake bank restoration was approved.
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Mr. Showe: If you can send us a quote, we will get it to the attorney. We have all of the old contracts and he should be comfortable with those.

Mr. Mills: Do you have anything else, Jeremy?

Mr. Reiderman: No.

**iii. District Manager's Report**

**1. Field Manager's Report**

Mr. Viasalyers: I have a couple of items. Tropic Care completed the quarterly annuals and the annual mulch. We had a few issues at the pool over the last couple of weeks. One was the pool circulating pump, which was replaced. We also had filter replacements. Those are good for about another two years. It caused some pressure issues. We also got a new pool heater installed.

Mr. Mills: Didn't we replace the pool heater not too long ago?

Mr. Viasalyers: No.

Mr. Showe: We operated all of last year's holiday season with only one heater because we didn't fix it. It broke in the middle of the cold season. For 2020, we budgeted a new pool heater.

Mr. Mills: I thought we replaced it five or six years ago.

Mr. Showe: No. The pool heaters are probably six or seven years old.

Mr. Viasalyers: We had another meter replacement that controls the entrance fountain on the left lake. That was upgraded. We are currently working with Mel to get that done. We discussed the Oak trees. The Christmas lights were installed. Regarding the monuments, we received the two that were missing on Balmoral Way and Southpointe Court. I did notice on Monday that the Saddleworth entrance lights were completely out, so I did some investigation and realized the 20-amp fuse was blown. So we got that replaced and restored power. At the last meeting, one of the Board Members brought up painting and addressing some of the gate arms because they looked a little tacky, so staff worked on cleaning that. We also worked on replacing one of the barrier arms because they were completely destroyed on one of the LED strips. We are working with ACT to get that resolved.

Ms. Witcher: How long are the Christmas lights supposed to be on? They were on at 7:15 a.m. today.

Mr. Viasalyers: They would have to do with the timer we have them on. Some of them are on photocells.

Mr. Showe: Some are on photocells, and some are on timers.

Ms. Witcher: It was on all the way down; the ones on this side of the gate and the ones on the way out.

Mr. Mills: Yesterday there was a timer issue. Joann brought it to my attention. I looked at the box. It is like a pool timer that has an arrow with a screw. It had come loose and was just floating. So the lights were on all day. I fixed that yesterday.

Mr. Viasalyers: I have the timer is set until 6:00 a.m. I don't think that the ones on the timer would be coming on at 7:15 a.m.

Mr. Showe: If it's still not light enough to hit the photocell, sometimes they just say on longer.

Mr. Mills: The front island is on a timer. It's not on a photocell. Linda and I finished decorating the front this afternoon and they weren't on.

Mr. Showe: We will keep an eye on it. As with everything electrical, unfortunately the timer clocks get messed up quite frequently and the photocells get corrupted. It's just something we have to keep an eye on.

Ms. Witcher: All you have to do is get a power surge.

Mr. Viasalyers: We installed a push broom for the tennis courts, which players are happy with. The pressure washing in some of the front common areas have been completed as well as around the guardhouse and some of those front sidewalks going to Baytree Drive and North Wickham Road. We are going to work on getting the sidewalk grinding completed. That's all I have unless the Board has any questions for me.

Mr. Darby: When are we getting Tropic-Care to fix the pavilion?

Mr. Viasalyers: That was one of the things that we are still waiting to do along with the removal because they are going to go in and tear everything up. I will talk to Alan tomorrow about it.

Mr. Darby: We are paying them.

Mr. Viasalyers: I agree. We are working on getting it done.

Mr. Darby: Does that also include the 1-foot border?

Mr. Viasalyers: Yes.

Ms. Witcher: Did we give our lights to FPL that they are going to maintain from now on?

Mr. Showe: Yes, under a Lease Agreement.

Mr. Viasalyers: They wouldn't take ownership of the pole. Are you talking about the CDD ones?

Ms. Witcher: Yes.

Mr. Showe: We tried.

Ms. Witcher: They wouldn't take them?

Mr. Viasalyers: No. They don't offer that in this county. Certain counties they do.

Ms. Witcher: So if we took ours out and asked them to put theirs in, they would? I mean if it breaks and it's really nasty?

Mr. Showe: You could, but they would charge you for a new lease that would start from scratch, but you probably have to pay to install the pole. We could look at that as an option. I think we are better off maintaining ours.

Mr. Viasalyers: We are leasing the heads. They came in and redid the head that they put on top.

Ms. Witcher: So they will know when it's out.

Mr. Viasalyers: They are supposed to.

Mr. Mills: There are still two streetlights out at Compton Way and Chatsworth Drive that are out, as well as the ones by the Palm trees on the right-hand side as you go out.

Mr. Bosseler: Have you had a chance to do a night ride?

Mr. Viasalyers: Yes. I did one last Monday. I only saw one that was out next to Mel's house.

Mr. Bosseler: You didn't see the one that he just mentioned right near our fountain?

Mr. Viasalyers: That was out because we had an issue with the original breaker being removed when we had the panel installed. We had that corrected, but I will check them.

Mr. Bosseler: Check tonight.

Mr. Mills: Do you have anything else, William?

Mr. Viasalyers: That's all I have.

Mr. Sherbin: You have a streetlight that is completely surrounded by a tree, causing it to stay on all the time. It doesn't turn off because it's completely surrounded by tree limbs. However, the tree limbs are on private property. So what's the solution?

Ms. Witcher: If it's on the street, FPL will repair it. They don't care who owns the tree.

Mr. Sherbin: Each light pole is not on an individual photocell. They are all on one photocell, but that shouldn't interfere with the light being on.

Mr. Mills: The photocell is not getting any light.

Mr. Showe: Sometimes.

Mr. Sherbin: This is on Eddystone Way.

Mr. Mills: I know exactly where you are talking about.

Mr. Showe: That may be something the BCA can handle. If there is an unmaintained tree on personal property, that might be something they would have some leverage on. Because the tree is on private property, we wouldn't have a lot of leverage.

Mr. Mills: Yesterday, a truck from Baer's Furniture drove into the middle of Baytree Drive so he wouldn't hit the trees and damage the truck. Apparently, our trees are not trimmed to accommodate tall trucks. I have seen garage trucks hitting the trees. Somebody has to trim those trees.

Ms. Witcher: The garbage men complain.

Mr. Mills: I know.

Mr. Viasalyers: You are referring to residential trees. Right?

Ms. Schoonmaker: Right. The BCA says they have to be trimmed 8 feet above, which is what the law says.

Ms. Witcher: It's 12 feet.

Ms. Schoonmaker: The bushes are supposed to be 8 feet. They do send out letters; however, if you see one that's in violation, let Fairway Management know and they will send out a letter.

Mr. Mills: Maybe you and I can do a quick inventory.

## **EIGHTH ORDER OF BUSINESS**

### **Treasurer's Report**

#### **A. Consideration of Check Register**

Mr. Showe: In your General Fund, we have Checks 53558 through 53592 in the amount of \$72,847.94. In your Capital Projects Fund, we have Checks 88 and 93 in the amount of \$37,890.50. In your Pavement Management Fund, we have Check 13 in the amount of \$50,000. For Community Beautification, we have Check 35 in the amount of \$7,377.25 and October

Payroll in the amount of \$738.80, for a grand total of \$118,854.49. William and I can answer any questions on those invoices. If not, we need a motion to approve.

Mr. Darby: Why are spending \$89 to Viera Storage Company?

Mr. Showe: We have a storage unit that has a lot of old Christmas decorations. One of the tasks we have with Will and some of our other staff, is to clean that storage unit out. Once we are able to get the staff to do that, we can get rid of that storage unit.

Mr. Darby: For Access Control Technologies, we had an entrance gate repair in the amount of \$244.40. The breakdown on the invoice is \$4.40 for a fuse and \$240 for labor and travel. That's crazy.

Mr. Mills: I asked William to research other gate companies. They are not doing what they did when we first got the system. I'm very disappointed, because before we called them, they would respond within 24 hours and now it's three weeks. That's ridiculous.

Mr. Darby: That's it.

Mr. Mills: I would like for you and Jason to work on that and bring some proposals from other companies to the February meeting.

Mr. Showe: Yes.

On MOTION by Mr. Darby seconded by Ms. Witcher with all in favor the Check Register for September 24, 2019 through November 25, 2019 in the amount of \$118,854.49 was approved.

## **B. Balance Sheet and Income Statement**

Mr. Showe: This item was not discussed.

- **Public Comment Period** (*Item 10*)

Ms. Schoonmaker: In spite of the fact that there are people who think the lighted signs are tacky, I think you should all notice the beautiful sign at the entrance to Isles of Baytree and reconsider having something equally as nice. I'm bringing it up again. I don't think their sign is tacky. I think it's a very beautiful sign.

Mr. Mills: Is that programmed by computer?

Mr. Darby: No.

Mr. Showe: I think they actually reached out to us to get the name of the vendor.

Ms. Schoonmaker: It's a local vendor.

Mr. Mills: Are there any other public comments?

Mr. Wilkerson: Just to let everyone know, on a personal note, Richard Mather from the BCA Board just had a lung transplant this past Wednesday. On Friday morning, he took his first breath. He's recuperating at the Mayo Clinic in Jacksonville, if anyone wants his address. He will be there for four months.

Mr. Mills: Very good. Thanks Wayne.

Mr. Wilkerson: I would like to thank Joann for letting us have this room.

Mr. Mills: Are there any other audience comments? Hearing none,

## **NINTH ORDER OF BUSINESS**

### **Supervisor's Requests**

Mr. Darby: None from me.

Ms. Witcher: No.

Mr. Showe: Our office started putting agendas on iPads instead of printing books out and mailing them to you. It would save you some printing and Fed-ex costs. If there is ever any interest in trying those out, we can definitely do that for the next meeting. It's really up to the Board. If you like getting the paper books, that's no problem. Some of our Districts have started using the iPads to save some costs.

Mr. Bosseler: Do you give us the iPad?

Mr. Showe: Yes. We would bring them to the meeting instead of sending you books. We would still send you the electronic version of the agenda and then bring the iPads with the agendas preloaded. It's just a personal preference.

Mr. Mills: I mentioned about Lynn Titus and her husband getting hit by a car at a prior meeting, killing her husband. She should be walking with a cane by now. I want to apologize to Jeff for shutting the electric off on him last night.

Mr. Dwyer: The lights on the garland on the entrance island of the main Baytree wall work, but the lights on the right-hand side of the garland are not working. Probably two-thirds of the bulbs in the garland don't work. It might be a feeder.

Mr. Showe: We will double check.



Mr. Mills: I would like to thank Supervisor Brown and William for coordinating the Christmas decorations. I think they are fantastic. Nobody can hold a candle to us this time around. There were several items that some Supervisors brought up at the last meeting that wasn't on the Action Item List. Maybe a review of the minutes might be advantageous to make sure we catch everything. I want to thank the BCA for their cooperation with the CDD, especially with helping to finance the Christmas decorations.

Mr. Showe: Absolutely.

Mr. Mills: We have done a great job. Jason, I received a call the other day and I know other individuals were complaining about the left turn signal going out of Baytree. Sometimes it's not tripping. I don't know if the line in the road where the camera is, is not working right.

Mr. Showe: I will contact the County since it's their traffic light.

Mr. Mills: It happens frequently.

Mr. Viasalyers: I know a lady who works at the County.

Mr. Mills: It's intermittent. Sometimes it works and sometimes it doesn't.

Ms. Witcher: It's been working fine. It's just not tripping.

Mr. Mills: I have nothing further. I want to thank all of you for coming tonight. You can see why we have a night meeting. On behalf of the Board, I wish you all a great holiday.

#### **TENTH ORDER OF BUSINESS**

#### **Public Comment Period**

This item was discussed.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Adjournment**

On MOTION by Mr. Bosseler seconded by Ms. Witcher with all in favor the meeting was adjourned.
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Secretary/Assistant Secretary



Chairman/Vice Chairman