

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, May 6, 2020 at 1:30 p.m. via Zoom Teleconference.

Present and constituting a quorum were:

Melvin Mills	Chairman
Jerry Darby	Vice Chairman
Carol Witcher	Supervisor
Richard Bosseler	Supervisor
Richard Brown	Supervisor

Also present were:

Jason Showe	District Manager
Michael Pawelczyk	District Counsel
Jeremy Reideman	District Engineer
William Viasalyers	Field Manager
Residents	

FIRST ORDER OF BUSINESS

Roll Call

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

Mr. Showe: This meeting is being conducted pursuant to the Governor's Executive Orders 20-52 and 20-69. Those orders were subsequently extended through Executive Order 20-112, whereby the District may currently conduct meetings of its Board of Supervisors without having a quorum of its members physically present or at any specific public location, through the utilization of communications such as telephone and video media technology. This meeting is being held to address items necessary for the proper operation of the District. Today's meeting is being conducted remotely via Zoom, which allows for participation by video or telephone conference. Access information for this meeting was provided in the District's meeting notice on the District's website and/or by contacting the District Manager in advance of the meeting. In order to facilitate public participation, we requested that participants provide comments in advance of the meeting via email, phone or mail. We received one comment from Mr. Scougall

about opening the facilities, which was provided to the Board. I will also check emails after the meeting. If there are any additional public comments, we can receive those at this time. Typically, we have public comments at the end of the meeting, but what we are going to do at this time, to ensure there is some public comment, is we will have a brief period at the beginning of the meeting to allow for comments for items on the agenda as well as some comments after the meeting. As host of the meeting, I will announce when the audience comments are permitted. If you want to provide comment, we ask that you raise your hand, which is a tool of Zoom or send a chat. We are trying to monitor this the best we can, but at certain points we will open it up for public comment. When providing public comment, I will do my best to call on you by name. Sometimes your names show, sometimes they don't, so we will do our best. I will note that this is a new application of technology and we are all learning this together, so we ask that you be patient and bear with us as we work through these. We would also ask that when audience members address the Board, you state your first name, last name and address. We want to limit all public comments to three minutes each. As a reminder, no person other than a Board Member or staff shall be permitted to enter into discussions with another speaker. Both counsel and I have another meeting at 5:00 p.m., so we would like to conclude this meeting by 4:30 p.m. if possible. We would also ask that if you have any noise making devices, please place them and your microphones on mute unless you are addressing the Board during public comments. Those are some brief notes. Are there any questions from the Board? Hearing none, are there any additional comments Mike?

Mr. Pawelczyk: No, I do not.

SECOND ORDER OF BUSINESS

Community Updates

A. Security

Mr. Showe: I don't know if anyone is here from the security company. Are there any questions or comments for security at this time?

Ms. Witcher: Are we having any problems?

Mr. Darby: Jason, the only thing that I want to bring up is we had repeated failure of the camera systems over the last month, which I believe was associated with a router problem. I know William was aware of it and I spoke to Matt about it as well. Have we resolved that problem? Is that an AT&T problem or internal infrastructure problem?

Mr. Viasalyers: To the best of my knowledge, we replaced one of the routers already and worked on another one and there haven't been any issues lately.

Mr. Darby: Okay.

Mr. Mills: The only thing that I have, is on Sunday, Linda and I went back by the tennis courts and swimming pool, and noticed a car sitting there. I didn't pay too much attention to it. I thought they were waiting for someone. Then when William and I did our ride around through the community on Monday, the same car was at a different spot and the driver was smoking pot. So, we went to front gate and William informed the guard to be aware of this particular individual. We certainly don't want to encourage that. William, do you want to add anything?

Mr. Viasalyers: No. We identified the car, but not the person and passed that information on to security to keep an eye out to see what residence they were going to in the future.

Mr. Showe: The only other item is that someone crashed through the resident lane. We don't know if it is a visitor or resident yet, but a call was placed for repair. As soon as they can get out there, it will be taken care of. William is viewing video footage and if we can find out who it was, we will definitely send them the bill. That's all we have for security.

B. BCA

Mr. Showe: Is there a BCA update? I don't see anyone raising their hands.

Mr. Darby: I don't know if the Board is aware, but Jason and I received complaints about aggressive dogs.

Mr. Showe: Yes.

Mr. Darby: In my opinion, this is a BCA matter and not a CDD matter. So, we are not getting ourselves involved at all.

Mr. Showe: Correct. Just for clarity sake, we can't tell whether it's a BCA issue or not. We can definitely ensure that it's not a CDD issue.

Mr. Darby: Okay.

Mr. Showe: It would be either a BCA, county, city or some other law enforcement agency issue.

Mr. Brown: It's a BCA issue.

Mr. Darby: Yes, I agree.

Mr. Brown: There are specific covenants relative to pets.

THIRD ORDER OF BUSINESS**Approval of Minutes of the February 6, 2020 Meeting**

Mr. Showe: We received comments from Board members prior to the meeting, which will be incorporated into the final version. I just wanted to open it up to the Board to see if there are any other changes or comments.

Mr. Darby: I'm good.

Mr. Showe: We will have a roll call vote for clarity of the record.

On MOTION by Mr. Mills seconded by Mr. Bosseler, with all in favor, the Minutes of the February 6, 2020 Meeting, were approved as amended.

FOURTH ORDER OF BUSINESS**New Business****A. Resolution 2020-02 Approving the Proposed Fiscal Year 2021 Budget and Setting a Public Hearing**

Mr. Showe: This is your annual start to the budget process. Resolution 2020-02 approves the Proposed Budget, which is behind the resolution, and sets the public hearing for August 5, 2020 at 12:00 p.m. at Baytree National Golf Links, which is your regular Board meeting date, time and location. It also directs us to transmit this budget to the county, 60 days in advance of approval. The *General Fund* is largely the same as what you have seen in the past. Operations are largely the same. We've done our best to find some funds where available. The biggest change is we increased your *Paving Fund*, in accordance with the District Engineer's recommendation that was made in 2014. We increased your contribution of \$100,000 to the *Paving Fund*. That was the cap. It's important to note that in 2014, we started placing \$60,000 in that fund every year. Per their recommendation, we increased it to \$100,000. The largest change is we had to reduce the amount of money we are putting into reserves. So that's what you will see in some of the later pages. Next, you will see all of the narrative for the District. In your *Capital Projects Fund*, we included what we expect to spend for the rest of Fiscal Year 2020 and included projects for 2021. The 2021 projects are our standard projects, such as lake bank restorations, sidewalk, gutter, drainage management, curb and tree replacements. It's kind of a limited scope of large scale projects for next year. We have your proposed *Pavement Management Fund*, which has funds available. I know that at a later point, the Board is going to discuss maybe a different way to approach that as we go forward. We also have the *Community*

Beautification Fund, which is on Page 13. It shows you the balances remaining in that fund, as well as the calculation for Operations and Maintenance (O&M) and our proposed assessment to the Isles of Baytree. With that, we can open it up for the Board for any questions.

Mr. Darby: The one thing that I'm concerned about and I expressed before, Jason, is the amount we are going to put into *Engineering*. Later in the meeting, we are going to talk about alternative engineering firms. If you take a look at what we spent to date, plus a couple of outstanding work orders, potentially we can spend upwards of \$60,000 with *Engineering*, although it's unlikely. Certainly, it's going to be more than \$25,000. So, I'm just wondering if that number should be increased to be more in line with what we project for this year.

Mr. Showe: We can look at that any way that you recommend. The main thing with this budget as we projected so far, is that we have not projected any increase in assessments.

Mr. Darby: Right.

Mr. Showe: So, to the extent that you would want to increase that line item, we would likely just decrease the amount that would go into *Reserves* to offset it. We projected an additional \$25,000 for the remainder of the year. I don't think we will hit that, but we try to be fairly conservative with the budgets at this stage when we are doing them.

Mr. Darby: Right.

Mr. Mills: There are plenty of *Reserves*. The point is if we go with another engineering firm and their prices are higher than what we currently pay, we certainly have the funds available to pay it.

Mr. Showe: I think on a short-term basis that's correct, but that would leave me to a secondary comment on the budget. One of the major considerations that we had over the last several years in terms of pressure on the budget, is the difference going from \$60,000 to \$100,000 for *Pavement Management*. So that's taking essentially \$40,000 a year that you used to have as *Reserves* and dedicated it to the paving project. Although we don't think it's necessary this year, unless the Board wants to, we definitely need to start looking at some kind of an assessment increase in future years. That would be my recommendation. If the Board wanted to, you could approach that now, but I don't think it's necessary at this time.

Mr. Mills: I don't either.

Mr. Bosseler: No. I think one of the things that we needed to do is to have that workshop and try to hash out options for the paving, long term.

Mr. Showe: Correct.

Mr. Mills: I was going to bring that up later, Rick. There are several things we missed that we need to address at the workshop. We already have one scheduled for July, so maybe we should just keep that date.

Mr. Showe: Correct.

Mr. Darby: Jason, I also noticed in *Capital Projects*, that we didn't put anything into the Rec. area for our playground. We just finished with the survey of likes and dislikes of that area, and I'm just wondering if we should maybe put a placeholder of \$20,000 into that particular line item, depending on what we decide to do once we get to a workshop.

Mr. Showe: Yes. We certainly can do that for now, just so you can see what it looks like. Obviously, any approvals of expenses would be done by the Board at a later point. Just utilizing it as a placeholder, doesn't impact the bottom line. We can certainly do that once we revise this with the Board's direction.

Mr. Darby: Okay. Good.

Mr. Brown: I don't know whether it's capital or not, but we talked about the additional speed hump on Old Tramway Drive.

Mr. Darby: That would go under the *Pavement Fund*, wouldn't it?

Mr. Showe: Correct.

Mr. Brown: I understand.

Ms. Witcher: Anything with asphalt goes under the *Pavement Fund*.

Mr. Showe: Correct.

Mr. Darby: Jason, just a matter of clarification, I know that we are going to send out a bunch of keys for the new pool area once we open up the pool. That's a whole separate discussion.

Mr. Showe: Correct.

Mr. Darby: Was that accounted for in the 2020 budget or does it have to be in the 2021 budget?

Mr. Showe: That's actually accounted for in the 2020 budget and is part of the expense. We already funded some of that through the *Capital Projects Fund*. So that has already been paid for.

Mr. Darby: Alright. Thank you.

Mr. Showe: There is a minor pavement remaining, but the majority has been completed.

Mr. Mills: It also needs to be in the 2020 budget to replace if needed.

Mr. Showe: We will have to look at either the *Beautification Fund* or potentially, the *Capital Projects Fund*. Right now, that is not included in what we have.

Mr. Mills: Wasn't that in the 2020 budget?

Mr. Showe: I don't believe it was. We talked about it, but I don't think we ever earmarked funds for that specifically.

Mr. Mills: I thought we earmarked \$7,000 for that, but maybe I'm wrong.

Mr. Bosseler: On Page 11, under *Playground for Capital Improvements* for 2020 is \$21,400. We are not going to spend that in the near future.

Ms. Witcher: Was that for the fencing that we were supposed to be replacing in the back?

Mr. Bosseler: It just says *Playground*.

Mr. Showe: I think we were looking at some playground or recreation improvements. Part of that is to do some improvements at the tennis court. We have spent almost \$10,000 out of that account so far this year and haven't allocated any additional expenses for 2020.

Ms. Witcher: What about the gate on the tennis court? When we were changing the locks on the pool, we were discussing putting a lock on the tennis court and you had to use your card to get in?

Mr. Showe: The Board looked at that proposal and we are still waiting for some further direction. So that amount was not included in this.

Mr. Darby: I think I put that as a discussion item for the workshop.

Mr. Showe: Correct. I think it was in the neighborhood of another \$8,000, if I recall correctly. I don't have that one specifically right in front of me.

Mr. Mills: We can carry the \$11,400 over to the *Playground* so at least we have some seed money.

Mr. Showe: If you do that, I think that impacts your projections at this point, so it's just a matter of making sure that we have funds to complete the rest of the projects.

Mr. Mills: It's too bad that we couldn't have a workshop prior to the budget hearing. Maybe what we need to do is to just go ahead and approve the budget as it is. Then in 2022 when we discuss it at our workshop, we can carry those over to the 2022 budget.

Mr. Showe: Right. I think typically what the Board does is to approve this as the adopted budget. The Board said that they don't want to increase assessments. So, we have a budget to work with. Typically, at your next meeting, which is June we would have another round of just reviewing the budget and making some changes to it at that point. Obviously, we can continue to refine this budget between now and August when it's ultimately adopted.

Mr. Mills: Okay.

Mr. Showe: I know that we haven't taken public comment at the beginning so if the Board doesn't have any more questions, we can try to open it up in an organized matter as we can, to allow for public comment on this or any other item on the agenda today.

Mr. Mills: I'm good.

Mr. Showe: Hearing none, I will try to open it up for audience comments. The only comment I received was from Mr. Scougall in reference to opening the facilities again. This would be the point for any audience member to make comments. Mr. Wilkerson is raising his hand.

Mr. Wayne Wilkerson (BCA): I just want to get clarification on the pool door and the lock. Has that been discussed? I know we just talked about that and I want to make sure that we are going to receive card access on that backside gate.

Mr. Showe: I can address that. It's on our Action Items List. Because of the closure right now and not knowing when they are going to open, as soon as we know that we can open and the Board approves keeping the pool open, we can mail those keys out. Given the current situation, we didn't want to create any more confusion with sending out old keys, reopening and having people not being able to access it right when it opens.

Mr. Wilkerson: When do you expect to have the locks on the gate?

Mr. Showe: The system is active right now. They installed it; however, there is minor work to do. They just basically need to switch from the old system to the new system.

Mr. Wilkerson: Okay.

Mr. Showe: So, it's there and installed for the most part. Again, once we know that we can reliably open the pool, we will send the keys out, but not with everything going on now. We just didn't want to create any more confusion right now.

Mr. Wilkerson: Okay. Thank you.

Mr. Showe: It's ready. Are there any other audience comments?

Mr. Greg Scougall (432 Birchington Lane): I just have two quick questions. Maybe you will discuss it later. I know a number of folks on this conference call or at large are probably interested in what the Board may or may not have decided on the existing speed hump. One of the ones along Baytree, is more debated than the other. The other question is if the Board is going to discuss and decide on opening some or more of the facilities, specifically the tennis court.

Mr. Showe: Sure. I believe both of those topics will be ones that the Board want to discuss now, so if you have comments on either one of those, this would be the time to address those. I don't know that we are going to be able to do it individually.

Mr. Mills: They are on the agenda, are they not?

Mr. Showe: The reopening of the facilities is not, but I did anticipate that we would have that discussion. We included that as part of the message we sent out to the Board and the residents. Are there any other comments, Mr. Scougall?

Mr. Scougall: I guess. I'm just not sure. I don't want to be repetitive of voicing the comments that were in the email. In generally, I'm in favor of opening up the facilities and letting residents use them at their own risk, just as we do any other facilities throughout; groceries, beaching, etc. Regarding the speed humps, it looks like there has been some work from the Board to do some fact finding. I saw some kind of sound monitoring device and some other tools, such as a traffic monitoring device. I'm interested in hearing what the reports were on that and the criteria for deciding on whether or not we are going to be able to remove that speed hump and remove the noise issue with the residents around that speed hump.

Mr. Scougall: That's all.

Mr. Showe: Does any other resident want to make any comments on items that are on the agenda? I don't see any hands raised, so I'll leave the open for a moment or two. If you have a comment you can unmute yourself and state your name and address for the record. Are there any other audience comments? Hearing none, we will bring the resolution back to the Board. I will note as typical with our process, we will make some of the revisions that the Board requested right now. When you have your June meeting, we will keep this item on the agenda so you can continue to discuss and refine that from there.

Mr. Darby: Jason, just one point of clarification. On the location, you have, "Baytree National Golf Links." Do you have situations where you can say, "or via a virtual meeting?"

Mr. Showe: Mike can better address that, but we don't know if the Governor is going to continue to extend that. Right now, we are advertising meetings in both formats. So, it would say, "Either here or electronically." I think it's best to advertise a location and move forward unless Mike disagrees.

Mr. Pawelczyk: We agree with that. The Executive Order that allows us to meet virtually was extended last week by the Governor with no end date. So that means it's a 60-day effective Executive Order, unless otherwise disposed of by the Governor. I will say that the Executive Order, which extended the ability to meet virtually, adopts the findings of the Governor's task force. One of the findings of that task force is for Phase 2, which would apply to Brevard County, would encourage local governments to start opening up and having in person meetings with social distancing in the media room. It would also encourage local governments if the Governor so permits, to continue to have a Zoom meeting or open phone line for either the at-risk population or those who are concerned with going to a public meeting in June. I expect by August that we will be closer to normal. For the June meeting, it's likely that we will advertise it as a regular meeting with the ability to meet virtually, depending on what the Governor does over the next three weeks. We will have to wait and see. I just want to give an overview. For now, we would adopt the resolution as drafted. That doesn't impact the way we notice the budget public hearing and it doesn't have to go out until 20 to 30 days before the hearing anyway. So, we are basically going to hold that notice until July to send to the newspaper for publication when we will know more by then. That's it.

On MOTION by Mr. Darby seconded by Mr. Bosseler, with all in favor, Resolution 2020-02 Approving the Proposed Budget for Fiscal Year 2021 and Setting a Public Hearing for August 5, 2020 at 12:00 p.m. at the Baytree National Golf Links, was approved.

B. Review and Ranking of Proposals for District Engineering Services

Mr. Showe: This is a follow up to a prior request. The Board authorized a Request for Qualifications (RFQ) for engineering services. Two firms provided proposals, which are in your agenda package; Dewberry Engineers, Inc. (Dewberry) and JMT. It's important to note that this is an RFQ, so it does not include pricing. That is by design. Should you choose to change your District Engineer, you would pick the firm that you think is the most qualified of the proposals as the number one ranked vendor. Then we would bring back to you a contract that includes their

standardized pricing. Until you select one, you really don't get pricing. The intent is that you pick the most qualified firm that meets your qualifications.

Mr. Mills: Jason, I received a phone call from Maryelen stating that they did not submit an RFQ because she felt that there was nothing personal against anyone on the Board, but they are a larger organization and are looking at a different way to move forward. If we want to retain them, fine. She said that it's not a personal issue and she will help in any way, shape or form in the transition between them and the new organization. They have been very open and willing to cooperate in any way that they can, in order to facilitate if we decide to change firms.

Mr. Darby: That's good to hear.

Mr. Pawelczyk: If you don't change, you have an existing agreement with them anyway. So, if you decide to reject all bids and not move forward with this, you could stick with your current District Engineer.

Mr. Art Breitner (Kingswood): My suggestion would be, if we have two proposals, unless one of them is non-compliant, we should go out and ask for pricing for both so we can get an idea whether one of them is priced significantly different than the other.

Mr. Pawelczyk: That's prohibited by Florida Law.

Mr. Showe: Correct.

Mr. Pawelczyk: As Jason explained, the Board's job today is to either decide not to move forward or to rank the two proposers and authorize District Staff to negotiate with the number one ranked firm based on their qualifications. We would presumably come back and try to negotiate rates that are the same or less than your current rates and bring back a contract for the Board to consider. That's the way it's typically done.

Mr. Showe: Correct.

Mr. Pawelczyk: If the Board says, "No, we don't like that contract," then we can go to the second ranked firm because they didn't agree to our terms. The problem is that you are kind of stuck with this Consultants Competitive Negotiation Act (CCNA) requirement to negotiate with the most qualified firm. That's why we had to proceed in this manner. Does that answer your question, Art?

Mr. Breitner: That answers my question. It makes little sense, but that's okay.

Mr. Pawelczyk: It's local government procurement so of course it doesn't make any sense.

Mr. Bosseler: I reviewed both proposals. Dewberry had two or three clients in Brevard County; one being the Viera East Country Club. That made me feel very good. JMT has all of their customers in the Tampa Bay area. I didn't see anything on this side of the state. I'm interested in Dewberry.

Mr. Mills: I agree. What I liked about them is they have a fairly large staff that could accommodate us. What I also liked about them is the fact that they have close to 3,000 employees nationwide. JMT looks like they are limited. They proved a graph on where their workload is, and it looks like they are almost at the max point of 75% and beyond. So, I am also interested in Dewberry.

Mr. Darby: I did some research and found out that Dewberry was ranked 38 out of 500 firms on the *Engineers News Record*, while JMT was ranked 52nd. Also, of the 14 people from JMT that was assigned to our team, 11 were located in Tampa. All 11 that were assigned to our team from Dewberry were in Orlando. They have experience with Brevard County, which JMT does not. Interestingly, if you look at the *Southeast Revenue Rankings*, of how much business they do in the southeast, Dewberry is ranked 11th out of 120 firms and JMT isn't even ranked. So, if you take a look at these firms, Dewberry stands out much better than JMT. I suspect that GMS has some experience with Dewberry as well.

Mr. Showe: That is correct. They handle both of our Brevard County properties; Montecito, which is in Satellite Beach and Viera East and several of our properties in Orlando. I asked around and no one at GMS had any specific information from JMT. That doesn't mean they can't provide service. I'm just not in a position to provide any insight on that particular firm.

Mr. Mill: When you want something done, how quickly do they respond?

Mr. Showe: I think like most engineering firms, they are busy, so it takes time to get some information from them, but I think that's similar to what you see in the entire industry. We are familiar working with them, and I know that they put out a good product.

Mr. Mills: Okay.

Mr. Bosseler: One quick question. When they come to meetings that you attend, are they better prepared and articulate clearer than what we had in the past couple of years?

Mr. Showe: I would say that they are good at articulating things and explaining in a way that you understand. They are also good to work with and provide recommendations. I made sure that they received a copy of the RFQ, because I feel that they provide good service.

Mr. Mills: Do you need a motion for us to proceed with them or how do you want to handle that, Jason?

Mr. Showe: A motion from the Board would be to rank Dewberry as the number one ranked firm and authorize staff to negotiate a contract that would be brought back at the next available Board meeting.

Mr. Mills: We haven't heard from Carolyn or Rick. Do they have anything to add?

Mr. Brown: I agree with Jerry. I did some research. They have had a long-standing relationship with GMS and Jason just solidified it in my mind. Of the two, I would say that Dewberry is the better choice.

Mr. Mills: Do you have any comments, Carolyn?

Ms. Witcher: Dewberry sounds good, but I would like to get quotes. What do you think?

Mr. Showe: As Mike indicated, we can't do that under the CCNA process.

Mr. Pawelczyk: The proper motion is to rank Dewberry number one and JMT number two and authorize staff to negotiate and bring back a contract from Dewberry at the next meeting.

On MOTION by Mr. Mills seconded by Mr. Bosseler, with all in favor, Ranking Dewberry Engineers, Inc. as the number one ranked firm for engineering services and JMT number two and authorize staff to negotiate and bring back a contract from Dewberry at the next meeting, was approved.

C. Review and Acceptance of Fiscal Year 2019 Draft Audit Report

Mr. Showe: So, we don't have to wait for another meeting, we presented you with the draft audit. I think it's similar to what you have seen in most cases. If you go to the last section, on Pages 29 and 30, that's the overall reporting. What you will find is this is a clean audit. They are statutorily required to look at certain provisions and that's what is listed in that letter. They indicated that there are no findings or prior year findings. The District did not meet any emergency conditions. They didn't make any recommendations and they didn't have anything that gave them anything other than a clean audit. We can open it up for Board discussion or the

Board could make a motion to approve the draft audit in substantial form, allowing for additional comments from staff and allowing us to transmit it to the State when finalized.

Mr. Mills: I would like to say that it's reflective of the job that GMS does for the Board.

Mr. Showe: We appreciate that.

On MOTION by Mr. Darby seconded by Ms. Witcher, with all in favor, the Fiscal Year 2019 Draft Audit Report, was approved and Staff authorized to transmit to the State of Florida.

D. Discussion Items

i. Speed Humps

Mr. Showe: We did some speed studies throughout the community. We were thankful that our Engineer was able to find us a vendor, which did some of these speed studies. They provided us multiple tables on each location they tested, but we included at least just the summary and the agenda. As an overview, in general, when you look at these, there are some numbers that tell you what percentage of drivers are over the speed limit. So, at the site that they tested at Baytree Drive between Glastonbury Place and Duncastle Court, it was 49% over the speed limit for that day. At Baytree Drive between Bradwick Way and Daventry Drive, 44% were driving over the speed limit. At the Old Tramway Drive location between Montrose Way and Chatsworth Drive, it appears 20% were over the speed limit. On Kingswood Way, 58% were over the speed limit. Rick did some testing of the sound and his findings were provided to the Board, last night. At this time, we can open it up for the Board's discussion.

Mr. Darby: I just want to clarify, on Kingswood Way, the number of speeders were over 20 miles-per-hour (mph), not 25 mph through the rest of Baytree.

Mr. Showe: That's where I got the 58% from. So, it's 52% and 6%.

Mr. Darby: Okay.

Mr. Mills: Jason, can you put up the noise measurements for the rest of the people that are online to see it?

Mr. Showe: Sure.

Mr. Mills: I think it would be advantageous as Rick goes through this, to see what he's talking about. Is that okay with you, Rick?

Mr. Brown: Sure.

Mr. Mills: I was shocked at the number of vehicles.

Mr. Brown: I spent different times over a four-day period measuring the decibel levels of vehicles traveling down Baytree Drive going over the speed hump in front of 385 Baytree Drive, the Sunters house and in front of the Rasmussens house. According to the Environmental Protection Agency (EPA), decibel levels at 70 are considered to be normal and any decibel level at 85 or above over a continuous period of time could cause loss of hearing. Out of the 440 vehicles that I took decibel levels on, I think that the numbers speak for themselves. The vast majority of vehicles, including pickup trucks and landscaping vehicles with attached trailers, are at 70 decibels or less. Those vehicles were going over that speed hump on those days I was there. I tried to do early morning, mid-morning and mid-afternoon. The majority are below 70 decibels. Those that go between 70 and 80 are primarily large delivery trucks. When they go over that speed hump, I measured decibels in the low to mid 70s. The vehicles that registered over 85 decibels, the loudest was the man who was actually on a ride on mower who passed within 3 feet of me. He registered 87 decibels. Many of you may know the family that has a dog on Old Tramway Drive that runs and barks. The vehicles that make the loudest noise in the mid-70s are primarily Lexus SUVs. So, we might want to consider banning Lexus SUVs in the neighborhood. Basically, there was really no sustained noise level above 80 decibels. The vast majority was less than 70 decibels. The instrument that I use is approved by the National Institute of Occupational Safety and Health and is used in different settings to measure decibel levels. So, I think based upon what I've seen, there is no noise issue, to the point where it would be detrimental to someone's hearing. I noticed in the minutes where Mrs. Sunter indicated that she could hear the noise in the back of her house. I'm standing right outside by the speed hump measuring the sound, within 15 to 20 feet of that vehicle going over that speed hump measuring the sound that is coming out of that vehicle. So, I'm somewhat confused about what I measured, how that could be making a lot of noise inside of a home that is probably 30 to 40 yards away from the speed hump through a cinderblock wall and hurricane windows.

Mr. Mills: What I found interesting, Rick, is the noise level from I-95 where you were standing, was between 48 and 60 decibels.

Mr. Brown: Yes. That was early in the morning.

Mr. Mills: When William and I met with Mrs. Sunter on her porch, we could hear I-95. That sound was equal to what we could hear as vehicles were going over the speed hump.

Mr. Brown: There are some vehicles like Corvettes that have a loud muffler. Some kids have loud mufflers on their cars, but a couple of Corvettes and Porsches, were in the mid-70s. A garbage truck that was the loudest.

Mr. Scougall: It sounds like the survey measured whether or not there was the danger of hearing loss. At the risk of speaking for the homes around there, I don't believe there was ever a question about being afraid. It was more of a question of annoyance. I think you said above 85 decibels is a danger for hearing loss. Is that correct?

Mr. Brown: What I said was that a decibel level at 70 is considered normal, where people are talking to one another. The statistics show that the vast majority of vehicles going over that speed hump, registered at a decibel level less than 70. I wasn't focused on the loss of hearing. I was focused on noise. They were very specific about the noise level. The noise level based upon what I measured, doesn't exist.

Mr. Scougall: Thanks for that clarification.

Mr. Showe: I think we can bring it back for Board discussion.

Mr. Brown: The one person that stopped by to talk to me was the lady that delivers the mail. She talked to me for about a good five to ten minutes about how grateful she was that the speed humps were there because it slowed people down. She didn't think it was noisy at all, but she was passed a number of times on Baytree Drive, Old Tramway Drive and Kingswood Way by speeders. Standing by the speed hump, you can see people coming in from the main gate. When they make that second turn, which is kind of like a little straightaway heading towards that speed hump, they pick up speed. Then they see the sign for the speed hump, and they slow down. So those speed humps do make people slow down. Some people go over the speed bump at 25 or 30 mph, but the ones that were going over at 25 to 35 mph, weren't making a lot of noise.

Mr. Breitner: Rick that sounds like a good study that you put together, but the noise from a Corvette engine or from any vehicle, because of the size of the engine or whatever, has nothing to do with speed humps. You are going to have that noise whether you have a speed hump or not.

Mr. Bosseler: I was walking a couple of weeks ago and a few houses further south where the golf cart path cross over is, there is a large house on the right side. I stopped and introduced myself to a new family that moved in recently and asked them about the noise from the speed hump. He reaffirmed that we have a terrible speeding problem from some vehicles. He also said,

“If you moved it down to my house, I wouldn’t like it in front of my house, but wouldn’t object to it.” He firmly believes that it is important to have it.

Mr. Brown: Rich, I was absolutely amazed seeing you stand there for many hours watching vehicles coming down that main drag on Baytree Drive to that first speed hump at the front gate. You can see how they made that turn and see them speeding up. They started slowing down when they saw the speed hump. So, it works.

Mr. Bosseler: Yes. Our second speed hump is perfect because of the golf course crossover. Nobody is objecting to that one at all. I’m just throwing it out there. We may not be able to decide this today, but why don’t we all take a look at both the golf course crossovers as a possibility for Baytree Drive.

Mr. Showe: If the Board is amenable, Mrs. Sunter would like to speak.

Mr. Mills: That’s fine.

Ms. Susan Sunter (385 Baytree Drive): I wasn’t going to speak at all, but I’m the best judge of what is too noisy. I never made a complaint in the 10 years I have lived here, but I’m beside myself at what I’m hearing, that nobody thinks that noise is loud. Those of us being affected by it are certainly sure of it. We are not babies and are not delicate. We accepted the I-95 noise. I don’t even know what to say. I guess I’m happy that Mr. Bosseler is suggesting relocating it. It is a nightmare for us, and it is a misery. I don’t care what the decibel meter said. It’s like having that barking dog in front of your house all the time. I’m sure all of you can hear that dog inside of your house. That is what we have all the time here. It sounds like all of you are committed to these speed humps, so I suggest moving it closer to the gate that isn’t around a lot of homes or the golf cart crossing. It is right in front of my house and the noise is a nightmare. Thank you for letting me be heard.

Mr. Darby: I really don’t have a dog in this fight, but I look at the data from the speeding and it’s confusing to me. The reason it is confusing is on Baytree Drive where we put two speed humps, about 50% of people speed. Right Jason?

Mr. Showe: Correct.

Mr. Darby: On Old Tramway Drive where we have no speed attenuation at all, only 20% speed. How is it possible that we have a speed deterrent there as opposed to a wide-open road like Old Tramway Drive? We have seen speeders on Old Tramway Drive, but the data doesn’t reflect that, and I just don’t understand that. I don’t know if the test was not set up correctly or

we should have engaged a Traffic Engineer to reassess this problem? This data doesn't make sense to me.

Mr. Mills: Jerry, I think the strip that calculated speed was placed in the wrong place. It should've been placed closer to where Rick Brown and Wayne Wilkerson live, because that is a straight stretch through that entire area. I would be obliged to go back and have another traffic study done. We could put one there. Another stretch is as you come out from Balmoral Way up to Arundel Way. I think we should spend the money, quite honestly, to put two more strips back there and see what results we can come back with.

Mr. Darby: I'm not opposed to that. In fact, the engineering firms that we are considering have many people in their firms that are traffic experts. Perhaps rather than doing it ourselves, we should have professionals come in, set it up and provide us with the data.

Mr. Showe: We can certainly do that. I will note that the one on Old Tramway Drive was placed between Montrose Way and Chatsworth Drive. It's kind of in the middle of a curve, where folks naturally slow down. Old Tramway Drive is curvier than most of the roads, so it may just be a product of the design of that road.

Mr. Darby: I will quote my good friend Mr. Brown who says that we have speeders all over the place on Old Tramway Drive. This data does not show that. That's what's troubling. That's why I think having professionals set up the test and move all of the variables possible, makes sense.

Mr. Mills: So, are we going to move forward with a decision today or are we going to wait until the workshop?

Ms. Witcher: Get a price on how much it would cost through an engineering firm.

Mr. Showe: The first step would be to get the new engineer on board, or we can use this firm. They came out and mobilized quickly and it was inexpensive. We can always get more data that way too. It depends on what the Board recommends.

Mr. Bosseler: I personally think we need to deal with the issue at 385 Baytree Drive before we proceed to the next issue. Are we going to leave that speed hump there or move it? We don't have to relocate it. We just have to remove it. You can have more discussion, but I would like to propose we remove the speed hump at 385 Baytree Drive as soon as possible.

Mr. Darby: Can I amend that motion, Richard?

Mr. Bosseler: Sure.

Mr. Darby: With its removal, I propose conducting another traffic study to determine the most effective use of speed reduction techniques or impediments possible, including speed humps and any other vehicles that a professional Traffic Engineer would recommend.

Mr. Bosseler MOVED to remove the speed hump at 385 Baytree Drive as soon as possible and performing additional traffic studies and Mr. Darby seconded the motion.

Mr. Showe: Is there any further discussion?

Ms. Witcher: If they say that was the best place to put it, is Susan going to be alright with us putting it back in?

Mr. Showe: I suspect the answer to that is no.

Ms. Sunter: The answer is no. I think even Mr. Brown doing his study would have to concur that once they slow down for the speed hump, they speed right back up again. To cause this amount of misery for something that really doesn't seem to be controlling the speed, doesn't make sense to me. However, if you move it slightly north to a place where there are no houses, I would not want to see it come back in front of my house at all. If they are already a quarter of a mile apart, what's the difference if they are a little wider apart. I'm sure that we could find a better place for it. So no, I would be exceedingly happy if it was moved and unhappy if it was put back. It just has a whole trailer park look right in front of my house. This has been more upsetting to me than the virus. I have to mute myself again.

Mr. Showe: Okay. Is there any other discussion?

Mr. Scougall: I don't know if there is any intent to have signs are up there, temporarily. Is it necessary to have the large signs that don't appear to be compliant with the other Baytree signs? Maybe it's just while people get familiar with the speed hump.

Mr. Mills: They weren't temporary, Greg.

Mr. Darby: I think the county requires those exact signs.

Ms. Witcher: I think so too. I think that's what we discussed when we put them in.

Mr. Showe: Yes. The speed humps require specific signage under Department of Transportation (DOT) regulations so the engineer specs those signs per those regulations.

Mr. Mills: Both of them, Jason or just one?

Mr. Showe: We can double check and see what's required. Obviously if the Board chooses to remove the speed hump, then those signs would come down as well.

Mr. Darby: If we choose to put in speed humps at different locations, those signs will go in. I know for sure that you must have a warning sign 100 feet on either side of the speed hump.

Mr. Showe: Right. Is there any other discussion?

Mr. Geoffrey Studds (7971 Chatham Court): It's premature to remove things before the studies are done to finalize what the solution is.

Mr. Mills: Going back to what Carolyn said, the Engineer was the one that said that's where that speed hump should go. I hear what Geoff is saying. I don't want to cause the Suters any more heartache than they have already gone through. The fact is we probably should've said to them or any of the neighbors that we are considering putting a speed hump in and we didn't do that. Being Chair, I assume full responsibility. We should've and didn't. I agree with Rick. No matter where we put it, it's not going to slow the speeding.

Mr. Studds: In your defense, Mel, you held public meetings before any construction was done so I think that's fair warning. That's my opinion.

Mr. Mills: You are right, Geoff. It's been years that we talked about this.

Mr. Brown: Yes. There was a committee of members of the BCA and the CDD that got input from community residents about ways to stop speeding. Their recommendation was for speed humps on Baytree Drive, Kingswood Way and Old Tramway Drive. That was vetted by the BCA Board numerous times and by the CDD Board numerous times over a two-and-a-half-year period. We finally did something and now people are upset. I'm sorry, but you had two-and-a-half years to get involved. I don't how the noise issue that I measured supports the noise issue.

Mr. Wilkerson: Let me ask you this, Jason. In the future, if we put in new speed humps, do all residents have to agree? Let's clarify that.

Mr. Showe: That is a policy of the Board, when and if they decide to install additional speed humps or whatever they do. It would be a Board decision as the owner representatives of that property.

Mr. Wilkerson: I would like to hear from the Board now on where they are going to put the one in front of Susan's house. Are they going to move it in front of someone else's house and are we going to ask for their permission to do that? I think we should be clear.

Mr. Mills: I agree, Wayne.

Mr. Bosseler: As I stated a couple of minutes ago, the one gentleman said he would not object to having one at the golf course crossover. There is only one house there. If there was another house next to his house, we would have to talk to them.

Mr. Mills: I'm going to try to use some common sense here. If we moved it from the Sunters property more towards the north, the houses on the left-hand side are going to be affected by it, but in the long run, we are going to need, in my opinion, to add more speed humps in order to keep the speeding down. The two that we did were just for test purposes only. I can certainly appreciate the Sunters not wanting one in front of their house. I would've preferred them to say to us, "We just don't want it here." We've gone through extensive tests to prove the fact that it's not above normal noise, but if they are bothered by it, we as a Board have to correct it.

Mr. Darby: Wayne, the way that I envisioned the current motion on the floor, which we have not voted on yet, is to remove the one at 385 Baytree Drive, and not take any further action on any speed reducing until we have a legitimate traffic study advising us where, when and how to place stop signs, humps or flashing radar signs. That is what I propose and what the motion states.

Mr. Wilkerson: That's reasonable, but that is going to take a lot of time. You are looking at a year before we are going to do anything else. In my opinion, Jerry, it's going to neuter the whole program. If that's what we want to do, that's fine, but the committee that was put together by the CDD and BCA, came back and interviewed the residents, looked at various studies and that was the recommendation. Susan is a friend and I don't want her in a situation like this; however, if we say, "Let's just kick this can down the road and take this speed bump up so we don't have to listen to Susan," that's not a solution to the speeding problem. Ordering another traffic study is a cop out.

Mr. Darby: I think the only way we are going to find the appropriate solution is to have experts come and tell us what to do. I think we all agree that there is a speeding problem. The Board attempted to put this in as a test, as Mel indicated. Interestingly, one location has had no complaints, but the one at 385 Baytree Drive, has had numerous complaints. It's hard to say. It looks like the test was half successful, and I would hate to continue putting in speed humps around the community and then get into the situation that we are having with the Sunters where we have very unhappy residents. There has to be a way in which we can appease both issues.

Mr. Mills: To Carolyn's point, if the engineers come back and say that's where it needs to go, then what do we do?

Mr. Darby: That's a good point. There are two ways we can look at this. It is a CDD issue and it goes where we tell them it needs to go because we control the infrastructure, or we can consult with residents before we take any action.

Ms. Witcher: My suggestion is we do not take it out until we receive a report from our engineers. Why go through the expense and then have to move it again back and forth? We are going to have the experts come in and look at it, tell us where to put them and that's where we put them.

Mr. Brown: I'm on the ARC Committee for the BCA and have a map of the Baytree development. I can tell you that any other location on Baytree Drive, north of 385 is going to be in front of somebody's house.

Mr. Darby: Yes.

Mr. Showe: If the Board is amenable, Ms. Sunter would like to speak again.

Mr. Darby: I'm fine with it.

Ms. Sunter: There is an area closer to the gate where there are no homes. You can put one there and no homes would be affected, but the irony is if I had been given a chance to vote on the speed humps, I might have said, "Yeah, let's give them a chance." I was not even opposed when I first saw it. I said, "Oh, that's interesting, let's hope that this takes care of the speeding problem," but it didn't take me 20 minutes before I realized what a disruption it was going to be for me. So, I probably would have voted initially to give it a try. Maybe giving it a try was what we needed to do here, but it is a much bigger disruption than anybody probably could have imagined. I don't know what else to say. The only other upscale community I know of in all of Brevard County that has speed humps is Tortoise Island. They have them every 100 feet. Even they had the courtesy of putting them on property lines, not smack dab in front of somebody's house so it looks like the bulk of the inconvenience is placed on one family, which is what it is here. So, you can control this problem if you are serious and put them every 100 feet throughout Baytree. I see people speeding between the humps so how close are you going to put them? Anyway, like I said, my main point is that I would've possibly voted for speed bumps if I were ever given the opportunity, which I didn't, but I would change my opinion now. Thank you.

Mr. Wilkerson: Susan, just to clarify, I lived in Tortoise Island for four years and the speed humps were never a problem, regardless of where they were. We had one right in front of my house. I just wanted to clarify that.

Ms. Sunter: Yes, but they are every 100 feet, so no one has a chance to ever speed up again. They are just rolling over them.

Mr. Wilkerson: That's true.

Ms. Sunter: Whereas it's the acceleration that I'm complaining about, which is a problem.

Mr. Wilkerson: I received a speeding ticket going over 100 mph in my Porsche and I can tell you that I didn't like where they had the radar set up at all. I think what we are going to end up with is whatever they tell us. We can't go through the neighborhoods, Susan and I asked all of the neighbors if they would like to have speed humps in front of their house. I know that on our road, we have two or three people, including Rick, myself, Martha and Sidney who have asked to have them in front of their house. So, I think that is possible, but I think that will come to a harsh dead end as soon as we find two or three families that will say no and our engineers tell us that's where they need to go.

Ms. Sunter: Why do we not care that you are going against the will of the residents? I talked to at least 60 or 80 people and only two of them were not opposed. They were just neutral. Of the many people I spoke to, they were all vehemently opposed. So why are we going to do this against all of this opposition and no reduction in speed?

Mr. Wilkerson: Those are conjectures on your part that I disagree with. I talked to a lot of people and received a lot of emails and phone calls from people that approve them and are very much in favor of having them.

Ms. Sunter: I am surprised.

Mr. Showe: For the sake of the meeting, let's bring to back to the Board for their discussion.

Mr. Pawelczyk: There is a motion on the table. Right Jason?

Mr. Showe: There is a motion on the table. We were trying to see if there was any further discussion on that motion.

Ms. Witcher: I think we should leave the speed hump in and have the engineers look at it and tell us where we need to put them. It might be that's where they want it.

Mr. Bosseler: Carolyn, if we leave it in, in my opinion, we are going to end up taking it out anyhow. I don't think an engineer is going to be that specific. Personally, I would like to see it further north right after the curve where the pump house is. That's where people accelerate to get to the gate. I see it every night when I'm out walking.

Mr. Showe: Is there any other discussion from the Board? Hearing none, I will bring it back to the Board and recap the motion on the table. The motion would be to remove the speed hump in front of 385 Baytree Drive and engage the District Engineer to review the entire facility to determine the best possible locations for the speed humps.

On VOICE VOTE with Mr. Bosseler and Mr. Darby in favor and Ms. Witcher, Mr. Mills and Mr. Brown dissenting, removing the speed hump at 385 Baytree Drive as soon as possible, engaging the District Engineer to perform additional traffic studies and determine the best possible locations was not approved. (Motion Failed 3-2)

Mr. Mills: I want to clarify the reason why I was not in favor. If the Engineer that we hire says to take it out, I will be happy to see it removed.

Mr. Brown: I would like to engage an engineer to examine the speed hump on Baytree Drive and provide recommendations.

Mr. Showe: I think I'm hearing that from the majority of the Board and that would be my direction, unless the Board is opposed. That might be the first task order you assign the new engineer once the firm is accepted by the Board.

Ms. Witcher: I think so.

Mr. Showe: We will just task them with that and make sure that even if they bring a proposal, maybe they can provide a proposal for that item as well.

Mr. Brown: Okay.

ii. Strategic Plan

iii. Welcome Packet for New Owners

Mr. Showe: I provided you with the latest comments from the Strategic Plan, but I think these items may be better addressed in a workshop format, if the Board is amenable.

Mr. Darby: I agree.

Mr. Showe: With the Strategic Plan, the latest revisions are there. So, you can provide me with any additional comments that you have on that prior to the next workshop.

iv. Lakeshore Erosion at 7971 Chatham Court

Mr. Showe: This is just a follow up. Mr. Studds provided a presentation, which is in the agenda package. I don't know if you want to give him three minutes to give you an overview of that project.

Mr. Mills: Absolutely. It was very well done, Geoff.

Mr. Showe: I don't know if he's there. If you read the District Engineer's Report later, we are likely not getting to that lake bank work until much later in 2020, which will likely be in Fiscal Year 2021. Again, if the Board is amenable, that could be something that could be tasked. I know that Jerry has been looking at combining those two work scales to save the mobilization.

Mr. Darby: That's correct.

Mr. Showe: It's definitely something we could look at adding to the scope. The vendor is not going to be out until months later anyway, not until the end of the fourth quarter of 2020. So, we have some additional time. I don't think that's a large-scale project. It could be something that could be accommodated within the budget we have.

Mr. Darby: Right.

Mr. Mills: It certainly needs to be done and I think we should go ahead and do it at the proper time.

Mr. Showe: Okay. Is there any opposition from the Board in getting with the contractor now and adding that to their scope of work? Obviously, this would be work overseen by whatever engineer is on board at that time, but I think we could get with a vendor to give him a scope.

Mr. Darby: I also want to let the vendor know that we want to include the 2021 work as well.

Mr. Showe: Okay.

Mr. Darby: So, it would be a \$60,000 project.

Mr. Showe: Correct. That's something I will touch base with the new engineer on when they provide that proposal to give them a heads up of what projects are out there and what the Board is going to look at.

Mr. Darby: Excellent.

v. General Election Qualifying Period & Procedure

Mr. Showe: We provided documentation from the Supervisor of Elections. There are two seats up for election in the 2020 cycle; Seat 1, which is Mr. Mills seat and Seat 2, which is Mr. Bosseler's seat. For anyone who would be interested in running for those seats, the qualifying period is from Noon on June 8, 2020 through Noon on June 12, 2020. You need to submit your forms prior to that. I do believe for the most part that they are accepting those forms now, but obviously with what is going on, should you choose to run, you should call them to find out how they are accepting the forms. They may be accepting them through emails or some other form. So, this is really an announcement of that qualifying period. I would be happy to answer any questions from the Board if there are any.

• **Facilities (*Added*)**

Mr. Showe: It is appropriate to discuss the status of reopening all of the recreation facilities and answer questions from the public. The reason we have been interfacing with the Chair is when the Governor's Executive Order first came out, it treated these situations similar to an emergency so that it gave the Chair the authority to make some decisions for the District. We've tried to coordinate as much as we can with the Board Members, but obviously the ultimate authority in this case by Florida motion and Executive Order goes to the Chair; although with a formal meeting like this, you can change that designation. At this point, based on District Counsel's recommendation as well as the recommendation of our insurance company, we cannot monitor and ensure social distancing guidelines for our facilities without incurring additional costs. Therefore, it's our initial recommendation to keep them closed at least for the time being. We are monitoring all local as well as state guidelines, so as more local places open up their recreation, we would likely follow suit. Again, this would be a good time to have a discussion from the Board and answer any questions.

Mr. Mills: Jason, I would like to recommend to the Board that we open the tennis courts only for the time being. It's used mostly in the mornings. We can monitor that because usually there are eight people on a court at a time and no more than eight. So, I would like to see us consider opening the tennis courts and not the pool or the pavilion. I have given this a lot of

thought. I read Mr. Scougall's note and I somewhat agree with him on that issue, but I'm not in favor of opening up the pool and the pavilion at this time.

Ms. Witcher: My suggestion is if we open the tennis courts, there should be a sign saying, "Residents Only," so no one from the outside can come in.

Mr. Darby: I agree, but I don't know how you can enforce that.

Mr. Showe: The enforcement of that is a challenge. It is a public facility so you could bring a guest in accordance with your rules. I think the stronger guidelines that we are seeing from some properties that are choosing to open up their facilities, are to limit tennis to singles play, so, there would only be two people per court as opposed to doubles. I think there may be an ability to prop the door open to reduce contact. We can certainly put some signage up stating limitations and regulations.

Mr. Mills: My only concern with opening up the gate, Jason, is you and I discussed before about wildlife getting inside the tennis court.

Mr. Showe: Sure.

Mr. Mills: If people want to play tennis, then they should come prepared with hand sanitizers, gloves or whatever they need, but I think there needs to be an outlet for residents to at least have some kind of exercise.

Mr. Darby: My opinion would be to limit it to doubles as singles is pretty restrictive. So, no more than eight people on that court at a time, I think is reasonable. There is a women's league that uses that court and there could be 20 people at any given time. So, limiting it to eight on a court would be prudent.

Ms. Witcher: Do they come in and sit on the benches? Where do the rest of the people go when there is a league?

Mr. Darby: They sit in pavilion, stay in their cars or stand around.

Mr. Showe: I think in Mel's motion, the pavilion would remain closed so they would have to stay in their cars or outside the gate at least six feet apart.

Mr. Darby: Okay. We could put social distancing signs on the fence as they enter the tennis court area.

Mr. Showe: We can certainly do that. We have some guidelines that we would work with District Counsel on, to make sure that they are comfortable with the wording and the

recommendations. If the Board is amenable, would Friday give you enough time, William to put up the signage?

Mr. Viasalyers: Yes. We can make that work.

Mr. Showe: In most cases, so that we can ensure we both get the message out and open the facility in a safe manner, I think most places are giving a couple of days lead time so they can get that done, but given that today is Wednesday, by Friday we would be able to open that facility if that's the Board's recommendation.

Mr. Mills: What we could also do is on the billboards at the rear and front gates, say "Tennis Court Open – Eight People Only on the Court at a Time."

Mr. Showe: Correct.

Mr. Darby: Eight people max.

Mr. Mills: Residents only.

Ms. Witcher: I like having residents only.

Mr. Bosseler: I agree with everything for the tennis court. I agree to keep the pavilion closed, but I would like to see the pool opened ASAP. The way we can regulate the pool is to count how many chairs we have there right now and take it down to 25%, which is the Governor's rule. So, we are going to have about 10 chairs in there. We should put the sign up saying, "Maximum of 10 People." People have to be responsible for themselves. We all went through this for the past couple of months. We have to stop locking everybody in their houses. People like to swim in the morning. The water aerobics people will adhere to any rule we ask them to. We will tell them that they are only allowed to have eight to ten people. That's it. If they break the rule, they are done, but we have to start opening up here. The pool is full of bleach water, which prevents the virus from being transferred.

Mr. Wilkerson: Let me say something here if I could, Jason. I agree totally with Richard. I think he's spot on. The pool people want to come back. All of the aerobics classes have discussed social distancing. I think the idea of removing chairs from the pool deck to limit the number of people, is an excellent idea. The tennis courts, of course we can open, but let's come back to the pool because a lot of people are getting their exercise there. Dr. Gene List's wife swims every day. The chlorine in the pool kills the COVID-19 virus on contact. Let's not shove that aside. So, if we open up the tennis courts, let's take another step. I agree with Richard. When are we going to open up the pool? I'm not concerned about the pavilion, but those are the two big

ones. Maybe we can come back next week, Richard and say, "We have taken a look and think that we can implement his plan." I think that's a good idea. I am speaking on behalf of the BCA. Our residents' number one request is to get the tennis court and the pool back open.

Ms. Witcher: Seventy-five percent of the homes in Baytree have their own pools. They don't need to be at this one until we get to another phase from the Governor. We are only in Phase 1. Let's wait until there is another phase. Open up the tennis court and let's see how they are going to police them and see how residents are going to conduct themselves.

Mr. Brown: Mike, is there any liability on our part if we open up the facilities and post signs saying, "Six feet apart, wash your hands," if someone catches the virus and the Department of Health comes back and says they got it by playing on our tennis court?

Ms. Witcher: Or going to the bathroom at the pool because there's nobody there every hour on the hour cleaning it like they are in the stores.

Mr. Bosseler: Or walking your dog next to somebody.

Mr. Pawelczyk: First of all, there's always liability. Every one of you who are on this call or teleconference, knows about businesses lobbying for liability limitations or relief from these types of situations. Plaintiffs lawyers sitting on the other side say, "No, we don't want that." So, there is a risk. The problem is, as you know, causation would be difficult to prove. Who knows? I can't address the liability until the legislature and Congress figures out what they are going to do. For now, there's a risk. That's why I think it's important if we open our facilities, that we do our best to follow the guidelines from our insurance provider so if we are sued, we are able to be provided with a defense by our insurance provider. Secondly, we need to do everything we can to prevent the spread of this virus. Hopefully it's on its way out.

Mr. Wilkerson: Michael, are we relying on our insurance company to tell us whether they want to cover us?

Mr. Pawelczyk: That's not what I said, Wayne. Our insurance provider provided guidelines to their clients to address opening facilities on a phased basis, should they choose to do so.

Mr. Wilkerson: Okay.

Mr. Pawelczyk: You have to have something. I'm not familiar with this virus. I couldn't tell you how it's transmitted. I'm not a doctor. That's why the advice we are giving is consistent with what the local government is doing in the jurisdiction where this District exists. Doing the

same thing that Brevard County is doing or being more restrictive, would be my advice. The Board doesn't have to follow that advice, but that's what I'm advising to try to limit the risk to the best possible. Not just the risk of liability, but the risk of someone getting sick and then suing us, whether we are liable or not.

Mr. Wilkerson: I just want us to remember that we all serve the residents of Baytree. All of us; you, me, everybody. So, let's listen to them. If we can ease back into opening the pool and the tennis court with social distancing, let's do that as opposed to looking at our insurance or legal. I understand those, but at the same time, if you ask an insurance company, "Would you rather us open the pool tomorrow or never open it?" What do you think the insurance company is going to say? Never open it. It's because it's their liability. So, let's tender that as we look forward to getting back into social business in Baytree. The residents, every one of us are cooped up. We are sick and tired of being in our houses. All residents on my street wear masks and we all stay six feet apart. No one even does fist bumps anymore. So, let's not err on the side of overreacting when it comes to our open-air facilities. I can tell you right now that Kiwi is open. All of their tennis courts and their inside facilities are open. Suntree Country Club has opened their tennis courts and all of their facilities. That's where they are. So, where are we? Let's don't hide behind a legal stance. Let's serve the community. That's all. That's my two cents.

Mr. Pawelczyk: If I can address that real quick. I'm not giving any advice, nor have I given advice to tell the Board to keep its facilities closed. That's not my role. I'm just the lawyer and I make recommendations as to what I think the Board should do or not do. Jason has done the same.

Mr. Showe: Correct.

Mr. Pawelczyk: For those of you that have not seen the Risk Assessment Procedure from Egis, the insurance provider, it does not say, "Do not open your facilities." It says, "If you want to open your facilities, please consider these things." That's all I have to say.

Mr. Darby: Jason, two questions. One is, you deal with a lot of CDDs that have common rules.

Mr. Showe: Correct.

Mr. Darby: What are they doing? Secondly, what is the Brevard County stance on opening public pools?

Mr. Showe: Most of our facilities are similar to Baytree's. They are unstaffed and to date, they are all keeping their facilities closed. Since this order came, this is the first Board meeting we've had since that order, but for the rest of our facilities right now, they are keeping them closed. We are trying to monitor all state and local governments. I just pulled up the Brevard County website. Currently, all of their playgrounds, community and nature centers are closed. It says, "Max K. Rodes Park" is closed. So, it looks like Brevard County is keeping a lot of their facilities closed. Some facilities are opening, but they are staffed and are able to provide additional sanitation. Again, it's up to the Board and their comfort level at this point, but I am hearing two separate issues, so it may help the discussion if you deal with the tennis court first and then address the pool. It seemed like there was some consistency about the tennis court, at least from the Board. You could at least get that issue off the table, should you choose.

Mr. Mills: Jason, if I may. I hear what Wayne is saying. I think at some point, we have to err on the side of caution. That's why I would like to see the tennis court open with signage. Let's monitor that and see what happens. Linda and I own property in Viera East and I received a letter yesterday that basically says, "All recreational facilities will be closed for two weeks until we hear back what the new guidelines are going to be." I don't think we need to be that strict, but I would like to see us open the tennis court because that's an area you can only have eight people and that's all it's going to be.

Mr. Wilkerson: Mel, I think the residents...

Mr. Showe: Wayne, this is Board discussion.

Mr. Bosseler: Mel, I disagree with you. I think tennis is just as risky as anything else. You have people sweating. If you play doubles, they may run into each other. They have to handle the balls. They have to handle the rackets. I think one is just as risky as the other, so let's ask people to do the right thing. We go to Publix and people walk down the wrong aisle and everyone is correcting them. I think in this case, if people know that we will turn around and close it right back up if they don't abide by the new rules, then they are going to have to live with the punishment, but I'm willing to go down there every day to oversee it.

Mr. Brown: Who is going to have the authority to close it?

Mr. Showe: I think that's part of motion we would recommend. Mike and I talked about this. Should the Board choose to take action today, a Board Member would need to be designated to have the authority to close the facility should residents not abide by the rules. Similarly,

should you choose not to open things today, you could also designate a Board Member to provide those recommendations and the authority to open them at a later point outside of a Board meeting.

Mr. Brown: I prefer to do that.

Mr. Bosseler: To Carolyn's point, maybe we should wait until Phase 2, which I have a feeling is going to come in about 10 days. In Phase 2, we open them both back up with all of the rules and regulations we've discussed.

Ms. Witcher: I don't want to open the pool up until we can handle the sanitation and the bathrooms because we don't have somebody that is there all the time cleaning it. The stores that are opening up, are constantly cleaning. Unless we are going to hire a bathroom attendant to do that, we will have to lock the bathroom doors.

Mr. Bosseler: Our bathrooms are cleaned three times a week. They are spotless. They rarely get used.

Mr. Showe: I think to the extent we would reopen up during any phase, I think we would do what we did prior to closing, which is to have them come four or five days a week. We will increase the sanitation at least for the time being.

Mr. Darby: Would that include the tables and chairs?

Mr. Showe: Yes.

Mr. Darby: So, following Richard's point, rather than going to Phase 2, perhaps it might be wise to go with Viera East is doing and reassess in 10 days.

Mr. Showe: I think a better motion would be something along the lines of you would designate a Board Member, which could be Richard or the Chair, who would have authority to coordinate with District Staff and District Counsel to provide the authority to open the facilities when they felt comfortable.

Mr. Pawelczyk: Consistent with Brevard County and the Governor's Executive Order.

Mr. Showe: Correct.

Mr. Brown: I agree with that.

Mr. Pawelczyk: Jason and I don't want to be put into a position where the Governor says, "Okay, Phase 2 is ready to go," and then we feel like we have to have a Board meeting and take another 10 days just to advertise it before the June meeting. We have to give some authority to the Board Member with notice to the other Board Members on what we are going to do. If they

object, they could request a special meeting, which would require us, unfortunately to advertise it. At least three of the Board Members would have to agree to attend the special meeting, so we don't get into a situation where it becomes political and make it more of a situation where we are moving forward in a manner that is consistent with what is being recommended to governments and communities in Brevard County.

Mr. Darby: Let me just be clear, Mike. What we are saying is that we would give this authority to one of the Board Members, but it has to be consistent with the policy of Brevard County or the State and not at their sole discretion.

Mr. Pawelczyk: Correct. That is what Jason and I recommend. Correct, Jason?

Mr. Showe: Correct. I will note and I think Will can attest to, that this is not an issue only affecting Baytree. We are monitoring this for every District. Part of the challenge we have is the Governor's last order, to start Phase 1, was not consistent with the Task Force recommendation, so we don't even know what Phase 2 is going to be at this point. We know what they are recommending, but he didn't provide specific guidelines for anything outside of retail and restaurants. So, every District has to create their own policy based on the environment and their thoughts and risk aversion as well. It is a challenge, which Will and I can both attest to. We are not happy keeping the facilities closed. We want them opened and your residents as happy and healthy as they can possibly be, but we are in an environment where we are trying to protect them at the same time.

Ms. Witcher: When is the June meeting?

Mr. Darby: June 6th, I think

Mr. Showe: Correct.

Mr. Pawelczyk: It's June 3rd.

Mr. Darby: I'm sorry, June 3rd.

Mr. Showe: June 3rd.

Ms. Witcher: Isn't that in only 20 something days?

Mr. Showe: Correct.

Mr. Darby: Jason, I would agree with designating a Board Member consistent with county or State policy. I think that's a reasonable way to approach this on an interim basis.

Mr. Pawelczyk: It also requires a Board Member to work with the Manager.

Mr. Showe: Correct.

Mr. Pawelczyk: It's your call, Board.

Mr. Showe: Yes.

Mr. Richard Mather (Old Tramway Drive): Jason, could I make a point?

Mr. Showe: Is the Board amenable to hearing audience comments at this time?

Mr. Darby: Sure.

Mr. Mather: I'm sitting here listening and thinking. I just want to weigh in and say that I couldn't be more on board with Richard Bosseler and Wayne Wilkerson. I think one is as risky as the other. The residents are chomping at the bit. We are kicking the can down the road and I would like to see action taken that allows those facilities to open and put the responsibility onto the people that use them, with whatever risk mitigation we have to take with signage and so forth. I'm all for it. I hate to keep seeing this can kicked because if the Governor makes no decision in 20 days, we have to wait for another month. I'm not a user of either of those facilities, but I do know that people are chomping at the bit. I support Richard and Wayne. Thank you.

Mr. Darby: My only comment Richard, and it's good to see you again by the way, is that we are going to have another Board meeting in less than 30 days. At that time, we can make a decision irrespective of what is happening at the State and county level to go ahead and open it up.

Mr. Showe: Again, we are monitoring it on every property we own in every different municipality. So, to the extent that we see industry standards changing, counties and local governments opening, if authority is given to a Board Member, even if it's 10 days from now, we can start implementing those reopening plans, consistent with local and State guidelines.

Mr. Pawelczyk: Better yet, we can say, "*Not inconsistent with local and State guidelines.*"

Mr. Showe: Correct.

Mr. Bosseler: I would be happy to do it if you want to appoint me. I oversee tennis.

Mr. Mills: You are the Supervisor in charge of that, so I think it would probably be only fair for you to be the one, if you are willing to do that.

Mr. Darby: I agree.

Ms. Witcher: It's just for the tennis court, right?

Mr. Brown: And the pool.

Mr. Showe: You can encapsulate this with all recreation facilities, which also includes the pavilion. Because again, we might get some direction on that at some point and if they have the authority to make those determinations, then you can make changes.

Mr. Darby: I agree.

Mr. Showe: So, we need a motion to appoint Mr. Bosseler on behalf of the Board to approve any reopening plans, consistent with State and local guidelines.

On MOTION by Mr. Darby seconded by Mr. Mills, with Mr. Bossler and Mr. Brown in favor, and Ms. Witcher not in favor, to appoint Mr. Bosseler on behalf of the Board to approve any reopening plans, consistent with State and local guidelines, was approved 4-1.

Mr. Showe: We will coordinate. We are constantly monitoring this. It's our goal to open your facilities as quickly and safely as we possibly can.

FIFTH ORDER OF BUSINESS

CDD Action Items/Staff Reports

A. CDD Action Items

Mr. Showe: I think in large part, we covered most of the action items. The sidewalk and tree repair work and installing the fence at the pool facility were completed. William, did you have any update on the Kingswood Way drainage? I think it was completed.

Mr. Viasalyers: No. There were heavy rains about a week to a week-and-a-half ago, so they are still pursuing that. Hopefully, they should be done very soon.

Mr. Showe: Okay.

Mr. Mills: I went by there yesterday. He has a pump there. I don't know if he's pumping the water.

Mr. Bosseler: They are working on it as we speak.

Mr. Showe: Perfect.

Mr. Mills: Okay. Good.

Mr. Showe: The Lake 1 access and lake repair was pushed until later in the year. We will try to incorporate it into Fiscal Year 2021. Per the Board's direction, we also included a proposal from Florida Door Control, a gate repair company. We use them at other properties, locally, in Satellite Beach. Their proposal is for a quarterly maintenance program, which would cost

\$3,180. It's hard to predict the repair costs, but William could give some perspective on the quality they provided out there. I think it's been pretty consistent.

Mr. Viasalyers: They do a good job at other properties. I don't have any issues. They come in and do anything that's needed. Also, I think there are different service plans where you can get a percentage of it at a reduced rate for labor and materials, depending on what package you select.

Mr. Showe: Yes.

Mr. Mills: They didn't quote the packages. Is there a way that we can get quotes on different packages?

Mr. Showe: Absolutely. Right now, because of the work that's happening at the pool gate, I don't know that I would recommend making an immediate change, but we can certainly reach out to them, get the different levels for the packages and bring that back to the Board.

Mr. Darby: Our budget this year for gate maintenance was \$1,200 and it's going to come in at \$3,180. Right?

Mr. Showe: Correct. I think it was \$12,000.

Mr. Darby: It was \$1,200.

Ms. Witcher: Is this the pool gate?

Mr. Showe: No. This would be for the gate operators. For *Gatehouse Maintenance*, we budgeted \$10,000, which is what this would fall into. Now there is a gate maintenance contract that is \$1,200.

Mr. Darby: Okay.

Mr. Showe: That is how they maintain the transponder system and all of the background data. Their proposal includes that as well. It says at the bottom that there is a proposal for managing the software.

Mr. Darby: Okay, good.

Mr. Brown: That's not a bad price. The other thing that I like about these people is that they are local, and we don't have to wait for them to come to Orlando. We have been having a terrible time getting them to respond, especially on weekends. Thank God we have William, because he takes of them when he can.

Mr. Showe: Right.

Mr. Bosseler: We don't have to pay \$100 for travel either.

Mr. Showe: Correct.

Ms. Witcher: When they repaired the gate the other day when the arm was bad, they opened up the box and said there were sparks coming out of it and it was all corroded. Does each arm have one?

Mr. Showe: Yes. There is a mechanism at each operator. Correct, Will?

Mr. Viasalyers: Yes. I think it was the circuit board that he was referring to on the invoice.

Ms. Witcher: Weren't the batteries all dead? Have they checked them at each one of the arms so that we know that we are not going to have that problem?

Mr. Viasalyers: That's part of the problem. We don't have an ongoing maintenance contract with them. This new company would provide quarterly maintenance. They check all of the connections, fuses, all of that kind of stuff.

Ms. Witcher: We haven't had that done before?

Mr. Showe: We try to do that once a year. At the beginning of the fiscal year, we have them come out and do a preventative maintenance (PM) check, but then you have to pay for travel and parts. It's an unreliable expense, whereas with a contract similar to this, it's a little more reliable in terms of your budgeting.

Mr. Mills: Carolyn, when we first engaged them, they did a great job. They performed very, very well and were prompt. They have steadily declined over the years.

Ms. Witcher: Which happens with a contractor.

Mr. Mills: They get complacent.

Ms. Witcher: So, we need to have ours looked at when we engage the new company?

Mr. Showe: You can have your current company do a PM check, but we will bring back the quotes for the different levels of service that they provide for the Board to consider.

Ms. Witcher: Yes, especially with the batteries and the way they corrode here.

Mr. Mills: Can we have that by the June meeting?

Mr. Showe: I believe so. We will get a hold of them and hopefully they can turn that around quickly. They are familiar with our scope now so it should be pretty easy.

Ms. Witcher: With the hurricane season coming, it would be good to have it up and working.

Mr. Showe: That's all we have for the action items.

B. Additional Staff Reports**i. Attorney**

Mr. Pawelczyk: I don't have anything further to report, unless the Board has any questions. At least you guys are opening up there. Nothing is open in South Florida.

ii. Engineer

Mr. Showe: Jeremy, do you have any other updates?

Mr. Reiderman: Just what I had before, the roadway paving from the Engineering Report. An onsite meeting was held between Atlantic Paving, GMS, Mr. Mills and Atkins. The contractor explained that the surface variations would not affect the longevity of the asphalt life. They were also the company that installed the speed humps. The second item was on the lake bank restoration. I just wanted to clarify what was asked at the last meeting. The contractor will not be onsite until the end of the fourth quarter of 2020. I asked the contractor about his price and it's per linear foot. There's no mobilization cost. It didn't necessarily hurt having less than the budgeted amount in it. We added the 2021 proposed work to the end of the year. The only amount you would really be saving is any costs that would go up per linear foot next year. It has increased about \$1 per year, I believe to \$40 per linear foot. Then we talked about property being added at 7971 Chatham Court. We can add that for an additional \$40 per linear foot. The only thing that I was concerned about was that lake is interconnected to the lake to the south, but there's a wetland in between the two lakes. I believe the wetland is causing the lake to remain staged up during the rainy season. During the dry season, the lake bank has no vegetation. So, the wind and waves cause erosion more in that lake than the lake to the south that does not stay staged up. So, it's worth investigating more, having regular maintenance done on that wetland to ensure maintenance of the drainage path, which the St. Johns River Water Management District (SJRWMD) allows when wetlands are used for drainage. That's all for my report. Are there any other questions?

Ms. Witcher: Is there anything we can do, if we didn't put in a bunker in the environmental area so it wouldn't erode the lake.

Mr. Reiderman: What I'm saying, is there is the lake at Chatham Court and then there's a wetland and another lake. The lake south of the wetland is actually where the control structure is. The concrete box to the control structure is what controls the normal water level of the lake. The

erosion occurs at the normal water level. That is where the vegetation ends. You have grass, you have water and then you have soil. Because the lake to the north has an extended raised water elevation during the rainy season, more of the lake bank does not have vegetation. So, it erodes because it doesn't have vegetation during the dry season. I'm saying that you may want to maintain that wetland to ensure a drainage path. That way, during the rainy season, the lake does not stay staged up. For example, the way the stormwater design is normally done, we verified that the stormwater lake will recover its treatment volume within 72 hours. That is between the water quality volume elevation and the normal water level. It has to recover and come back down. Right now, it is not recovering, because the water can't go out through the wetland. So, you want to have somebody look at that.

Mr. Showe: We can reach out to ECOR. They provide those services to the District in terms of water and wetland management. We will have them inspect that area.

Mr. Reiderman: I looked at the rest of the lake and there is similar erosion. I also looked at the previous restoration that was done and it wasn't that different between the existing and what was restored. I was disappointed that there wasn't more of a difference, that the restoration hadn't lasted longer than it had. So, I want to fix the problem. You don't want to fix the bank and then have erosion.

Mr. Showe: Are there any other questions for the District Engineer?

Mr. Darby: I'm good.

iii. District Manager

1. Field Manager's Report

Mr. Viasalyers: I have a couple of items. Most of the items were already addressed. We are continuing to work with Tropic-Care to do the Oak tree trimmings. We recently received an email from one of the residents concerned with some of the cul-de-sacs. So, we are reviewing those areas and getting those trimmed off of the sidewalks. All of the annuals have been switched in all of the monuments and entrance areas. That's all I have, unless the Board has any questions for me.

Mr. Mills: William, when we find out when ECOR is doing their fertilizing, we want to make sure that they blow the fertilizer off of the sidewalks.

Mr. Viasalyers: Yes. We are going to work with Tropic-Care.

Mr. Mills: Exactly.

Mr. Bosseler: William, how are the maintenance people getting into the pool. Did you give them the code to get in?

Mr. Viasalyers: For the pool maintenance? Is that what you are referring to?

Mr. Mills: Yes.

Mr. Viasalyers: The pool maintenance, janitor and the landscaper treat for weeds. They all have the combination to the pool gate.

Mr. Bosseler: What is the janitor doing now that nothing needs to be cleaned?

Mr. Viasalyers: I think there are still people that are coming over there and utilizing the pavilion area, even though they are not supposed to. So, the janitor empties the trash cans when needed and to sweep and clean the tables and urinals. We get a lot of bugs in there at night from the woods, conservation area and lights.

Mr. Bosseler: Maybe the janitor can clean some of the chairs and lounges.

Mr. Viasalyers: We just had those pressure washed not too long ago.

Mr. Bosseler: Okay.

Ms. Witcher: What about the sanitary services?

Mr. Bosseler: If and when we open, we will have to sit down with the cleaning guy and go over some new regulations.

Mr. Showe: He is well aware of all of those. We already had those discussions, even prior to us closing. We had them engaged five days a week as opposed to three, trying to provide some extra sanitation. He is a commercial vendor and has access to some of the products you can't get.

Ms. Witcher: Is there any area in the pool bathrooms to keep the bugs out? Is there screening that needs to be repaired?

Mr. Bosseler: No. William has done a great job.

Mr. Darby: Are we still heating the pool?

Mr. Viasalyers: It's set at 84 degrees per the Board's instructions. We can turn the heater off at any time.

Mr. Darby: We should turn it off if no one is in the pool.

Mr. Viasalyers: I will make sure that's done.

Mr. Darby: Thanks William.

Mr. Viasalyers: I think when the water hits 84 degrees, it automatically turns off.

Mr. Darby: I don't know if it's going to hit 84 degrees right now, but why not turn it off.

Mr. Showe: I concur.

Mr. Viasalyers: We can get it turned off.

SIXTH ORDER OF BUSINESS

Treasurer's Report

A. Consideration of Check Register

Mr. Showe: In your General Fund, from January 27, 2020 to April 28, 2020, we have Checks 53631 through 53692 in the amount of \$179,904.93. In your Capital Projects Fund, we have Checks 98 through 101 in the amount of \$6,705.72. In your Pavement Management Fund, we have Checks 14 and 15 in the amount of \$39,195 and February Payroll in the amount of \$923.50, for a grand total of \$226,699.15. William and I can answer any questions.

Mr. Darby: I just want to thank Jason for leaving Viera Storage.

Mr. Showe: Thank William. Yes, the storage unit is gone. William and the maintenance guys did a great job in getting that all cleaned out.

Mr. Darby: There was a check request for \$160 for Brian and Susan Hodgers. What was that about?

Mr. Showe: As part of the sidewalk repair, the vendor hit the line. If they hadn't repaired it on their own prior to contacting us, we would've had Tropic-Care do it. For the cost, we just gave them a check back to reimburse them for the damage to the pipe.

Mr. Darby: I thought that was odd.

On MOTION by Mr. Darby seconded by Ms. Witcher, with all in favor, the Check Register for January 27, 2020 to April 28, 2020 in the amount of \$226,699.15, was approved.

B. Balance Sheet and Income Statement

Mr. Showe: No action is required by the Board. All account lines are in line with the budget. You are about 95% collected on your assessments. So, we are in good shape. Unless there are any other questions, we can proceed to Supervisor's requests.

SEVENTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Darby: A couple of things. We were going to change the golf cart signs from triangular to square to avoid confusion about who yields to who. I think that was brought up at the February meeting.

Mr. Mills: Yes.

Mr. Darby: I don't know if we took any action.

Mr. Showe: We will follow up. I thought the golf course was going to take care of it, but I will follow up. We will make sure it happens.

Mr. Darby: It's on CDD property. I didn't know if it was us or them.

Mr. Showe: We will follow up.

Mr. Mills: That was on my list.

Mr. Darby: Was the transponder software upgraded?

Mr. Viasalyers: Not yet.

Mr. Showe: We did authorize it.

Mr. Darby: What is our timing on that?

Mr. Viasalyers: I would have to follow up with the vendor.

Mr. Darby: Okay. One thing that I know people have been complaining to me about and I think you have seen it as well, is our entrance signs don't get changed on a prompt basis. We will have a meeting and it will be a week or two later. What is our process for getting the entrance signs updated? How does that happen?

Mr. Showe: We typically inform them a week before the CDD meetings to update the front gate. William does it as soon as he's there as close to that time as he can. As far as when they remove it, if they are not removing it quick enough, we need to follow up with that and make sure that they are removing it.

Mr. Darby: The security people?

Mr. Showe: Correct. As part of their contract, they manage the front sign for us.

Mr. Darby: Okay. We can just say, "If they look at it and see a date and something is supposed to happen the previous day, just take it down."

Mr. Showe: I'm on it.

Mr. Darby: Who manages the back gate, Jason?

Mr. Showe: William takes care of the CDD side and the HOA handles the HOA side.

Mr. Darby: Alright. That's all I had.

Mr. Showe: Mr. Brown?

Mr. Brown: No.

Mr. Showe: Mr. Mills?

Mr. Mills: The only thing I have is the landscaping by the pool is completed. We had some trees overhanging on the roof that we cut down, so it's not going to affect the roof anymore. We are going to wait until Fall to start finishing the front entrance close to the guardhouse. That entire front will be done and then we will start working on the back. Did we ever get a final for the parking lot?

Mr. Showe: I still wanted to confirm all of that. Some of the financials weren't finished for this month, so, it's on my list. Jerry and I talked about it and will present that for you at the next meeting.

Mr. Mills: Did we get final approval from the county?

Mr. Showe: I think the direction from the Board was until we hear from the county, we are proceeding with opening it. I don't think the County received the final blessing on it, if I'm correct, Jerry.

Mr. Darby: What the county said is, "We have no further comments."

Mr. Mills: Is that right?

Mr. Darby: Yes. So that's as far as you are going to go. No Certificate of Occupancy (CO) was issued, but they don't have any comments. What a surprise.

Mr. Mills: Okay.

Mr. Darby: In view of the fact that we missed a workshop and a meeting, I know that we have a meeting on August 5th and a workshop in July. Is there any urgency to have another meeting or workshop in August prior to the end of our year?

Mr. Showe: If I had to make a recommendation, let's see how the next two workshops go. We can schedule a workshop with 10 to 12-days' notice. So, it's not a huge concern. We can see what happens at the July workshop and then if we need another one, we can certainly advertise one.

Mr. Darby: That sounds right. I just wanted to bring it up today.

Ms. Witcher: I have one more question.

Mr. Darby: Sure.

Ms. Witcher: The road paving on National Drive that wasn't up to our standards, did we ever get that resolved and paved?

Mr. Showe: Yes. That's been resolved. I know that the engineer and staff met with the contractor. We felt comfortable that the repair and the warranty provided with the contract would give us enough should there be a failure.

Mr. Mills: I don't think we want to use them in the future.

Mr. Showe: Correct. Are there any other Board comments? Hearing none,

EIGHTH ORDER OF BUSINESS

Public Comment Period

Ms. Sunter: I have to take one more run at this so thank you for bearing with me. Everyone knows that running dog that barks and barks. He registers 70 to 75-decibels. I bet every one of you can hear him inside of your house when he runs by your house. That doesn't even come close to the 85-decibel level that was deemed unacceptable. So, everybody can hear that. Carolyn, would you consider changing your vote on this if I agree not to fight it? If a legitimate traffic study chooses to put the speed bump back in front of my house, could it be temporarily removed. I won't be any worse off than I am now, so I agree not to fight it. Would you change your vote?

Ms. Witcher: Not at this time.

Ms. Sunter: Okay.

Mr. Showe: Mr. Studds had his hand up. He was out of the room when the Board decided to include that project as part as the Fiscal Year 2021 project.

Mr. Studds: I did hear part of that. I mostly just wanted to comment. I appreciate the Engineer's Report. It sounds like we have a more global issue with the lakes not leveling properly between the two bodies of water. I just wanted to mention that I would not be in favor of you fixing my bank, wasting homeowner's money, until we fix the global problems, but I appreciate the effort and the time. That's the only comment I had. I'm not objecting to anything that was said.

Mr. Showe: Perfect.

Mr. Studds: Thank you.

Ms. Sandy Schoonmaker (Kingswood): Rick and I are both here and we just want to confirm what we think we heard. You are not going to do Lake 1 until 2021?

Mr. Showe: That is the availability of the contractor. That is not a Board decision. It will be late 2020 at this point, timing-wise.

Ms. Schoonmaker: Okay.

Mr. Showe: We are at his mercy on his availability. He does work throughout the State and is trying to schedule it out.

Ms. Schoonmaker: I'm questioning it because you said he was going to be here in two months, but that's more than two months.

Mr. Showe: We are going to follow up with him again after this meeting to start pricing out for the following scope as well to do them all at once.

Ms. Schoonmaker: He did talk to us about what he was going to do and what needed to be done. So, we are on hold waiting for that to happen, which is affecting some of our plans. We are not as happy about it as we could be.

Mr. Showe: Understood.

Mr. Darby: The contractor coordinates with the Ventana CDD. So, whenever he does that, he does Baytree, but we missed him this year.

Mr. Showe: He does Viera at the same time. That is when he is in the area.

Mr. Mills: I have a question for the Board. With regards to the speed hump in front of Ms. Sunter's house, is there a way that we can have an engineering firm come in and do a study now? Maybe if that's not the right place, we can remove it.

Mr. Darby: How difficult would that be?

Mr. Showe: I think the only engineer you have on staff right now is the current one, so should the Board choose, you could engage him in a not-to-exceed amount for that effort.

Mr. Mills: We used them at the beginning.

Mr. Showe: Correct.

Mr. Mills: Could we get one of these other two engineering firms to come in, not on a contractual basis and do a study and do it now?

Mr. Darby: On a project basis, in other words.

Mr. Mills: Yes.

Mr. Showe: Here is the solution for you. If there is a dollar amount that you are comfortable with to approve that work, you could designate a Board Member or the Chair to approve a not-to-exceed amount in order to engage that work as quickly as we can. So, I can start

talking to that engineer immediately, try to get him to price that out and then a Board Member could have the authority to approve up to a certain dollar amount. At this stage, I have no concept of what that scope of work would look like in terms of pricing.

Mr. Mills: What did the one from Atkins cost us?

Mr. Showe: They did it on an hourly basis. I would have to go back and look at the invoices to give you an idea. I think we only task them to look at specific locations, so it was a little more limited in scope to what I'm hearing that the Board wants to do.

Mr. Mills: Right.

Mr. Darby: We suggested the actual locations and they supervise the construction.

Mr. Showe: Right.

Mr. Mills: No. Maryelen got with me and said, "I think we need to put it between here and here."

Mr. Bosseler: I remember that.

Ms. Witcher: I don't think we should ask the same company to do it again.

Mr. Mills: No.

Ms. Witcher: What about the number one company?

Mr. Mills: That's my thought.

Mr. Showe: If the Board has a comfort level of a dollar amount, you could give authority to a Board Member to approve. We could certainly go that route, but you have a meeting in less than 30 days. So, no matter what, I would have them bring that proposal to a meeting.

Mr. Mills: I was trying to get it done sooner.

Mr. Showe: I understand.

Mr. Mills: Because if we can get it done sooner than that, and if the engineer comes back with a recommendation, maybe we could go ahead and say, "Get it done." If we keep waiting, we are going to be delaying it. I understand the position that they are in, but by the same token, if they say, "This is where it belongs," then we know what the answer is, but if it is not, then we move it.

Mr. Showe: Is there a dollar amount that you would feel comfortable approving? My guess would be it's probably going to be between \$5,000 and \$10,000, if I'm being conservative. I would say \$5,000 on the low side. If the Board has a comfort level, the number one ranked

vendor would provide me with a proposal in an amount that the Board approves. The Board could designate someone to approve that and move forward as quickly as possible.

Mr. Mills: I would say a not-to-exceed of \$10,000. That's my thought. I don't know how the rest of the Board feels.

Mr. Darby: I think \$10,000 is appropriate. I know that speed humps cost \$5,000 a piece.

Mr. Mills: How much is it going to cost to remove it?

Mr. Darby: Probably \$5,000.

Ms. Witcher: We need to know that amount.

Mr. Bosseler: If it only costs \$2,500 to put it in, I don't think it will be \$5,000 to take it out.

Mr. Darby: Probably not, but you have to move them both. It will probably come out of the Pavement Fund.

Mr. Wilkerson: Excuse me? Have we not covered this before earlier in the meeting?

Mr. Mills: We did Wayne, but I'm just trying to escalate the situation.

Mr. Wilkerson: I'm with you, Mel, but at the same time, Susan is a good friend and I understand what she's saying. However, when we talk to the residents, which is my job, are you going to tell me that a resident came and lobbied this Board and at the end of the day, got the speed bump removed? If you do that, you are putting a lethal injection into our speeding control initiative.

Mr. Mills: I understand that, Wayne, but what I want to be satisfied in my head is whether it is at the right place or not, based upon the engineer's recommendation. If he comes back, Carolyn had a good suggestion. Leave it there until we understand where it could go.

Ms. Witcher: We are meeting in 20 days and they are supposed to bring a proposal to the meeting along with his contract proposal to tell us how much it would cost to do it.

Mr. Wilkerson: Or where it should go.

Ms. Witcher: So, we know exactly how to do this. It's only 20 days until the next meeting. It's not like it's one of those where we have three months in between.

Mr. Mills: I'm following the Board's lead. I'm just making a recommendation. That's all.

Mr. Scougall: Let's see if I can offer one consideration. We don't have normal traffic flow right now. You don't have the school buses. You don't have the soccer mom's getting their kids off to after school. You don't have the people who are late for the bus. You don't have the

people going out to work and back. You don't have the volume of yard guys or repair people because we are not back to normal. So, we are going to do a study based on possibly not a good sample.

Mr. Mills: Good point.

Mr. Scougall: I would like for you to think about that.

Ms. Witcher: That was a very good point.

Mr. Studds: The only other thing I would add is the Board needs to ask itself before it invests \$5,000 to \$10,000 in a study, whether they are committed to implementing fully or are we just trying to find out if that one speed hump that irks one resident needs to come out. Because they may come back and say, "You need 10 speed bumps along Baytree." Are we going to commit to follow it fully and solve the speed problem? If we are not, I say we shouldn't spend the money on another engineering study.

Mr. Mills: Good point, Geoff.

Ms. Witcher: Very good point.

Mr. Showe: As I committed to the Board, when I have discussions with Dewberry, I'm going to ask them to include proposals for additional items that you requested today so that we can bring all of those back at the following meeting.

Mr. Studds: I have one more statement. If we allow the resident to lobby and remove a speed bump, we set a very dangerous precedent, which is kind of what Wayne was saying. I think that's a very, very bad idea.

Ms. Witcher: I'm sorry, but if the noise level isn't that good and we don't have a lot of speeding right now in that part of Baytree, because we don't have the volume of traffic, the studies that we are doing are not going to be a true study because it's not going to be what we normally have going up and down Baytree Drive.

Mr. Mills: Those are all very good points.

Mr. Darby: What if this was a test?

Mr. Brown: The issue is going to be that you are going to have more vehicles, but the reality is that the increased number of vehicles, if they are the same type of vehicles that I looked at, the vast majority were under 70 decibels.

Ms. Witcher: That's right, because in my neighborhood, in Windsor, there are repair people coming and going. They are putting in floors, etc. So, the service people are coming in. It's just the homeowners are not going out. We are getting a lot of FedEx and UPS trucks.

Ms. Sunter: Many residents have Porsches, which is a problem.

Mr. Scougall: Now that we have reliable and factual data, would the Board consider putting out a survey to explain what the test was. Then we can put it to bed whether or not the residents want the speed humps or not. There seems to be some discrepancy about that and whether or not it's just Susan Sunter or the majority.

Mr. Mills: If you look at the development as a whole, Greg, you have 461 homes. How many people are upset about the speed hump?

Mr. Scougall: We don't know because we haven't seen it. All we know is some anecdotal evidence of a few limited conversations, but if we give everyone the opportunity to voice their opinion, based on the evidence, we all know what the residents want. The same for the tennis court. It's not necessarily lobbying to change from an individual, but doing our due diligence to recognize and listen to the desires of the residents.

Mr. Wilkerson: I would like to remind the Board that the BCA and the CDD did a joint study with a committee. There are 1,200 residents in Baytree and 464 homes. We sent out questionnaires to the people we had addresses, emails and text numbers for. We put that information together and submitted it back to the CDD. There is nothing there that would be biased. There is nothing there that would be anything other than just subjective. We gave it to them, and they decided to proceed. Mel, didn't you consult with an engineer to see where the two first test areas would be?

Mr. Mills: Yes.

Mr. Wilkerson: So, we put them there. So please, don't go back and rehash all of that again. It's water under the bridge. You have to be a fool to not understand that there's speeding in Baytree. So how do we continue this in the face of one resident complaining about it?

Mr. Scougall: We had 107 residents within the Windsor neighborhood alone that disagreed with it. I know that's been discussed before, but I just want to clarify that. It's a mischaracterization to say that Susan is alone in this feeling.

Mr. Wilkerson: I'm not saying she is. I didn't say what everybody felt. I just gave the information to the CDD. That's all.

Mr. Showe: Are there any other audience comments? Is there any additional discussion on this item, Mel?

Mr. Mills: No. It's done. It's over.

Mr. Showe: If there are no other comments, our next meeting is scheduled for June 3rd at 1:30 p.m. We are unsure whether we will be able to hold this meeting in person or another Zoom meeting, but we will be in touch with you in advance to set that up.

NINTH ORDER OF BUSINESS

Adjournment

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


Secretary/Assistant Secretary


Chairman/Vice Chairman