

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, June 3, 2020 at 1:30 p.m. via Zoom video conferencing, due to the COVID-19 virus.

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
Ray Malavé	District Engineer
Peter Armans	District Engineer
William Viasalyers	Field Manager
Residents	

FIRST ORDER OF BUSINESS

Roll Call

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

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 Orders 20-112 and 20-114, 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 conferencing technology. Today's meeting is being conducted remotely via Zoom, which allows for all members of the public to participate. Access information was available through the District's website, in the District's notice, and by contacting the District Manager. In order to facilitate public participation we will take any public comment. At this time I haven't received any specific items for the Board in advance of the meeting, but I will continue to check my email.

Typically, we have public comments at the beginning of the meeting and one at the end. If you are there as a visitor, Zoom has a raised hand feature. I will try to do my best as far as watching the 17 folks that are online to see if anyone indicates that they would like to speak, and we will recognize you one by one. When you address the Board, you will be given three minutes. We ask that you please state your name and address. We will keep other discussions minimized between just the speaker and the Board. We will do the same thing at the end of the meeting under public comments. If the Board is amenable, we will open it up for public comments at this time for items on the agenda.

Ms. Susan Sunter (385 Baytree Drive): What is on the agenda?

Mr. Showe: All agenda items were listed on the website.

Ms. Sunter: It's up to the Board, but I would like three minutes to speak about speed humps. Would you like to hear that now or at the end?

Mr. Showe: I think you can take it now.

Ms. Sunter: Last month at the Zoom meeting, we heard a presentation on decibel levels at a speed hump. Afterwards, I did a simple Google search on a question, "What is the decibel level of normal conversation," and found that by far, the vast majority of credible sources place this number at 60 not 70 decibels as was stated at the meeting. Several sources cited 50, but it is important to note that the difference between 60 and 70 is double the noise. The difference between 50 and 70 is quadruple the noise. Based on the information presented at the meeting, reasonable people would conclude that the noise of the speed humps is mostly at or below that of a normal conversation. This is demonstrably untrue. I had two people on separate occasions stand on my sidewalk and shout at my front windows and I could not hear them from inside of my house, whereas I can clearly hear the traffic. I believe that the Board was not in full possession of all the information it needed to make a fully informed decision on Mr. Bosseler's motion to remove the speed hump. Secondly, I reviewed quite a few CDD meeting minutes and found the original recommendations made to the Board by Mr. Wayne Wilkerson regarding traffic calming. It was recommended that permanent flashing radar signs be placed along Baytree Drive and a combination of either humps or flashing radar signs be used on the other heavily traffic streets. I do not know why these recommendations were abandoned. Permanent flashing radar signs would be much more acceptable to me and I believe to the many other Baytree residents who oppose these unsightly noisy humps. Radar signs have the additional advantage of

improving traffic calming over time and they do not impede emergency vehicles. In the minutes I also saw many references made by Board Members specifically discouraging humps being placed directly in front of anybody's home with many alternative sites. I also saw several statements anticipating pushback from residents and the discussion of how to remove speed humps. I do not understand why we and our neighbors continue to be subjected to the stress, noise, and property devaluation of humps when a perfectly acceptable alternative is available and is of similar effectiveness. I propose that the speed humps on Baytree Drive be removed and replaced with permanent flashing radar signs. Thank you.

Mr. Showe: Thank you. I don't see any hands up for anyone else to provide public comments. I am going to unmute all for a moment. If you have a public comment, now would be the time. Hearing none, we will proceed with the agenda.

SECOND ORDER OF BUSINESS

Community Updates

A. Security

Mr. Showe: We don't have any specific representation from the security company, but William can attest that they seem to be doing fairly well. Jerry, I don't know if you have specific items that you want to go over in reference to security.

Mr. Darby: Yes, just a couple of things I addressed with Jason and I just want to update the Board on. We had several camera failures since the last meeting. I'm not sure if it's due to the routers, internet, or all of the above. Likewise, I know the internet has been very slow and I hope that problem has been resolved. I just wanted to give you an update.

Mr. Viasalyers: Regarding the routers, we had one replaced. I know that Frank with Modern Security came out. There was an issue with some of the software and he took care of that. As far as I'm aware everything has been functioning as we hoped it would. There will be times where updates are required with routers, so we have to manually go to the back gate and pool area and reset them. Other than that, we should be good to go.

Mr. Darby: William, why did you have to reset them? Was it a software issue?

Mr. Viasalyers: It's an update that the service provider is trying to send to the modem. We have to unplug them for a minimum of 30 seconds and give them time to reboot itself.

Mr. Darby: How often does this happen?

Mr. Viasalyers: I haven't really gauged it, but I know that it's been happening at least once a month or so, based on the last couple of months.

Mr. Darby: Did DSI give you an update on the progress they made with the Tech Wave system?

Mr. Viasalyers: I haven't received anything back yet.

Mr. Showe: I did touch base with Bill last week on that. They are communicating with Tech Wave. They believe there is an issue with the Tech Wave server that is slowing their software down. I know he said that they are working to resolve that, and I will reach out and see if there were any updates. As far as I know he was aware of it and they were working to resolve it with the vendor.

Mr. Darby: Great Jason, thank you!

Mr. Showe: You're welcome.

Mr. Mills: Matt is now a father of a baby boy.

Mr. Showe: Correct.

Mr. Mills: So, if anyone would like to send him a congratulations card or even a small token of appreciation, I think he would greatly appreciate it because they don't get paid a lot of money.

Ms. Sunter: A gift card might be in order.

Mr. Showe: Are there any questions or comments for security at this time? Hearing none,

B. BCA

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

Mr. Mills: Wayne is not present?

Mr. Showe: I do not see him.

THIRD ORDER OF BUSINESS

Approval of Minutes of the May 6, 2020 Meeting

Mr. Showe: Jerry and Mel provided some comments that will be incorporated into the final version. We can take any additional comments or changes from the Board.

On MOTION by Mr. Mills seconded by Mr. Brown to approve the Minutes of the May 6, 2020 Meeting, as amended by roll call vote:
Supervisor Witcher: Aye
Supervisor Mills: Aye
Supervisor Bosseler: Aye
Supervisor Darby: Aye
Supervisor Brown: Aye
Motion Passed 5-0.

FOURTH ORDER OF BUSINESS

New Business

A. Presentation of Revised Fiscal Year 2021 Proposed Budget

Mr. Showe: We presented a revised budget on Page 58 of your agenda package. The comments the Board originally had were to increase "Engineering" based on some historical figures. We added \$15,000 to "Recreation Area Improvements" under "Capital Projects Reserve." We can open it up for discussion. Obviously, we would be considering this at your August meeting for final approval. Although it is going to be tight next year, we may need to look at 2022 for an assessment increase based on the capital projects for next year, but we are unable to accommodate it at this time with your current assessment level. We can open it up to the Board for discussion on the budget.

Mr. Darby: On the \$35,000, I am still concerned about the fact that we have the year-end projection of \$57,000 this year, although we have some extraordinary expenses. As a matter of policy, if we engage the engineers to do a Pavement Assessment Study, can that get capitalized into "Paving," as opposed to "Engineering Fees?"

Mr. Showe: Sure. We actually did that last year and in prior years where "Engineering Fees" were paid out of the "Pavement Fund." Technically that fund can be utilized by the Board. It's more of a designation fund. It all comes from General Fund revenues that get transferred so you have the ability to transfer it out or utilize it for other sources.

Mr. Darby: Then I'm okay with that \$35,000. Secondly, under Capital Projects, in the spreadsheet on Page 11, you didn't include the \$15,000 for "Recreation Area Improvements."

Mr. Showe: Yes. We will have that updated.

Mr. Darby: I noticed on Page 13 that we are not projecting any beautification expenses for next year.

Mr. Showe: At this stage, we don't have any projections. We don't know what to put in there for right now. I think we are working with Mel to develop that plan for next year. It's just there to show you what the fund has and what the balances are.

Mr. Darby: Okay.

Mr. Mills: Initially, when we did the \$100 assessment increase six years ago, \$100 was supposed to go towards a beautification for Baytree.

Mr. Showe: Correct.

Mr. Mills: I know we diverted some of those funds to other things, but it was still beautification. We also allocated \$10,000 for the parking lot. Right now, I want to get the front finished and then get the back done. Other than that, the guardhouse needs a new floor. It's really in bad condition. Before we put the vinyl tile down, this time I think we can get regular tile that would be maintenance free and we won't have that ongoing expense to replace that floor. This is the second time that floor has been replaced.

Ms. Witcher: Make sure you get commercial grade because it is much stronger than the household that you can get at Home Depot or Lowes.

Mr. Mills: A friend of mine uses ProSource. We already looked at some commercial grade tile.

Ms. Witcher: We need to have a couple of boxes for broken tiles.

Mr. Mills: Yes.

Ms. Witcher: We have to do a new floor because we can't match the old floor anymore.

Mr. Showe: Are there any other questions or comments on the presentation of the revised budget? We anticipate that it will be refined slightly prior to your adoption. The Board certainly has flexibility between now and then to make any additional revisions.

Ms. Witcher: I just one question on Page 12. Was that \$39,000 for National Drive?

Mr. Showe: Yes. If there are no other questions, we will move on.

B. Consideration of Engineering Agreements

- i. Professional Engineering Agreement with Dewberry, Inc.**
- ii. Work Authorization #1 for General Services**
- iii. Work Authorization #2 for Speed Hump Evaluation**

Mr. Showe: At the last meeting, the Board selected Dewberry Engineers, Inc. (Dewberry) as the number one ranked vendor for engineering services. Via Zoom, we have Ray Malavé and Peter Armans who work for Dewberry to answer any questions from the Board. We also presented three different agreements. The first is their typical Engineering Service Agreement, which is what we use for all of our Districts for that level of service. We also provided two Work Authorizations. Work Authorization #1 is for general services, including preparing for the meeting and general items the District needs. Based on the Board's request, they provided Work Authorization #2 for review of the speed humps. With that, I will let them introduce themselves and the Board can review those agreements and ask any questions.

Mr. Malavé: My name is Ray Malavé and I am an Associate Vice President with Dewberry. I have been around for many, many years and I appreciate the opportunity to work with you. Some of the issues that I heard already, or have seen in some of your previous agendas, are very similar to some of the other CDDs that we work with. With me is Peter Armans, who will be working as your District Engineer. He already looked at some of the past issues and will hopefully work with you on deciding how to best provide a response. With that, I will open up the floor to any questions.

Mr. Mills: Ray, one of the issues we have had consistently was when the Board was discussing an issue that none of us were experts of, where we needed a professional to interrupt our conversation to provide input from an engineering perspective. We don't want someone to just come and sit at the meeting, take notes, and then come back. We need guidance and someone to give us input so we can make good decisions.

Mr. Malavé: We will definitely do that. I have over 40 years' experience. I never shut up. I will tell you what I hear and understand. Peter can attest to that. Peter also brings 15 years of experience. He actually works for two cities, although they are not in Florida, to provide perspective of the municipal side. We will not sit quietly. Two things that we provided to a lot of our CDDs is we won't charge you for something that's not our business. We will comment if you ask us what flowers to plant or things like that, but when it comes to engineering issues we will definitely provide our two cents. If we don't know, we will tell you. We will find the information and provide that back to you.

Mr. Mills: We had some issues with someone getting back to us in a timely manner. You are part of a large organization, very well and highly respected and recommended. Are you expedient on time frames?

Mr. Malavé: We usually like to get things before the next Board meeting. That's what we believe your expectations are. Even though we are large, we are a small unit that works very closely with CDDs. Peter has a couple of engineers under him that will handle the day-to-day operations on this particular project. I may need to get involved. We will also work very closely with William, as we have done with other CDDs. Once we get an issue, we will try to resolve it within the week, if possible, depending on what we are being asked. We believe in providing a quick answer because we understand where you are all coming from, especially before the next Board meeting, so you can make decisions.

Mr. Mills: I have no further comments.

Mr. Armans: We work with William and Jason and other CDDs as well. So, we already have that relationship. Hopefully that will become beneficial moving forward as we team up on resolving your issues. So, feel free to reach out any time. We will be here and ready to answer questions as soon as possible.

Mr. Malavé: Our method of operation is if a Board Member calls us and asks us questions, we will always coordinate with Jason because the moment somebody asks us to do something or provide information, the clock starts ticking and we start charging you. We do not like doing that unless we are authorized and blessed to be able to go forward before we spend your money. We do not like spending your money. We are here to help you and guide your community to a better place. Spending your money is not our main objective.

Mr. Mills: That's one of the things that I wanted to talk about. I think with any of our vendors we need to go through Government Management Services (GMS) in order to find out if they already know the answer before you are approached. Then let Jason approach you and he will get you in touch with the proper person.

Mr. Malavé: I totally agree.

Mr. Darby: I have a question for both Jason and Dewberry. Do you anticipate any incremental costs in transferring either the electronic information or hard files from Atkins to your firm? Also, do you anticipate any electronic compatibility issues with some of those files?

Mr. Malavé: Most of the files will be compatible because we have accepted Atkins files on other projects. They use the same program and same types of procedures. So, we are very familiar with them. We already spent time understanding the District, which we will not bill you for, to get familiar with the District. Once we get all of that information we want to categorize it to understand what you have, especially addressing three specific areas that we know we want to get involved with. One of them is of course the traffic calming options, and the second is the shoreline restoration. We can provide engineering guidance on that work with the contractor. There was one other item, which escapes me. That is how we will work. The only reason I will be involved in the beginning is to bring my extensive experience from other CDDs to help directing on some of these key issues where there is a big question mark so we can provide better informed information on the day to day maintenance issues. It will probably be Peter and William that will work with the Board, which will minimize my time. I try to reduce my efforts because I am very expensive. I earned that from my years of working, but I can provide an answer quicker than some of our younger engineers, so it ends up being the same cost. I hope that answers some of your questions. I don't see a lot of dollars being spent, but there will be some time to catch up.

Mr. Mills: Ray, are you the managing partner?

Mr. Malavé: I am one of the managing partners of our Orlando office, but not a principal of the firm. It's owned by a family. I was one of the principals from the previous ownership.

Mr. Mills: Sometimes when you have that kind of talent at the top, you become more efficient, even though the fees are more expensive. So, at the end, the prices are about the same.

Mr. Malavé: Yes. That is a good understanding.

Mr. Showe: Based on GMS' time with this property, William and I can provide them with a lot of information. They are not going to hopefully spend a lot of time digging and researching. I think we have a lot of those resources that we can get expediently upon approval. We already started discussing with Peter about scheduling a site visit once the contract was approved today, so he could get familiar with the property.

Ms. Witcher: Have they already checked on the problems that we had with Space Coast and our drainage issues in that area and the lake bank visits also?

Mr. Showe: At this stage they haven't gotten into any specific projects. We didn't want to get ahead of the curve and have them expend a lot of resources until the Board approved their

contract. When we get with Peter out there and show him the site, we will definitely point all of those things out. Again, I think GMS has a pretty extensive history so we can get them up to speed quickly.

Mr. Mills: Carolyn, the Space Coast issue has been resolved.

Ms. Witcher: Their lake in the back that is higher than it should be?

Mr. Mills: Yes. That has finally been resolved.

Ms. Witcher: Later on, I want to know how.

Mr. Mills: We are talking about in Kingswood. Right?

Ms. Witcher: Yes.

Mr. Mills: There was the gentleman that had all of the water problems in back of his house.

Ms. Witcher: Yes.

Mr. Mills: That has all been taken care of.

Mr. Bosseler: Did we get a price tag on that yet?

Mr. Showe: I will double check. I know the Board approved that contract a while ago. I think it was a couple thousand dollars. It wasn't a huge expense. We had to wait for it to dry out before the work could be done.

Mr. Darby: Jason, just a point of information. When Dewberry comes out for lake restoration efforts, I would like to be a part of that.

Mr. Showe: Absolutely.

Mr. Darby: Thanks.

Mr. Showe: Are there any other questions or comments for the engineer at this time? If not, we need several motions for the Board to consider today. The first would be the approval of their Professional Engineering Agreement, which is your base contract with Dewberry. In coordination with that, once that contract is approved, your contract with Atkins requires a 30-day termination notice which hasn't been activated yet because we didn't want to leave you without an engineer, just in case. So, to the extent that you approve this contract, we would also need a motion to terminate the Atkins contract. Mike, do you have something that you want to add?

Mr. Pawelczyk: No.

Mr. Showe: If the Board is amenable, a motion would be in order to approve the Professional Engineering Agreement with Dewberry and send a termination notice to Atkins.

Mr. Pawelczyk: You can approve in one motion to approve and authorize the execution of their engineering agreement, as well as the two Work Authorizations, but you can break them up if you choose to. That's up to the Board.

Mr. Darby: I think we should split up the Work Authorizations because they are for two different subjects. One goes with the agreement and one is for the Traffic Study.

Mr. Mills: I agree.

Mr. Darby MOVED to approve the Professional Engineering Agreement with Dewberry Engineers, Inc. and Work Authorization #1 for general services and sending a termination notice to Atkins and Mr. Bosseler seconded the motion.

Mr. Showe: Is there any further discussion?

Ms. Witcher: Are we changing engineers?

Mr. Showe: Correct. You would be approving the agreement with Dewberry and we would be sending a termination letter to Atkins.

On VOICE VOTE with all in favor the Professional Engineering Agreement with Dewberry Engineers, Inc. and Work Authorization #1 for general services and sending a termination notice to Atkins was approved.

Ms. Witcher: I would like to thank Atkins for their hard work.

Mr. Showe: Absolutely. We will pass that on to them. We will make sure that they transition all of the records that we need and coordinate with Dewberry. There are two Work Authorizations that Dewberry prepared, and they would need to be separately approved by the Board. The first Work Authorization is for their general services.

Mr. Pawelczyk: That was included in the motion.

Mr. Showe: The next motion is for the approval of Work Authorization #2 for a speed hump evaluation at a not-to-exceed cost of \$3,500. At this time, we will open it up for Board discussion and consideration.

Mr. Brown: I'm not in favor of spending another \$3,500 to determine whether or not there should be speed humps on Baytree Drive. We have been discussing this for at least three

years now. A Committee was set up by the BCA and CDD. Homeowners provided recommendations. The recommendations were to implement speed humps on Baytree Drive, Old Tramway Drive, Kingswood Way and possibly National Drive. Since that time, Kingswood residents said that they don't want them. I want one on Old Tramway Drive. The whole idea was to slow down people driving within the Baytree community on some of the major thoroughfares. Having spent six or seven hours standing by the speed hump on Baytree Drive, I can tell you that traffic slows down when they get to that speed hump. Do they gun it after that? No. the decibel levels that I came up with may not be considered normal by Google, but since I've been in the health care business for 50 years, an audiologist told me that if we can keep decibel levels at 70 or below, we are doing great. It's safe. So, there's no potential of ruining someone's hearing. Again, I just think that we spent a lot of time and effort and there has been a lot of input. Decisions were made and this process took over two-and-a-half years. I have a problem with people saying after the fact that they don't like one in front of their house. I can appreciate that, but at the end of the day it was done to slow speeding down. The police didn't do it. This has done it.

Mr. Bosseler: Do you have a cost to remove a speed hump?

Mr. Showe: At this stage, I don't specifically. I imagine it's probably \$2,500 to \$3,500. Ray is saying yes. So, I think that you are in that ballpark.

Mr. Mills: I already said my input before and I'm going to say it again. I think we have to look at why this was designed to begin with and keep our emotions out of it. There's been a speeding problem in Baytree for many, many, many years. People that lived here in the 1990s told me that we had a speeding problem. The original engineers designed four speed humps on Baytree Drive, not two. I don't remember anything about the flashing lights other than it was discussed. I think the comment at the time was that it would make the community look like a trailer park with blinking lights. I think that was the conversation I had heard before. We have to take into the fact that four were designed for Baytree Drive and we said as a Board, "We don't want to put four in. Let's put two in as a test just to see if it does what we needed to do." My opinion is it has done what we needed it to do. If we need to add two more to solve the issue, then I think the Board needs to consider that, but I think we need to look at the facts and forget the emotions of all of us to make decisions sometimes based on feelings and not what the true

facts are. The true facts are that we have a speeding issue in Baytree and we have tried numerous things to solve it and it hasn't worked. I am not going to make any more comments.

Ms. Witcher: I have lived here since 1994 and we had speeding on Baytree Drive since then. Taking one out is totally out of the question because we don't have normal traffic as everyone has said, because we are pretty much staying home and occasionally going out. We don't have school buses. So, it's premature to even think about taking anything out that we spent money on. I don't think we need another traffic study until things get back to normal, if we have a normal anymore.

Mr. Darby: I'll make a comment that is just an observation. That observation is we put two speeding humps on Baytree Drive and yet nearly 50% of the drivers during our study exceeded the 25 miles-per-hour (mph) speed limit with the speed humps. That to me does not make any sense. Probably, the logical answer to that is the original Engineering Study recommended four speed humps and we put in two. If we would've put in four, perhaps the speeding would've been much more reduced than it actually is, but we are not getting our value out of those two speed humps that are there. The question is, if they weren't there would speeding be 60% or 70%? We don't know. We don't have that information. One of the other problems I think, as Carolyn just brought up, is a Traffic Study at this point in time may not tell us all that we want to know, because of the fact that we don't have school buses and many people are not working. A lot of people are staying at home. So, it may be indicative, but may not give us a true reflection of what is going on. It doesn't answer Ms. Sunter's problem on what we are going to do with the speed hump in front of her house, but the observation is that I don't think the speed humps have all been that effective. I can tell you for sure that radar signs have zero effect with no enforcement.

Mr. Brown: I'm going to somewhat disagree with you, Jerry, because having stood out there by the speed hump in front of Ms. Sunter's house, I can absolutely say without a doubt, that people slowed down. They came around that second turn after the front gate. You can see them accelerate and then they saw the speed hump sign and decelerated dramatically. I think without that speed hump they just would've kept on going about 35 mph. That's just a guess, but I can tell you that they slow down.

Mr. Darby: Yes, I agree. They slow down at the hump, but they also speed up after and before the hump. So again, two humps over that span of roadway is probably not as effective as it would be if they had four humps.

Mr. Brown: I agree. I stood there and watched them accelerate after they went over the speed hump. They didn't floor it. By the time they got to that intersection from Bradwick Way, they might have been doing 30 mph at the most. If there wasn't a speed hump at 385 Baytree Drive, they probably would've been doing 40 mph because there was nothing to stop them from going 35 to 40 mph from the front gate to the speed hump at Hole 9.

Mr. Mills: Has Ray been out here?

Mr. Malavé: No, I have not. One of the things we wanted to do was to get a better feel of what that means. I think the location is one of the better ones because you want to get it to where people start speeding up after they come through the gate. Four speed humps are always going to be better. This is not what you want to hear, but the problem you always have is controlling people in a vehicle is almost impossible. You are always going to have somebody that is going to do what they want, no matter what you put in front of them. Now these big tables that you have out there definitely make them stop because they do not like that uncomfortable feeling. If four is better, then we need to look at what the study said and go from there on where the options are. Our recommendations have always been to put them where there are stop signs. Stop signs are actually more hardcore together with that speed hump to make people stop. Plus, you can also use it as enforcement.

Mr. Mills: We had stop signs.

Mr. Malavé: You're right. Speed humps could also be a deterrent that costs a lot of money.

Mr. Darby: It always has been totally ineffective.

Mr. Showe: If the Board is amenable, we have a resident that would like to make some comments.

Mr. Greg Scougall (432 Birchington Lane): Thank you. Just a brief comment, speaking as an alternate voting member for Windsor where Susan lives. I would like to point out the obvious. There is only one person directly impacted by it in terms of proximity to the speed hump, and that is Susan Sunter. If nothing else I recommend that going forward, regardless of the decision for this speed hump, that the impacted residents be considered, respected, and approached about

their impact or their potential impact so the Board can make an informed decision. Just as Mr. Bosseler said at the last meeting, he spoke to the residents that live near the crosswalk for the golf course. Apparently, they indicated that they would like speed humps. So respectfully, I would ask that residents be considered and perhaps some kind of a rule be enacted. If a certain percentage of the impacted residents do not agree with it, then that would also be considered by the Board. That's all.

Mr. Showe: I think the decision in front of the Board today, and hopefully Ray will support this as well, is you have a Work Authorization with a scope. If you are not ready to act on that Work Authorization now, the pricing likely will stay the same. It's there and available for you and you know what that particular scope is going to cost. So, I think it's really up to the Board at this point to determine if and how you want to proceed with that specific Work Authorization or give them additional direction for a different kind of scope of work.

Mr. Brown: Let's table it until we have our workshop, because I'm sure that's going to be a major issue at the workshop on what we want to do long term with the speeding.

Mr. Showe: Sure.

Mr. Brown: As well as the roads and everything else, so let's tie that all together. I would have absolutely no problem if the Board wanted to implement the speed hump on Old Tramway Drive.

Mr. Darby: I agree with Ray. I think a Traffic Study would be a better value once we have more normalcy of people moving about. I think it could be tabled for now.

Mr. Showe: Alright. Is there any other discussion from the Board? If not, I will note that we will look at this at the next workshop.

Mr. Darby: Which is July.

Mr. Showe: Correct.

C. Consideration of Revocable License Agreement for Golf Cart Path

Mr. Showe: There is a general map in your agenda showing where the golf cart path is located. Both Mike and I were provided earlier this week with an agreement from the early 1990s from the golf course. We don't believe it specifically covers this issue, but depending on the exhibits and the intent, it might. In talking with District Counsel earlier this week, it would be our recommendation at this point to allow us to have that agreement with the golf course.

Essentially the intent of this agreement is to outline at the end of Old Tramway Drive a piece of CDD property that actually has a cart path on it, where Balmoral Park is. The intent is to delineate that the CDD is not responsible for maintenance of that cart path and any maintenance would fall to the golf course. It's not our infrastructure to improve or maintain. We just want to lay that out in an agreement. We are still trying to do some research on that past agreement to determine how applicable it might be. So, unless the Board has any discussions, we would like to hold this and let us continue doing some research on it.

Mr. Pawelczyk: If I could add, the 1993 agreement that Jason is referring to is a recorded document. There is basically a warranty deed. There's easement language in there related to golf cart paths and bridges on property within Baytree. Rather than Jason and I spending time reviewing and analyzing a 230-page document, I told Jason what I thought it said. He is coordinating with the golf course to let them do the work and for them to tell us that the golf cart path on Parcel C-22 is covered by the easement. The way I read it, it isn't covered. I don't intend on doing work until the golf course's lawyer points out where in the agreement that easement exists. I believe it's in the legal description that was recorded by the developer when they entered into this easement in 1993.

Mr. Mills: I'm shocked.

Mr. Pawelczyk: I'm sure. We will let the Board know what happens. There is no action to take at this time.

Mr. Showe: Correct.

Mr. Pawelczyk: Jason informs me that the CDD, at least as long as he has been around, has never had to maintain the golf cart path or the bridge and there are no issues from a maintenance standpoint. Hopefully we will be able to report back at the next meeting.

Mr. Mills: On Page 6 of the Revocable License Agreement, does "*Assignment*" cover if the golf course is sold or transferred to another individual or membership?

Mr. Pawelczyk: This Revocable License Agreement, if we are to enter into it, would be recorded in the public record. The answer is the license will travel with the land.

Mr. Mills: Correct.

Mr. Pawelczyk: The new owner would take the land subject to that Revocable License Agreement. It's just like an easement that's on your property. It is just one of those things that

was pointed out by a resident and Jason and I tried to fix it, so we were okay going forward. We will see what the response is.

Mr. Darby: I can give some background to this, which was brought up by a resident of Balmoral. The resident was seen by golfers walking across the bridge, going from Holes 17 to 18. They complained to the golf course. The golf course issued a note that was disseminated to residents from Fairways informing them that if they are walking on the golf cart path, they are trespassing. They will call the police if we see walkers in the future. The resident alleged that they could not enforce a trespassing violation for someone walking on the golf cart path, as it was actually part of the CDD and not part of the golf course. Then I came to find out he was right, at least for that very small portion. So that's the deep background of what brought this entire thing up.

Ms. Witcher: From a safety standpoint, that is not a good place to be walking.

Mr. Darby: Well, that's a whole different issue, especially if I'm hitting the ball anywhere near Hole 17.

Mr. Brown: Or driving a cart.

Mr. Showe: We will continue to keep working on that if there are no other questions from the Board on that item.

D. Presentation of Number of Registered Voters – 994

Mr. Mills: This is the announcement of the number of registered voters in the District. We are required annually to announce this and as of April 15th, there are 994 registered voters within the Baytree CDD. This doesn't affect any change for your District because you already turned over completely to a resident elected Board.

E. Ratification of Time Change of Water Aerobics Class

Mr. Showe: Pursuant to their agreement with the District, they can seek changes to the time of that agreement allowing them to teach water aerobics classes, but it does have to be brought to the Board at their following meeting. They requested that the time be pushed back from 2:00 p.m. to 3:00 p.m. to 3:00 p.m. to 4:00 p.m. If there are any questions for the Board, we can take them, or we can take a motion to ratify that change.

Ms. Witcher: During school time, that would interfere with the kids coming out of school wanting to go swimming.

Mr. Showe: I think during the school season, they probably wouldn't want to have the class at that point anyway, but for now during the summer, it was their request to move the class for now.

Ms. Witcher: Can we put on there that it's just for the summer?

Mr. Showe: Yes. The Board can set it for whatever length of time they would like at this point.

Ms. Witcher: When school starts, I would like to move it back to their regular time.

Mr. Showe: Okay. I can let them know that in August, we want to have it moved back to the regular time.

Ms. Witcher: Yes, or any other time, but not when the kids are out of school.

Mr. Showe: Okay.

Mr. Bosseler: Jason, I think we need a sign posted on the gate to tell folks when the classes are held because there are more people using the pool and the facilities now. I have been informed that people are trying to come in and use it while the water aerobics class is going on. I will think about drafting something and send it over to you. Maybe we can get a permanent sign stating when the classes are.

Mr. Showe: We can get something posted.

Ms. Witcher: Are you going to keep our regular people out at all during classes?

Mr. Showe: No, they are not excluded. They are supposed to utilize about half of the pool during those classes. We have limited them to 50% capacity right now, but they shouldn't monopolize the people while those classes are being held.

Ms. Witcher: Maybe they need to know that they can have their full classes, but limit the amount of classes so there is 50% capacity.

Mr. Showe: To date, I'm not aware of anyone complaining that they haven't been able to use the pool because of the classes yet, so it's something that we are actively monitoring. If it becomes a challenge, I think we would look to make changes to the water aerobics.

Ms. Witcher: Richard, did you have anybody say that they wanted to use the pool and they couldn't?

Mr. Bosseler: There were some people using the pool when a class showed up. They had kids. So, they informed the family that they had it reserved from 9:00 a.m. to 10:00 a.m. or

whatever time it was. There was only one incident. I think if we posted it, it would take care of any future incidents.

Ms. Witcher: They need to know that they do not have the entire pool.

Mr. Bosseler: They know that. The family had little kids that didn't want to play in the deep end. They wanted to play in the shallow end where the classes were held.

Mr. Darby: Posting signs is a good idea.

Mr. Showe: We can post the signage. If it becomes a challenge or we get complaints, we can seek Board input and make some changes. We need a motion to ratify that change.

On MOTION by Mr. Darby seconded by Mr. Mills to change the water aerobics class time to 3:00 p.m. to 4:00 p.m. by roll call vote:

Supervisor Witcher: Aye

Supervisor Mills: Aye

Supervisor Bosseler: Aye

Supervisor Darby: Aye

Supervisor Brown: Aye

Motion Passed 5-0.

F. Discussion Items

i. Workshop Agenda

Mr. Showe: The items that I currently have are the strategic plan, welcome packet, survey of the recreation area as well as the speed humps. We can take any other items the Board might want to discuss at that workshop or seek input.

Mr. Brown: Wasn't one of the items we originally were going to talk about the roadway paving versus another option?

Mr. Darby: Right.

Mr. Showe: We can certainly do that. My thought was to have the engineer get up to speed first since we brought in a new engineer, but we can provide him with all of that information. Certainly, the Board can discuss what their approach might be, but to be more productive, I thought we would be better off letting them get up to speed first.

Ms. Witcher: I just wanted to be up to date on the new procedure that we wanted to try to see if they had any other experience with it.

Mr. Darby: I thought we discussed at the prior meeting that there was very little difference in cost. It would probably be a good alternative because you can't micro pave the cul-

de-sacs. So, you have two different paving systems. I think there was a quote and I thought we had consensus that the overlay would be the appropriate remedial measure for the entire community going forward.

Mr. Mills: It might be a good idea, Jerry, to get our new engineer's perspective on that contract.

Mr. Darby: Certainly.

Mr. Mills: We scheduled two workshops so maybe what we need to do is to defer this item to the workshop, maybe in October or November.

Ms. Witcher: Do we need to do it before the budget?

Mr. Darby: No.

Mr. Showe: I wouldn't say that it's going to have a specific impact on your budget. We are allocating \$100,000 to your roadway paving and unless the Board is really interested in an assessment increase, I don't think the amount of money is going to change. It's really just a matter of technique and planning more than funding.

Mr. Brown: Jason, were you going to talk about an assessment next fiscal year at the workshop, given what we need to do with the lake banks, paving and everything else? That's just a thought.

Mr. Showe: We can certainly add that to the workshop agenda. I think that goes into that strategic plan as well. I look at it as all in one, but I will include that under the Strategic Plan discussion, because I think it is something we can target for the following year and have a plan for what, how much and where it's going to go.

Mr. Darby: Along with that Jason, I think we need to put a Capital Plan together, which will dovetail into both the Strategic Plan, capital disbursements and future assessments. I know we put it out there, but it's blank so we really need to take a look at what we are doing. Did you also have on the agenda a discussion of the recreation survey?

Mr. Showe: Yes.

Mr. Darby: Do we include those items that you mentioned at the March 23rd meeting for the upcoming workshop?

Mr. Showe: Absolutely. Let me pull that up.

Ms. Witcher: When is the July workshop?

Mr. Showe: July 9th at 10:00 a.m.

Mr. Darby: It's posted on the website.

Ms. Witcher: Okay, I will look. We don't know where yet, right?

Mr. Showe: We are anticipating that it would be at the Clubhouse. The current Executive Order only goes through July 7th, so unless it's extended we plan to have it back at the Clubhouse.

Mr. Mills: Could we meet at the pavilion?

Mr. Showe: Sure. I will have Stacy advertise it both ways. Mike may have to provide us some input because I don't know if we can advertise a meeting at two different locations.

Mr. Pawelczyk: No, but you could advertise it for the Clubhouse, and if we decide or for whatever reason need to have the meeting at the pavilion, we could post a notice on the door of the Clubhouse saying that the meeting was moved to the pavilion. We would just have to wait five minutes after the start time to start the pavilion meeting.

Mr. Mills: Good idea.

Mr. Showe: We can certainly do that.

Ms. Witcher: William, could we spray for mosquitoes, so we don't get bitten?

Mr. Viasalyers: I'll look into that.

Ms. Witcher: Thanks.

Mr. Showe: We will circulate an agenda like we normally do, two weeks in advance, so you can add any items that you want to. Is there any other discussion? Hearing none,

ii. Suntree Bank

Mr. Showe: Mel requested that this item be added to the agenda so we will open it up for discussion.

Mr. Mills: I had several people approach me about the condition of the Suntree bank. William and I happened to go over there about two weeks ago, and the scenery across the lake looks like slum lords are harboring people renting there. The people that we talked with said, "Why don't we just let it grow up." I think I mentioned before that we don't maintain it. We don't mow it. We should leave it alone and that way, it will be almost like another conservation area, sort of, even though it's not designated as one. Another thing we could do is maybe plant some Philodendrons. When they grow, they get very dense. The other thing we can do is to plant

something inexpensive along that bank and then just let it grow. I'm anxious to hear the Board's thoughts.

Ms. Witcher: We have gone over and over this. Leave it alone.

Mr. Mills: The only problem we have, Carolyn, is in weather like this they can't mow it because it's too wet. If we just leave it be, we don't have that maintenance expense.

Mr. Viasalyers: It would be a one-time expense.

Ms. Witcher: I walked over there and it's fine.

Mr. Brown: Let mother nature take its course.

Mr. Mills: That's exactly my thought.

Mr. Brown: Let's tell the homeowners over there what we are doing because they criticized us for not maintaining the crepe myrtles and all of the other vegetation and landscaping that we put in there. It ruined their view and now they are looking at somebody's standup pool and shed and John Deere mower. I don't have a problem letting it go, but people need to know that's what is going to happen.

Mr. Mills: I think the majority already know that. The point is there is one house that William and I observed. Correct me if I'm wrong William, but it has a dog run behind the house and they have four or five dogs. It is unsightly. I think in order to prevent continuing maintenance, we should just let it grow.

Ms. Witcher: Has anyone spoken to Suntree about putting up a privacy fence over there, if they are going to be on the lake?

Mr. Mills: Our homeowners talked to the Suntree Master HOA and they are trying to clean it up, but they have not done so. Are we not, William?

Mr. Viasalyers: That is correct.

Ms. Witcher: But this is also the family that didn't even like a blow-up pool out there because the kids were running around playing in the pool.

Mr. Mills: No, these are not the ones. We are not talking about Mr. Bowman.

Ms. Witcher: I know that. There is another family on that side that had a polka dot blow up pool for her grandkids.

Mr. Mills: I don't remember.

Mr. Brown: I think when they put a couch on the back lawn, that's when we get our guys out.

Ms. Witcher: It's their property. We don't have any control over what they do.

Mr. Mills: That's why I said let it grow.

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

Ms. Witcher: What happens when they come out and mow it? What are you going to do now; try and enforce it? You are opening up another can of worms.

Mr. Bosseler: Let them mow it. I think it's worth a shot.

Ms. Witcher: But if they mow it, then the same people are going to complain because they can now see it again. Why are we letting them do that? Why are we not enforcing it?

Mr. Mills: Carolyn, if we tell the homeowners we decided to let it go. We are not going to do anything. We have done what they asked us to do.

Ms. Witcher: Are you going individually to each house across the way in Suntree and tell them that?

Mr. Mills: We don't have any obligation to tell them anything.

Ms. Witcher: It's our property. What are you going to do to them when they mow it and the people on our side start complaining again?

Mr. Mills: That was my point. We have done what they asked us to do. The resolution is that we just don't do anything, and we save that expense.

Mr. Darby: I think we should give it a try.

Mr. Brown: We have nothing to lose.

Mr. Mills: Exactly.

Mr. Showe: I think if we are changing the level of service, it may be better to have a Board motion to cease maintenance on that area, maybe for two months or give it a timeframe so you can see the reaction. There is going to be an issue of, "What do we do if they trespass onto our property and maintain it themselves," but we certainly can work with the landscaper. Because you are changing the terms of your landscape contract, we may want to have a motion of the Board to approve that, so we have a formal way to negotiate that with the vendor.

On MOTION by Mr. Mills seconded by Mr. Darby to leave the Suntree lake bank unmaintained for the time being by roll call vote:

Supervisor Witcher: Nay

Supervisor Mills: Aye

Supervisor Bosseler: Aye

Supervisor Darby: Aye

Supervisor Brown: Aye

Motion Passed 4-1.

Mr. Showe: William and I will coordinate with Mel who is in charge of landscaping, as well as with the vendor to make sure that happens. We will also try to negotiate with them, a reduction in rate for the time being since there is a strategy. We are looking at new contracts to the extent we separate that item in their contract, so you have the option of doing it.

Mr. Mills: Jason, while we are on that subject, which also involves a change in the contract, Tropic-Care has not used any granular fertilizer at all on any of our shrubbery. I don't know where and when it happened. It was called for at least twice a year, that they would use granular and once a year they would use a spray fertilizer. The reason why a lot of our shrubs are dying is because they are not getting fed. ECOR is telling Tropic-Care that it was verbal. Tropic-Care is telling us that they made the decision. I did not make the decision because I was after them all the time on where the granular of fertilizer was. So, I think we should have a granular of fertilizer at least three times a year in the season it is called for.

Mr. Showe: We can highlight that in the contract, but Tropic-Care is responsible for whatever the standards are in that contract, however it's performed. So, we will work with them as well to try to help bring that back into compliance, but we can specify in the contract that granular is three times.

Mr. Mills: It's a lot cheaper than replacing all of the shrubbery that we had to replace.

Mr. Showe: Correct.

Mr. Viasalyers: The liquid versus granular is not specifically outlined for shrub fertilizer in the contract. It's only outlined in the turf. So, we would just need to include that language.

Mr. Showe: Yes, we can include that. I will make a note to include that as we revise their contract for the upcoming fiscal year.

Ms. Witcher: Are we not allowed to use fertilizer from June 1st until September 30th?

Mr. Viasalyers: That is right.

Mr. Showe: Correct. That is a Brevard County regulation.

Mr. Mills: Nitrogen and Phosphate.

Ms. Witcher: Per State law?

Mr. Showe: Yes.

Ms. Witcher: Do we need to put that into a contract, so they don't do it during that period?

Mr. Showe: They are required pursuant to the contract to adhere to any state, local, or national guidance. So that would fall under that. They can't violate the terms. That is not on the CDD. In case the terms change they are responsible as the vendor for knowing the laws and maintaining it.

Ms. Witcher: So, from September to June 1st they can do three fertilizer applications of granular.

Mr. Showe: Correct.

Mr. Viasalyers: It's also outlined for February, May, and October. That is what their contract currently reads, which falls in with those periods.

Mr. Showe: Are there any other questions? Hearing none,

FIFTH ORDER OF BUSINESS

CDD Action Items/Staff Reports

A. CDD Action Items

Mr. Showe: We will go through these quickly. On the pool gate system, we are preparing letters to go out to the residents. I know that we have an estimated completion date of July, but we have actually been able to work with the vendor and expect it to be completed on June 17th. The letters will go out next week and then residents will receive their cards. We are currently planning June 17th to have the back gate activated as well as a whole new system. Residents will receive all new cards to access the pool gate system going forward.

Mr. Darby: Fantastic.

Mr. Mills: While we are on that subject, when I was patrolling the tennis courts and the pool I had the privilege of talking to a couple that were playing tennis. They told me that kids were using the tennis courts for skateboarding. At some point I think we need to think about putting locks on those gates to keep them out. The day before there was a group of teenagers playing tennis and the following day, there were bottles all over the tennis court. So, I think it's imperative that we make sure only residents are using that tennis court.

Mr. Brown: I think we should also get an estimate on what it would cost to put a camera on one of those poles on the tennis court that we can tie into the pavilion camera system, so we have some way of monitoring the kids activities, whether it be skateboarding, drinking or whatever on the tennis courts.

Mr. Mills: They probably can do that for the corner of the pavilion. They already have a camera there, don't they Will?

Mr. Viasalyers: That was what I was about to address. You can already see the tennis court from the side of the bocce ball court and the pavilion area.

Mr. Brown: Is it a good view of the entire tennis court, William?

Mr. Viasalyers: Yes. It's a pretty good view.

Mr. Darby: We did that so we could monitor the activity in the parking lot.

Mr. Showe: Correct.

Mr. Viasalyers: Do we want to put that on the public record with that image?

Mr. Showe: Probably not because it does concern cameras and security. It's probably better not to. If anyone would like to meet with Will individually he can certainly show you the view.

Mr. Brown: If there's a camera there's a record. So, we can always go back and take a look and notify the appropriate authorities about what was being done on our property.

Ms. Witcher: I found four or five young adults skateboarding on the tennis court.

Mr. Darby: Just to remind everybody, when we did the survey 62% of people surveyed had an opinion on the tennis courts. They favored restricting access.

Mr. Mills: I agree. We should have a special assessment to put money into reserves.

Mr. Darby: Exactly.

Mr. Brown: I thought we already had a price to hook up the tennis courts to the same system as the pool?

Mr. Showe: We did receive that.

Mr. Darby: I think it's a good subject to bring up at the workshop.

Mr. Showe: Correct.

Mr. Brown: I agree.

Mr. Showe: I'll add that to the list.

Mr. Darby: It's a long list.

Mr. Showe: Making progress is good. The next item is the Kingswood Way drainage which was completed as Mel indicated. The Lake #1 access was in the 2020 lake bank repair. We anticipate that will be later this year. As part of our process to get Dewberry lined up we will give them all that information, show them the scope, and let them see the past and work with the vendor. It's the same vendor that they worked with at Viera and the same process that they used at other properties.

Ms. Witcher: Is he going to do the property that is on the 2020 and 2021 schedules?

Mr. Showe: Correct.

Ms. Witcher: He is doing both of those. Is there anything on the 2022 schedule that is just one house or something while he's here?

Mr. Showe: We looked at that. I think he has already been provided the full scope and it fits into his process, but we will have the engineers look at his scope to see if there's anything else they might think could be added.

Ms. Witcher: Especially if he's on the same lake.

Mr. Showe: Yes.

Mr. Darby: Jason, do you have to modify this agreement to include the 2021 efforts?

Mr. Showe: Yes. I think once we get the new engineers on board, we have them enter into a revised agreement.

Mr. Darby: With 7971 Chatham Court.

Mr. Showe: I believe so. I'll mark that down.

Ms. Witcher: Is that the one on the 2021 schedule?

Mr. Showe: Correct. Finally, we reached out to the gate repair company. Both their proposal and their email are in there, at this stage. Because of the age of the equipment and not having real experience in the maintenance, they would not at this point entertain us getting into the higher level of service package; the gold or the platinum. They prefer to just do the performance maintenance for one year, so they get a feel for the equipment. I think William reached out to them on some other items as well.

Mr. Viasalyers: That is correct. I know that we are in the process of working with ACT before relinquishing them from the property of getting those transponder receivers replaced. We are currently working to get a static IP set up at each location at the front or back before they can come in to work on that project.

Mr. Showe: Their performance maintenance contract for a year includes four visits for \$3,180. So, I think going forward, if the Board is amenable, we would have them do that quarterly maintenance. Hopefully the following year they would be able to look at one of their other maintenance plans that would cover some of the service and parts additionally.

Mr. Mills: The maintenance we have done caused us more issues than we deserve to have so I am all in favor of having this company do that. William, could you share with the Board what you told me regarding the situation with the back gate?

Mr. Viasalyers: Could you refresh my memory please?

Mr. Mills: Yes. You said the gate arm was working intermittently and a wheel was worn out.

Mr. Viasalyers: More or less. The mechanics apparently were worn out and sloppy, causing it to wobble and should be replaced. We have had them out there four or five times in the last three weeks to address the gate arm/barrier arm staying open consistently after each resident drive in.

Mr. Mills: Was that identified the last time?

Mr. Viasalyers: Correct. We had previous service calls and trips and they couldn't identify any issues.

Mr. Brown: Are these the original gates?

Mr. Mills: They are.

Mr. Brown: That should be part of our five-year capital plan. William, it would be helpful if you can get an idea from the new maintenance company, of what it would cost to replace all four gates.

Mr. Showe: Yes.

Mr. Viasalyers: We were already in talks with ACT to replace all of the hardware. You are talking about replacing the barrier arms ourselves?

Mr. Showe: Correct.

Mr. Brown: Everything.

Mr. Viasalyers: We will work on that.

Mr. Showe: We need a motion from the Board to approve the performance maintenance contract with Florida Door Control.

On MOTION by Mr. Darby seconded by Mr. Mills to approve the performance maintenance contract with Florida Door Control by roll call vote:
Supervisor Witcher: Aye
Supervisor Mills: Aye
Supervisor Bosseler: Aye
Supervisor Darby: Aye
Supervisor Brown: Aye
Motion Passed 5-0.

Mr. Showe: We will work with Counsel to prepare an agreement. Unless there are any additional items, we will proceed to staff reports.

Mr. Mills: Jason, we received a quote to come out of the Beautification Fund to stone the rear monument. We had talked about that before. Someone backed into it and cracked all of the tiles, so the gentleman that did the front gate, came out and gave us a quote. I think it was around \$2,100. Isn't that right?

Mr. Viasalyers: It's \$2,700 to do two columns and the entire wall with tile on that monument.

Mr. Mills: Yes.

Mr. Mills: In the front, the flower bed with the short wall in the front, is also going to be done in the back. The back is included with the \$2,100.

Mr. Viasalyers: Correct.

Mr. Mills: I just wanted to let you know about that. At some point we are going to have to, but maybe at this workshop we are going to need to talk about the monuments in Phase 1, which are deteriorating. They are going to need some maintenance done to them. So, they would like to have that all stone at a workshop to discuss what we are going to do.

Mr. Showe: Okay.

Mr. Mills: As far as the tile on the floor of the guardhouse, I'll remove it if that's okay with the Board.

Mr. Brown: Fine by me.

Ms. Witcher: What about the doors on the guardhouse, with all of the things going on in the United States right now?

Mr. Showe: The doors have locks on them. I don't know if it's crash resistant glass or anything other than that, but obviously they have always been instructed if they feel like there is

damage to their personal selves, they can go. We don't want them injured or damaged out there. I don't know if there is any extra safety inside of that building beyond just the regular glass.

Ms. Witcher: There are a couple of rails. Those pilings of concrete are just like tubes that they put in front of the stores just so somebody could drive everywhere. What are they called, Jerry?

Mr. Darby: Bollards.

Ms. Witcher: Where the doors, they can still walk between them, but someone could drive into it.

Mr. Showe: We can certainly look at those. I know where we can get those.

Mr. Darby: I had a couple of things. Will, we were talking about those wireless loudspeakers at the pool where the guard could access them and tell people to get out and the sheriff was on the way, whatever the case may be. Have you made any progress on those?

Mr. Viasalyers: Unfortunately, not. I've been dealing with Frank at Modern Security for the past month-and-a-half. Apparently, there is a huge issue with the COVID and the craziness recently, and he can't get a hold of any suppliers. We are still waiting to get some feedback to get something that would be effective in that situation because of the distance between the guardhouse and the pool.

Mr. Darby: Just keep it on your list. We also talked about the rectangular golf crossing sign to replace what looks like a yield sign.

Mr. Viasalyers: We are going to get those replaced soon.

Mr. Darby: Okay.

Mr. Mills: We are going to try to get the golf course staff to replace them. Jason, that was in the minutes.

Mr. Showe: It's been approved. William is working on getting those done.

Mr. Mills: Okay.

Mr. Darby: That's it.

Mr. Showe: We still have some additional time later in the meeting for additional Supervisor requests.

B. Additional Staff Reports

i. Attorney

Mr. Pawelczyk: I don't have anything new to report, other than if you haven't received your Form 1 yet, that is going to be due on July 1st. If you haven't received it, you should receive it in the next week or so.

Mr. Mills: Mine arrived yesterday.

Mr. Brown: Mine too.

Mr. Pawelczyk: It's just a reminder. If anyone is up for election or has to qualify, the qualifying period is June 8th to June 12th.

Mr. Showe: Correct.

Mr. Mills: It's June 14th.

Mr. Pawelczyk: Did they extend it through the weekend?

Mr. Mills: Yes. The Board of Elections told us when it was.

Mr. Showe: That's definitely news to people on our end. Every county we have seen so far is through the 12th at Noon. So, if they are individually extending it, that's good.

Mr. Pawelczyk: Regardless, you will have to file a Form 1 Statement of Financial Interests to qualify.

Mr. Showe: Correct.

Mr. Pawelczyk: Just so you know. You don't have to file it twice. That's all I have, unless there are any questions.

ii. Engineer

Mr. Showe: We have a new team, so I don't expect to have a lot of updates. We will start engaging them to get them up to speed on the property. They will be fully ready at the next meeting.

iii. District Manager

1. Field Manager's Report

Mr. Viasalyers: I don't have much to report. I think we already touched on a lot of items. I spoke with Mel earlier. Some of the additional items we mentioned was that we are going to work on getting the water fountain at the pool area upgraded. Then we have some additional landscaping items and I have been working on with the recent pool modification. We are working with Tropic-Care to get those replaced. That is pending. It should be completed within the next couple of weeks. The last couple of weeks we had over six inches of rain, and we

haven't had any rain in the swale on Kingswood Drive. So that was successful. We had a bunch of sidewalks grinded and a bunch replaced throughout the community to help with any potential trip hazards. I have been working with a couple of companies to get the monuments that are separating so we can get those addressed and corrected as well. We will present those at the workshop for discussion. That's really all I have unless the Board has anything for me.

Ms. Witcher: I just have a question. Off of Bradwick Way where we have those four big trees that are causing a disruption in the sidewalk when you make a left, can the engineer see if there is a different way we could move that road because we can't take the trees out as they are specimen trees?

Mr. Viasalyers: I don't think we ever requested the prior engineer do that. We can look into it with the new engineering firm.

Ms. Witcher: They said we can't move the trees and that's what is tearing up the sidewalk.

Mr. Viasalyers: Are you talking about the area right in front of Mr. Sherbin's home?

Ms. Witcher: I think so.

Mr. Viasalyers: When they come on board and we do our evaluation together, I will go over that area with them.

Ms. Witcher: Okay. We need to do something because it's constantly having to be replaced.

Mr. Viasalyers: We will look into it.

Ms. Witcher: Thanks.

Mr. Showe: Are there any other items for William? Hearing none,

SIXTH ORDER OF BUSINESS

Treasurer's Report

A. Consideration of Check Register

Mr. Showe: In your General Fund, from April 29, 2020 to May 27, 2020, we have Checks 53693 through 53709 in the amount of \$203,143.47. In your Capital Projects Fund, we have Check 103 in the amount of \$7,300. In your Community Beautification Fund, we have Check 36 in the amount of \$8,577 and May payroll in the amount of \$908.20, for a grand total of \$219,928.67. William and I can answer any questions.

Ms. Witcher: For the payroll, some received \$184.70 and I received \$169.40.

Mr. Showe: It depends on how many exemptions you claim on your tax form.

Ms. Witcher: Okay.

On MOTION by Mr. Mills seconded by Ms. Witcher to the Check Register for April 29, 2020 to May 27, 2020 in the amount of \$219,928.67 by roll call vote:
Supervisor Witcher: Aye
Supervisor Mills: Aye
Supervisor Bosseler: Aye
Supervisor Darby: Aye
Supervisor Brown: Aye
Motion Passed 5-0.

B. Balance Sheet and Income Statement

Mr. Showe: No action is required by the Board. All account lines are in line with the budget.

Mr. Darby: Maintenance assessments were \$37,000 behind the budget. Are we ever likely to see that?

Mr. Showe: Absolutely. We typically get the rest of that. The Tax Collector is usually about a month or so behind. Typically, folks are required to pay their tax bill by April.

Mr. Darby: Okay. Thank you.

SEVENTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Showe: Are there any Supervisor's Requests?

Mr. Mills: I have one, Jason. William made me aware the other day that we have ladies putting sanitary napkins down in the toilet and flushing it, clogging up the toilets. I think we probably need to have a sign posted in the restroom saying, "Please Do Not Flush Sanitary Napkins Down the Toilet." They should know better anyway.

Mr. Showe: We can have William make some signs.

Mr. Viasalyers: We will get some signs and I will post them in the ladies' stalls.

Mr. Bosseler: I was thinking about the last time the pool was resurfaced. Can you do some homework on that?

Mr. Showe: Yes. I believe it was in the last few years, but I will search for the contract.

Mr. Mills: We also need to have the deck and walls at the pool repainted. I can't remember when that was last done. Not since I have been on the Board.

Mr. Showe: I think we had the outside and the deck painted at one point. I would have to go back through my records.

Mr. Mills: One other item. At some point in time, we talked about moving the money we had in Wells Fargo to another bank. I noticed that we have \$368,000 at Wells Fargo.

Ms. Witcher: We discussed it twice, Mel, but they just received another fine for something bad again.

Mr. Showe: Let me get with the accountant. We should be able to get that moved out.

Mr. Mills: What banks do you deal with to make it easier for GMS?

Mr. Showe: We also have some funds at SunTrust and Regions. I know that some of those were based on the fact that we have a Line of Credit at one point and we had to have an account open at that particular bank. I know at least one of those was open for that reason. I will get with our accountant. If the Board is concerned, we will definitely get it moved.

Mr. Mills: Do we still have a Line of Credit with Regions Bank?

Mr. Showe: I don't believe it is currently active right now, but I can double check.

Mr. Mills: Does the Board want to consider having a Line of Credit?

Mr. Brown: Do you want to ask the Space Coast Credit Union?

Mr. Mills: We did not have one before and I mentioned that when I first came on the Board. I think it's imperative that we have some kind of cushion should we need it. Regions obliged us in offering a \$100,000 Line of Credit. We never drew on it, but we had one at no cost.

Mr. Showe: Yes. I think the original cost was only if we drew on it, but we had to have a certain amount on deposit at that bank. We can look into it again.

Mr. Darby: I think the old Line of Credit was 4%, which was a good rate.

Ms. Witcher: You should get one for five years.

Mr. Showe: We can certainly look. Are there any other Board Member comments?

Mr. Darby: Yes, just some follow-ups. We talked about the pavilion parking lot cost analysis. We were waiting for some additional invoices. Are we in a position to discuss it?

Mr. Showe: I think I have that. I will circulate it out to the Board, and maybe we can include that as part of our discussion at the workshop.

Mr. Darby: That's fine. We were going to try to do an LED lighting cost savings analysis. I don't know if you had enough time to assess that.

Mr. Showe: Let's see where we are with our account lines. Most of our electric costs are consistent this year. Let me pull up last year's versus last year. I will have to separate those out.

Mr. Darby: One other thing, which you may have mentioned at prior meetings. Has the transponder software operator been installed?

Mr. Viasalyers: No not yet. That was part of what I was referring to earlier about having a static IP installed at the back and front gates in order to complete that upgrade.

Mr. Darby: Do you think that will be done by the next time we meet?

Mr. Viasalyers: Hopefully. It depends on how fast we can get ACT out there and how fast we can get AT&T out there to do the static IP.

Mr. Darby: Okay, good. That's all I had.

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

EIGHTH ORDER OF BUSINESS

Public Comment Period

Mr. Showe: If you are a member of the public and you want to make a comment, you can do so at this time. I don't see any raised hands. I will unmute everyone and you can go ahead and state your name and address and we will give you three minutes.

Ms. Sunter: I am going to refer the Board back to the September 26, 2018 minutes where Mr. Wilkerson clearly recommends, we permanently install signs for Baytree Drive. Somehow that segued into speed bumps. I didn't really follow this thread easily. I have a quote from the February 19th meeting by Ms. Witcher saying, "We should make sure that they are not in front of somebody's house because they have to listen to the constant braking." There are many references to the noise that you were anticipating. I am really disappointed that is being minimized. It's affecting us and our neighbors every single day. I feel like you are really minimizing the impact of that on us. Aside from the huge hit we are going to take on the property value when we sell this house, nobody wants to live near a speed bump. \$50,000 or \$60,000 is not negligible, but it's our piece of mind that is really being affected. I personally like the idea of having flashing signs. That's not totally self-serving. I did some research and they seem to be at least equally effective to speed humps, based on what I have been following. I don't think even the heartiest advocate of those speed humps can feel that they have been a roaring success. Yes, people slow down at a speed hump, but I'm sure that they are back up to whatever their speed is within 30 feet. Anyone who walks like I do in the neighborhood, can't possibly suggest that

these have had even a modest impact on the speeding. People who want to speed are going to speed. The flashing lights have the advantage of education because people are not thinking, and their minds are wandering. All we want them to do is to slow down. They have been proven to have increased effectiveness over time.

Ms. Sandy Schoonmaker (Kingswood): They look like trailer trash.

Ms. Sunter: I think the speed humps are far less aesthetic. They only flash when someone is speeding. It's not constant. Anyway, I don't know how we got from the recommendation to flashing lights to speed humps and from putting them in front of somebody's house to now putting one directly in front of my house. So, I'm done.

Mr. Showe: Do any other members of the audience want to make any comments?

Mr. Art Breitner (Kingswood): We've been talking about speed humps now for three years. We heard the opinions of many people and have spoken to many people who definitely think they are not effective. If they had their choice, they would not want them. We've had just as many people; I think stating that they have been effective. Jerry has canvassed the people. It seems like this is never going to end. I know that we sort of kicked the can down to the next meeting and now we are going to do another traffic survey. I think it's time to go out and get the formal input of everyone that lives in Baytree to vote either Yea or Nay. Whatever way it goes, it goes because you are never going to get there. We will be talking about this next summer. If we do a mailing or have the VMs go around and canvas people, we will find out what the majority of the people of Baytree want because this is an issue that affects everyone living in Baytree. I understand what Susan is saying because the speed hump is in front of her house, but this is something that everyone in Baytree has to have input into. Is it possible to do something like that?

Mr. Showe: I know that this Board discussed multiple times different kinds of surveys. It would really be up to the Board if they want to put out a survey and proceed in that direction.

Mr. Breitner (Kingswood): I'm talking about something more than a survey. Whatever went out would have to say, "This is a vote." In the United States of America, majority rules. If you don't respond, it's like not voting on Election Day. You had your chance, but you didn't. So, when we get all of the votes back and they get tallied, it's either yea or nay. Now if it's a yea and the Traffic Study says it's not a good idea, then we will wait for direction. If we don't have a vehicle to move forward, if we say it's the right thing to do, we are never going to get there if

you give people an option. If you say, "Let's do a vote and the vote comes in to remove the speed humps," and if the engineering study says, "You have to add more," then what do you do?

Mr. Scougall: You are never going to get there if you give people an option.

Mr. Breitner: Like Susan said, the speed humps are one approach to eliminate speeding. There are other approaches. This is our neighborhood and I think that this is an important enough issue that the people that live here should have input.

Mr. Darby: If you recall, on June 24, 2018, Wayne Wilkerson of the BCA, after input from the VMs, soliciting input from residents, came up with five suggestions. Those suggestions include either flashing radar signs and the combination of speed humps or flashing radar signs on five different streets throughout this community. The Board felt that flashing radar signs in and of itself would be ineffective because there is no enforcement of the radar signs. We know that the Sheriff's Office is disinclined to do anything to issue tickets within Baytree. Honestly, in my opinion, that would be the most effective. If we had a cop out there issuing tickets every time someone zipped around the corner, the speeding would stop. If that doesn't happen, then they wouldn't do it. So, we did get a survey and we did get a response from the community. I think it's incumbent upon the Board to make the best decision regarding the infrastructure of the community. I think it would be wholly inappropriate and difficult that every decision we make on the infrastructure of this community requires a survey and a majority vote. That is just not how this is done. We are representatives of the community and we solicit input, but just like our representatives in Washington, they don't solicit input on every piece of legislation that they pass.

Mr. Breitner: I understand that, but every election when you go to vote, there is always what I call special issues that are brought up with the people that live in the various cities or counties to vote on either yes or no. Be that as it may, I'm just looking to end this. It's been three years. If that's what we want to do, if the speed hump evaluation says that speed humps are good, we should do it. Let's just do it and be done. We are never going to get there.

Ms. Schoonmaker: I just want to make one small comment. The original plan with the two speed humps was an experiment to see how it worked. As Jerry pointed out several times at several meetings, once they go over the speed hump, they speed. I ride my bike up and down Baytree Drive and we observed these multiple times. If it was an experiment and you got a solicitation from the residents, you didn't get much of a response. I'm fully aware of that. Now

that the speed humps have been in for a length of time, I think Art's point is very accurate. It is time to let the citizens of this community once again evaluate whether they want speed humps. I heard them mention putting in stop signs. If you have to stop at every other intersection, you are going to slow down, whether you run the stop sign or not. So that's an alternative that doesn't get mentioned very much and I would like for that to be addressed also. I think Art is correct. It's time to let the residents that have now experienced speed humps express their desires about that.

Mr. Mills: As a Board Member, I agree with what Jerry said. We are elected by the people in Baytree to do the job that they are charged to do. If we go out every time we have a major decision to make as far as the infrastructure is concerned, then we are not doing our jobs. I have mixed emotions on this entire situation. If we put stop signs at every intersection, there will be a stop sign, unfortunately, right in front of Ms. Sunter's house because there is an intersection there, if I'm not mistaken. That's one of the reasons why there was a speed hump according to the previous engineers and why the speed hump was put there right before that intersection. Art, I hate to disagree with you because you are a great guy with a lot of input, but I'm afraid that we are just going to set a precedent every time we want something done and are going to have to go out and solicit comments.

Mr. Breitner: Mel, I understand what the Board is saying, but I cannot recall, and I have been going to these meetings for a long time. Anything that has been this controversial has continued for so long without a final resolution. I'm just looking to find some means to bring this thing to a final conclusion. Don't take this as criticism. It's an observation. What we are doing now is clearly kicking the can again.

Mr. Mills: I hear you.

Mr. Breitner: What's going to happen after this is, we are going to kick the can again. I'm just looking for some plan to bring this issue to closure. That's all.

Mr. Bosseler: Mel, what if we ask Wayne and the BCA to do this vote. I agree with Art. I think we have 900 voters in the community, and we put speed humps in and somehow, we need to get some feedback on what the people want; whether that is continuing to go down this road or stop. Maybe Wayne will do it.

Mr. Mills: I'm sure he will do it. I don't think there's an issue with Wayne doing it. The problem is unfortunately the VMs that were in office at the time, all of these speeding issues have been discussed, but it was not circulated through Windsor. That's very unfortunate, but that

was their responsibility. When we set this up, I remember the meeting when we sat there and said, "We need the BCA to help guide us in this decision of how we can actually make this work." He got with the VMs and solicited them.

Mr. Scougall: Since this is a CDD decision, would it not be appropriate for the CDD to take control of whether or not to do the survey and how it's worded?

Mr. Mills: We can certainly do that, Greg. That's not an issue at all. I'm sure Wayne would do it. I'm open to any suggestion at this point, but I'm with Art, it's got to stop. We have to draw the line in the sand and say, "This is it and this is what we are gonna do."

Mr. Brown: This controversy has been centered around one individual.

Ms. Sunter: That not true.

Mr. Brown: I stood there and measured. I can tell you they don't gun it within 30 feet after they go over the speed hump. I'm sorry. I stood there for different hours of the day; early morning, late morning, early afternoon, late afternoon and I didn't see people going over the speed hump and then within 30 feet, gunning it. It slowed people down. It's unfortunate that people don't see it that way, but that's the way I saw it. We set up a process two-and-a-half or three years ago and now people that don't like the result of that process are criticizing it.

Ms. Sunter: I think the Board did a great job getting feedback on the recreation changes. You received a lot of feedback and are acting on it. I don't know why such a well-organized survey wasn't done, so my question is, would the Board even act on a majority? I believe we have a majority if not a vast majority of people in Baytree opposed to speed humps. So, I don't know if the Board would even agree to go with the majority. It was a well-designed survey for the recreation area. You received a much better response. I believe Wayne only received 75 responses to his original survey. You didn't even take the recommendations, so I don't even know why you surveyed anyway, but it is not slowing the speeding down and it is affecting me. It's going to cost me money. It's a big issue and I don't feel bad. I would've voted for speed humps and I read numerous articles about speed humps in municipalities. People demand speed humps and two months later they demand that they be removed because they were not aware of the negative noise issues. They are real. It's not just me. At the February meeting, there were 35 people sitting there. Only two of them were in favor of speed humps and you had 33 people out of their houses to express their extreme dissatisfaction with speed humps. So, it is not just me

and I resent that you are making it about me. It's my husband, my neighbors and at least the 100 people that I talked to in Baytree.

Mr. Darby: I prepared the survey that we used in the recreation area and I think we were very, very clear stating that the Board and CDD was under no obligation whatsoever to add any or all of the recommendations made in that survey. If we decided to do a survey on speeding, I would do it on speeding and not speed humps. We would do it under the guise that the Board is not obligated in any way, shape or form to take any action whatsoever. The survey is just indicative of opinions and the Board can choose to make an opinion or ignore the opinion as we are discussing various aspects of the recreational survey. So, I think that the Board needs to think about whether they want to engage. As you know, you have to ask the questions the right way to get the information in an honest and objective way. Some other surveys were done in some other sections of this community.

Mr. Mills: The other side of the coin is if and only if, the speed humps come out and the speeding continues in Baytree and someone gets hurt, then what do we do?

Ms. Sunter: That's assuming the speed humps are helping the speeding. It only helps it for 50 or 60 feet. My research shows that flashing lights are as effective as speed humps and they have none of the negative downsides. Why don't we at least keep this seriously on the table? They are not beautiful, but at least they don't have a downside. The people who live in the back of Chatsworth and Old Tramway, are going to slow down emergency vehicles getting to them. There are all kinds of issues. So many cities around the country are banning speed humps because of the negative downside. I know the Board anticipated problems with noise and resident pushback, so it shouldn't be a surprise. I think it's a trial. I'm glad you called it a trial. I think it's a fail. From my experience, people continue to speed. If that kid gets hurt, it's not because there were no speed humps. The speed humps are not helping. I think even your own traffic survey backs me up on that.

Mr. Mills: Ms. Sunter, the situation is this. We asked the Sheriff. He brought in those lights that flash your speed. They were on Baytree Drive in two or three different locations. They did absolutely nothing.

Ms. Sunter: They weren't here in the 10 years I lived here. I would remember.

Mr. Mills: Ms. Sunter, they were here.

Ms. Sunter: I don't think the speed humps are slowing people down. I think Artie's recommendation of doing a straight up survey is a good one. I think you will be surprised that the vast majority of Baytree doesn't want them. Whether that matters or not, I don't know, but it should. We are really affected every day by this and it's difficult.

Mr. Scougall: Would the Board consider following through on Rich Bosseler's recommendation from the last meeting of just moving the speed bumps, so they align with the golf course? That would seem to potentially move closer to everyone's wish of maintaining the speed humps and putting them in a place where according to Mr. Bosseler's survey, the residents are okay with it. It slows people down and adds a benefit of slowing people down by the golf course. The primary negative is certainly financial. It costs \$3,500, but it would be a middle ground solution.

Mr. Mills: Greg, I don't have the study in front of me anymore, but the original Atkins engineering study recommended the one in front of Ms. Sunter's house. The other one was, I think if I remember correctly, right before you get to Bradwick. There was one there and then there was another one further up Baytree Drive, before you get to the one that's there now. So, there were four strategically placed there to slow down traffic.

Mr. Geoffrey Studds (7971 Chatham Court): Great. So that coincides with that recommendation. The golf cart crossing is right before Bradwick, as the survey recommended.

Mr. Mills: That is correct, but there was also one in front of Ms. Sunter's house.

Ms. Sunter: I read a lot of discussion and saw that there were about five acceptable locations. Mel, you were the one who made the final decision. The other options were the grassy area by the gate, golf cart crossing and a couple of other places that had less impact on houses. I know that you were the final person to make that decision based on what I read in the notes. So, it seemed like there were alternatives that would not have an enormous impact on a single homeowner as it is for me.

Mr. Brown: That was a Board decision, not a Mel decision, based upon the recommendation of the engineering company we hired to do the study.

Mr. Studds: That differs with what Mel reported last week.

Ms. Sunter: I have a notice from that meeting.

Mr. Mills: The engineer said this is where it should go, which is relative to where it is now. I said to her, "If we put it here is that going to be satisfactory?" She said yes.

Mr. Darby: We couldn't put it at the golf cart crossings because the engineer advised that it would interfere with the flow of the water at the Miami curbs.

Mr. Malavé: That is correct.

Ms. Sunter: It's interfering with my water. Mr. Darby said, "I think the Board gave Mel authority at the last meeting to approve the speed humps and proceed." Mr. Brown said, "We did." Mr. Darby said, "So it would operate under that premise. You and Mel will get together and figure it out and then do it." Anyway, there were other alternatives, such as the grassy area by the gate. I said my piece and I appreciate your time. It's just super disappointing to me and my husband.

Mr. Showe: Are there any other audience comments at this time? Hearing none, are there any other Board Member comments? If not, we need a motion to adjourn.

NINTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Darby seconded by Ms. Witcher to adjourn the meeting by roll call vote:
Supervisor Witcher: Aye
Supervisor Mills: Aye
Supervisor Bosseler: Aye
Supervisor Darby: Aye
Supervisor Brown: Aye
Motion Passed 5-0.



Secretary/Assistant Secretary



Chairman/Vice Chairman