

MINUTES OF MEETING  
BAYTREE  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Baytree Community Development District was held on Tuesday, December 1, 2020 at 6:00 p.m. at Isles of Baytree Clubhouse, 456 Glen Abbey Way, Melbourne, Florida.

Present and constituting a quorum were:

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

Also present were:

Jason Showe	District Manager
Michael Pawelczyk	District Counsel
Peter Armans	District Engineer (by phone)
William Viasalyers	Field Manager
Valerie Scott	DSI Security
Wayne Huot	BCA President
Joanne Wagner	IOB President
Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Organizational Matters**

**A. Administration of Oaths of Office to Newly Elected Supervisors**

Mr. Showe: Two Board Members are starting their new terms today; Mr. Mills and Mr. Bosseler.

*Mr. Showe, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Mills and Mr. Bossler.*

**B. Election of Officers**

**C. Consideration of Resolution 2021-01 Electing Officers**

Mr. Showe: Pursuant to Florida Statutes after every election, you are required to elect officers. Typically, we have taken nominations from the floor for Chair and Vice Chair. We request that Ariel Lovera in our office be elected Treasurer, George Flint as Secretary and me as Assistant Secretary. Other than the Chair and Vice Chair, the remaining Board Members would serve as Assistant Secretaries. We can open it up for nominations from the floor for Chair or Vice Chair.

Mr. Darby: I would like to nominate Mel again as Chair.

Mr. Brown: I second the nomination.

Ms. Witcher: I would like to nominate Mr. Bosseler.

Mr. Showe: So, we have a nomination for Mel and a nomination for Mr. Bosseler. At this time, someone can make a motion and then we can take a vote.

On MOTION by Mr. Darby seconded by Mr. Brown with Mr. Bosseler, Mr. Mills, Mr. Darby and Mr. Brown in favor and Ms. Witcher dissenting, electing Mel Mills as Chairman was approved. (Motion Passed 4-1)

Mr. Showe: Next is the nomination for Vice Chairman.

Mr. Brown: I would like to nominate Jerry Darby.

Ms. Witcher: I would like to nominate Richard Bosseler.

Mr. Showe: Are there any other nominations? Hearing none, we have nominations for Mr. Darby and Mr. Bosseler for Vice Chair.

On MOTION by Mr. Brown seconded by Mr. Bosseler with Mr. Mills, Mr. Darby, Mr. Bosseler and Mr. Brown in favor and Ms. Witcher dissenting, electing Mr. Jerry Darby as Vice Chairman was approved. (Motion Passed 4-1).

Mr. Showe: If everyone is amenable to the remaining officers, I will read them into the record and you can approve the motion as read. Mr. Mills will serve as Chair, Mr. Darby as Vice Chair, Ariel Lovera as Treasurer, George Flint as Secretary and Ms. Witcher, Mr. Bosseler, Mr. Brown and Jason Showe as Assistant Secretaries.

Mr. Darby MOVED to adopt Resolution 2021-01 Electing the Officers as stated and Mr. Brown seconded the motion.

Ms. Witcher: Is it for one year?

Mr. Showe: Every two years, but when there is a new election, you have to go through this process again. It can be any time, essentially.

Mr. Pawelczyk: Or any time there is a change in the Board. If one of you were to resign, this resolution will come before the Board again.

On VOICE VOTE with all in favor Resolution 2021-01 Electing the Officers as stated was adopted.

### **THIRD ORDER OF BUSINESS**

### **Engineer's Report**

Mr. Showe: Peter is on the phone and we can have him go through his Engineer's Report.

Mr. Armans: I have a couple of quick items. The first item is that we updated the Speed Reduction Study at the Board's request at the last Board meeting. Also, we are getting a quote for the construction of the H4 speed hump. We reached out to one contractor and received a response. We submitted Attachment B, which is the quote from them. We believe it is a little high. It had to do with the cost for the location. If you want to go forward with it, the contractor is well qualified to do the work. Otherwise, we recommend obtaining another quote. Are there any questions?

Mr. Darby: Yes. Just a clarification, H4 is a hump proposed between Chatsworth Drive on Old Tramway Drive?

Mr. Armans: Yes.

Mr. Darby: Obviously \$14,000 is much higher than the \$5,000 we estimated for two humps previously. So, we have to look into that.

Mr. Showe: I think it was because that vendor was onsite doing work at the same time so there was a lot less mobilization. There was a lot less effort for them to get out there.

Mr. Darby: We received two quotes; one from Atlantic that was onsite and one from Goodson, which was actually lower. So, I think there is an opportunity there.

Mr. Showe: Absolutely.

Mr. Darby: He's my contact and I will defer to Rick on this. We have two stop signs in between National Drive and Chatsworth Drive. I think the stop signs have been very effective in slowing things down, and have been cost effective. The question is, do the residents of

Chatsworth feel we should have additional speed mitigation, whether a stop sign or a hump, in between that area, which is about a quarter of a mile.

Mr. Brown: At National Drive and Old Tramway Drive, some people stop at the stop signs, some people slow down and some people blow right through them, especially coming from the back part of Phase 2 of the community going out towards Baytree Drive. I saw a number of cars blow right through the stop sign.

Mr. Darby: Peter, one of the things that I was thinking about, if we were to put a hump there, could we consider a table at the cart crossing between Holes 10 and 11, which is within 100 feet of H4? The table would serve two purposes. Hopefully it would slow down golf carts and also be a speed mitigating device.

Mr. Armans: We can certainly look at that. The reason we put H4 where it is located is because that is a high point on the road. If we put a speed table where golf carts cross, the stormwater would pool up against the speed table. We can put in a special speed table that allows water to flow through the site. Those are a lot more expensive than just your typical asphalt and striping, but we can look into that as well. If you want, under the direction of the Board, we can put plans together for you and get another quote for that.

Mr. Darby: I would like to see what that quote looks like.

Mr. Showe: Yes, we can do that.

Mr. Mills: Peter, I'm going to suggest in the future that you reach out to local contractors within Brevard County because like we said before, even though we had two done for \$5,000, including the painting and the signs, I think you need to at least share the bidding process with residents of Brevard County.

Mr. Armans: I agree with you 100%. That's the reason we don't recommend going with this quote because it is high. We had a very short time to get quotes. We need to put a plan together, provide details, send it out to the contractor and get a number back. So, I 100% agree with you and that is what we would recommend, finding local contractors. If there are local contractors that the Board worked with in the past, let us know.

Mr. Showe: I will get you that.

Mr. Mills: Jason or William, could give us a list of who we used in the past?

Mr. Brown: I recommend we put that speed hump or speed table as close to the cart path crossing as possible, like we did between Holes 8 and 9 on Baytree Drive.



Mr. Armans: Again, any crossing site is going to be a place for water to pool, unless we know that the speed table with the channel on either end will allow the stormwater to go by. So, if that is what you us to put a plan together for, we can look into it.

Mr. Darby: I think we would want to look it both ways, Peter, and I think we want to take a look at it from a speed table standpoint because it protects the golfers as well as slows down the drivers, and look at what the cost would be for the original proposal from one of our local contractors.

Mr. Mills: Can the regular speed humps like the ones on Baytree Drive be kept in from the drainage side so they can drain along the curve?

Mr. Showe: The speed humps can. I think what he is saying is if you do a table, it requires some additional design to make sure that water can flow to the sides.

Mr. Mills: Right. I got it.

Mr. Armans: You have golf carts driving straight through it. To clarify, you want to look at the table option where the golf crossing is.

Mr. Mills: Correct. Which side?

Mr. Showe: Across.

Mr. Darby: It is going to go across.

Mr. Mills: The east side of the crossing or the west side?

Mr. Darby: At the crossing.

Mr. Showe: So, if you think about what they have at the Shoppes of Viera, it is a similar look. It will have pavers at the top and golf carts will go right across it. What he has to do is make sure that he is not impeding the drainage under the Miami curbs.

Mr. Mills: I wasn't thinking that we would have the golf carts go over it, but we are.

Mr. Darby: Of course, Peter. We would like to take a look at your original proposal for H4 with a local contractor so we can see what the cost is.

Mr. Armans: We will get two quotes; one for a speed hump at the current location, H4, and a speed table at the golf cart crossing.

Mr. Darby: Right. In your quotes, please have them include striping and signage.

Mr. Armans: Do you want approaching speed hump signage?

Mr. Brown: Yes.

Mr. Darby: There is a requirement by the County to have signage 100 feet on either side and the appropriate painting of stripes. I want to make sure that's all inclusive.

Mr. Armans: The quote has those requirements already and a plan. I will submit the plans with the quote to give you an idea of what the sign will look like.

Mr. Mills: Okay.

Mr. Darby: Good.

Mr. Bosseler: To Rick's point, he brought up the fact that some people are respecting the stop signs but some aren't. Should we consider police enforcement for a limited time?

Mr. Mills: I think we mentioned that at the last meeting and instructed Jason to have them come in at some point in time. I think it's too early now, but maybe after the holidays the Sheriff can come in on a routine basis.

Mr. Showe: We will request it again.

Mr. Bosseler: I have seen a little bit of traffic with the Sheriffs coming in, but I haven't seen a lot. We are facing a busy month.

Ms. Witcher: It has been crazy around here.

Mr. Bosseler: To your point, if you have an officer sit there for a couple of hours, everyone would stop. Weeks later, residents will be looking and going slow.

Ms. Witcher: We have to think about whether this is going to do any good. Are they going to write tickets or are they just going to say, "Don't do this?"

Mr. Showe: I think that is the consensus when we pay them to come in, but they really don't write tickets.

Mr. Mills: Do you want to call the Sheriff or do you want me to call them?

Mr. Showe: I'll call them. Frankly, it would be better if we both did it. The more you shake that tree, the more they seem to respond.

Mr. Mills: I will call them tomorrow. Are you thinking about doing this, Richard, right now?

Mr. Bosseler: I would think so.

Mr. Showe: At their convenience.

Ms. Witcher: Have them start in the busy season.

Mr. Mills: I will let you know, Jason, what he says and then you can let the Board know.

Mr. Showe: Absolutely. I will reach out as well.

Mr. Armans: The next item is the playground drainage area. We have one alternative that included French drains. This time around we included some additional options that don't have French drains. They just have catch basins. Keep in mind that French drains will basically provide better drainage as far as how wet the soil is going to be because it collects water deeper into the ground versus a catch basin. So, you have two options. One has more maintenance requirements, which is the French drain. This is Option 1. Maybe all you need is Option 2, which is the catch basin. Whichever option you prefer would solve the issue.

Ms. Witcher: Does the French drain option include all of the cleanouts because they get clogged?

Mr. Armans: Yes. If we were to do French drains, they would clean out all of the connection plates to allow for maintenance.

Mr. Mills: The only problem is if we have open catch basins, that could be a hazard as well, especially if and when we get the playground up and running. We certainly don't want kids playing in water. So, I think we probably are going to have to narrow down the French drains.

Mr. Darby: What is the cost difference. I think the catch basin option is more expensive, Peter.

Mr. Armans: These catch basins represent our soft catch basins that can be purchased at Home Depot or Lowes. We are not recommending a concrete one with a heavy metal grate. These are 12x12 catch basins with a grate, which are more affordable.

Mr. Mills: Are you talking about a grate that has wider bars across or narrower bars?

Mr. Armans: It is more like crop bars, not like the ones you see on the road. These are the smaller grates.

Mr. Showe: Irrigation style.

Mr. Darby: Jason, if we were to go with French drains, who would maintain them?

Mr. Showe: It would be something that we have to put on our schedule to do routine maintenance.

Mr. Mills: We have a hose to flush them out.

Mr. Darby: Okay.

Mr. Mills: That makes sense.

Ms. Witcher: That is why you have the cleanout. So, you don't have to dig them up to do them.

Mr. Showe: If the direction of the Board is for Option 1, we will get some quotes and bring that back to the next meeting so you can see what the cost is.

Mr. Darby: I would suggest doing that.

Mr. Showe: Okay.

Mr. Bosseler: Mel, at the workshop we talked about getting it graded first.

Mr. Mills: Yes.

Mr. Bosseler: Should we try that first?

Mr. Mills: We probably should.

Ms. Witcher: We could do both.

Mr. Mills: Don't you think so, Peter?

Mr. Armans: It depends on what you are thinking about. Are you thinking about filling in the playground basin area to help runoff?

Mr. Mills: Yes. Remember when you, Jason, William and I were out there and I said, we have to start at the pool area and gradually taper it down towards the wetland?

Mr. Armans: Yes, I remember that.

Mr. Mills: Don't you think we should do that first before we do the French drains?

Mr. Armans: We can start by identifying the area. Keep in mind, by trying to have a machine back there that tears everything up, grades and resods, I don't imagine it is going to be a lot less expensive than putting in the pipes. We recommend doing both together.

Mr. Mills: That is a good idea.

Ms. Witcher: Because then we wouldn't need to replace the sod twice.

Mr. Showe: Correct.

Mr. Darby: I think if it fits directly and holds what we decide to do at the Rec area, then we can put a number of things in there. Because if you grade it now to facilitate drainage, you may have to grade it again. If we decide to put the pickleball court in there, it doesn't make a lot of sense. So, I think we need to step back a moment and take a look at the entire perspective.

Mr. Mills: Maybe we should table that.

Mr. Darby: I don't see any general need to do this until we are ready to develop that area. It's been that way for years. We are just trying to facilitate the playground and make it adaptable. So, I think if we have a plan and a cost, we can execute it.

Mr. Mills: My concern is when we have a lot of rain, a lot of water is pooling at the pavilion. Maybe that is because we talked about putting a French drain between the tennis and bocce ball courts to get rid of some of the water that's there. Then we talked about having a French drain immediately right past the pavilion to the left. So maybe we can get those two done before we even consider the other part.

Ms. Witcher: Shouldn't we do it all at one time? It would be cheaper to have somebody do it that way.

Mr. Darby: If you put in a French drain and you grade it and that grade gets into the French drain, you are going to be tearing it all up.

Mr. Mills: I was thinking about grading that other part, because we don't have to grade that. If we put some French drains in, it is going to drain all of the water out. It depends on what you put there. You may still have to put some fill in and grade it.

Ms. Witcher: I think one plan was to do it all at one time and try to get a cost and do it, not just piecemeal it. I think it costs more money to piecemeal it than to have a comprehensive plan showing how to drain it out properly. Let's not waste energy.

Mr. Mills: I agree.

Mr. Darby: Okay, so Peter is going to get us a cost option.

Mr. Showe: Yes, with the grading.

Mr. Darby: With or without the grading.

Ms. Witcher: I don't think we can do it without the grading.

Mr. Showe: Okay. I think that is all Peter has.

Mr. Armans: I just wanted to make sure that I heard correct. The Board is asking that we get a cost for Option 1 that includes grading.

Mr. Darby: With or without grading

Mr. Armans: With and without grading. Okay, when we are talking about grading, we are talking about drainage for the sake of drainage, not for the sake of putting in a playground in a location that we know about.

Mr. Showe: That is correct.

Mr. Mills: Correct.

Mr. Darby: That is correct.

Mr. Armans: Okay.

Mr. Mills: Is it beside the tennis courts and the pavilion?

Mr. Armans: We are talking about one east of the pavilion. The one that is between the pavilion and the tennis court. I believe when we talked about it for the meeting, it was something that maintenance could just take care of. Do you want me to add that to the project?

Mr. Mills: You can include that as an option.

Mr. Armans: When you are talking about putting in a drain at the pickleball court, we are talking about the grading of that area to the tennis court.

Mr. Mills: No, the grading between the tennis and bocce ball courts.

Mr. Bosseler: The area around the pavilion is always wet.

Mr. Armans: Do you want to bring this all the way from there towards the wetland?

Mr. Mills: Yes.

Mr. Armans: I will add that. When you say, "*Around the pavilion*," are you talking about south of the pavilion?

Mr. Mills: Yes. If you walk into the pavilion, to the immediate left we showed you where that load area is and how wet it is there. That is what we are talking about.

Mr. Bosseler: If you aren't sure about that, why don't you meet with William and I, give us a date and we will go over it again so the Board can be clear.

Mr. Armans: We can do that.

Ms. Witcher: We can't have two of you meeting at the same time.

Mr. Showe: We will have a Board Member there.

Mr. Mills: Somebody will be there.

Mr. Armans: Also, if you want, markup one of these drawings and send it to me.

Mr. Viasalyers: We can put something together.

Mr. Showe: Take pictures, mark it on the map and we will distribute it to the Board.

Mr. Mills: Yes. That is what we will do.

Mr. Showe: Yes, we can do that.

Mr. Mills: Do you have anything else?

Mr. Armans: No.

Mr. Darby: Peter one other thing. Has the transfer of files from Atkins been completed?

Mr. Armans: I believe they dropped off or Jason had a thumb-drive with that information. Is that correct?

Mr. Showe: We have it. We gave them everything we have. We received it right after the last meeting.

Ms. Witcher: I have one question for you. I asked about the corner of Bradwick Drive and Birchington Drive. On the west side, we have four big specimen trees. The sidewalks are heaving terribly and had to be replaced already. Is there any relief that we can get from the county on what we can do with those trees and the sidewalk in moving one or the other? I don't know what the county will let us do. It's a mess.

Mr. Armans: I drove by that area to see the health of the tree. I didn't see anything odd that would warrant the trees being removed. At this point, there is nothing we can say to have the county let us remove them, but some are problematic. He said that he was ready to replace the sidewalk. If you install it properly, it should survive a while before it becomes another problem, but if the problem comes up again, we can look into it.

Ms. Witcher: At one house, the driveway is on the skirt between the sidewalk and the road. It is a trip hazard now. Is there anything we can do besides removing the trees?

Mr. Showe: They will not let us take them out right now.

Ms. Witcher: Alright. What else can we do with the sidewalk. Can we do something else with it?

Mr. Showe: All we can do is repair the sidewalk.

Ms. Witcher: Just keep repairing it.

Mr. Showe: The residents have to take care of their own driveway.

Ms. Witcher: It's between the sidewalk and the street.

Mr. Showe: That's part of the resident's driveway.

Mr. Armans: The sidewalk can be ground down and residents can repair their own driveway. Usually, the trees don't go first. We have a few other options before we even have to touch the trees.

Mr. Mills: Are there any other questions for Peter? Okay, thanks and have a great holiday.

*Mr. Armans left the meeting.*

#### **FOURTH ORDER OF BUSINESS**

#### **Community Updates**

##### **A. Security**

Ms. Scott: Hi everyone! It is good to see you and happy holidays. All I really have to report is we have done software upgrades to speed up the process. We replaced the printer for the vehicle passes. We had an corded scanner, but we had the wireless scanner in place. Everything is working well. William can attest that he checked with all of the officers as well. So, unless you have questions for me, that is all I have to report.

Mr. Mills: Where are we at with the speaker at the back gate?

Mr. Viasalyers: We are still waiting to get the equipment.

Mr. Showe: I will note that we are having those same challenges with Modern. All of the electronics is a challenge to get in.

Mr. Mills: I guess that's due to COVID.

Mr. Showe: Correct.

Mr. Darby: Jason, I think you were looking at changing the internet provider.

Mr. Showe: That's done now.

Mr. Viasalyers: I can give an update on that. Construction was done at the front gate. We are waiting for them to provide us with the costs for the back gate. They are going to present a proposal for \$2,000.

Mr. Mills: Is this AT&T?

Mr. Darby: No, Spectrum.

Mr. Viasalyers: They are going to cover \$8,000. The bill is \$10,000. We have not gotten a quote yet so that's why we haven't presented it.

Mr. Darby: What are they doing exactly?

Mr. Viasalyers: They are adding another cable to be able to allow them to tie in there.

Ms. Witcher: Could we approve \$2,000 for the construction at the back gate, if he receives the quote, instead of waiting until the next meeting?

Mr. Showe: The Board can make a motion not-to-exceed \$2,500.

On MOTION by Mr. Brown seconded by Mr. Darby with all in favor approving an amount not-to-exceed \$2,500 for the rear gate construction was approved.
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Mr. Darby: Personally, I have AT&T and had 4-megabit download, but when I went to Spectrum, I went to a 100-megabit download.

Mr. Showe: There were some cost savings in terms of the regular monthly service.



Mr. Mills: Is there anything else for security?

Mr. Darby: Just one other item. I noticed that the three cameras over the pavilion area were down today. Do you know what's going on there?

Mr. Viasalyers: Yes. I called a friend of mine. He is coming out.

Mr. Mills: We would like to publicly thank Matt. He is probably one of the best security guards that we have had in quite some time.

Ms. Scott: We appreciate how you have taken care of him.

Mr. Mills: We don't want to lose him.

Mr. Showe: We hear you.

Mr. Mills: So, if you could reach in your pockets a little deeper, we would appreciate that too.

Ms. Scott: He is a great guy. We are happy to have him. You've shown that support and we appreciate that.

Mr. Mills: Thank you. Is there anything else for security? Hearing none,

## **B. BCA**

Mr. Mills: Wayne?

Mr. Wayne Huot (BCA): Happy Holidays. I am the President of the Baytree Community Association (BCA). Mel asked me to give a brief overview of the BCA. I appreciate you giving me the opportunity to be here. As all of you are well aware, this has been a difficult and challenging year. We are trying to get a lot of things done. Setting up a new Board has had its challenges. Just for your information, the BCA was established in September of 1993, with the sole purpose of making Baytree a premiere community and working closely with the CDD. We've done a lot of things together. We are stronger as one than we are separated. It has been pretty active, even though we are challenged by COVID-19. We currently are using Zoom. The reason for that is Fairway Management will not release its people. You are not even allowed to go into Fairway Management's office. We are looking for different venues to meet at. The Clubhouse does not have a good hotspot for us to meet in person and use Zoom. Sandy prefers meeting face-to-face. I prefer that as well, but with COVID-19 and the age of the people in this community, we don't want to be too cavalier. At one point we had four foreclosures. That has all

been cleared up. Tomorrow, a lot of you from the Windsor area will be voting for your Voting Member (VM).

Resident (Not Identified): In the past it was a certain amount.

Mr. Huot: I think it will work out very well. It will be a lot easier than trying to handle 135 people. We had a VM meeting and had a great turnout. There were a lot of excellent discussions for a good two hours. We will probably do those at least twice a year so people know who they are talking to. The newsletter will be coming out. It is almost done. The newsletter will be from the BCA and the CDD. The first one will be larger than what we initially wanted, but we haven't done a newsletter in three years. We got a lot of good participation. If you have something to say, say it. It is your newsletter. Stephanie Knudson included coupons for foods for Moon Golf, recipes and things of that nature. There are a lot of good ideas and we are open to anything. I went down to the pavilion on Thanksgiving. I was glad to see it was not empty. It was pleasant, but we don't see that enough. I was checking on the prices; \$100 to rent and \$200 for cleaning, which is expensive. It is hard for people to pay.

Mr. Bosseler: That's for a non-resident. If you are a resident, it's free.

Mr. Brown: No.

Mr. Darby: No.

Mr. Wilkerson: There should be some money in case someone else can clean it up.

Ms. Joanne Wagner (IOB): Take a deposit.

Mr. Huot: They are charging \$100 to use it and \$200 to clean in two separate checks. So, we are going to change that.

Ms. Witcher: They have to check with us to change it.

Mr. Mills: While you are on that subject, if I may interject, we as a Board correctly discussed those fees. I'm on the same page as you are. I think for a resident, we should take a \$25 or \$50 deposit. If they don't clean it up, their deposit is not refunded, but if it is cleaned up, there is no charge.

Mr. Darby: Let me just go back and explain how this came to be. I think the \$200 is a deposit for damages.

Mr. Brown: Right.

Mr. Darby: The charge is \$100. That came directly from Fairway Management going over to see whether or not the place was tended to and whether it needed to be cleaned up or not.

Fairway Management charges \$40 or \$50. At the time, the BCA thought that \$100 would probably cover any additional charges. So that's how that came about. The real cost to rent that for a private affair is \$100. Now whether that's outrageous or whether you want to reduce it, is totally up to you, but somebody does have to go over and check it out. Having said that, the last time I looked, there were zero private parties.

Mr. Huot: People aren't using the facility. So, we need to change the price.

Mr. Viasalyers: We have cameras so we can review it.

Mr. Darby: I also believe the people who used it have kept it clean. I don't think we've had any complaints about the place being trashed. To your point, the first year was a learning experience. We went through that last year. If we need to make changes, that's what we have to do.

Mr. Huot: That's what we want to do. I don't know if we just pay Fairway Management and include that in our budget because we have extra money, which is BCA money and make it totally seamless from the residents.

Ms. Witcher: Does the money go to us or to them?

Mr. Huot: It goes to you. One of the big things that we are doing is making the violation process a little softer, gentler, sweeter. People take it personally when they get a violation letter. People need to take a deep breath and chill out. They can all call me if they want. I don't care. People were receiving violation letters and were quite upset. We are working on it. They are doing a good job. It is not easy. People need to understand that it is not residents going around and ratting out their neighbor. They are not the ones calling. Fairway Management was hired specifically to do that and that's a big thing for them. They go around and write the violations. The only reason I'm telling you this is to please tell that to your people. We were spending 45 minutes on ARC issues and we had other things to talk about.

Ms. Witcher: But your neighbors can go to Fairway Management and anonymously report one of their neighbors. So, they do, do that.

Ms. Wagner: I don't think it happens as much as you think.

Mr. Huot : It is very sensitive to a lot of people and a lot of people take it personally. They take it as a personal insult that there is something wrong. I'll be honest with you. I'm tired of hearing it. There were many events, but due to COVID, we suspended all events for the rest of this year. Susan has a lot of different ideas. Do you have any questions?

Resident (Not Identified): How much does Fairway Management get for every violation letter that they send out?

Mr. Huot: Nothing. It's part of their contract.

Resident (Not Identified): In the past it was a certain amount.

Mr. Huot: It actually goes to the BCA.

Resident (Not Identified): The BCA does not send out the violation letters. Fairway Management does.

Mr. Huot: That is correct.

Mr. Darby: In the name of the BCA.

Resident (Not Identified): I understand that.

Ms. Wagner: It is part of the fee that you pay Fairway Management.

Resident (Not Identified): I'm just curious because in the past, with a different provider, that was the structure.

Resident (Not Identified): We had violations and they gave clarification. I said, "*Thank you very much.*"

Mr. Huot: That is a great point. There needs to be a little prudence used in some of these things. One person received a violation letter for a wheelbarrow in their front yard while they were having landscaping done.

Mr. Darby: Going back to Windsor, is that handled by Fairway Management as we discussed at the last BCA meeting?

Mr. Huot: Yes.

Mr. Darby: So that whole protocol that Jim outlined is going to be followed.

Mr. Huot: Right. It will be in the newsletter that it will have to be voted on by all of Baytree once Windsor agreed to do it.

Ms. Witcher: What is the reason they are trying to break it up?

Mr. Huot: There are 135 homes. For one person to try to communicate with all of those people, is almost impossible. This way it will be broken down into groups of 30 people and they get to know their neighbors and the people they represent. It will be a more accurate way as far as votes and representation of these certain periods.

Resident (Not Identified): What is the size of these other voting areas?

Ms. Schoonmaker: There are 48 in Kingswood.

Mr. Brown: There are 47 in Hamlet.

Ms. Witcher: There are 40 to 50 in Turnberry.

Mr. Mills: The average is in the 40s.

Ms. Schoonmaker: Windsor is ridiculous.

Mr. Huot: It is an unfair voting number. To get to know all of those people, I don't think when you do votes, it is a true representation of what Windsor as a whole want. Because I don't think all of those people really know. When you get VMs, if you have 50 people that go to Sandy, when she goes to vote, she is representing those 50 people.

Mr. Mills: Are there any other questions for Wayne? I would like to personally thank Wayne on behalf of our Board for doing the job you are doing. You are doing a great job.

Mr. Huot : Thanks. There are a good group of people.

Mr. Mills: It is great to see someone who has taken an interest and truly looking out for the residents and not just talk.

Mr. Brown: I would like to add, as a result of cooperation between the CDD Board and the BCA Board, the holiday lights just went up. The BCA contributed over \$3,000 to our budget. So, thank you, thank you, thank you.

### **C. Isles of Baytree**

Ms. Wagner: I am President of the Isles of Baytree (IOB). We had our Board meeting right before I left town in October. I was appointed the President again. I have a whole new Board. I'm trying to bring them up to date. We are still working with the zoo on taking care of that fence. We own the entire fence out there and we are trying to either replace it or clear it out and get all of the debris away because it looks pretty bad. Right now, I think Florida, Power & Light (FPL) is putting poles along there as well. So, they want to clear it. We are going to let them do that and then we will get on that with them. We had a gas leak here on Thanksgiving at a house. We are not sure what happened with that meter. They are blaming the landscapers, but the landscapers didn't even come out here with mowers last week. That was a lot to do all day on Thanksgiving, but the gas company came out and repaired it right away. So, we got that taken care of. At our meeting, we did some updates to our by-laws. We were also trying to update our leasing by-laws, but that did not pass. I think it's because we really didn't educate the residents. So, we are going to try it again. The reason why we were trying to update them is because right now our by-laws are almost 21 years old. It is a month-to-month lease and we want to have a

one-year lease. We have some major issues with some tenants here and we are trying to get that taken care of, especially with the houses that are owned by businesses. We have six businesses in here right now and we are afraid it might become like an Air B&B or whatever. We are trying to get that changed. They have to own the house for one year before they can lease it. So, we are trying to get that redone. We reorganized our ARC Committee. We had some people that didn't have time to serve, were aggravated and weren't doing the job. So, we just went ahead and reorganized the entire ARC Committee. It is working well. I just want to tell you that everyone here appreciates the Christmas decorations at the entrance. We think they are beautiful. We have no violations in here right now. Everyone corrected all of the violations. We have no delinquencies for the first time. We also just cleared away all of the debris again from the golf cart crossing. We asked the maintenance people at the golf course if they could pick it up and they did. So, we are trying to get them to at least to mow their side, but it's a challenge. You were talking about getting bigger stop signs. Are we going to be putting one at the golf cart crossing?

Mr. Showe: I think we asked the golf course to do that. That is actually their property so we can't put those stop signs there.

Ms. Wagner: So, we are just waiting on them.

Mr. Showe: Correct.

Mr. Mills: They should be putting the legal stop signs up. Not these small ones.

Ms. Wagner: They never stop.

Mr. Mills: We had one hit on Old Tramway Drive.

Ms. Wagner: That's it for me.

Mr. Mills: Thank you. Thanks for allowing us to use your facility today.

Ms. Wagner: You're quite welcome.

## **FIFTH ORDER OF BUSINESS**

### **Consent Agenda**

- A. Approval of Minutes of the October 7, 2020 Meeting**
- B. Consideration of Installation of Stop Signs**
  - i. 2 Signs at Baytree Drive and Glastonbury**
  - ii. 2 Signs at Berwick and Kingswood**
- C. Consideration of Installation of 2 Benches**

Mr. Mills: Were there any additions or corrections?

Mr. Showe: We have the consent agenda. I know that changes were made to the minutes. We can approve all of those at once if the Board would like. We talked at the workshop about adding four different stop signs.

Mr. Mills: Right.

Mr. Showe: There are also two benches for approval. We recommend a motion to approve the minutes as amended and the stop signs and benches unless the Board wants to discuss those individually.

Mr. Mills: What are the Board's wishes?

Mr. Darby: I think we can make one motion to approve the Consent Agenda, but not the stop signs in conjunction with the speed hump. We can do them all at the same time.

Mr. Mills: We will be waiting for the speed hump.

Mr. Darby: I understand that, but the level of noise that I receive every time we put a speed monitor in. So, I would rather do it all at once.

Mr. Showe: Understood. If that is your wish, we can pull the stop signs from the Consent Agenda and hold them until you are ready to put them in.

Mr. Darby: Okay, but I think we agreed to go with the speed hump on Old Tramway Drive. Right?

Mr. Mills: Right.

Mr. Showe: I think once we receive a price, we want the Board to approve it. We can bring the stop signs back with that when it's ready.

Mr. Darby: Why don't we go ahead and approve the stop signs now.

Resident (Sandy Schoonmaker, Kingswood): Jerry, I think that you need to listen to what the residents are saying. The stop signs are probably not an expense you should incur at this time, because the approval of the speed hump looks like it is going to drag on a couple more months.

Mr. Mills: Did Kingswood say that they want the stop signs?

Ms. Sandy Schoonmaker (Kingswood): Only one person was concerned about the stop signs. Some people are really excited.

Mr. Darby: For the record, Sandy, when we put signs at three intersections, I received 18 different comments. Not all of them were favorable. Some of which had no real opinion of them

other than they hated the poles. That was their only comment. From a purely selfish point of view, I would rather deal with this once. I don't know that we have that big of a problem tabling the stop signs for 30 or 60 days.

Ms. Schoonmaker: One thing that you have to understand is that we received 18 complaints.

Mr. Mills: They are all coming back. They are the ones that wanted that to stop.

Ms. Schoonmaker: I can see what your point is.

Mr. Mills: Go ahead and put the stop signs in and let people get adjusted to that before we do the speed hump.

Mr. Bosseler: We have a problem in Kingswood. I watched a post office truck go by this morning at 60 mph.

Ms. Schoonmaker: That is bad.

Mr. Darby: I withdraw my comment.

Resident (Not Identified): If you put those stop signs up, are you encouraging our residents to go through them? I live right across the street at National Drive and Old Tramway Drive. There are some young people that don't even slow down.

Ms. Witcher: That's why we need the Sheriff in here.

Ms. Schoonmaker: Even when you had the Sheriff come in sporadically, it worked. We never knew when that Sheriff would be sitting around. We would slow down because we were worried about the police. He may not be writing tickets, but he was slowing people down.

Mr. Mills: Why don't we go ahead and put the stop signs in. Then I will get a hold of the Sheriff. That way he can come and police the entire area.

Ms. Witcher: He can make a lot of money.

Mr. J.P. Heatherington (Southpointe): Before we table the stop sign discussion, I would like to discuss a few things about the stop signs. I can discuss it now or under public comments.

Mr. Showe: It is up to the Board.

Mr. Pawelczyk: I think if you are going to vote on the stop signs, we should have that discussion.

Mr. Darby: Go ahead.



Mr. Heatherington: You received a very nice email from me because I'm very unhappy about this. Is the Board familiar with the Manual of Uniform Traffic Control Devices (MUTCD)?

Mr. Brown: Yes.

Mr. Heatherington: So, you read that document. For those of you who don't know, it's issued by the Federal Highway Association. It delineates some controls for traffic control devices throughout the country. Not every single state adopted it, but Florida has. So, the question becomes, it is very clear in Chapter 2B, regarding regulatory signs, that we are not in compliance. All of the named stop signs, all six, need to go in the form that we are considering tonight. It clearly says, "Yield or stop signs should not be used for speed control." So, we are not in compliance. Brevard County Ordinance #92-11, which establishes the CDD, says, "In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies." Yet we are not in compliance. So, what do we do? Those stop signs need to go and they need to go now.

Mr. Mills: Mike, do you want to address that issue?

Mr. Pawelczyk: I assume that the signs are being installed in accordance with Brevard County regulations. Brevard County adopted the MUTCD. So, I don't know the answer to that. I don't know the process to put in the signs, but they are there in accordance with the rules because they are applicable. I don't necessarily agree with what you said. The signs are not necessarily being put in for speed control. It is not for speed control. It's for traffic control. So, they are not being installed, just for speed. They are included in the Traffic Control Plan that this Board discussed numerous times, but that is a staff question as to what process is undertaken to make sure that the signs were installed in accordance with Brevard County regulations.

Mr. Heatherington: So, Brevard County uses this manual, but in no case, do we meet the requirements. Someone explain this to me. I want to know who appointed you? I'm concerned. We have to purchase six more stop signs. I lived here for 10 years and I deal with three stop signs a day on the way out from my house. Now I will be dealing with 11 signs. That's ridiculous. So, I want some answers. What I want to know from the Board is, who is going to give me solid answers? You might convince me that I'm wrong, but from what I am reading, I'm right.

Mr. Bosseler: Maybe we should consider taking the stop sign down and putting in speed humps.

Mr. Heatherington: I am totally against the stop signs. In fact, if you really read the MUTCD thoroughly, you can argue that almost every stop sign in Baytree should be removed. There are very specific requirements in here that you should consider. We didn't even consider them. You haven't convinced me.

Mr. Mills: I understand you being upset. The point is that we have a serious issue with speeding.

Mr. Heatherington: Stop signs are not the answer.

Mr. Mills: May I finish? I didn't interrupt you. We have got to control traffic so it does not hurt or injure children. Our community is turning over. Older people are moving out and younger families are moving in. I was on Bradwick Drive the other day and there were four young kids playing in the street. No parents were around. I have seen people drive onto Bradwick Drive like a bat out of hell. If one of those kids get killed, the onus is going to be on this Board. I can't sit up here and basically say that we are going to take the stop signs down or remove the speed humps down and you can go as fast as you want.

Mr. Darby: I am just going to defer to the District because I asked a question about the installation of those stop signs and the contractor they used, confirmed that he installed them in compliance with Brevard County regulations.

Mr. Mills: That is correct.

Mr. Heatherington: Yes, I agree. The problem is that you can't just put a stop sign wherever you want. It is very clear. The Board is required to comply with the rules and regulations and it didn't.

Mr. Mike Sherbin (Windsor): From south to north, you cannot see cars until they are right on top of you. It is a safety issue. When you come from the Clubhouse, there is a big tree and bush there. You can't see. There should be a stop sign there. I think there is. I'm talking about all the way down Bradwick Drive. It is a necessary safety issue. It has nothing to do with speed in my opinion, but I would hope that our newsletter would also address the fact that bicycle and golf carts, especially driven by young people also have to use stop signs. They breeze through there. I saw where they all have been hit. If a young kid is driving a golf cart,

they just wiz right through there. The bicycles are the same way. The stop signs are for everybody.

Mr. Heatherington: It is kind of a catch 22. I ride down there so you understand what they are saying. Most of the people that come in, come around your neck of the woods.

Mr. Sherbin: That's right.

Mr. Heatherington: I have them on camera. It was explained very clearly to me that it was for speed control and I'm telling you that can't be the reason. It is very clear.

Mr. Sherbin: It is for safety.

Mr. Heatherington: I recommend that the stop signs all be completely justified in accordance with this manual, because if they are not, I'm going to be upset.

Mr. Darby: Let me make a suggestion. We asked our engineer how fast we can control the traffic situation here in Baytree. They came up with numerous suggestions including many stop signs throughout this community. I suggest that we go back to them and say, "An issue has been brought up by a resident who is very upset, who wants to have justification for the actions that you recommended that this Board in good faith, pursued." We need to have it come back to this individual and any other individual who wants it, justifying the exact actions we took. Would that be good?

Mr. Heatherington: That's exactly what I'm suggesting.

Mr. Darby: Good.

Mr. Heatherington: They will look at Paragraph 2E.4, which clearly says, "Stop signs should not be used for speed control." So, if there's another reason, which probably meets the requirements of this manual, then okay, but that is not how it was explained.

Mr. Darby: Can you do me a favor? You know my address. Obviously, we corresponded before. Send me the specific areas that you want justification on.

Mr. Heatherington: Every single stop sign that they are putting in the community.

Mr. Darby: No, no, no. I mean the specific rules. Give me the reference and I'll pass it on to Jason and he will forward to the engineer, who will give you their opinion, right, wrong or indifferent.

Mr. Showe: I think we don't approve any additional stop signs, until they get back to us.

Ms. Witcher: So, we will table this?

Mr. Showe: Yes.

Mr. Heatherington: Thank you, Jerry.

Mr. Showe: We will pull Item B from the Consent Agenda.

Mr. Darby: Alright.

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor the Consent Agenda items, with the exception of Item B were approved.

Mr. Mills: Thanks for your concern.

## **SIXTH ORDER OF BUSINESS**

### **Presentations**

#### **A. CDD 101**

Mr. Showe: We will make a presentation on what a CDD is. I know most of you have already seen this. These are the basics of a CDD. Some of these don't apply right now to the District, but we can talk about establishment, financing assessments, elections and turnover, reporting requirements and Sunshine Law and ethics, which is a good refresher for the Board. We will start with an overview of a CDD. *1. What is a CDD?* We are a Community Development District. It is a local unit of special purpose government established under Florida Statute, Chapter 190, providing a mechanism to finance, construct and maintain improvements here. It is important to note that it is separate from and not an arm of the county or city. We are a completely separate governmental organization. These are just an example of some of the things that a CDD can do. Everything here is in Chapter 190 of the Florida Statutes. We will upload this presentation on our website after tonight's meeting. We can sue, contract, they can borrow money and issue bonds, adopt rules, maintain an office, but very likely does not. It can do eminent domain, charge fees, levy assessments and exercise anything under Florida Statute Chapter 190. This gives you some idea of some of the things that a CDD can build and construct. So, you have water management, water supply for our wastewater system and stormwater system, bridges, culverts, roadways and transit facilities. It is not very common, but it can happen. The CDD can do environmental investigation and conservation areas. Some of our newer Districts are getting things required like you have to donate money for a school. You have to donate property for certain things. So, anything that is in a Development Order can be run through a CDD. Some other things that we can do are parks and recreation. It is not common, but a CDD can do some form of fire control in school buildings if it is required, security for the

guardhouses and gates, mosquito control and waste collection and disposal, although it is not common. 2. *What are some things that a CDD cannot do?* We are a special purpose. We cannot take action inconsistent with local planning or regulations from a city or county. We cannot adopt our own Comprehensive Plan. We can't do anything regarding zoning regulations or any changes to building developments. We must comply with all city or county rules, regulations and policies regarding planning and development. Another thing that a CDD cannot do is we are forbidden from Florida Statutes and having any police powers. So CDDs cannot do anything that a Police Officer would do, such as issuing tickets and enforcement. We can't do any of that as a CDD. 3. *What are the benefits of a CDD?* In the beginning phases, the builders and developers have a lot more pressure put on them from local counties who provide things. So, a CDD lets them provide some of that. You get less expensive infrastructure financing, because we are a Government so we can get tax exempt finances. The debt is secured by assessments, initially, which have a 100% collection rate once a community like this is developed. So, unlike an HOA where you send out bills, the CDD can put it on the tax bill. There is almost always 100% collection. Another important thing that I like about CDDs is that it spreads the infrastructure costs over time. So instead of affirming it, all of the people that move in pay for everything and everyone else gets a free ride. The CDD should pay for it over time, so the people using the facilities constantly pay for it. Again, we have a more stable stream of revenue because you pay property taxes. CDDs can handle procurement and also get tax exempt purchasing. It allows owners ultimately to determine their own level of service. They are long-term maintenance entities, which can help promote long-term property values. 4. *What is the Difference Between an HOA and CDD?* With the CDD, we have Sunshine Laws, open records, sovereign immunity, eminent domain and public accounting. We can issue tax exempt bonds. Revenue collections differ. We collect on the tax bill. There is a public procurement process. CDDs cannot typically do any type of architectural review. The Board of Supervisors on the CDD are elected through the election process. 5. *Access and Records*; everything in the CDD is public. HOAs are private. 6. *Accountability*; again everything is public with the CDDs. So, there is much less accountability on the HOA side. 7. *Hurricane Recovery*; CDDs typically intend to be more self-sustaining. 8. *Self-Reliance*; because we are not relying on the city or county, the CDD is going to have more reliance. Typically, cities and counties like CDDs to be responsible for your conservation areas, because of your longer-term financing and collection methods. 9. *Turnover*

to Homeowners; CDDs are guaranteed to turnover to homeowners in six years after creation and 250 registered voters. 10. *Insurance and Financing*; when we issue bonds, all of that money is available on Day 1. These don't apply, but we will go through the basics on how a CDD is established. It depends on the nature of the project, timing and delivery of improvements. One consideration when you establish a CDD is private versus public infrastructure. Everything we own as a CDD, because we are a Governmental entity, is public by nature. In some cases, if you are developing a community, you might want your Clubhouse to be run by the HOA because you can make it private. It just makes it a little different. So those are some of the nuances there. Again, this is a city or county issue. Typically, they are responsible for creating CDDs. Districts over 1,000 acres in size are established by the State as opposed to local municipalities.

Ms. Witcher: How many acres do we have?

Mr. Showe: I believe it is less than 1,000, but I have to look up the exact ordinance to know the number.

Mr. Pawelczyk: I will see what's in the Ordinance.

Mr. Showe: When CDDs are created, it also requires 100% of all landowners. Typically, at that point it is one landowner of the developer. Regarding the accounting and financing issues, when you start, for a CDD to levy assessments, you need to have a Capital Improvement Plan (CIP). You need a Methodology Report. The next process is the bond validation, where the District has to sue the State for the right to issue bonds. I know it sounds weird, but that is the process. Then you issue the bonds.

Mr. Pawelczyk: There are 474 acres to the raw land.

Mr. Showe: These are the people that are involved. You have your Manager, District Engineer, District Counsel, Financial Advisors, Investment Bankers and counsel for the bonds. Then there is use of the documents. Again, that doesn't apply here because you already paid your bonds off, so unless you issue more, these are highly irrelevant. Something that everybody likes to hear and talk about is the special assessment that shows up on your Tax Bill. We are getting a lot of calls right now, so we know that those are the questions that people have. Not all of the people in this room do, but we get a lot of phone calls. It is important to note that CDD assessments are co-equal with taxes. There are off-roll collection methods, but that is only when Districts aren't platted. So, if the developer owns a large piece of land, we might choose to send them a direct bill as opposed to an assessment on a tax bill.

Mr. Mills: It was brought to my attention, since our assessment fees are on the tax bill, it becomes a tax deduction.

Mr. Showe: You would have to get this advice from a tax professional.

Mr. Pawelczyk: Talk to your tax lawyer or accountant. I am not a tax lawyer, but it is my understanding the answer to that question is no.

Mr. Mills: That is what I figured.

Mr. Pawelczyk: A lot of people just deduct the entire amount when they do their taxes.

Mr. Showe: There are two things that we are required to do whenever we levy an assessment as a CDD. One is you must derive a special benefit from that assessment. So, in the case of Baytree, it's the roads, the stormwater, especially the amenities, security, all of those things and they have to be fairly and reasonably apportioned. So, in Baytree, we do that by assessing every home at the same level. That is how we meet those two targets here. There are various ways to apply that. Some of our communities do it by house size. It can get really complicated.

Mr. Pawelczyk: So, if you had a mixed unit community, such as condos, single-family and villas, they are all different based on their size.

Mr. Mills: All jokes aside, maybe we should tax Southpointe higher than the rest because they have the bigger houses.

Mr. Darby: I don't think that is such a good idea.

Mr. Pawelczyk: Sometimes that does come into play. Jason, as the Methodology Consultant, would have to show that, that larger house derives more benefit from the infrastructure that the District is acquiring or constructing than your house. Sometimes that is not always the case because it's stormwater.

Mr. Showe: Right.

Mr. Pawelczyk: In other words, they have a larger yard and are actually providing more stormwater protection than a smaller yard, which would balance out the Methodology. So, for the most part, most Methodology Consultants try to do it where single-family get one assessment.

Mr. Showe: A lot of the new ones we are seeing are along those lines. So single-family all get the same assessment. Condos might get the same. Multi-family units might get the same, but we also had something to do with what Mike said. They look at it, so if you have a 50-foot



lot, you pay more than 40-foot or 30-foot lots. To calculate that, you have to almost have to calculate trips. If you have a 30-foot lot, you might generate three trips a day so your impact on the road is less. It requires a whole different level.

Mr. Pawelczyk: There are some crazy methodologies out there.

Mr. Showe: Yes.

Mr. Darby: So, Jason, one of the things we talked about is perhaps looking at the assessment we charged the golf course. I assume some of that justification would be looking at whether tee times have gone up. I don't know if it would be a drain on our resources.

Mr. Showe: You have the ability to change that methodology. As Mike said, you have to approve the calculation. The calculation that we are using now is based on the Methodology that was done with your bonds. So, it just kind of flows through at this point.

Mr. Darby: So, we need to assess it.

Mr. Pawelczyk: We have to do the entire process all over again.

Mr. Showe: Debt special assessments, which you don't have at this point, are allocated fairly. That is the per unit versus EAUs. If you get into the process of assigning different units to different properties, then you really start chopping that up. Operation and maintenance (O&M) is where you guys are at now. Your assessments are all O&M. It is adopted in connection with the annual budget. It pays for administrative costs as well as ongoing improvements and maintenance. The process to levy them is similar, but there is no cap on O&M statutorily. So, you can choose to raise assessments to any level you choose in a single year, but you are required to provide notice. That is according to the Florida Statutes. If this Board raised assessments, which we have done before, you have to send out a mailed notice 21 days in advance of the public hearing, giving people proper notice, telling them where to go for the hearing and where to get the budget. The Methodology will follow your Debt Assessment Methodology. It is a lot cleaner that way. Some of our Districts don't do that. Some of our Districts have O&M assessments, where every home is the same and the debt follows a different methodology, but it makes it a little more complicated.

Mr. Pawelczyk: Sometimes the reason they follow the debt assessment is because when I go to court to validate the bonds, I also validated the assessments and the process, so that the Assessment Methodology has been validated and cannot be challenged once it has been validated. It was been blessed once. The next item has to do with election and turnovers. CDDs



are elected by five elected Board Members. In the beginning, you have a landowner's election where you get a vote based on the number of acres that you own. If you own less than an acre, you get one vote. Typically, that is when the large landscaper levies the most majority of votes. After six years and 250 registered voters, resident electors begin to claim the seats. That transition process happens over six years for the five seats that transition over. You can be removed from your seat if there is abuse.

Mr. Pawelczyk: Or if you are no longer qualified.

Mr. Showe: Sure.

Mr. Pawelczyk: So, if you move out of the community and no longer reside here, then you can be removed if you refuse to.

Mr. Showe: Yes. To serve on this Board, you have to be a qualified elector, meaning you have to be registered to vote in the District you live in and are serving for. These are some of our recording requirements. We follow all kinds of local guidelines on elections, bidding and awarding contracts, advertising and meetings held in the Sunshine. That is very important, so all of our CDD meetings are publicly advertised. Every member of the public whether they live here or not is welcome to attend and welcome to speak. We do minutes and distribution. We maintain all of the official records and report financial information. Anybody that is an officer of the Board has the financial information on file with the Supervisor of Elections. We establish internal controls and also disclose to potential landowners that there is a CDD and what the implications are. So, when you purchase a house here, you should've signed something at closing acknowledging that you are purchasing within a CDD and there may be assessments associated with that.

Mr. Pawelczyk: That's only for initial purposes.

Mr. Showe: Really?

Mr. Pawelczyk: Yes.

Mr. Showe: Okay.

Mr. Pawelczyk: We have a pretty sophisticated group here, compared to some of my other Districts. When you buy a house, you order a title, showing who owns the home. In the documents in that title work, there is a Notice of Establishment that says, "*This is a CDD.*" If you have a good Title Agent or a real estate lawyer, they are going to tell you that you are buying into a CDD. That's also disclosed in an estoppel letter and when you file your taxes. You will

also see the CDD assessment on your Tax Bill. That's another indicator that you are in a CDD. Only the initial purchaser can sign that document.

Mr. Showe: That is the biggest challenge we have with folks that buy brand new homes.

Mr. Pawelczyk: Exactly.

Mr. Showe: Because they don't have a Tax Bill to look at. Some of the sales depend on the real estate agent who may or may not tell you about the CDD. Some of our disclosures include the Notice of Establishment, Notice of Special Assessments and Disclosure of Public Financing, which are on our website. The last item is the Public Records Sunshine and Ethics Laws. The Sunshine Law is set forth in Chapter 286 of the Florida Statutes, whereby meetings of the public Board have to be held in the public. The public should have reasonable notice of these meetings and minutes must be taken. For our purposes, we record the meeting, send the audio to a transcriber and then the Board approves the minutes. Also, Board Members are subject to the Florida Records Law, which means anything they receive in connection to the CDD is a public record. Same with our office. Anything that I receive from a CDD is a public record and can be inspected. That means documents, papers, emails, maps and social media, can potentially become public records. It is also important to note that Board Members under the Florida Sunshine Law cannot talk to each other outside of a public meeting about things that might come up for a Board vote. So that's very important.

Mr. Pawelczyk: I think there is a distinction there. What I would like to point out is if we are looking to build a pavilion, Board Members can't talk about that outside of a meeting. If they are talking about the pavilion after it's built and how nice it looks, that's fine, because there's no way you are going to vote on that particular item. So, it's all about what we vote on. The change in the fees, we can't talk about and they can't talk about that amongst themselves. They can talk to me or talk to you individually. They just can't talk amongst themselves outside of this meeting.

Mr. Mills: We can't have a conduit either.

Mr. Showe: Mel can't ask me to tell Richard what he thinks about a particular item that might come up for a vote.

Mr. Pawelczyk: Or even not ask him and say, "Well it would be nice if Richard..."

Mr. Showe: They can't use their office for personal gain. They can't vote on measures that would be for their private gain. They can't accept gifts. They can't disclose information that

is given as part of their position. A Board Member shouldn't be doing business with the CDD. They have to disclose a safe and financial interest. There is a voting conflict form that hasn't come up in this District, but in some cases, if you have a relative working for the landscape company, you might want to disclose that or some other item that would be for personal gain.

Mr. Pawelczyk: While you are talking about that, a Board member can't enter into a contract with a relative.

Mr. Showe: Right.

Mr. Pawelczyk: We discussed this in prior meetings, but just so the public is clear, if a lightbulb goes off over your head and says, "Wow, I'm going to ask Mike about this," you need to ask me. If it's your third cousin's sister's girlfriend who owns the company, it would be better to ask me. By asking me and me giving you an opinion back, you are protected, even if I'm wrong, but that protects you. There is public officer's liability insurance that protects the Board Members for actions taken in the course of their duties as Board Members. So long as they are acting in accordance with their will as a Board Member, they are protected. One of the ways they are protected is to use their counsel. I will say it very rarely if ever, in almost 20 years, it has maybe come up twice in my practice where we had an issue that we had to look at on a voting conflict issue.

Mr. Showe: Typically, once you get the resident control Districts, it happens a whole lot less. We have some Districts where someone also owns a landscape company. So, you might try to bring them in and there obviously is disclosure to be made at that point.

Mr. Pawelczyk: Correct.

Mr. Showe: Finally, in the Baytree CDD, we take care of all of the common areas in the community. So, the way that I always explain it to people is if it is associated with a private home lot, it is not a CDD issue. Everything else here is the CDD. The CDD owns all of the common areas. Both Will and I use the Property Appraiser's website pretty frequently. That's kind of a good reference, but it's not exact. I would never use it as a survey for example, but if somebody says, "I have a problem next to my house, we will pull that up." Most of the time it's the CDD, but there are occasions when it's the golf course. So, we just have to look at that. Basically, if it is associated with your private home lot, any of those issues would fall to the HOA. If we have concerns, everyone else here is pretty much the CDD. This year we are assessing \$1,884.67 per home. Some of the bigger expenses we have, includes \$100,000 that

goes into a Roadway Fund to take care of all of the roads in here. There is also a Beautification Fund to do some improvements to keep the community looking nice as well as a lot of money spent on landscaping and security. Those are our big expenses as well as the pool and recreation. Those are all of the things that we fund here. We have a website that has a lot of the references in it. So, budgets, minutes, agendas, everything is housed on the website. Also, if you need any requests, come to me. We will get you everything we have. If it's electronic, I will email it to you. There is a process to request records, but we typically don't make people go through the hassle of sending an email. If there is a record you want, I will get it to you. So those are the basics of the CDD. We can take any questions you want. If there are any questions, I know most of you have seen this a couple of times.

Mr. Darby: Jason, you said that everything the CDD owns is public.

Mr. Showe: Correct.

Mr. Darby: How does that relate to the pool, tennis courts and pavilion?

Mr. Showe: They are public facilities.

Mr. Darby: So, anyone can use it?

Mr. Showe: Correct.

Mr. Darby: So how can we restrict access to that if anyone can use it?

Mr. Showe: We would need to establish a non-resident user fee. You have to provide a method for the public to access. I think we talked about that a couple of times and have gone back and forth depending on the Board. You can set up a non-resident user fee. You would want to set a fee that is equitable to whatever is related to that asset. So, if you want to say, "\$1,000 a year of our assessment goes to pool, tennis court and recreation facilities." Basically, it would cost \$1,000 for a member of the public to come in, pay \$1,000 per year and use it. We had several Districts that had those and no one ever pays the fee.

Mr. Darby: I think we set something up like that for the pavilion and pool. Didn't we?

Mr. Pawelczyk: Yes. I believe if someone wants to become a member, it's \$1,200.

Mr. Showe: I think it's the recreation. You might be right. I haven't looked at that Statute in a while.

Mr. Darby: Can we take a look at it and see if we include the recreation area?

Mr. Showe: I'm pretty sure we did because we wouldn't have been able to set it that high.

Mr. Pawelczyk: We are going to look at that and the pavilion because you guys are going to talk about that.

Mr. Darby: I think we want to define the recreation areas, anything from the tennis courts over to the pool.

Mr. Pawelczyk: One of the issues you have in your circumstances is enforcement, because you don't have anybody onsite, such as if the CDD owns the Clubhouse, because there is someone in the Clubhouse. I have a District that has three parks, three pools and a soft gate to get in. It also has a little club and meeting room. It is not much bigger than that back area there. It is kind of small. That's really for the HOA. It is a 1,000-unit community, but there are no facilities there so there is no way to enforce it, so they are constantly going through that struggle. Frankly, it is not as nice of a community as yours. It's kind of easy to get into. So, they are constantly dealing with the problem of the public coming in and utilizing those facilities. They talk about the same thing. It costs too much money to enforce it, so they just try to deal with it from a trespassing standpoint and try to monitor it with cameras and lights.

Mr. Mills: I thought we talked about this when Mr. John Fenafrack and Ms. Nancy O'Hara was on the Board.

Mr. Showe: I know we talked about it. I'm pretty sure we have an already established pavilion, but we will double check those. I know we set those fees up.

Ms. Witcher: I have just one question regarding the Suntree bank. We were going to put trees over there. I went to a meeting where they were trying to negotiate something so everybody would be happy, but they can't put anything on our property because it is CDD property. We wouldn't let them mow it and let them do it because then we are liable if they do something and hurt themselves on our property.

Mr. Pawelczyk: You are only liable for negligence. If someone hurts themselves on your property, it doesn't mean you are liable. There is an inspection on it, but you can enter into an agreement to deal with that. One of the things that I always counsel against is letting public on CDD property because it's not just public property.

Ms. Witcher: It's CDD property.

Mr. Pawelczyk: It is letting CDD property be used for a private purpose, because sometimes people want to put a fence in their backyard. Then you are allowing public property to be served for a private purpose. There are ways you can do it to deal with maintenance back

there. Jason and I have done it in multiple Districts. I have dealt with different managers and different lawyers. There is always a way to come up with a way to do it.

Mr. Showe: I think with Suntree, one of the proposals that we approached them with and we are still waiting to hear back from them on, was to have an agreement with their HOA to let them maintain it.

Mr. Pawelczyk: Correct.

Ms. Witcher: We are not giving up any legal right to it?

Mr. Showe: No. We would still own the land. They would have maintenance requirements. Those maintenance requirements would be outlined in our agreement. So, if they don't live up to those terms then we can cancel the agreement. The problem that everyone is running into over there and I think they realized it too, is there is no access. So, they don't have a way to get to that bank and we don't have a way to get to that bank. That is a balance that we are trying to work on over there.

Ms. Witcher: Did you fill in the area where you said it was mushy?

Mr. Mills: No, we haven't done anything yet.

Mr. Showe: That's all we have.

## **B. BCA**

Mr. Showe: Wayne already gave his update on the BCA.

## **C. Strategy and Goals/Objectives**

Mr. Showe: With part of these presentations, we wanted to memorialize some of the discussions we had at the workshop. We sent these out to the Board, based on the workshop presentation as they were updated. So, we can take any questions or comments or can memorialize them at this point.

Mr. Mills: I'm good with it.

## **D. Paving Plans**

Mr. Showe: We are going to put those on hold for a couple of years at least and continue to accumulate those funds.

Ms. Witcher: Are we going to pave all at one time or half?

Mr. Showe: I think it was divided into thirds.

Mr. Darby: In 2023, 2028 and 2031. We planned it all the way out to 2050.

Ms. Witcher: So, 2023 is the first paving. Right?

Mr. Mills: Yes.

Mr. Darby: You should have the schedule from the last meeting.

Ms. Witcher: Did you decide where the three sections are?

Mr. Darby: I am going to go by the engineer. There will be core samples six months in advance.

Mr. Showe: The agreement of the Board was that we would do the core samples six months in advance just to make sure there were no underlying conditions preventing that.

### **E. 5-Year Capital Plan**

Mr. Showe: We also provided you with the five-year Capital Plan, which was revised after the workshop. Between now and the workshop, which is January 12<sup>th</sup>, we will try to roll the roadway money and operation costs with projected expenses all into one budget in the next five years or so. That way the Board can start looking at what you may want to do for your assessments. I know it's crazy, but we will start that budget process in April.

Mr. Darby: So, Jason, just for clarification, we will discuss the expense plan in January to be confirmed at the February meeting?

Mr. Showe: You can continue to discuss that plan until we get to the Proposed Budget, which typically happens in April.

Mr. Mills: Jason, I probably won't be here at the workshop on January 12<sup>th</sup>.

Mr. Showe: Okay.

Mr. Mills: Could we move the workshop earlier?

Mr. Showe: You would have to move it tonight. That's up to the pleasure of the Board, as long as we have it available on our schedule.

Mr. Darby: Did you want it the first week of January?

Mr. Mills: The first week of January would be perfect if we can do it then. If we can't that's fine.

Mr. Darby: Jason, what is your availability?

Mr. Showe: If it was on the 5<sup>th</sup>, it would have to be in the afternoon. Wednesday, the 6<sup>th</sup> would actually work.

Mr. Brown: Thursday is better for me than Wednesday, but I can move stuff around on Wednesday if that works for everyone.

Mr. Darby: Let's look at Thursday the 7<sup>th</sup>.

Mr. Showe: So, you want to move that to Thursday the 7<sup>th</sup> at 10:00 a.m.?

Mr. Mills: Yes.

On MOTION by Mr. Darby seconded by Mr. Mills with all in favor moving the workshop to Thursday, January 7, 2021 at 10:00 a.m. was approved.

Mr. Showe: We will get that re-advertised.

#### **F. CDD Board of Supervisors**

##### **i. Areas of Responsibility**

##### **ii. 2020 Accomplishments**

Mr. Showe: We typically have the discussion of Board Member responsibilities at the same time, if there is any interest in Board Members switching responsibilities.

Ms. Witcher: We drove around through the development and checked the aprons on the streets that drain to our street drains. We only found that the one on Ashwell is messed up from the water main break that we had over there. So, the next time we do concrete work, we are going to do repair work at the same time. I forgot to ask the engineer about the drainage in the street, as corners of a few grates are broken and cracked. We needed to ask the engineer if we are going to have to replace the whole thing or whether we can do a patch.

Mr. Showe: We can check with the engineer.

Mr. Mills: I patched it. I didn't like the way it looked.

Ms. Witcher: I'm hoping that the homeowners that live with it can accept it. We can have a guy cut around it, clean it up and run the edger around it. If they don't like the way it looks, fix it up.

Mr. Mills: One thing I've also noticed is that weeds are growing in a lot of those traps.

Mr. Viasalyers: I brought that up to the engineer.

Mr. Mills: We need to get some Round-Up and spray them to keep them under control.

Mr. Viasalyers: It was approved to go into the stormwater system.

Mr. Mills: Whatever is biodegradable, we need to use it.



Mr. Viasalyers: I have to get with ECOR. They do the maintenance, so they can spray what they are legally allowed to spray on the drains.

Mr. Mills: Okay, but they need to check on that. What happens when people put their garbage out in the gutter? It washes the fronds right down to the grate. Then they hang on the grate. That's when you know there are weeds growing in there. Then it just compounds. So, they need to be checked regularly.

Ms. Witcher: Who is responsible for edging around that? The person that owns the house in front of it.

Mr. Huot: It depends on their cost.

Mr. Showe: I think the BCA covenants require that homeowners maintain the strip between the sidewalk and the curb in front of their home.

Ms. Witcher: Maybe we can ask those homeowners to get their yard guys to come out and go around with the weed eater to clean it up.

Mr. Showe: Yes.

Ms. Witcher: Is that too hard to do?

Mr. Mills: No.

Ms. Witcher: It's the same with the water mains in our streets and the grassy area there. Somebody was doing some work on another yard and they backed a truck up to take their trees and pond fronds and everything they were taking out of the yard. The truck broke the water main. On this side of the water main towards the street, the Water Department will come and fix it, but if it is on the other side, it's your responsibility and you have to call a plumber to come out and fix it. If it has been leaking for a while, the Water Department will give you a break on the water you lost so you are not paying for all of the water.

Mr. Pawelczyk: I think the break is that they take the sewer portion.

Ms. Witcher: It's one in and two out.

Mr. Pawelczyk: It's like filling your pool. Some cities don't like you filling your 20,000-gallon pool so you don't have to pay sewer on that. Not all cities do that, but some do.

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

Ms. Witcher: I think that's it.

Mr. Bosseler: I have one item. The water aerobics folks have been parking half on the grass and half in the street. So, we sent a message to them to stay off of the grass. Now they are

planning to come back. The parking lot is full and the folks for water aerobics have no place to park.

Ms. Witcher: Can they park in the street rather than get on the grass?

Mr. Bosseler: They can park in the street.

Ms. Witcher: I agree.

Mr. Mills: Rick, do you have anything?

Mr. Brown: We talked about initiating at the last workshop about the five-year expense plan.

Mr. Mills: The only thing that I want to basically say is that the stone arrived for the monuments on Baytree Drive. Right?

Mr. Viasalyers: No. It is scheduled to be delivered this week. I will follow up.

Mr. Mills: Okay because I thought last week it was coming.

Mr. Viasalyers: No. The week after Thanksgiving, which is this week.

Mr. Mills: Are there any other questions? If not, we will move right along.

## **SEVENTH ORDER OF BUSINESS**

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

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

Mr. Showe: We can go through some of these items quickly. Item 1 is the Lake 1 access and 2020 lake bank repair, which was completed.

- **2020 Accomplishments (6Fii)**

Mr. Brown: I thought we were going to switch things around.

Mr. Mills: I thought since all of us have had different areas of responsibility, we might want to think about changing, but it is totally up to the Board. I have some suggestions.

Mr. Darby: Let's hear them.

Mr. Mills: I thought Rick could take security and Jerry could take finance, paving and sidewalks.

Mr. Darby: Okay.

Mr. Mills: Carolyn could take lake bank restoration.

Ms. Witcher: Okay.

Mr. Mills: We never had anyone handle streetlighting since John left.

Ms. Witcher: I asked for the poles to be painted and FPL hasn't come out and do anything yet and we are not allowed to paint them. Otherwise, we could've done it ourselves.

Mr. Mills: That's why I thought you might be interested in taking that and Richard, you can keep recreation for another year. I'll stick with landscaping.

Mr. Bosseler: Okay.

Ms. Witcher: Can we re-book the lake guy for next year?

Mr. Showe: Yes. He originally intended to come out and do both at the same time, but his schedule was full. He was actually supposed to come out three weeks ago to do the 2020 work and then come back, but because of the rain and the storms and everything else, he has a crazy schedule, but we will get him out here.

Mr. Mills: You might want to look at improving the streetlights. We still have some dark areas.

Ms. Witcher: I think we can put a map out and have the homeowners come and say, *"Where is it dark and bothers you in the development?"* Will we be doing it ourselves or will FPL do that?

Mr. Mills: FPL. Anyway, is everybody okay with that?

Mr. Showe: Can you go over those one more time?

Mr. Mills: Sure. Rick Brown will handle security, Jerry Darby will handle finance, paving and sidewalks, Carolyn Witcher will handle lake bank restoration and streetlighting, Richard Bosseler will handle recreation and Mel Mills will handle landscaping.

Mr. Darby: Do we need a motion?

Mr. Showe: It seems like there is consensus from the Board on it, so as long as there is no objection.

Mr. Mills: I'm okay with that.

Mr. Darby: I'm good.

Mr. Showe: Returning to the Action Item List, we finally got Lake 1 repaired. That was the one item that was hanging out there for a long time. He did a good job.

Ms. Witcher: Is that when the pool guy was close to completion and we finally got access?

Mr. Showe: Yes. We want to thank Sandy again.

Ms. Witcher: Thank you.

Ms. Schoonmaker: You're welcome.

Mr. Showe: We had some challenges in that particular neighborhood, same as the Suntree bank. There is no access over there whatsoever, so we have to get creative in how we get there. We thank Sandy and her husband for letting us access that area. We have a little more repair work to do over there.

Ms. Witcher: The bathroom for the golf course is in the cul-de-sac on our side of the waterway. That's where we went with the engineer and surveyors.

Mr. Showe: Correct.

Ms. Witcher: So that's our access. Right?

Mr. Showe: When it's not flooded and not too wet. The problem is that is the only access for that entire lake bank that goes all the way through the conservation areas.

Mr. Viasalyers: It goes all the way down to the back gate.

Mr. Showe: When they are trying to bring equipment through there to cut the grass, it is a huge challenge to get it from one end to the other. Even when you walk back there, you can't do it without your shoes falling off.

Ms. Witcher: Maybe we should think about doing some restoration.

Mr. Showe: We can look. What the Board has typically dedicated the lake bank for is when it is close to homes as opposed to just common area.

Ms. Witcher: But if that is our only access to a place that we are cleaning up, then we need to have something there.

Mr. Showe: We can certainly look at it.

Ms. Witcher: It's wide enough for a mower.

Mr. Showe: As long as it is not super wet, there is room for a mower.

Mr. Viasalyers: There is 30 feet in some areas.

Ms. Witcher: We walked over it easily. You just need to have your boots on.

Mr. Mills: It has been a problem from Day 1.

Mr. Showe: We will keep working with the engineer on the drainage for the recreation area improvements. Then we will start from there. We are still waiting for the speakers for the gatehouse. As far as the beautification plans, I think Mel talked about the stones coming. So, we are working through some of those issues as well.

Mr. Darby: Just a couple of thoughts. What about the tennis court access?

Mr. Viasalyers: There was an issue. We had to get the requirements met. They received it and ordered the material. We are waiting for them to do that.

Mr. Darby: Will it be this month?

Mr. Showe: We hope. I think it is the same issue with any type of technology at this point.

Mr. Darby: There is a request for bike racks at the pool. Did we ever pursue that?

Mr. Viasalyers: No. I'm still working on getting prices.

Mr. Darby: We are also trying to move the flagpole in the front.

Mr. Viasalyers: There was discussion on it.

Mr. Mills: We never actually discussed it.

Mr. Brown: Jason and I had a conversation about that today. He's looking at other options and costs.

Mr. Showe: Will actually got a location.

Mr. Mills: Another thing I thought of. We fly the American flag, so wouldn't we fly the Florida flag as well.

Mr. Brown: Don't overdo it.

Mr. Mills: I don't think it's overdoing it.

Mr. Showe: Will's suggestion, which is as good as any spot as you may be able to find, is essentially at the end of the first island. So, there's an empty spot. We wouldn't want to put it right on the tip in case cars come over.

Mr. Mills: As long as it doesn't impede traffic.

Mr. Showe: There's enough clearance there that at least it wouldn't interfere with anything. If the Board wants to pursue that, we have to look and see if we can even move that pole because it is anchored in concrete. It may not be as easy as just moving it. You might have to move and purchase a brand new one.

Mr. Mills: The flag got caught in the stop light. I called Will and he came.

Ms. Witcher: We were sitting there at the light waiting. When it blows, it blows right over it.

Mr. Showe: If that's something the Board wants us to continue pursuing, we will get some quotes and bring it back to the Board.

Mr. Darby: It was reported last time that there were cracks in the tennis court. You said, Jason, that because of the way we repaired it, that will be coming back. So, our only option is to repair the cracks.

Mr. Mills: We have to repave them.

Mr. Showe: I think the only option to get rid of cracks on the tennis court is you have to completely resurface the entire court. It is basically building a brand-new tennis court.

Mr. Darby: So, we are not going to do anything.

Ms. Witcher: No.

Mr. Darby: Richard asked for two walls to be painted. Are we looking at that?

Mr. Viasalyers: I think the discussion was for concrete repairs. We are still waiting on numbers on that. We are trying to do everything at once.

Mr. Darby: I know we talked about tennis court awning torn in a storm. Are we going to replace or repair them?

Mr. Viasalyers: I think the one that had a strip ripped off, I need to take down and see if they can do that. It would be a lot cheaper to repair them than getting a whole new one.

Mr. Darby: I agree.

Mr. Showe: They are about \$800 each.

Mr. Viasalyers: We can get it sewed back on.

Mr. Darby: That's all I have.

Mr. Mills: Did you rope off an area in the pool?

Mr. Viasalyers: We roped it off for now until they can figure out our position.

Mr. Mills: We talked at the last workshop about an item that Richard brought up about sending a letter to the Space Coast Credit Union. Do we want to follow up with removing the dead trees and sharing in the costs 50/50? Does the Board want to instruct Jason to prepare a letter to send to the Space Coast Credit Union? In fact, not just the dead trees, that entire swale needs to be managed. It was in the agreement that they would definitely take care of that swale and they are not doing that.

Mr. Showe: We can draft a letter. We will also let counsel look at it. If it's in compliance with an agreement, then we will draft the letter.

Ms. Witcher: Did they take the trash out of there?

Mr. Showe: I don't believe so.

Ms. Witcher: I thought there was trash in there too. Did they pick it up?

Mr. Showe: I don't believe so.

Mr. Pawelczyk: Was that the landscape buffer?

Mr. Showe: Yes.

Mr. Pawelczyk: It was 50 feet west of the southern property on Baytree Drive.

Mr. Mills: William, will we get a bathroom break sign for the guardhouse? I was coming in the other day and two cars were stopped there waiting and nobody was around.

Mr. Viasalyers: I will follow up on that too.

Mr. Mills: What about the lights for the pool?

Mr. Viasalyers: We are still waiting. That's all I have.

**B. Additional Staff Reports**

**i. Attorney**

Mr. Pawelczyk: The only thing that I have is just a follow up on the non-resident member fee. It is \$1,200. We already had one and then we added one for the pavilion. Nobody questioned it because no one has purchased one. Right Jason?

Mr. Showe: No one has inquired.

Mr. Mills: Should we make the guard at the front gate aware in case they are asked?

Mr. Darby: No.

Ms. Witcher: Send him over to Fairway Management.

Mr. Showe: You have card access for the pool. We are going to add the card access for the tennis courts. I think that in itself is most of the enforcement you will ever need.

Ms. Witcher: I don't think they want to come in and just go picnic. They want to picnic and play tennis or go to the pool.

Mr. Darby: Do they have access to both the pool and tennis courts?

Mr. Pawelczyk: You can pay one non-resident fee. It seems like it covers everything. The Board adopted it in 2018.

Mr. Darby: I know that. So, it covers any amenity.

Mr. Pawelczyk: I believe so.

Mr. Showe: Yes.

Mr. Pawelczyk: The way we discussed it, if I pay the fee, that means I have access to the pool, tennis court and bocce ball courts. I can also rent the pavilion. The previous discussion was we don't want non-residents to be able to rent the pavilion.

Ms. Witcher: Would they be given a key to get into those facilities?

Mr. Pawelczyk: I would receive an access card. It would be turned off at the end of my membership.

Mr. Showe: Correct. You are essentially buying a membership to the CDD.

Mr. Pawelczyk: Correct. So, the \$1,200 fee was based on the cost, what all of you pay individually, the \$1,800 plus administrative costs of probably 10% to 15%. That's how we came up with the \$1,200 that was presented to the Board. The fee has to be commensurate with the cost for residents.

Ms. Witcher: I have a residence where I pay the resident fee at Viera. When Duda still owned this part of the property, they let us buy a resident fee for Viera East.

Mr. Showe: Yes. We have a few of those here.

### **iii. District Manager**

#### **1. Field Manager's Report**

Mr. Viasalyers: I have a couple of items. The annuals have been installed. We continue to monitor that to see if we can keep up with that every quarter. The edges along Baytree Drive have been shaped up and trimmed. Tropic-Care will do their annual cut back in the conservation areas throughout the community. That will probably be started this month falling into next month. There were some concerns with the pool heater temperature. Every time they called us, we came out four or five times a week to check it; it was 84 to 85 degrees. We have some heaters there. The issue was to have one work at a time if one wasn't working. So, we had the gas company come out and increase the psi from 1 psi to 2 psi. That way if both heaters functioned at the same time, it could sense that. We haven't had any issues with the plants in the back. We received a compliment this morning on that. At the workshop, the Board requested reaching out to ACT for a gate transponder. If there was anything we could do to update it, they said that we are already where we need to be. They are going to put some pricing together for the barrier arms. I haven't received it yet. That's all I have unless you have anything for me.



Mr. Showe: Based on what Will and I talked about, you guys probably have the best access system from all of our properties. We still have a lot of properties that use the old bar code system. It is such a pain because it is like a piece of meat like at Publix. Sometimes it goes and sometimes it doesn't. If the sun hits it the wrong way, it doesn't work. If the sun comes in the wrong way at the reader, it doesn't work. Your system is probably as nice as you are going to find.

Mr. Viasalyers: That's what they told us.

Mr. Mills: That system was installed in 2008 and after 12 years, it is still state of the art.

Mr. Viasalyers: We just upgraded it in Fiscal Year 2020.

Mr. Darby: You upgraded the software.

Mr. Mills: The transponders are still the same.

Mr. Viasalyers: Correct.

Mr. Showe: They actually made them smaller. They are a little sliver.

Mr. Mills: The architecture is still the same. Nothing changed.

Mr. Darby: Will, we had a pool heater repair in October in the amount of \$2,500. What was that about?

Mr. Viasalyers: That was to replace one of the heaters.

Mr. Showe: We committed to do that in October with the new fiscal year.

Mr. Viasalyers: Last year we had a pool heater issue.

Mr. Darby: Should we expect them to go out any time soon?

Mr. Viasalyers: No. You probably have three to five years. They are functioning.

## **EIGHTH ORDER OF BUSINESS**

### **Treasurer's Report**

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

Mr. Showe: In your General Fund, from September 30, 2020 to November 23, 2020, we have Checks 42 through 75 in the amount of \$60,182.26 in the SunTrust account. In your Capital Projects Fund, we have Checks 109 through 111 in the amount of \$11,925. Part of that is what Will was talking about with the replacement of the heater. We have Check 37 from the Community Beautification Fund in the amount of \$3,408 and October and November payroll in the amount of \$1,847, for a grand total of \$77,363.01. Will and I can answer any questions.

Mr. Mills: I just wanted to let you know that \$150 is coming out of the Community Beautification Fund to decorate the center of the first island with Christmas decorations.

Mr. Showe: I told Rick that you had \$10,000 in that account line for Christmas lights. Even with that, the total is \$9,500. We will make sure we provide a transfer of the \$500.

Mr. Darby: I'm pleased to see that the engineering expenses for the last month are down about \$2,800.

Mr. Showe: Part of what we did today was to work on improving that so he is not here for four or five hours. He will be 30 minutes by phone and then he can leave, so that will save you at least a couple of billable hours.

Mr. Darby: That's good.

Mr. Showe: There is no travel because he participated by phone.

Ms. Witcher: Do we need to provide him more maps to help him when he is on the phone with us? He seemed to be a little lost with the recreational area.

Mr. Showe: I think he was just trying to hear because people were talking at the same time. There is a little delay because of the conference call. I don't know that he is lost. Sometimes the inner activity when you get on the conference call is a little challenging.

Ms. Witcher: I thought it would make it easier for him.

Mr. Showe: He provided the report.

Mr. Pawelczyk: I have other Districts that do this as well with the engineer and the key is, if you have something you want to discuss with him, make sure you let Jason know so he can get him a map of that particular area.

On MOTION by Mr. Darby seconded by Mr. Mills with all in favor the Check Register for September 30, 2020 to November 23, 2020 in the amount of \$77,363.01 was approved.
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Mr. Showe: You will notice that we contributed half to the Welcome Letter and requested \$3,000 from the BCA for Christmas lights.

Mr. Mills: Speaking of the Welcome Letter, I've done the first letter. I would like someone else on the Board to do the letter so we all take turns getting input from the CDD.

Mr. Darby: You mean the newsletter.

Mr. Mills: Correct.

**B. Balance Sheet and Income Statement**

Mr. Showe: No action is required by the Board.

**NINTH ORDER OF BUSINESS**

**Supervisor's Requests**

Mr. Mills: Does anyone have anything?

Mr. Bosseler: I have one item. We talked at the last meeting about solar heating. Who was going to do the research on that?

Mr. Viasalyers: We are still waiting for a price.

Mr. Darby: Jason, I know we signed some new contracts this year. Can we get copies of those contracts?

Mr. Showe: Absolutely.

Mr. Darby: Somebody mentioned that the golf course owned bridge over CDD property needed repair. I don't know who is going to look at it and advise the golf course as to what needs to be done.

Mr. Viasalyers: I think that is the same one we have been talking about.

Mr. Darby: Last year, we were going to look at the cost effectiveness of the LED lights. Are we at a point where we can take a look at that?

Mr. Showe: I can bring something to the workshop.

Mr. Darby: The water conservation area just west of the pavilion parking is getting uglier every day.

Mr. Mills: By the time it gets dry to do something about it, it rains again and we have nothing but water.

Mr. Darby: So, what is the plan?

Mr. Mills: To get all of that garbage out of there and re-sod it so it can't go into the other lake.

Mr. Pawelczyk: Are you referring to the LED streetlights?

Mr. Darby: Yes.

Mr. Pawelczyk: Jason, you might want to talk to GMS in South Florida because they did two Districts where they replaced all of their LED lighting. I don't believe it cost the District any money.

Mr. Viasalyers: No, we've already done that.

Mr. Showe: We've done it. We just wanted to see what our cost savings were. We will take a look at all of that. They did all of the streetlights at once.

Mr. Mills: Aren't you asking about the conversion of all of the other lights in Baytree that are LEDs?

Mr. Viasalyers: Most of them have already been converted to LEDs.

Mr. Showe: With the streetlights, we have an individual bill just for streetlights. So, we should be able to look at next year's and then look at this year's.

Mr. Mills: I'm not talking about streetlights. I'm talking about the monument lights.

Mr. Showe: That is not always going to be an apples-to-apples like the streetlights.

Mr. Darby: I think the streetlights are much more viable and a larger expense than LEDs.

Ms. Witcher: When the LEDs first came out, we directed William as he was replacing each and every one of them to make them all LEDs and then we asked FPL and they came out and did all of theirs in one swoop.

Mr. Darby: Yes.

Ms. Witcher: If we add some more, now we have to make sure that they are LEDs.

Mr. Mills: My question is the lease rate did not change, right?

Mr. Viasalyers: Correct.

Mr. Mills: So, what analysis are we going to do?

Mr. Showe: You pay a lease rate so there's a flat rate for the pole. Then you pay the electric. So, you should see savings in the electric.

Mr. Mills: I misunderstood. I thought we paid one rate and that covered it all.

Mr. Showe: No. They charge you a rental rate for the pole and then there is a rental and maintenance rate.

Ms. Witcher: But they don't paint it.

Mr. Showe: They won't let us paint it. They are supposed to paint it.

Mr. Brown: What would happen if we did paint it?

Mr. Showe: We might be in violation.

Mr. Pawelczyk: You would get a very nasty letter and you will have to remove the paint.

Ms. Witcher: have they gone after anybody?

Mr. Pawelczyk: I had a District where they did it.

Ms. Witcher: They went out and painted their own?

Mr. Pawelczyk: They painted a pole.

Mr. Darby: That's all I had.

Mr. Mills: Does anyone have anything else? Rick, do you have anything?

Mr. Brown: No sir.

## **TENTH ORDER OF BUSINESS**

### **Public Comment Period**

Mr. Mills: Are there comments from the audience?

Ms. Schoonmaker: I do. I think it is a waste of time to come here in the evening because the people who are here are the same people who always come. There are maybe one or two people that will come. I think we are wasting our time.

Mr. Mills: Sandy, would you please put that into a letter? You are 100% on the money. It's ridiculous.

Mr. Showe: If the Board is amenable, when we do our meeting schedule for next year, we will note there are no evening meetings. We can do it.

Mr. Mills: I recommend that we have one in June, but not now.

Ms. Witcher: We had a nice crowd at the Zoom meeting.

Mr. Showe: We can't do Zoom anymore.

Ms. Witcher: How many did we have?

Mr. Showe: We had 20 on the Zoom call.

Mr. Mills: In closing, a resident, got COVID-19. He was taken from Holmes Regional up to Jacksonville. He has since had his left leg amputated due to blood clots. He had a blood clot in his heart. Now they are trying to keep the blood clots out of his arms. He is up and communicating. Right Rick?

Mr. Brown: He was on a ventilator for about a week-and-a-half and then they had to get him off the ventilator so they tracheid him. He got a tracheotomy and a feeding tube. They now have him sitting up and he can understand, but he really can't communicate.

Ms. Witcher: How old is he?

Mr. Brown: He is about 72 and was never on any medications.

Mr. Mills: So, keep him in his prayers if you will. One thing that I would like for all of us to do this year and me included, let's try to be a little kinder and a little gentler than we have been in the past. It is not what we say, but how you say it. I think that is what we should all strive

for. I know that we are all under a lot of stress, due to the COVID-19, but we are all here for the same purpose. We need to help each other look out for each other. I'm glad you came and brought your concerns to the Board tonight. We will see what we can do to take care of it. That's all I have to say. I want to wish all of you a very Merry Christmas and Happy New Year.

**ELEVENTH ORDER OF BUSINESS****Adjournment**

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor the meeting was adjourned.
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Secretary/Assistant Secretary  
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Chairman/Vice Chairman