

MINUTES OF MEETING  
BAYTREE  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Baytree Community Development District was held on Wednesday, February 3, 2021 at 1:30 p.m. at Baytree National Golf Links, 8207 National Drive, Melbourne, Florida.

Present and constituting a quorum were:

Melvin Mills	Chairman
Jerry Darby	Vice Chairman
Richard 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
William McLeod	DSI Security
Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

- **Moment of Silence** *(Added)*

Mr. Mills: Before we start the meeting, I would like to ask for a moment of silence. We lost one of our long-time Board Members, Mr. Ed Rizzotti who have been suffering for quite a while. He was very involved in the community and loved Baytree. He served on the Board for eight years.

**SECOND 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 short report. The first item is regarding the speed hump. At this time, we have a quote for \$14,819 from All Terrain Tractor Services, Inc. It was a high quote so a second quote was obtained from Atlantic Southern Paving and Sealcoating. Their bid was for

\$3,125. The third attachment in this report is the speed hump plan showing a bigger speed hump with "*Speed Hump Ahead*" signage. The quote from Atlantic Southern Paving and Sealcoating for the \$3,125 includes standard Florida Department of Transportation (FDOT) paint. If the Board prefers thermoplastic, which is usually what we recommend because it lasts a lot longer, it will result in an increase of \$850 to the quote.

Mr. Darby: On your first attachment proposal, you indicated that the warning sign be placed 50 feet away from the speed hump. I'm looking at Brevard County specifications. They call for 100 feet on either side of the speed hump. I believe the other signs were put up with 100-foot distance. I just want to have you take another look at that. We obviously want to comply with Brevard County.

Mr. Armans: Whether it is 50 or 100 feet, I will double check to see what the minimum is.

Mr. Darby: I'm looking at that criteria now and it says, "Warning sign placement; posted speed at 25 miles-per-hour (mph) is 100 feet minimum distance from side to side." So, if you would take a look at that, I would appreciate it. Also, the maximum height is 3 inches, which should be suitable for 20 mph. Correct?

Mr. Brown: 20 or 25 mph.

Mr. Armans: Are you talking about the maximum height?

Mr. Darby: Yes. I believe the maximum height is 3 inches for a 25-mph transit. Correct?

Mr. Armans: Are you looking at the Manual on Uniform Traffic Control Devices (MUTCD)?

Mr. Darby: No. I'm looking at the Brevard County specifications.

Mr. Armans: I think they follow the MUTCD guidelines. Our specs show 3 to 3.5 inches.

Mr. Darby: Peter, I will give my copy of the Brevard specs to Jason to send to you. Just take a look at what you are looking at versus what Brevard says to make sure that we are in compliance.

Mr. Armans: I will definitely look at it and see if we want to incorporate it.

Mr. Mills: One of the things that I think we need to do is notify the residents that are going to be impacted by this.

Mr. Brown: Is there any way that speed hump can be moved closer to the cart path crossing? It is right by 8033 and 8032, because the homeowner at 8032 indicated that she does not have a problem with the speed hump being right by her home.

Mr. Darby: Good.

Mr. Mills: Isn't it 8043?

Mr. Brown: No 8032 is Martha's house. She already said, "You can put it right in front of my house. I don't have a problem with it."

Mr. Armans: At the last meeting we talked about putting it right at the golf cart path crossing. We looked into that. Because that is neither a high point nor low point, we would have to figure out a way to get carts through it. We were looking at a speed table versus a speed hump. That way, the cart can just go right off of the curb, straight up to the hump and then to the other side. Because the houses are pretty close together, we estimated those humps are roughly about \$10,000 more. You have to get all of the ADA drains right on the sidewalk or we would have to remove multiple sidewalk panels. We would have to basically design a structural membrane that will allow a channel on either side of the hump. That channel would allow stormwater to flow through it. To construct it, we estimate that it could be \$5,000 to \$10,000.

Mr. Brown: I'm not talking about that. I'm talking about a speed hump that is right by the golf cart cross path between 8 and 9. That is just a speed hump and it works great. Why can't we do the same kind of speed hump, just before the golf cart path or right after?

Mr. Mills: Then you would be right at the 8043 house.

Mr. Darby: We are not talking about a speed table. We are talking about a speed hump in close proximity to the cart path.

Mr. Armans: The location of the speed hump is either at a low point or high point so they don't affect the stormwater flow, but if you want to look at another location, we can do that.

Mr. Brown: I'm just saying that the homeowner doesn't have a problem with it near their property. So why not try to see if we can't put it there.

Mr. Showe: I think you are talking about essentially less than 50 feet to the west from the proposed location.

Mr. Brown: Correct. Is that Martha's house, 8043?

Mr. Darby: 8032.

Mr. Brown: If you are looking at 8042 and go one to the left, you see 8032.

Mr. Darby: Let's look at it.

Mr. Armans: 8032?

Mr. Brown: Right. It is one house to the left of where you proposed it right now.

Mr. Armans: Okay. I thought you were talking about going to the golf cart path. I don't think it will make any difference. It shouldn't be a problem to look at it.

Mr. Brown: That will be great. Thank you.

Mr. Armans: If you want to make a motion, please include my review and moving the speed hump to another address.

Mr. Mills: We batted this around for so long, so why don't we go ahead and approve it, with the understanding that he's going to move it down to 8042?

Mr. Showe: You can delegate authority to Jerry to make the final decision on a suitable location.

Mr. Brown: That's fine.

Mr. Mills: That's fine.

Mr. Brown: We've just been talking about this for years and years and years. I don't have a problem with the extra \$850.

Mr. Darby: That's what we did on the other ones. Right? With the thermoplastic?

Mr. Showe: Yes. We always recommend thermoplastic if it's going to be more than a temporary structure.

Mr. Darby: Peter, just give me your final input and then we will go from there.

Mr. Brown: I approve a speed hump at Old Tramway Drive close to the golf cart crossing as feasible, at a cost not-to-exceed \$4,100 and delegating authority to Mr. Darby on the final decision.

Mr. Mills: Did we want to include notifying residents about not only the speed hump, but the sign?

Mr. Brown: I will accept that.

<p>On MOTION by Mr. Brown seconded by Mr. Bosseler with all in favor installing a speed hump at Old Tramway Drive close to the golf cart crossing as feasible at a cost not-to-exceed \$4,100, delegating authority to Mr. Darby on the final decision and notifying residents about the speed hump and signage was approved.</p>
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Mr. Showe: Do you want to go through the drainage, Peter?

Mr. Armans: Yes, the second item is the playground drainage. On December 22<sup>nd</sup>, we met with a Board Member, the District Manager and Field Manager to discuss everything that should be done. There were two issues. One was a drainage issue south of the pool. That was something I believe that Will was working on. The other part was for us to work on a drainage plan. There will be three catch basins and the plan show the location that we are taking that flow to the wetland area. We believe that three catch basins will reduce the flows dramatically, especially two of them that are in front of a pavilion. So that should reduce the flow. More work needs to be done after that and we can revisit it. Again, Catch Basin #3 will be collecting water from the valve and run off the new paved parking area.

Mr. Brown: Peter, I have a question regarding the grass between the tennis and bocce ball courts. That was soggy as well. You haven't done anything with that.

Mr. Armans: We looked at that when we were out there. That is the reason we have a field meeting, because there was something about that area during the last meeting and I wasn't clear about what you were trying to do. When we met in the field, there was no concern about that area that needed to be addressed.

Mr. Bosseler: We didn't talk about that.

Mr. Mills: If we get a hard rain, the water just sits in there.

Mr. Brown: We should look at reusing that bocce ball space for something else.

Mr. Darby: Should we then consider the drainage issue when we make that decision and just do it all at once and then just proceed with this?

Mr. Showe: I think it's always better to figure out what we want to do first before you invest in this. We talked with Peter onsite about making sure the system is expandable in the future. That was one of our primary concerns for that reason. Obviously, it's always easier to do it later when you figure out what you want to do as opposed to trying to retrofit the system.

Mr. Mills: The only problem is you are moving across.

Mr. Armans: We don't want to do something that you will have to tear out later or re-grade the site for a playground.

Mr. Bosseler: I think if we do the proposal first and see a need to include that little alley, we could run one straight down the fence.

Mr. Darby: I suggested Richard that you might want to combine that effort with any re-grading or demolition that you are going to have to do or repair at the bocce ball court. Just throw it all into one project.

Mr. Mills: That could work.

Mr. Armans: I agree. It may be best to do once you decide about the courts. If you are going to be doing work there anyway, tearing up grass, that may be the best time to do work there.

Mr. Mills: I get it, but I just wanted to make sure we didn't forget that area because that area does need attention.

Mr. Darby: Peter, can I ask you a couple of questions? Do we need permits to discharge into the conservation area? In other words, do we need to get St. Johns involved?

Mr. Armans: I checked with someone in our office and based on the fact that this drains the same way, it doesn't cause us any major change in the overall plan. Most likely this is part of the maintenance that we could consider under maintenance.

Mr. Darby: Alright. Also, are the sprinklers going to be affected by this? Are they going to have to be removed and replaced?

Mr. Armans: I honestly don't know. There are sprinkler heads around the perimeter of the pavilion so we shouldn't be affected. We will be in front of it. I don't have a plan that shows pipes there.

Mr. Darby: I don't think it was included in this quote. That's why I'm asking the question.

Mr. Armans: This is a very simple plan. We don't do a full plan. It costs more. The company that gave us the quote should be familiar with the District. They will include those in their price to make repairs if they run into an irrigation line.

Mr. Mills: Tropic-Care always takes care of that.

Mr. Armans: I will check with them to see if they want to include one or two irrigation lines. Most likely that's included.

Mr. Darby: Does this cross over any golf course property?

Mr. Mills: No.

Mr. Darby: Would sod be included as well?

Mr. Armans: Yes. Restoration is included in this quote.

Mr. Showe: Yes. Re-sod and surveying.

Mr. Darby: Alright. Good.

Mr. Mills: Tropic-Care usually covers all of that. Will, we turned off the sprinklers around the pavilion because of all the water. Right?

Mr. Viasalyers: We might have turned it off for a short period.

Mr. Mills: Okay.

Mr. Darby: \$6,100 seems like a reasonable estimate.

Mr. Mills: It does.

Mr. Showe: We have \$10,000 in the Capital Project Fund.

Mr. Mills: Yes. Another contractor bid \$7,500.

On MOTION by Mr. Darby seconded by Mr. Mills with all in favor the quote from Tropic-Care for the recreation area drainage in the amount of \$6,120 was approved.

Mr. Mills: Thanks Peter.

Mr. Showe: Is there anything else for the District Engineer? Hearing none,  
*Mr. Armans left the meeting.*

### **THIRD ORDER OF BUSINESS**

### **Community Updates**

#### **A. Security**

Mr. McLeod: Hello! Long time no see. We have done well out here. It seems like the visitors have calmed down. We still have some issues at times, but Matt's presence helps. He is very calming. Between Rich, myself and the Field Supervisor, this past month we made six site visits. Matt has done trainings out here for various subjects; everything from de-escalation techniques to properly using the Visitor Management System (VMS). That's all I have to report.

Mr. Mills: Rick, do you want to address an issue that occurred?

Mr. Brown: I would love to. Now that I'm in charge of security, there was an incident that occurred in December regarding a visitor going to a home on Birchington Lane where a visitor was rather belligerent, rude and antagonistic to Matt. He handled it very well, but I don't think that kind of behavior should be tolerated by this Board. So, I spoke to Jason and William and got some input. If we know where that visitor is going to go, maybe we should send a letter to that homeowner telling them that this particular visitor on this particular day and time, driving

this particular vehicle, was rather belligerent to the security guard who was just trying to do his or her job. This kind of behavior is not condoned by this Board. We can use different language, but I don't think that the security guard should be treated that way for just doing their job. There was another company that came in here, United States Infrastructure Corporation (USIC) whose driver was rather belligerent to Matt. He put it in his report. I went online and Googled him and got their website. I sent a comment that this kind of behavior by this driver needed to be adjusted and that this was a gated community and we do everything we can under the law to identify visitors coming into this community. Unfortunately, I didn't hear back. That's just my sense. I don't think the guards should be treated with disrespect. They are just trying to do their job. One of the main things that people bought in Baytree was that 24 hour per day/7 days a week security. I think we need to support them and not tolerate this kind of behavior. So, Jason to his credit, put together a letter that is in your agenda package.

Mr. Mills: Do you want to read it because we have a public hearing?

Mr. Showe: I can read it. It says:

*"Dear RESIDENT: You are receiving this letter at the direction of the District Board of Supervisors of Baytree. They were made aware of an incident involving a visitor to your home and the District Security staff reported at the front gate on MONTH, DAY, YEAR. The District Security staff reported that NAME OF VISITOR, a visitor to your home on the above listed date was abusive to the security guard on duty at the front gate. This type of behavior is frowned upon by the Board towards District staff just doing their jobs. As you are aware, one of the major benefits of living in Baytree is its 24/7 Security. We would ask you to request your visitors to act civilly towards these District Security Officers who are trying to be protective of the community to the greatest extent they are allowed to do under the law. That is their job. They do not deserve to be mistreated for just doing the job they are required to do. For your information they are REQUIRED to ask the name, address of the home/site they are visiting and to request a picture identification of the driver of EVERY vehicle entering the community via the visitor lane. Should you or your guest have any questions or wish to discuss this further, please do not hesitate to contact the District Office. We appreciate your consideration and request you advise your guests of the above procedure of the Baytree Community Development Board."*

Mr. Darby: Jason, a similar letter will be created for companies that have abusive employees.

Mr. Showe: Yes, a similar letter. I would request the Board allow security staff to drive the level they feel that this letter needs to go out.

Mr. Mills: This is a great letter, but I think we also need to address residents in Baytree because sometimes the residents do get nasty with the guards. We may want to address this as a visitor and homeowner.

Mr. Brown: I can work with Jason to formulate a letter to go out. Since I have been in charge of security for a few months, I have not had any reports of any residents being disrespectful to the guards, but I can go along with that.

Mr. Mills: I'm just speaking of the past; Rick and I understand that.

Mr. Brown: Oh yeah.

Mr. Mills: In the past, we had a number of residents that were nasty with the guards.

Mr. McLeod: That actually toned down a lot, over the time that we've been here and as people have gotten used to us.

Mr. Mills: Has it?

Mr. McLeod: When we were first here, it was a 50/50 split. It was either a visitor or resident and they weren't happy that we are here, but since we have been here and they realized we are here, most visitors have gotten along better.

Mr. Brown: I can do that. I would be happy to knock on their door.

Mr. Mills: Exactly. Do we need a motion to approve the letter?

Mr. Showe: I don't think you need a motion. I would just say that procedurally, we let Bill tell me that this interaction has escalated and we think a letter should be sent out.

Mr. Darby: Bill, I know they do a daily report.

Mr. McLeod: Yes sir.

Mr. Darby: When they have an incident like that, I think it is appropriate for the guard to say, "This incident warrants a letter." That would be your turn to take action.

Mr. McLeod: I would appreciate having that trigger myself. I will tell you why.

Mr. Darby: Fine.

Mr. McLeod: The guard might be having a bad day and say, "To hell with this, I want a letter sent out." So, let's allow a cooling down period before we pull that trigger.

Mr. Darby: Fair enough.

Mr. McLeod: Thank you.

Mr. Mills: It's a great letter.

Mr. Brown: I can help you.

Mr. McLeod: Yes, sir.

Mr. Mills: Very good. Is there anything else for security? Thanks, Bill.

**B. BCA**

**i. Discussion of Funding Capital Projects**

Mr. Mills: Wayne?

Mr. Wayne Huot (BCA): We haven't had any Board meetings. Some of the things that we need to discuss is this newsletter. We need articles for the newsletter post haste. We are looking to get that out on or before March 15<sup>th</sup>. We need to get the contract taken care of as far as assigning anyone to get that language taken care of. We are lowering fees to use the pavilion. We are really trying to emphasize and get more people to use the pavilion more because it is just not being used.

Mr. Darby: Do we want to discuss that now, Jason? I think you can discuss the fees now because we have a public hearing today based on some information that we received. So, if we are going to make changes to those, we need to know prior to having this public hearing.

Mr. Darby: Wayne, I think the BCA Board came to some agreement at the last meeting.

Mr. Huot: On what we have as far as what we want as a fee. Send me a note and we will get that squared away.

Mr. Darby: What I'm suggesting is that there are two agreements in this agenda package today that we are going to discuss. I don't have it in front of me, but Jason, is it a \$25 rental?

Mr. Huot: Correct.

Mr. Showe: It's \$25 for the rental and \$75 deposit.

Mr. Darby: Is that what the BCA is comfortable with as well?

Mr. Huot: Yes.

Mr. Showe: They were good.

Mr. Pawelczyk: Just for clarity, that \$25 does not come to the District. It actually gets paid to the association to arrange for the rentals.

Mr. Darby: That's a little change from the original concept, but I think to Wayne's point, he is going to make this a little more user friendly to private parties.

Mr. Pawelczyk: Correct.

Mr. Darby: So, it's \$25 for use and a \$75 refundable security deposit.

Mr. Pawelczyk: Correct. That's for residents of Baytree. The Baytree residents pay assessments. If I wanted to rent the pavilion, I have to pay \$1,200.

Mr. Darby: You have to be a member?

Mr. Pawelczyk: Let's save it for the public hearing.

Mr. Mills: Do we want to act on this resolution?

Mr. Showe: We need to have a public hearing on it. We can do that.

Ms. Sandy Schoonmaker (Kingswood): This does not take effect until after you adopt the resolution. Is that correct?

Mr. Showe: Correct.

Ms. Schoonmaker: So, for right now, residents go by the old system.

Mr. Darby: As of this moment. Hopefully by the end of today, we will have a change.

Ms. Schoonmaker: Let me know so I can let my appliance guy know.

Mr. Mills: By the time you walk out of here today, you will know.

Ms. Schoonmaker: Thank you.

Mr. Huot: Ms. Susan Frontera, our community chair is getting ready to provide suggestions to Baytree as far as participation and social distancing. We are also talking about expanding the food trucks to different sections. We have a lot of good ideas so things are looking very good. Other than that, it is fairly quiet. We are just looking into some CDD programs, so we would be looking for your recommendations.

Mr. Mills: We appreciate that. Thank you very much.

Mr. Darby: One thing you did not discuss is the new program that Ms. Dee Waldron is heading up.

Ms. Stephanie Knudson (BCA): Ms. Dee Waldron volunteered to do all of the welcome baskets for all of the new Baytree residents. Everybody will be on the same page, sort of speak. The new resident would receive a nice basket with maybe a bottle of wine or sparkling water, a nice welcome letter, contacts, how to obtain gate cards, the By-Laws and Covenants. That would be delivered by Dee. Secondly, the Board is going to vote on February 15<sup>th</sup> about changing some language regarding flags. We are also going to vote on changing some language for Voting Members (VMs). If they decide to run for the Board, they relinquish their vote and the vote would then go to the Alternate Voting Member (AVM). That is going to be a detailed process. They must have it notarized and entered into Brevard County. The other related item with the



BCA is that our email list keeps growing and growing so we are closing the gap and are able to communicate with Baytree residents much more effectively. The biggest item is the quarterly newsletter. We've had positive feedback on that. So, if anyone has anything that they want to contribute, we welcome it. I don't want it just to be the Stephanie and Wayne newsletter. There is a short story, a recipe, a trip, any viable information that the residents would like to see.

Mr. Mills: Are we still going to address the issue of letters coming anonymously to both the CDD and BCA?

Mr. Huot: Yes. That will be in the President's message. At the beginning of the newsletter, we will address it. I have four different subjects that I'm going to address, but I will include you. We will not respond. That was a one-time deal and will never happen again.

Mr. Mills: Okay.

Mr. Huot: Also, the Board approved paper copies of the newsletter to all residents. We had an astounding amount of people that requested paper copies. They weren't particularly invested in emailed copies. The next one will be a paper copy and then it will transition to paper and email newsletters. It is a \$4,000 expenditure when all is said and done.

Mr. Mills: Is there anything else from the BCA? Thanks Wayne and Stephanie.

Mr. Darby: Did we want to discuss the capital projects contribution from the BCA at this point? As a VM, I participated at the last meeting. Rick was there as well. Wayne and the Board very generously said that they have a capital surplus, which they would like to make available for use in certain projects for the CDD. Having said that, we put our Five-Year Capital Plan together. We called for around \$15,000 to \$16,000 this year for amenity improvements, including a horseshoe pit, charcoal grill, cornhole equipment, temporary pickleball lines, swings and the re-grading of that area. Last year, we allocated around \$30,000 for both the fitness course and replacing the bocca ball/shuffleboard courts. Subsequent to those discussions, we talked about having a fitness trail. A fitness trail could get a lot of traction and appeal to a number of people. You can configure it in a way to be as low as \$10,000 or as high as \$40,000, depending on what kind of equipment to get and how extensive it was. When we did the survey, the second most popular item other than improving the swing set was pickleball. Pickleball is the new tennis. I don't play it but a lot of people are enthused about it. I did some research and you can do a standalone pickleball court for anywhere from \$20,000 to \$40,000. So, these are the new projects in the 2021 Capital Plan. If the BCA has some interest and could contribute to those, I



think we as a Board would like to consider those so that they fit in the overall scheme of things. I think it's a great cooperative effort. We can open it up for discussion. I don't know how you want to proceed. Are there some areas where you specifically don't want to fund the money and some areas where you do want to fund the money or is there some place else where you think those funds would be better used?

Ms. Schoonmaker: I would like to hear more clarity on the fitness trail.

Mr. Darby: Richard, are we in the position to discuss that?

Mr. Bosseler: I am to a certain degree. I've been to a couple of fitness trails so far. They were much more expensive than I ever dreamed. They were unbelievable. Then you get into ADA items such as the footprint and what type of surface you have. I was ready with Jerry's information that we had from our workshop. If you use the 18 stations that they recommend, you can have them all in one location or all along Baytree Drive. Just for the surface alone, you are going to spend around \$40,000 to \$60,000. It is kind of scary when you look at the numbers. I was actually thinking of talking to Mel about maybe getting a small committee together because we are going to need a lot more input on what we want and where we want it. We talked about the park. I spoke to two residents around that small area and they are not that keen on having cars parked along there. They don't mind if we had one or two exercise machines in there, but they wouldn't want to put four or eight in there or half a dozen cars in a row and ruin the look of the entire thing. There are some challenges and I'm going to ask if you would help us get a little committee together.

Mr. Huot: Sure.

Mr. Showe: I think Mike can chime in on that.

Mr. Bosseler: We have a workshop on the 9<sup>th</sup>.

Mr. Showe: In terms of a committee, you would want to have both of them at the same time. I don't think you want an official committee of the CDD Board. I think you probably want a committee that helps the Board.

Mr. Pawelczyk: You also don't want an unofficial committee of the CDD. What most communities will do is they will just work with the HOA. Does the HOA want to tell us what your thoughts are while they are working with their residents to bring about items to the CDD? That's up to them.

Mr. Mills: I was going to suggest that we ask Wayne to pick maybe a resident from each community. That way you can work with Wayne and a resident from each community.

Mr. Darby: I just want to clarify one of the things that Richard indicated. The individual that I contacted with put the fitness park in at Gleason Park. Have you seen that installation?

Mr. Bosseler: I haven't seen it.

Mr. Darby: There are 18 stations. They spent \$23,000 for the equipment, per se and \$12,000 for the installation. That includes grading cement, mulch, that sort of thing. So, the total cost for them was about \$35,000. That was back in 2019. No tax was included, but we wouldn't pay tax anyway. The point is these kinds of things that we discussed before could be very simple or elaborate. You can add on to it at a later date. We also talked about stretching it through the community and maybe lowering the cost. So, there are all kinds of possibilities, but that is a matter of clarification.

Mr. Bosseler: One more point, I did go to the vendor and they have two types; they have an old area with an older walking area and a new one that goes along the sidewalk. The newer one is very attractive. They have it on quite a lot of land. That got me thinking about the possibility of Baytree Drive. We have some beautiful landscaping and ponds. Maybe we could add two or three along there. I don't know.

Mr. Huot: I don't want to be negative or anything else, but I will be brutally honest and you can pass this on to Mr. Brown. We have this bond and we are looking to try and do something with it. You want to go out and do your due diligence as far as what you guys want or don't want? My personal opinion is it should be someplace over by the courts where you can have a BBQ. You will have all of those things centrally located. People can bring their children, their grandchildren and things like that. You spread it out all over the place. Okay, we have \$80,000. The first thing that is going to come up is "Reduce/lower our rates or give us the money back." We are not increasing anything, but I don't want to because I'm worried about not so much next year, but this year. I like the idea of having pickleball and some BBQ pits, getting the water park for kids. I would love to see some things because I see people in Baytree over at the one at Interlachen. I think it's something we can do if you are investing into it. I think a lot of grandparents would love to bring their grandchildren and even new parents. We are starting to get a few more new parents, which is awesome. I would like to encourage that even more. Just food for thought.

Mr. Brown: I agree with Mr. Huot. The message that I took away from the BCA Board Meeting was that you tell us what your vision is and what you are looking to do and what you would be specifically asking us to do.

Ms. Schoonmaker: We don't want table and chairs. We don't want to survey the residents.

Mr. Brown: Right. So, I think that we as a Board need to have our act together. As I said, we have a workshop coming up in March. I would put that as number one. I have a question in my own mind. Do we as a CDD Board have the ability to approach somebody to encroach on the conservation land. Is there a possibility that we can do that to make the space behind the pavilion larger?

Mr. Mills: No, you cannot. It's protected.

Ms. Schoonmaker: You keep talking about swings and I was very involved in early childhood education. One of the most dangerous of playground equipment is a swing. You keep talking about swings and I'm hoping that you are aware that if you go around and look at the playgrounds that people are putting in, they are not putting in swings. There is a reason. It is because little kids get hurt. So, I would just like to put that out for you to consider. It may not be the best piece of equipment for small children.

Mr. Mills: Good advice.

Mr. Bosseler: I have a five-year-old and seven-year-old and we all go to three parks that have swings. The kids play on the swings and fall.

Ms. Schoonmaker: I paid for the insurance and insurance people do not like swings. You can do what you want, but I just wanted to make a comment.

Mr. Bosseler: Okay.

Resident (Stephanie Knudson, BCA): Riding the coattails of Wayne, being a BCA Member, all of us want to add value to the community, but again, we would like for you to itemize by priority if we can make the contribution of where they should go. I'm guessing that Baytree from the front gate to Balmoral is over two miles, maybe two and a half miles.

Mr. Darby: It's actually 1.8 miles.

Ms. Knudson: Not gate to gate.

Mr. Darby: Gate to the end is probably 2 miles.

Ms. Knudson: So, if we were to put something in Balmoral and I live in Kingswood, I'm surely not going to run up there to use their facility. Why isn't that available to me in Kingswood? I am against that.

Mr. Mills: Let me make a suggestion. I think we as a Board and you as a Board should look at what is going to be the dominant benefactor to all Baytree residents and not a select group of people. Because our community is changing, but yet we still have older people that live here and we have a lot of younger people moving in. I'm going to make Rick very happy when I say that when you donated for the Christmas Fund, everybody in the community benefitted by that. So, I think we as a Board need to focus on the priorities that are going to benefit the majority of the residents in Baytree.

Mr. Darby: Wayne, you would use the \$80,000 figure. Are you saying that you want all of that or some portion?

Mr. Huot: Some portion. I have people that are opposed to giving me a penny.

Mr. Darby: Right, but if I am going to try to look at the projects, I need a number I can work with.

Mr. Huot: Probably in the \$40,000 range.

Ms. Knudson: Give us your wish list.

Mr. Brown: That is exactly what you asked us to do.

Mr. Mills: Let's do that as Rick suggested at our workshop. Let's move along.

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

Ms. Joanne Wagner (IOB): We are working on a couple of projects right now. One was the zoo fence, which is a mess. It has fallen over or panels were damaged when they were doing their parking spots. Florida, Power & Light (FPL) is knocking them over too because they are putting in new poles. We had five feet on both sides cleared to get it ready to be repaired and just signed a contract to get it repaired. The zoo has been very accommodating sending us money. They are going to pay us back 25% of the contract cost and now I have to fight with FPL to get money for what they are damaging because they want to send contractors out and do it themselves and we don't want to get involved with all of that. So, we will deal with FPL. The other thing that we are going to be doing is repairing our bridge and paint it the colors of the houses and get away from that terracotta color. So, we are getting some bids to do that. We don't

have any houses right now for sale in our development. Everything has been sold. They sold them within one or two days. I'm glad that the District redid the access cards for the tennis courts. Two guys emailed me saying that they could not access the tennis courts. I told them before that they weren't supposed to be up there. It was not part of their dues. So, I'm glad you did that to control that situation.

Mr. Mills: For \$1,200 they can use it.

Ms. Wagner: Some of my residents asked where the playground equipment was. So, when you put that stuff in there, it's hard to control who goes in and out. I know you are not going to stay out there and say, "Hey, you don't belong here." We don't have that many children in our development. There are mostly retirees.

Mr. Mills: It's nice to have you as a conduit between us and the community.

Ms. Wagner: I pretty much bring all of this stuff up and send out newsletters.

Mr. Mills: Very good.

Ms. Wagner: The only other thing is I don't know if anyone was reading anything about these golf cart incidents that have been going around Suntree. If you are on Nextdoor, you know what I'm talking about. Kids have been doing this for a couple of months. I didn't figure out where these kids live. I think they live in Fieldstone. They are going down Interlachen Road and Saint Andrews Boulevard. They stole bicycles in Baytree and damaged some cars. They are throwing things at cars as they are driving in and out. They came into our development, circling around and almost ran over two little kids that were riding their bicycles. Then they hit one of the cars in our development and scratched a car with their golf cart. The lady went in to get her phone to take pictures and they put their hoodies over their heads so she couldn't get pictures of them. They are still out there rampaging around. As far as I know, they haven't been caught. Mr. Joe Martin lives in Kingswood. He has been patrolling and the Sheriff's been going through our development and all of Baytree right now trying to catch these guys.

Mr. Mills: Good.

Ms. Wagner: Hopefully they will catch them. That's it.

Mr. Mills: Is there anything for Joann? Hearing none,

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

#### **Consent Agenda**

##### **A. Approval of Minutes of the December 1, 2020 Meeting**

Mr. Showe: We received comments, which were incorporated into the finalized version. We need a motion to approve the minutes as amended.

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor the Minutes of the December 1, 2020 Meeting as amended were approved.

## **B. Public Hearing**

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor the public hearing was opened.

### **i. Consideration of Resolution 2021-02 Amending Chapter II of the District's Rules of Procedure Related to the Recreational Facilities**

Mr. Showe: The rules were drafted by District Counsel. The reason we have to do this is it is a fee that we are setting. That fee can only be changed through a rulemaking process, which is what we are going through now. Essentially the only change you will see is that we lowered rental fees to \$25 from \$100 and lowered the deposit to \$75. Other than that, the resolution is similar to what you have seen before. That is the only amendment to those rules. At this point, we can open it up for any audience comments specifically on this resolution and fees for the recreational facilities.

Mr. Mills: I was just thinking about what would happen if the BCA Board wanted to have their meeting at the pavilion?

Mr. Darby: They are specifically exempt from any fees, the BCA and the CDD.

Mr. Pawelczyk: It basically allows for any Baytree wide events, whether by the BCA or CDD. Unless there are any questions, we need a motion to adopt Resolution 2021-02.

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor, Resolution 2021-02 Amending Chapter II of the District's Rules of Procedure Related to the Recreational Facilities was adopted.

On MOTION by Mr. Brown seconded by Mr. Mills with all in favor the public hearing was closed.

## **C. Consideration of First Amendment to Pavilion Management Agreement**

Mr. Showe: This is a follow up item. We have this agreement with the BCA for them to collect those fees. This just recognizes that change in fees. If there are no questions or comments, we need a motion for approval.

Mr. Pawelczyk: Before we go there, only because it has not been signed by the BCA, I would ask the Board to approve it in substantially final form, in case there are minor changes like Jason said. All this does is implement new rates and that the \$25 rental fee would be retained by the association to pay Fairway Management. A section of the agreement needs to reflect current address for Jason's firm. The old one had your old address. Those were the only changes. Unless there are any questions, a motion to authorize execution of the First Amendment would be in order.

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor execution of the First Amendment to Pavilion Management Agreement was approved.

#### **D. Discussion Items**

##### **i. Traffic Calming Remedies**

Mr. Showe: Staff was tasked with looking into the authority for us to put up stop signs. So, we provided you with an Interlocal Agreement for Traffic Enforcement on Roadways, which is between the Baytree CDD, the Brevard County Commissioners and the Sheriff's Office. We want to point you Section II, which says, *"The County agrees to exercise jurisdiction over traffic control on private roads in the community pursuant to Florida Statutes 316.006(3)(B)."* We attached that portion of the statutes to the back of that agreement. Under 4 it says, *"Any such agreement may provide for the installation of multi-party stop signs by the parties controlling the roads carved by the agreement. If a determination is made by such parties that the signage will enhance traffic safety, the signs must conform to the manual specifications from the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage."* So, I think based on discussions with both District Counsel and the District Engineer, we think that these two in conjunction, give him authority as long as the engineer can safely determine through this process that those were there to enhance traffic safety. Mike, I don't know if you want to craft a motion.

Mr. Pawelczyk: Yes. The only thing that I wanted to bring up was Peter and our engineers has done extensive research and discussions with the county and permitting and such.



Anything installed needs to be installed in accordance with the manual we were talking about. It would be appropriate for us as a local government to base it on a decision, which I think we did on the safety, but I think you need to make a finding of that. The way this typically works and maybe it is just me it that we dot every "i" and cross every "t" when it comes to making legal findings. Jason and I discussed that the engineer should basically indicate what he stated on the record and what you all stated on the record that there is a safety benefit to the pedestrians, those using the rights-of-way, vehicular lights, golf carts, whatever they may be. Then have you adopt that as a finding, even though some of the signs are already up. I think that would be appropriate. If the engineer comes back and says the signs in this area have no safety benefit and you agree with them, then we will remove those signs. At the next meeting, we are going to ask the District Engineer to do an analysis of that, not necessarily an Engineer's Report, but an analysis based on his experience and his firm's experience on safety and if there is a benefit from a roadway and pedestrian standpoint.

Mr. Brown: Can you help the engineer put together the appropriate language in that report so we can put this issue to bed once and for all?

Mr. Pawelczyk: I think what typically happens is if the engineer is preparing something for the agenda, before it's finalized, a draft is reviewed by Jason and myself and presented. As with all of our items, whether it's the resolution you just adopted for the rules, Jason and I will make sure that whoever needs to look at it, has looked at it.

Mr. Mills: Didn't Peter also basically acknowledge when we were working on the speed hump on Baytree Drive and the stop signs that were added, the fact that it was for a safety issue?

Mr. Showe: Yes. I believe he has done that, but I think we need a formal finding on all of these just so we have some clarity.

Mr. Brown: I think we need to memorialize it.

Mr. Pawelczyk: Exactly. If the Board wants us to do a resolution, I don't think that's necessary. We can accept his report or his letter whatever the case may be. One thing that I like to do in this situation that Jason does too is we want it on record. We don't want a record from every meeting for the past two years where this has been discussed. We want to least have one record as a finality. So, we will bring that back at the next meeting for the Board's review and to act upon should you choose to do so.

Mr. Darby: Can I bring up another point on traffic calming?



Mr. Mills: Sure.

Mr. Darby: I'm sure we all noticed certain issues about parking on the streets, particularly with cars parked across from each other. Sometimes landscapers come around the curb and you can't see and nobody knows who has right of way. It's just a head on collision waiting to happen. What remedies are available to us to address the parking issue on the street, during the daylight hours, particularly when you have a lot of vendors?

Mr. Pawelczyk: That's a particular challenge that every one of our communities has. There is not really a good solution to it because if you are crafting a street parking policy, you have to target it to what you are looking for. In some of our communities for instance, they target nighttime parking. Some of them target 24 hour on-road parking. In every case, you must have a policy and have enforcement. So, you must have security driving around enforcing that and then you also have to know that you can't tow a vehicle even if you have a policy until you warned them first. So, you must put a sticker on their car that is difficult to remove telling them, "You are in violation. Next time you are violation, you will get towed." You are going to have some pushback from residents, especially if you are looking at vendors in particular because they service a lot of different communities. You may have to make a lot of exceptions for that. Once you start making exceptions in the parking policies, that's where the challenge becomes because the residents will figure it out. If you have particular areas like around curbs that you wanted to address because of safety concerns and you make a finding and determination that is in fact a safety concern, you have to go through a rulemaking like we just did, which isn't a big deal. In order to enforce no parking, we must have signage. So basically, you would be adding signage in those areas where there is a problem if you choose to restrict parking in certain areas. I have a District where the builder built the community and ended up with a lot that wasn't big enough to put a house on so he gave it to the CDD. So, it's just greenspace next to somebody's house. Because it's in Miami-Dade, people just think that they can just park so they are all parking on this lot because there was just sod. So, they decided to fence it. Residents came and took the fences down. So, then they tried to go through a rulemaking to do something to enforce this, there were 50 people in the audience saying, "We don't want one." So, people just park in the grass because they didn't want to deal with the residents. This Board had a different mentality and it was a different type of community. My point is no matter what you do, you are going to

have difficulty. We had difficulty in Montecito, Jason and I, with a single-family area compared to the townhome area. It's like night and day in terms of the parking problems.

Mr. Mills: The BCA also has in their rules that parking is not permitted after 2:00 a.m. to 6:00 a.m., but again, who enforces it?

Mr. Pawelczyk: If you do that, the BCA will have to engage a tow company and that tow company must install signage. Like Jason said, most of the time you are going to have a sticker program. Someone has to do that. The tow company doesn't want to do it.

Mr. Showe: Tow companies will not just drive through looking for cars to tow.

Mr. Pawelczyk: They hire someone else to do that. It's not like it can't be done. It is just difficult. Jason and I tell a lot of our communities that sometimes problems can be fixed through education and sometimes there is just nothing you can do. There is always that guy who no matter what you do, is not going to abide by anything.

Mr. Mills: Could we draft a letter from the Board to give to the guards to the vendors to please not park on both sides of the street?

Mr. Showe: I think what may be better is to target those vendors if you know a particular vendor is doing it a lot. I think giving one to every vendor is going to end up costing you more than it's worth, but if you have certain vendors, let the guards know, "The next time this guy comes through, let him know that he should be parking on the street."

Mr. Pawelczyk: Especially if you have a guard like Matt where he has the personality to say, "People are talking about you the way you park. Could you just be cognizant of it? I just wanted to let you know so you don't get into any trouble." He has the personality to do something like that. My experience with letters is people don't read letters.

Mr. Brown: If you are going 25 mph, you would know what is on both sides of the street.

Mr. Pawelczyk: That's true too.

Mr. Darby: This may be a subject for the newsletter.

Mr. Showe: Correct. I think that's a good subject for our newsletter. If we see people perpetually doing it, we can engage the guard.

Mr. Pawelczyk: Rely on your vendors to not double park in the street.

Ms. Knudson: Am I permitted to speak?

Mr. Mills: Yes.

Ms. Knudson: To eliminate a lot of concerns and issues or potential accidents, my suggestion would be to allow parking with the traffic flow. My biggest pet peeve is parking against the traffic flow. Not only can I not see around them, but the person going the other way can't see either. So, if we ask them to park with the traffic flow, I think that will reduce half of the problems. The other suggestion I have is we could create a little 4x4 index card. It wouldn't cost anything and have the guards give them out as a friendly reminder to park with the flow of traffic. Why couldn't we do something like that?

Mr. Huot: I don't see anything to say that there is traffic. If you are going north and south, you are on the right-hand side. We can adopt a rule that you can only park on one side of the road. If you already see cars parked, you park on the same side as them not like on Old Tramway Drive where you have one here and one here and people driving through stop signs.

Mr. Mills: Let's get back on target. I am hearing from Mike that we should be cognizant of the fact and maybe we can talk about that at the workshop.

Mr. Pawelczyk: I think you should do it at the workshop.

**ii. Visitor Interaction Letter**

This item was discussed.

**iii. Amenity Improvements**

Mr. Showe: I think we talked about that too about doing that at the workshop.

**FIFTH ORDER OF BUSINESS**

**CDD Action Items/Staff Reports**

**A. CDD Action Items**

Mr. Showe: We can go through some of these items quickly. We are working with the vendor to get a schedule for the 2021 lake bank repair.

Mr. Mills: By the way, I want to thank Sandy, her husband and her neighbor for allowing the CDD to get into that lake to remedy the problem. So, thanks Sandy.

Ms. Schoonmaker: No problem.

Mr. Showe: Are all of your items taken care of Sandy?

Mr. Viasalyers: It's in process.

Ms. Schoonmaker: I spoke to Will this afternoon.

Mr. Viasalyers: They had to find the right plants and there were some sod issues, but they got everything figured out. I'm also waiting on the concrete guy.

Mr. Showe: Regarding the recreation area improvements, Will had some quotes for pool bicycle racks. Did we get those in, Will?

Mr. Viasalyers: That's the Domino proposal. The only feasible location would be next to the tennis court because of how bad the drainage is around the pool area. The pad is \$1,200. The bike rack itself is roughly around \$400 to \$600.

Mr. Darby: So, you are talking about \$2,000.

Mr. Viasalyers: Plus, the labor to install it.

Mr. Mills: I don't think we should do it.

Mr. Darby: I don't see the benefit.

Mr. Showe: If something comes up or you start getting resident concerns, we have the numbers.

Mr. Darby: Just for clarity, William, this is located near the tennis court, not near the pool.

Mr. Viasalyers: Correct.

Mr. Mills: Thank you, William.

Mr. Showe: As far as the gatehouse improvements, do you want to touch on that, Will?

Mr. Viasalyers: Yes. Yesterday, I picked out some of the flooring we are going to do for the guardhouse. I just wanted to show it to the Board. The material should be in by next week. Hopefully within the next three weeks we can get that completed as well.

Mr. Mills: One of the nice things about that is that it won't show a lot of dirt. Because the guardhouse inside is painted gray, we wanted some brown in there. It is paid for and waiting for the contractor to do it.

Mr. Darby: What about the other improvements for the guardhouse?

Mr. Viasalyers: I'm still waiting to get some proposers for shutters versus sliding glass doors.

Mr. Darby: Are they doing to do the concrete ramp?

Mr. Viasalyers: No. Based on discussion with the concrete company, they did not recommend it.

Mr. Showe: I think security staff wasn't interested in that.

Mr. Darby: They've gone back and forth.

Mr. Mills: I talked to Matt and standing with a scanner like this is going to be harder than standing flat.

Mr. Darby: Got you.

Mr. Mills: He agreed with that.

Mr. Showe: Mel, do you have anything on the beautification plan?

Mr. Mills: Yes. As everyone sees, the stone is on the monuments. I think it looks pretty good. The letters are being painted. We have an issue. Some of the letters are metal and some are Styrofoam. William, did you get a price from the guy?

Mr. Viasalyers: Not yet.

Mr. Mills: We want to take the Styrofoam letters and transfer them to metal so they are all the same. These are the things that came off of the monuments. I would personally like to do these myself. This is what it would look like in this color.

Mr. Darby: It sounds good.

Mr. Mills: I'm going to do it myself.

Mr. Darby: Okay. Are you going to charge us?

Mr. Mills: Just for the products. William, there was an advertisement on TV today. There is a firm in Orlando that lifts up foundations. They also do it for concrete sidewalks. I talked to you about this yesterday. So, you may want to look into that. Instead of taking those columns completely off, you get them to pump concrete underneath and it will automatically lift them back to where they should be. It's a lot cheaper than removing those columns and redoing them.

Mr. Viasalyers: I can look into that option.

Mr. Mills: Good.

Mr. Viasalyers: I did get a number for 11 monuments. The total cost would be \$2,925 or \$270 per monument to paint them.

Mr. Darby: That is just Phase 1. Right, William?

Mr. Viasalyers: Phase 1, along Baytree Drive.

Mr. Showe: We are still working on the solar heating for the pool. We are looking at that for the budget in case that's an item the Board wants to go with. The last item is the flagpole. Will, did you get a quote?

Mr. Viasalyers: Yes. I obtained a quote to remove it and relocate it for \$485. That includes all labor and material.

Mr. Darby: We have to do it. It's wrapped around that wire out in front.

Mr. Brown: Do you need a motion to do that?

Mr. Showe: It sounds like there is full direction from the Board. That's a small amount. We can just move forward with it.

Mr. Mills: Okay.

Mr. Showe: That's all we have for action items unless the Board has anything else.

Mr. Darby: William, what about the two additional benches? Did they get installed?

Mr. Viasalyers: They are on order.

**B. Additional Staff Reports**

**i. Attorney**

Mr. Pawelczyk: I really don't have anything else that we haven't already discussed. If we extend the meeting to 3:45 p.m., I will have to sneak out as I have a 7:00 p.m. meeting in Broward County. That's all I have.

**ii. District Manager**

**1. Field Manager's Report**

Mr. Viasalyers: If you go back to the proposals, Carolyn is not here today, but we did get a quote to look at that area on the Ashwell. There was some damage. She was concerned about ponding water. The first quote for \$4,200 would be to go in there and remove that section in the gutter and replace it. I don't know if the Board wants to discuss that or revisit that.

Mr. Showe: We have funding under sidewalk repair if the Board is inclined to go forward with it.

Mr. Mills: Is this where the water is ponding?

Mr. Viasalyers: Correct.

Mr. Mills: We have that issue throughout all of Baytree.

Mr. Showe: I know they tried to work on it when they were doing the roadway work because it makes a lot more sense to do it at the same time.

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

Mr. Darby: Does it seriously jeopardize the condition of the road?

Mr. Viasalyers: I would have to defer to the engineer on that. I know that it is cracked. There is some damage there and it is ponding water.

Mr. Showe: We can have them take some pictures, review it and the Board can decide at the next meeting.

Mr. Darby: I think we need some professional advice.

Mr. Showe: Can you get some pictures, Will?

Mr. Viasalyers: Yes, I will do that. The third item would be the request to add two bench pads. I know it says \$1,200, but that's for two 4x10 bench pads using the existing material.. That would not include the benches. Just the pads. The benches are around \$1,000 plus whatever the freight is currently.

Mr. Darby: So, are we talking about \$3,500 in total?

Mr. Viasalyers: Yes.

Mr. Mills: Something like that.

Resident (Not Identified): Can I ask where they are going to be placed?

Mr. Mills: Do you know where the two current ones are up at the front lake and the one at the back lake? It will be right there. They are getting used.

Resident (Not Identified): All the time.

Mr. Mills: I'm happy to see that.

Mr. Showe: As I recall, the Board already approved the two benches. If there's no opposition, we will give them the okay.

Mr. Mills: Will, you and I will get together with the exact location if that's okay with the Board.

Mr. Viasalyers: Tropic-Care is currently working on the annual clearing of all of the conservation areas throughout the community. We have a meeting on Monday to touch on some of those areas to make sure that they are to the Board's standards. The pool was pressure washed back in December. The tennis court access control has been completed. That's all I have. I will touch on the speakers at the back of the guardhouse. Everything is in right now. We are just waiting for the vendor to install it.

Mr. Mills: Is that Spectrum?

Mr. Viasalyers: Yes. There was initially going to be an out-of-pocket expense for the District of around \$2,000. Being that the connection is already established at the pool area, they are going to use that construction cost and apply it towards the construction cost for the back

gate, leaving only around \$200 for the District to pay. Staff is working on getting that authorization form sent over to them to get that project started.

Mr. Mills: Two things that I would like to remind you of, William, is power washing the front wall. It is starting to get black.

Mr. Viasalyers: Off of N. Wickham Road and Baytree Drive.

Mr. Mills: We need to get those power washed and sealed. I talked to him yesterday while we were doing that. We went back and looked at the bathhouses. We will get him to do the floors at the same time because it is cruddy.

Mr. Viasalyers: We will get them to clean the grout.

Mr. Mills: We have to get it sealed as well.

Mr. Viasalyers: That's all I have unless the Board has any questions for me.

Mr. Darby: I don't know where this one is going to go, but we received a request that we put larger stop signs at the cart crossing.

Mr. Mills: That is the golf course.

Mr. Showe: We requested the golf course do that. I will send them another email. That's all that we have.

## **SIXTH ORDER OF BUSINESS**

### **Treasurer's Report**

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

Mr. Showe: In your General Fund, from November 23, 2020 to January 26, 2021, we have Checks 76 through 111 in the amount of \$135,864.23. In your Capital Projects Fund, we have Checks 112 and 113 in the amount of \$24,908. In the Community Beautification Fund, we have Check 38 in the amount of \$2,100 and December and January payroll in the amount of \$1,662.30, for a grand total of \$163,606.53. Will and I can answer any questions on those invoices should you have any.

On MOTION by Mr. Brown seconded by Mr. Darby with all in favor the Check Register for November 23, 2020 to January 26, 2021 in the amount of \$163,606.53 was approved.

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

Mr. Showe: No action is required by the Board. Most of your accounts are falling in line and are in good shape. You are about 75% collected on your assessments, so we are in good shape.



**SEVENTH ORDER OF BUSINESS**

**Supervisor's Requests**

Mr. Mills: Rick, do you have anything?

Mr. Brown: Yes. I have three items. For the upcoming workshop, I would like to explore the possibility of annexing some of the conservation land and if there is a process we have to go through, who do we have to go to? I think the recreation area behind the pavilion, the way that land comes into the conservation area, if we have the ability to go in 10 or 12 feet, I think we have space for the pickleball court and a separate one. You may be fighting a giant or something, but we don't know until you ask. The only other concern that I have is at the pavilion parking lot, a black BMW was parked there for at least two-and-a-half weeks. When that one is not there, a white BMW is parked there for weeks at a time. I think they flip back and forth. I sent the license plate to Jason to see whether or not it is a resident because the black one has a transponder in it. We just can't make out what the transponder number is because the window is tinted, to see whether our transponder software system allows us to put in a license plate and will the owner pop up?

Mr. Showe: I think Will is good at that.

Mr. Viasalyers: I haven't found that one in my system.

Mr. Mills: The suggestion was made to put up a sign up there saying, "No Overnight Parking." It's only one car, but it has been there for at least two-and-a-half weeks

Mr. Showe: I think Mike can discuss the process.

Mr. Pawelczyk: I think we touched on that already. It does require some rulemaking for no overnight parking in the parking lot. The vehicle will be subject to towing.

Mr. Mills: Couldn't we just put a note on the windshield, "Please Do Not Park Here?"

Mr. Viasalyers: Sure.

Mr. Showe: I will draft one of those up for the next time he is out here.

Mr. Brown: I drive up and down here all the time when I play golf. I can put one there.

Mr. Showe: I will send both of you a copy of it.

Mr. Mills: Jason, we are going to meet with the holiday lighting guy when he gets back here.

Mr. Showe: Yes. It's on my calendar.

Mr. Brown: Great. I'm good.

Mr. Mills: Thanks Rick. Jerry?

Mr. Darby: Yes, a couple of things. A resident in Balmoral asked if there could be a way to get direct access to a linear trail from Baytree. The area that was suggested was difficult to accomplish. It is pretty overgrown. It may only be a quarter mile. There are various points along the golf course property where they would be not too much distance to get access. I know that Joanne and IOB has direct access to the linear trail. I'm not sure whether that would be something IOB would entertain for Baytree residents to use that access.

Ms. Wagner: I will bring it up at my next Board meeting and see what the residents' feelings are. My only concern is once we allow that, residents are going to start parking in our Clubhouse parking lot to go to the zoo and we just don't have the capacity to have all of those cars parked there, plus having them walk through all of that grass. We are in the process of hooking that gate to our access cards in the future. Not this year, but next year. I will bring it up at our next Board meeting.

Mr. Darby: Joann, I don't have a solution.

Ms. Wagner: I wish we could do something. Maybe we can work out some type of agreement between us and IOB.

Mr. Mills: Are a lot of people parking at the zoo and going on that trail from the zoo?

Ms. Wagner: Yes. That is what they are doing.

Mr. Darby: A possible solution is if we talk to the BCA about some of the funds that they are appropriating. If we were to suggest a paved path going from your parking lot to the gate. In addition, bikers don't like to go out onto N. Wickham Road to come around to the zoo.

Ms. Wagner: That would be a better solution, to have a path through there so they don't have to keep going through our grass. We just re-sodded a bunch of it now because of bicycles going through there.

Mr. Darby: I think that would be a good solution. Think about it.

Ms. Wagner: We will work on that.

Mr. Darby: I just want to put before the Board and this group to see how much interest there is. I know it is a secured area so people from outside can't get in without access. So, I think it's something we should pursue.

Ms. Wagner: The residents where I live, a lot of them volunteer there. I volunteer over there. It is always used.

Mr. Darby: Jason, are you going to update on our expense plan per our last conversation?

Mr. Showe: Yes.

Mr. Darby: Is that for the workshop?

Mr. Showe: Yes.

Mr. Pawelczyk: Just to follow up on what Jerry was saying about this path. If the CDD is going to fund it and it is not on CDD property, we would need to have an easement over it. Then it becomes public. So, it might be something that is more of a BCA/IOB issue for them to work together. We can certainly help them, but I'm thinking ahead. It is probably not something that you want to see.

Ms. Wagner: Just out of curiosity, what liability is associated with that?

Mr. Pawelczyk: The liability is less if it is public than it is if it is private because the District has sovereign immunity. When I say it's public, that means we can't restrict access from anyone utilizing the path. I think the goal as I am hearing is to limit it to IOB and Baytree residents. If the CDD is going to use assessment money to fund it, we need to have homeowner interest in that public improvement.

Ms. Wagner: So, the BCA would need to check with their members to see what arrangements could be made between us and IOB.

Mr. Pawelczyk: The CDD can do it. Now if there is something that connects through CDD property to the pad, then we can be involved in that. Just think about that. We can certainly answer any questions.

Mr. Mills: That is another item that we can discuss at the workshop.

Mr. Darby: Jason, what do we charge residents for transponders?

Mr. Showe: \$20.

Mr. Darby: We pay \$21 for them.

Mr. Showe: We can start looking at that. I think it may be time to go up to \$25. It just went over \$21 some time ago. It depends on how many you order. If I order another 500 at a time, I don't know that we use that many.

Mr. Darby: No, you ordered 250 last time. I think it might be worth taking a look at and readjusting that charge.

Mr. Showe: Sure.

Mr. Darby: To that extent, I was going through the website as I told you earlier today and I didn't see any place on there where a resident can find information as to how to get

transponders. Maybe I just missed it. Could you make sure that's updated? You might want to put the fee in there as well.

Mr. Showe: Yes. We will look at that.

Mr. Mills: They have been asking the guards at the front gate.

Mr. Showe: I get probably two or three calls per week. They are calling.

Mr. Darby: If it is just on there, they can just say, "Look, I'll be there at 10:00 a.m.

Mr. Showe: The challenge to that is sometimes we will rotate so we can confirm that they are going to be here on a certain date and time. We can put something on the website.

Mr. Darby: That's all I have.

Ms. Wagner: How do you handle tennis court access, Jason? Do they have to have a Driver's License?

Mr. Showe: They need to provide something that shows they own the home. So, if it's a tenant and they haven't registered their vehicle here yet, we load the Driver's License and we have them bring their Lease Agreement that shows their name, address and Driver's License. We need to have proof of ownership if they haven't had their car registered yet.

Mr. Brown: Can I make a suggestion? When that happens and you have a lessor showing you the Lease Agreement for a certain address, could you give that name and address to Fairway Management?

Ms. Wagner: We get it. I knock on the door and say, "Hi, you're a renter."

Mr. Brown: There was a major issue where eight or nine homes in Baytree were being leased and Fairway Management had three copies of the leases.

Ms. Wagner: In the newsletter that was just sent out, it said, "If you are a renter call Fairway Management."

Mr. Mills: If the homeowner has a lease with me, then the homeowner doesn't get the notice.

Mr. Showe: We can certainly try to get those.

Ms. Wagner: Jason, on the tennis, I have one house that has people coming in and out, but there is only one person on this lease. So, you would only give it to the person on the lease. They have a Driver's License that has that address.

Mr. Showe: If they have a Driver's License that has an address, they are entitled to a transponder.

Ms. Wagner: Okay.

Mr. Showe: If the vehicle is registered at that address, they are entitled to a transponder.

Ms. Wagner: What is the life of those transponders, just out of curiosity?

Mr. Showe: Forever.

Mr. Mills: Is that it, Jerry?

Mr. Darby: I'm good.

Mr. Mills: Rick?

Mr. Bosseler: I'm good.

Mr. Mills: I only have two items. Have we heard anything back from Space Coast?

Mr. Showe: I have not and I followed up with the county who said they were going to follow up with their code enforcement. I contacted them two weeks ago. So, I was going to wait and give them some more time.

Mr. Mills: Alright. We discussed this earlier. I want to use the rest of the beautification budget to cleanup a lot of the edges of the conservation areas because it looks pretty lousy in my opinion. William and I rode around the other day and we are going to try and improve the conservation area from encroaching on CDD property. It looks better. I think we are turning a corner on making Baytree look pretty good. That's all I have.

## **EIGHTH ORDER OF BUSINESS**

### **Public Comment Period**

Mr. Mills: Are there comments from the audience?

Ms. Wagner: The property as we come into National Drive from Old Tramway Drive heading towards the golf course, who owns that property on the right-hand side?

Mr. Mills: That is a conservation area. Will and I discussed what we can do there and how far back we can do.

Ms. Wagner: That probably could be a viable area.

Mr. Mills: It's already on the agenda. Are there any other public comments?

Mr. J.P. Heatherington (Southpointe): I have been a resident for 10 years. I am affected by the stop signs to the maximum degree possible. To be clear, I'm not anti-safety and I'm certainly supportive of the Board's efforts to control the speeding. I agree with you; however, it is very clear that a stop sign is not a speed control device. Secondly, if you go through the main road, stop signs could be used as a ROW device. So, the consideration of putting a stop sign in

had to do with essentially either A the amount of traffic through the area or B the number of crashes. We don't have either of those problems.

Mr. Mills: Yes, we do.

Mr. Heatherington: That's fine. So, I recognize what we are doing, which is to have the engineer study the documents because that's also a requirement. My question for the engineer is am I going to be able to see it?

Mr. Showe: Yes. It will be in the agenda package. It is on the Baytree website. All of the agenda packages were there.

Mr. Heatherington: Okay. I am going to want to see it because I don't know who this engineering firm is. If they are not following a manual, I will go to the FDOT. You can't use stop signs for speed control and you can't just say safety. You can't do that. That's my comment.

Mr. Mills: Do you have any suggestions as to what we can do?

Mr. Huot: Yes. Read the stop signs.

Mr. Heatherington: What does that do if it does the same thing before I was coming over here? Turning in from Balmoral, a guy from in the back somewhere, went up to the left without stopping for the stop sign.

Mr. Brown: I live on Old Tramway Drive. I have a grandson. When he comes over after school, we like to play. I can't tell you how many times I have seen cars coming from Phase 2 down Old Tramway Drive doing at least 40 mph. I looked upon it as a safety issue. This is a neighborhood. It is not a small neighborhood, but a large neighborhood. The streets are two-and-a-half lanes wide, yet people are doing 35 to 40 mph down my street. I fear for the safety of my grandson who wants to play basketball. If that basketball goes out into the street, God forbid. Maybe I'm over exaggerating.

Mr. Heatherington: I don't think there's anything wrong with what you are saying. I'm just telling you that you can't use stop signs. That solves that problem. It's very clear.

Ms. Wagner: So how do we solve the problem? Do you have a suggestion?

Mr. Heatherington: That is not my job. I'm just telling you that you can't have stop signs.

Mr. Mills: Let's not get into a public debate.

Mr. Brown: Based on what I heard today, we asked the engineer to work with the attorney to make sure that everything we are doing is according to law, regulation, requirements, whatever in the State of Florida. When that comes out, if they can put that in writing, we are

going to take a look at that at our next meeting. That will be in the Board packet. I encourage you to go out and take a look at it and go from there. I just think from a safety standpoint, you like to tell people to do 25 mph, but I have seen people coming down there texting on their phone doing 35 to 40 mph in a 25 mph speed limit zone.

Mr. Darby: When we looked to changing our engineering firm last year from Atkins, we specifically looked for a firm that specialized in traffic control. We selected them because the engineers in this firm are certified traffic engineers, at least 50% are, following major projects such as the I-4 reconstruction because of the traffic issues we have here. So, when they come back, it should be an authentic well thought out response to the situation. If for some reason we are not allowed to do it, then we have to follow up.

Mr. Mills: I agree. Anything else?

Resident (Not Identified): I have a question about the pool area. It was power washed and it was great that you have that done, but it has uncovered a lot of imperfections. I think the entire area needs a facelift, the bathrooms, ladies' room, showers. A lot of us go there at least three times a week and we are all complaining about it, but no one seems to do anything about it. So, I thought that I would say something.

Mr. Mills: It's very interesting that you brought that up because William and I were there yesterday looking at possibly getting rid of the green paint that is there and do the gray to match all of the monuments.

Resident (Not Identified): What about all of the cracks.

Mr. Mills: I don't have an address, but that is not my area of responsibility.

Mr. Bosseler: William and I just started talking seriously about getting bids for repairing the imperfections. So that is in process.

Resident (Not Identified): What about the bathrooms?

Mr. Mills: We are power washing all of these floors.

Mr. Viasalyers: She is talking about painting it.

Resident (Not Identified): Everything looks sad.

Mr. Bosseler: I disagree with you. I go there once or twice a week. The bathrooms are passable. To put in an ADA bathroom in our facility is \$25,000. That's not conceivable. We clean them up. We need a new light.

Resident (Not Identified): What about the showers?



Mr. Bosseler: We do need chains on the shower. My wife does water aerobics with you and I hear this all day. I'm on it.

Resident (Not Identified): What about the new access system?

Mr. Bosseler: Did you send us a letter?

Resident (Not Identified): Yes.

Mr. Showe: They are working on it right now.

Mr. Bosseler: Why they put in the incorrect one to begin with, I don't know. We are talking about the new access gate to the pool. They put in a pole and ran the conduit along the sidewalk. They didn't like that, so they came back on their own. They took all of that out and they put something on the inside of the pillar where you press the button and the gate opens. The problem is you can redrum the pillar and activate the gate. So, William has already jumped on that. We are taking care of that.

Resident (Not Identified): Thank you.

Mr. Bosseler: We need new pool furniture. There is a ton of things we can spend money on. Keep suggesting. We have to replace the drinking fountain. It looks terrible.

Mr. Mills: William, the guy that is painting the monuments, have him get an appraisal on painting those bathrooms.

Mr. Viasalyers: Alright.

Mr. Mills: Everything else will be brought before the Board. Thank you very much for attending and we will see you in April.

## **NINTH ORDER OF BUSINESS**

## **Adjournment**

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

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman