

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, April 7, 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
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
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.

SECOND ORDER OF BUSINESS

Engineer's Report

A. Discussion of Memo Traffic Calming

Mr. Armans: We don't have a lot to report on besides the memo we prepared for the District. I have a couple of comments. The memo we prepared was to the County. You have it in front of you. If you have any comments, let me know. If not, we will forward it to the County and wait for a response.

Mr. Darby: I have two quick questions. One is are we advising residents near the speed hump on Old Tramway Drive that it will be installed.

Mr. Mills: That was in the last minutes.

Mr. Showe: That's probably more of a question on our end. Once we have a timeframe on that installation, we will make sure we send out notices. If the Board approves the memo today, we will send it out to the County and let them know it is coming.

Mr. Mills: Okay. Good.

Mr. Showe: Do you want it sent to just the houses it is going to be in front of or the two houses on each side?

Ms. Witcher: The six in the square.

Mr. Showe: The six? Okay.

Mr. Brown: What was the reason it was moved down so much from where it was originally close to the cart path?

Mr. Armans: Originally it was far from the cart path and then at the last meeting, we were asked to have it closer to the cart path. Going back and forth a few times, at the last meeting, we were directed to find a new location. We had interaction back and forth a few times until we reached this location. If you look at the map, the speed hump was centered between all of the driveways. We were trying to keep the signs installed far from the driveway. I'm referring to the sign that says, "*Speed Hump Ahead*" or "*Speed Hump.*" We tried to center it so it would not indirectly interfere with the cars.

Mr. Brown: With regards to the signs or the speed hump, is it 50 or 100 feet?

Mr. Armans: It's plus or minus 100 feet. It could increase or decrease slightly. It is not set in stone.

Mr. Mills: Okay.

Mr. Darby: I thought it was, Peter. I thought according to Brevard County, it had to be a minimum of 100 feet, but no shorter than that. Is that your understanding?

Mr. Armans: That's all we have. We have more than 100 feet. One hundred feet would have been very close to the driveway so we moved it about another 20 feet further away from the driveway.

Mr. Darby: Good.

Mr. Mills: That makes sense.

Mr. Armans: We meet the minimums on this.

Mr. Darby: Okay good. Peter, what are we expecting back from the County once you send this report to them? Do you think they will approve it or ignore it? What do you expect?

Mr. Armans: We basically tried to work this to where they would respond with any comments or questions. If they do not respond, if they don't have any comments or questions, we can proceed. Because we already had a conversation with them on the phone and the agreement was for us to send them a memo just to document what we are planning so they can keep an inventory.

Mr. Mills: This memo is more like an FYI to the County. Is it not?

Mr. Showe: Based on conversations that Peter had with the County, there did not seem to be a process. They just wanted to be informed what we were doing, why we were doing it and to make sure we were in compliance with the standards.

Mr. Mills: Okay. So, we need a motion to approve the memo.

Mr. Showe: Yes.

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor the traffic calming memo to Brevard County was approved.

Mr. Mills: Do we want to have a motion to install the speed hump?

Mr. Showe: I think you already made that motion. The purpose was to make sure that we were in compliance with the County.

Mr. Mills: Okay.

Mr. Showe: We will submit this to the County and I will put a flag on my calendar for about 30 days out. If they don't respond, we will proceed.

Mr. Brown: I look forward to getting the letter from Jason telling me that the speed hump is going in.

Mr. Showe: I have you on my list.

Mr. Mills: Thank you Peter.

Mr. Showe: I think he had another update or two.

Mr. Armans: There are a couple of other items that I wanted to comment on. One was about potentially the ability to clear the conservation area near the pavilion. That's why the question was sent to Jason. We cannot clear any conservation area. We have to leave the conservation area alone. If it was cleared, we have to let it grow back. This potentially needs to be discussed. Another item was the drainage work at the pavilion. Basically, the two projects we

have for drainage and the speed hump were approved at the last meeting. Jason and his office will be coordinating that work. If you want us to be involved in that, let me know.

Mr. Showe: We used your scope and we already coordinated with the vendor that the Board approved. It is in process.

Mr. Armans: If you have any questions for me on those items, I'm here to answer them. Otherwise, there is nothing further from me.

Mr. Mills: If the location for the pickleball court is decided, we already decided that we don't need to go into the conservation area.

Mr. Darby: Peter, not to make a special trip, but the next time you are onsite, I would like for you to take a look at a linear crack in the pavement at the corner of Old Tramway Drive and Balmoral Way. It looks like the subsurface is shifting. When William and I went out there to perform a sidewalk inspection, we noticed a couple of feet of sidewalk that was cracked. So, before we repair the sidewalks, I would like to have them evaluated to see what we need to do.

Mr. Armans: Sure.

Mr. Mills: Peter, what Jerry is talking about is years ago, we put in a pipe through to the lake on the right to get rid of the flooding in that area where we had torrential rains. It looks to me like it wasn't compacted good enough. Jerry is right. I think it is sinking.

Mr. Armans: That is definitely possible. We just had a CDD that had a depression in the road a while ago. It was ignored and that depression became a sinkhole and turned into a \$10,000 repair. Sometimes you have pipes under the road that are taking in the roadway base. If it creates a hole underneath, you could have a dip causing a safety issue. I don't know if that's what you have, but if there is a pipe underneath with a leaky joint, there could be a problem with the base. You might just have a section of the road that you peel back with native soil and our road base. It is on my list of items.

Mr. Mills: Peter, could they use an infrared camera to see if the work has actually taken place?

Mr. Armans: It is something called "*Ground Penetrating Radar*," which is like a robot that is sent through to the pipe to try to prevent voids outside of the pipe. That's doable. It is not an inexpensive process though.

Ms. Witcher: What are the advantages of doing it the old-fashioned way by digging a hole?

Mr. Showe: They also have cameras too that they can place in the pipe. We will have Peter take a look at it.

Mr. Witcher: When they did this originally, they had a heck of a time getting the water to actually drain. They had to redo it two or three times because of the level of the ground.

Mr. Mills: My concern is, in the future, who oversees these contractors to make sure that the compaction is done correctly?

Mr. Showe: The engineer will typically oversee the contractors to prepare them.

Mr. Mills: It is much like the columns on the monuments. That was not done right, so as a result, we have to go back.

Mr. Armans: For compaction, we usually require a geotechnical firm to test the compaction and provide a report. That is usually our way of finding out if we are compacting properly.

Mr. Mills: In the future, we need to do that.

Ms. Witcher: Can we check to see if Atkins did it?

Mr. Showe: I can go back and look at their contract.

Ms. Witcher: It was pretty extensive when they did it.

Mr. Mills: Yes it was.

Mr. Darby: I know they did it for the pavilion parking lot.

Mr. Armans: FYI, I don't have any plans to be out there. I can keep an eye on it and if it looks like it is getting worse and getting deeper, let us know and we can make a quick trip so it doesn't become a major issue.

Mr. Showe: We will keep an eye on it.

Mr. Darby: I've been looking at it for a couple of years and it hasn't gotten worse, but I would hate to replace those sidewalks.

Mr. Mills: Okay, Peter. Thank you very much!

Mr. Armans: Thank you. Have a good day!

Mr. Armans left the meeting.

THIRD ORDER OF BUSINESS

Community Updates

A. Security

Ms. Scott: Bill sent me today, but I know that he spoke with Rick this morning.

Mr. Brown: Yes, he did.

Ms. Scott: There was only one item and he asked me to relay it. I think he already spoke to Rick. Since the last time I was here, four or five months ago, new registrations for the Visitor Management System (VMS) continue to be sporadic and slim. Year-to-date 2021, I only received three. One of those I just received and I will be taking care of that in the next day or so. Other than that, I don't have a lot to add, but would be happy to answer any questions if you have any.

Ms. Witcher: We had quite a few sales in the community. So maybe we need to have the HOA have some kind of mechanism to reach out to new residents.

Mr. Showe: Both William and I let people know when they get new transponders that is one of the things they have an option for. Obviously we can't require them to register.

Ms. Witcher: Do you have any forms to give to new residents to fill out and drop off at the gate?

Mr. Showe: We have the forms online and they can get the forms from the guards. We normally refer them to the guards since that is their point of contact and we want them to get familiar with the guards.

Mr. Brown: Do we have the handout, Valerie, that you provided to us on how to set up the system?

Mr. Darby: It's on the website.

Mrs. Scott: I have hard and electronic copies if someone has an issue pulling it off of the website. We can also make sure that the forms are in constant supply at the gatehouse. I know that in the beginning, we always made sure that they were there and I don't know if that's still the case.

Mr. Mills: Maybe we can include that in the next newsletter that goes out.

Mr. Brown: The welcome basket that a woman in Balmoral puts together should include the form. We can give that to Wayne to put into those baskets.

Mr. Mills: Yes.

Ms. Scott: Like I said, those come directly to me so I do see all of the ones that come in. There have been next to none for many months.

Mr. Mills: I don't know if Bill passed this along to you or not, but the Board is very pleased with Matt's performance. He is doing an outstanding job.

Ms. Scott: I will recognize them today. It has been too long. Thank you for that. We appreciate it.

Mr. Brown: The one thing that I talked with Bill about this morning was an incident that occurred at the end of March where a homeowner approached Matt at the guardhouse. It turns out that this homeowner was leasing his home and he wanted Matt to stop the lessee from driving his commercial truck to the home that he is leasing at lunchtime. Matt said, "*I have to let him in.*" What bothers me, which Bill and I spoke about this morning, was this world is getting crazier and crazier. So, if someone walks up to an unarmed security guard at the small gatehouse, what is going to happen? I would like to see if we can't send something out in the next newsletter. I don't know whether it's my turn to publish an article on behalf of the CDD in the newsletter.

Mr. Mills: I think it is your turn.

Mr. Brown: I would think that we would want to encourage homeowners not to confront the security guard. If you have an issue, either call William, call Jason, call me or call Bill. Matt as usual, handled it very well. The owner was upset that we were letting his lessee drive his commercial truck to a home he was leasing from this homeowner and the homeowner wants us to correct the problem. What am I missing here?

Ms. Witcher: He lives in The Isles. The owner wouldn't address that. An attorney was involved with this particular tenant and owner.

Mr. Mills: Oh.

Ms. Joanne Wagner (IOB): So, I think we are getting that resolved. That commercial vehicle owner was running a business out of his garage.

Mr. Brown: That's different.

Ms. Wagner: He is renting it out five or six hours a day. He is welding in the garage. The owner is not cooperating with The Isles at all. Now it is to the point where we have to turn it over to our attorney and our attorney is taking care of it. So, we pretty much have that nipped in the bud.

Mr. Brown: Okay.

Mr. Mills: So, then we shouldn't do anything.

Ms. Witcher: No. You may want to send that particular owner a letter because he is very irate.

Mr. Brown: I would be happy to do that. I'll draft something and send it to you. Maybe you can make it nicer.

Ms. Wagner: Sure. He's threatened me too. He tried to bribe the association and everything else.

Ms. Scott: I appreciate you running that because that was one item Bill asked me to share with you.

Mr. Brown: There are very specific covenants and regulations about running a business out of your home and when commercial trucks are allowed during the day, but they are not allowed at night.

Ms. Scott: I assume if a resident has any issue about security, a complaint or wants to see something done differently, for them to approach the security officer in the gatehouse isn't the answer. Approach Jason and Will. Thanks for bringing that up.

Mr. Mills: We had a situation years ago where we had a resident go directly to the security company. We knew nothing about it. They got the guard fired. We did not know anything about it. I prefer that residents only communicate to Jason or William or Rick who is in charge of security because that situation turned out pretty bad.

Ms. Scott: Okay. I will relay that information back to the security guards.

Mr. Mills: Thank you very much!

B. BCA

Mr. Mills: No one is here from BCA.

C. Isles of Baytree

Ms. Joanne Wagner (IOB): We have our annual meeting in April. Only two people are running for Board seats, so I guess I will stay on. No one wants this job. We are still working on our fence repair. It was supposed to start in January, but we ran into all kinds of problems. They started the job, but they got the wrong parts and can't find the right parts. We are still working on that. The entrance will be painted at the end of the month. The bricks will be the colors of the

houses, which is a dark color. Our sign wall also be updated. We are also going to try to enter into a lease amendment because of the situation we are running into with people leasing in our development. Half of those that are leasing are businesses. They are receiving violation after violation for living out of state. They don't cooperate and of course you see the situation I have with this other tenant. We are trying to get something in there that the association can get more involved with taking care of this situation. He supposedly threatens me, stalks me, throws things in my driveway. He throws nails. I've had no contact with this guy ever, but he knows that I know about violations. It's nuts. We have no homes for sale in IOB right now. Everything is sold and rented. That's about all we have going on in there. There are always issues going on, but that goes on everywhere.

Mr. Mills: Joanne, I had a conversation with Agent Martin.

Ms. Wagner: Yes, I work with him very closely.

Mr. Mills: He told me that he did.

Ms. Wagner: He is wonderful. He is working with me on the speeders. He knows the speeders as well as I know them. He already stopped four of them and gave them warnings. One particular tenant that I told you about, speeds and runs through stop signs. She never stops. We have a lot of children moving into the area, even our development. Agent Martin said he would do something. He saw her flying through there and running through every stop sign. When she went through the stop sign at the gate, he stopped her and ticketed her \$169 for speeding and another \$169 for running the stop sign. Then he found out that she had a suspended license. He said if she drove down the road one more time, she would go to jail.

Mr. Mills: He told me about that one.

Ms. Wagner: Did he? I haven't seen her driving recently, but a particular guy drives his vehicle up to CVS and parks it and then she gets into his car, but at least she's not speeding on our streets.

Mr. Mills: He's helping out. He has been through the development watching people.

Ms. Wagner: He's only giving warnings at this point.

Mr. Mills: He told me that he didn't want to give tickets, only because he didn't want his family to be threatened.

Ms. Wagner: Exactly.

Mr. Mills: e gets the finger and trash dumped on his driveway. It's a mess.

Ms. Wagner: It is a mess. A lot of people don't like him because he parks his vehicle in the streets during the day.

Mr. Mills: Very good.

Mr. Darby: Joann, I think a couple of meetings ago, we talked about access to the linear trail at the zoo and the possibility of maybe the BCA helping to fund a common walkway through a decorative fence. You were going to approach the Board on that. I'm going to discuss it at my meeting.

FOURTH ORDER OF BUSINESS

Consent Agenda

A. Approval of Minutes of the February 3, 2021 Meeting and March 9, 2021 Workshop Meeting

B. Consideration of Additional Bench in Balmoral Park

Mr. Mills: We need a motion to approve the minutes.

Mr. Showe: We can actually approve both sets if the Board wants to. That is how you do a consent agenda. We also discussed at the workshop, adding a bench at Balmoral Park. We received a couple of minor changes to the February 3, 2021 minutes, but other than that, if the Board is amenable, you can make a motion to approve the consent agenda items.

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor the Minutes of the February 3, 2021 Meeting as amended, the Minutes of the March 9, 2021 Workshop Meeting as presented and an additional bench for Balmoral Park were approved.

FIFTH ORDER OF BUSINESS

Agenda

A. Consideration of Resolution 2021-03 Approving the Proposed Fiscal Year 2022 Budget and Setting a Public Hearing

Mr. Showe: This is the start of the budget process. We discussed this at the workshop. This resolution does a couple of things for the Board. It approves the Proposed Budget, which is attached as Exhibit A. That will be revised with any changes the Board makes today. It also sets the public hearing for your August Board meeting. We changed that to a Noon meeting. It also directs us to transmit the budget to Brevard County as well as posting on the website, both of which are required by the Florida Statutes. I think this budget matches pretty much what we discussed at the workshop. There is an assessment increase proposed as discussed by the Board of \$115.32 per home. I think everything else lines up with what we discussed at the workshop. Your admin costs stay fairly level. On your Operations side, expenses stay level. We tried to be

fairly conservative with these numbers. At this point, we are projecting out in February and March through next September of 2022. We are doing the best we can and try to be conservative. We may tighten some of those numbers as we get closer to the final budget. The details start on Page 3. All of the contract costs are listed out so you can see exactly how we get to each one of those figures. On Page 10 is the Capital Projects Budget. We also have the proposed detail on Page 11 of the next few years of capital projects. Page 12 is the Pavement Management Fund. Page 13 is the Community Beautification Fund. Pages 14 and 15 detail the calculation of Operations and Maintenance (O&M) assessments as well as the IOB Cost Sharing Agreement. Then there is a calculation of the carry forward in Exhibit A. Again, I know that you discussed a lot of these items at the workshop. I think it meets what the Board was requesting that needs to be presented today. A couple of items of note, just because it is here as a presentation, obviously we will make whatever changes the Board would like to make today. Again, as part of the process we have regular Board meetings in May and June. We typically leave those meetings so you can make changes to this budget as we go through the process. What you look at doing today is essentially studying a ceiling on your assessment. There is some thought that you may want to decrease it. What we said today what may be top of the line and you can break it down later. With that, we can turn it over to any questions or comments from the Board.

Mr. Bosseler: On Page 1, *Tax Collector Fee* increases from \$14,000 to \$18,000.

Mr. Showe: Yes. That is actually a percentage of your assessments. You are paying \$17,803. So, when your assessments go up, the percentage that they collect goes up.

Mr. Bosseler: I was just surprised that last year, it was so low.

Mr. Showe: I think we had carry forward the prior year's budget. When you get late assessments, they get collected later.

Mr. Darby: Jason, the first budget that came out, actually called for an increase in assessments of \$2,059.

Mr. Showe: Right.

Mr. Darby: Which is a considerable amount of money. In the capital plan for 2022, we have \$8,000 in the budget for *Fountain Replacement*, but we are going to do that in 2021. So, in theory, can that come out of capital as we go through this plan?

Mr. Showe: Yes. That is one of the things William and I were talking about. Timing-wise, we sent some information we received to the Board. The lake vendor cannot come out to do new lake banks until November.

Mr. Darby: Right.

Mr. Showe: There is approximately \$9,000 remaining in *Lake Bank Restoration*, so you can use those funds for the fountain in the current year. If you choose to do that later, we can definitely remove that from your capital expenses going forward.

Mr. Darby: It has a fairly significant impact.

Mr. Showe: With only 466 homes, every couple thousand makes a difference.

Mr. Darby: We could approve the budget as is, but lower it at subsequent meetings.

Mr. Showe: Correct.

Mr. Darby: To \$17 per home.

Mr. Showe: If we are approving the budget on August 4, if there is an assessment increase proposed, we have to do a 21-day mailed notice. So, three weeks before that hearing, every resident needs to have a letter in their mailbox explaining the proposed assessment increase and the date of the public hearing. That is the deadline. You can have your May and June meetings to make changes as we move forward.

Mr. Mills: I would like to make a comment regarding the assessment. I know I said this at the workshop, but I'm going to say it again. I think right now with the pandemic and everything that is going on, it is the wrong time for us to increase assessments. I will do whatever the Board wants, but I feel right now the timing is wrong. I am always for making things better, but I think we are at a point where we can back off on some of our projects at least for a year. That's basically where I'm at with this.

Mr. Brown: When is a good time?

Mr. Bosseler: In addition to what Mel said, there is a rumor that homeowner's insurance in the State of Florida is jumping rapidly. We are going to deal with that. We have notification that the Fire Department assessment is going up 35%. So, I'm kind of with Mel on this one. We probably need to do a better job with what we have.

Mr. Brown: I'm not opposed to what you are saying. We don't have to decide today whether we are going to increase the assessment or leave it alone. The County Commission is deciding by the end of this month whether the Fire Department increase is going to go through at

35% and 3% for CPI, whichever is less. So, I would say let's leave it the way it is for now. We still have time to say "yea" or "nay." I suggest, giving what we know right now, to replace the fountain and other items as we work the budget, knowing that we are going to replace the fountain this year, not next year. Then with the lake bank restoration, not being able to get here until next fiscal year, gives us some options, but we don't have to make the decision today.

Mr. Mills: I would like to see us rework the budget. Leave this one as it is. I feel strongly with Richard on the same thing. Gas prices increased significantly. Is that going to impact what Tropic-Care is doing?

Mr. Showe: I think your vendors are going to be affected by the gas prices as well as the minimum wage, along with what we will talk about later, E-Verify. There could be some additional costs. We tried to capture as much as we can in here. I will say to Mr. Bosseler's point, you will notice we received some initial estimates from our property insurance company. Those are going up as well. We propose a \$2,500 increase to the District just for property and liability insurance. We are seeing that as a trend throughout the State right now.

Ms. Witcher: The homeowner's insurance might not renew. We are trying to rebid it, but it's not easy.

Mr. Darby: There is going to be an increase in expenses. I think there is a pent up demand if you will, to increase expenses, which haven't gone up over recent years, but we may not want to raise it by this much. Rather than raise it \$115, maybe we raise it by \$50. Certainly, capital can be postponed to a certain extent. We also have \$40,000 from the BCA that we can apply to some of the amenities. I think we should still do that. We have to remember that we are completing new construction in Viera and around. As this community ages, it's going to demand more investment.

Mr. Mills: There is no question. I just think the timing is wrong.

Mr. Darby: I understand.

Ms. Witcher: With the housing right now, houses are on the market two days at the longest in here.

Mr. Mills: Another thing, as I was going through this, do we have our phone system bundled with our Internet?

Mr. Showe: Yes. We do expect there to be some cost savings once that gets fully implemented. We are switching over to Spectrum now. It has been a painful process to switchover as it is with any utility company, unfortunately.

Mr. Mills: Does the Board have any objection for Jason to rework the budget? What are the Board's wishes?

Ms. Witcher: I want to talk about the fountain in the front. It's not in our lake. The developer put it in. So why are we eating the entire cost?

Mr. Mills: The sad part of it is the entrance to Baytree. That lake is already getting stagnant if you haven't seen it.

Ms. Witcher: I know, but it's not our lake.

Mr. Mills: I realize that.

Ms. Witcher: Are we allowed to put \$9,000 into something that we don't own?

Mr. Pawelczyk: Not unless we have an easement.

Ms. Witcher: Right now, we don't have an easement. Do we?

Mr. Showe: I don't believe we have one, but in a lot of ways, it falls similar to the median we have and the entire front entrance. Even though we have an agreement with the County, we got nowhere.

Mr. Pawelczyk: The County doesn't matter because it's public property. The lake is owned by a private entity, but we maintain a recorded agreement that allows us to improve the property.

Ms. Witcher: Why can't we negotiate with them to take part of it because it is helping their algae and their cost for ECOR coming in all the time trying to fix the algae.

Mr. Mills: I don't even know if they use ECOR anymore.

Mr. Showe: I'm not sure how they service that lake.

Mr. Mills: I remember all of the phone calls I got two summers ago when that lake was full of algae. I couldn't believe it.

Mr. Darby: Traditionally we have maintained that fountain. We replaced the pumps.

Mr. Brown: We replaced the pumps three times.

Mr. Showe: That fountain has been maintained by the CDD at least as long as I have been here. I think the developer put it in and the CDD maintains it.

Ms. Witcher: The golf course is doing very well. It is packed, so why can't we at least bring it up to them? It's not just assumed that we are going to pay \$9,000 to put the fountain in. Maybe they could offer some money to pay for it. We are trying to save money on the budget.

Mr. Brown: If I was going to approach the golf course, I'd approach them on the sense of the 2.25% of our budget that they kick in, which is next year's \$21,000. They have been doing that for 20 years. Over the last five years, the major use of our roads, at least at the main gate to National Drive have been golfers. All you have to do is look at the golf course now. It's packed and the golf course is making money. Can we increase that 2.25% to 3.25%? At least that's additional money year after year after year. I think the fountain was a different issue from my own standpoint. It has been part of Baytree since I've moved here 20 years ago. I like to see it when I come through the main gates. I don't care who owns it.

Mr. Mills: It certainly sets a tone for the community.

Mr. Brown: We have been maintaining it for 20 some odd years.

Mr. Pawelczyk: There's probably something in a document.

Mr. Brown: If I am going to approach the golf course, I want to go for a buck not a quarter.

Ms. Witcher: I just want it to be legal so it doesn't come out and bite us in the end.

Mr. Brown: Has that ever been done, Mike?

Mr. Pawelczyk: That's a question for your methodology consultant, whoever that is.

Mr. Brown: It could've been just a verbal agreement between the golf course and the developer.

Mr. Pawelczyk: No, because you can assess based on benefits.

Mr. Brown: I meant the fact that the fountain has been there for so long. I doubt if there is even an easement.

Mr. Pawelczyk: With the developers of this community, your manager and attorney at the time, there is no reference.

Mr. Brown: Right. So, what would the process be?

Mr. Pawelczyk: The standard course is just to continue to maintain it. I think you still want to make sure that you notify the golf course that you are changing the fountain. You will continue to maintain it. That's all.

Mr. Brown: Okay. What would be the first step?

Ms. Witcher: What is the response from the golf course?

Mr. Pawelczyk: They need to give you permission to go onto their lake. You are asking legal questions. As a lawyer, I'm going to tell you to get permission to go on a lake and change the fountain.

Mr. Mills: Do we need to do that every time we have the maintenance crew come in?

Mr. Pawelczyk: I don't think. You can maintain it for 20 years under the same guidelines. The golf course obviously doesn't care, but if you are going to change the fountain, you are changing a use.

Mr. Mills: I got you.

Mr. Pawelczyk: Not necessarily a use, but you are changing something on the property.

Mr. Mills: Yes.

Mr. Pawelczyk: It's an improvement, but at the same time, I think you just need to at least send a letter. That way they can say, "*No, we don't want you to stop maintaining it.*" They might ask for something else from the District in terms of an agreement to use their property. That's all. I doubt it.

Ms. Witcher: Who do we talk to about increasing the amount they give us for coming through on our roads?

Mr. Showe: That would end up being a methodology test. When the District was established and bonds were issued, a percentage was set based on an engineering test or some kind of test of the golf course's use of your infrastructure. That test was 2.5%. So that's what has been established by the Board as the assessment you levy now.

Mr. Pawelczyk: I think you are going to have to show the methodology consultant. They are going to need to have an analysis showing that is no longer the case. They are going to be getting more of a benefit than before for the use of the same infrastructure.

Mr. Darby: Can the methodology show less than 2.25%?

Mr. Pawelczyk: Absolutely.

Mr. Showe: Yes.

Mr. Darby: So, we have to wear the risk.

Mr. Brown: But we don't have to show them that.

Mr. Pawelczyk: It's a public record.

Mr. Brown: If we do this, it's a public record?

Mr. Mills: Absolutely.

Mr. Showe: Anything that's done is a public record. Typically, when you start an O&M methodology, you typically use that for the life of the District. Because it is a test.

Mr. Pawelczyk: It has already been validated.

Mr. Showe: Correct.

Mr. Pawelczyk: They usually are not going to change it.

Mr. Brown: The percentage is based on our expenses. Is that correct?

Mr. Pawelczyk: Correct.

Mr. Brown: Is it based on our assessments?

Mr. Showe: No. It's based on the total assessments levied by the District.

Mr. Pawelczyk: For instance, if the golf course was to add a nine-hole golf course on their property because they had extra property that they wanted to use, then we can make a legitimate claim because they are bringing in additional golfers to use the infrastructure. I don't know if that's the case, but that is a question. Under the master contract, it is at least \$15,000 for a methodology report.

Mr. Mills: It is based on expenses. Correct?

Mr. Pawelczyk: Correct.

Mr. Mills: If we put the fountain in, they are going to pay.

Mr. Pawelczyk: They pay 2.5%

Mr. Mills: 2.5% of the cost of the fountain to begin with.

Mr. Pawelczyk: Correct.

Mr. Showe: I will say to Mike's point, if there is a large structural difference in the way they are running their business, but you try to read that methodology test now, it's likely going to be very similar. Because then again, they haven't changed their business. The test is based on the impact the golf course has on your infrastructure. So, it has to be specific and they would have to get an engineer to figure out the impact of those vehicles on your roads. It's a pretty sensitive test. The original methodology was validated by a court so you have some backing. This process could be challenging.

Mr. Mills: I think we are opening a can of worms.

Mr. Pawelczyk: That's the big question, but I think these methodologies like for a golf course or commercial facility, look at the maximum use that, that commercial facility provides,

whether a target of \$100 per square foot retail area or an apartment complex or golf course. You are looking at the maximum number of trips that are going to be involved. As you guys probably know that maximum number of trips has probably never been reached on a constant basis.

Mr. Brown: Is the original study available?

Mr. Showe: I will send it to the Board so you can see it.

Mr. Brown: The parameters that they came up with was 2.5%.

Mr. Mills: As long as they are paying a percentage just like IOB. They are reimbursing us for a portion of the expenses anyway.

Mr. Showe: Correct.

Mr. Mills: To me, we are opening a can of worms.

Mr. Darby: Yes. We are going to spend \$15,000 for a methodology test plus engineering. It may not tell us what we want to hear.

Mr. Mills: While we are on the fountains, do we want to go ahead and approve it?

Mr. Showe: I think we are going put it on the Actions List. It's a separate discussion from the budget. Obviously, whatever you decide later, we will update the ledger for you.

Mr. Mills: Okay.

Mr. Showe: So, I think it's better if we focus on the budget for now and see what you want. We have done this in the past with Baytree. We have done separate budgets so we can do one that says, *"This is what your budget might look like at no increase. This is what your budget looks like the way we presented to you at the last meeting."* I will note that we tried to scrape your operations budget as best as we can. I think it is pretty lean. If you are looking at keeping your assessments level, it is going to require some cuts in capital projects and maybe the *Roadway Fund* for one year. GMS has been consistent. Your operational costs keep going up and assessments are level. Just like in your house, it works the same way.

Mr. Mills: By the same token, with the timing, if you have to cut back, you have to cut back.

Mr. Showe: Absolutely. We are here to help you.

Mr. Darby: So, what I think we are saying is we would like to see a zero-gain budget compared to this. Then we can see where the deltas are on where we have to be.

Mr. Showe: Sure.

Mr. Darby: I would ask you again to take a look at the *O&M* and *Administrative* expenses. You have much more insight than we do of where these things are going.

Mr. Showe: From some of the excesses and the additional capital from when we started, we were only putting \$60,000 a year in your Roadway Fund. We increased that to \$100,000. You also had significant increases in your security contract that the Board approved last year to provide better quality guards. That's been the vast majority of the cost increases. Again, you kept your assessments level. We decreased *Capital Projects* slightly, but we can certainly prepare a budget that would be a zero assessment increase. You can do that at your May meeting and make some determinations as to how you want to proceed from that point.

Mr. Mills: I hate to say this politically, but unfortunately, we don't know what the tax implications are going to be. I think we need to take a step back, look at it and then next year, increase it.

Mr. Brown: What happens next year if we have the same issues from different sections?

Mr. Mills: We can always justify that because we can say that our costs have gone up based upon our vendors.

Mr. Brown: Our costs have gone up.

Mr. Mills: Okay. Do we want to approve the budget?

Mr. Showe: I think procedurally, you still want to go ahead and approve the resolution. If the Board is comfortable, we can still use this as your Proposed Budget. That doesn't mean it's final. That may not be what's adopted. We will bring back in May some different versions of the budget and then you can let us know what direction you want to proceed from there. Procedurally, we still need to set the public hearing and use this as the start of the process.

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

Mr. Darby: I agree with Jason. This should be the way we approach it. We can actually approve the zero increase at that time.

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor Resolution 2020-02 Approving the Proposed Budget for Fiscal Year 2022 with no increase in assessments and Setting a Public Hearing for August 4, 2021 at 12:00 p.m. at this location was adopted.

Mr. Showe: We will bring back a revised version for you to look at.

B. Discussion of Holiday Lighting Proposal

Mr. Showe: The proposal is in your agenda. I know that Rick has done some work on this.

Mr. Brown: There are two proposals; one was the original proposal, which totals \$15,295. The difference between last year and what is proposed for this year is primarily focusing on two areas; the front two large Oak trees on Wickham Road and Baytree Drive and adding additional icicles on the five Oak trees as you come in. Right now, there is only eight per Oak Tree, which does not look good. According to the proposal, lights will be wrapped around the trunks of two large Oak trees and major branches on either side of the main entrance at Baytree Drive; one on the CVS side and one on the bank side. The main entrance will have two Oak trees and the five Queen palms wrapped in lights and garland along the walls. That would be your main entrance to the community right off of Wickham Road. The labor and the lights that go into wrapping those two large Oak trees is primarily driving the cost increase. At the workshop, we talked about some other options on how we can come up with the money. Right now, there is \$10,000 in the budget, which has been in the budget for a number of years. The CDD kicks in \$7,000 and the BCA has given us \$3,000 each year. The BCA at their last meeting increased the amount to an additional \$1,000 and they said they would give us \$4,000 total. So now we are up to \$11,000. Mel said at the workshop he could find \$3,000, maybe \$4,000 out of his *Beautification Fund*. So, we could get to at least \$14,000 to \$15,000. The second quote came in at \$13,695. I recommend that we go with Option B.

Mr. Mills: Rick, one question. On the first page of the original quotation, there are two color light changes on the fountain in front.

Mr. Brown: They've never done that, and I made a note of that. They've never done that.

Mr. Mills: Yes, they did. Last year we had that.

Mr. Brown: We did? I never saw it.

Mr. Mills: We had the color rotation. I noticed it was taken out in the second proposal.

Mr. Brown: Do you want to put it back in? On the second proposal, they are not doing the four Sylvester Palms.

Mr. Mills: Right.

Mr. Brown: If we can find out what the four Sylvester Pals and the two color changes are, I think we have enough to add it in and still cover ourselves.

Mr. Darby: Are you are suggesting the \$13,695 proposal?

Mr. Brown: Yes. Mel wants to add back the cost on the original proposal under Area 4 for the Sylvester Palms and the two color changing lights.

Mr. Mills: That was on the form from last year. Put those back in and see what the total is. If the total is less than \$15,000, then go with it.

Mr. Darby: Okay.

Mr. Brown: It should be.

Mr. Mills: Do we need a motion to approve that?

Mr. Showe: Yes. We need a motion to approve the holiday lighting proposal with Holiday Lightscares in an amount not-to-exceed \$15,000 and directing staff to draft the document. I know the vendor said he wanted to get some of these things set early this year so they will have the materials ordered. We don't have to pay for it yet, but we will at least be in the que.

On MOTION by Mr. Brown seconded by Mr. Darby with all in favor the holiday lighting proposal with Holiday Lightscares in an amount not-to-exceed \$15,000 and directing staff to draft an agreement was approved.

Mr. Brown: When Jason and I met with Shawn, the head of the holiday lighting company, he mentioned that he was getting more in the Brevard community as a direct result of the lights that we have on Baytree Drive.

Mr. Mills: Then we should get a commission.

Mr. Brown: We asked for a finder's fee and he just kind of smiled.

Mr. Darby: Is this a three-year agreement?

Mr. Mills: Yes.

Mr. Brown: A new three-year agreement.

Mr. Darby: With no cost increase.

Mr. Showe: The only cost increase is if we decide to change or add.

Mr. Pawelczyk: Correct. In the terms of the agreement, we could change it every year.

Mr. Brown: Right.

Mr. Mills: Not only the Christmas decorations, but other things we have done. I don't think we are holding the contractor to the performance of the work that we expect. I don't want

to point fingers at Rick because he did a great job last year, but the decorations weren't as good as they were the year before. I think we need to hold our contractors, all of them, to make sure that the work they do is quality work for what we are paying.

Mr. Brown: We had that conversation with Shawn and told him that we were disappointed in the quality of work that was done. He apologized and said that business had increased and he had new crews here that we hadn't had before. It's not an excuse, but we said, *"If this keeps up, we may have to go somewhere else."*

Ms. Witcher: What did he say his remedy is?

Mr. Brown: His business fluctuates. In the summer, he is not busy. Then from October through December, it's 24/7.

Mr. Showe: As part of our discussion, there are probably twice to three times as many icicles in this proposal. I think we said it was in the last proposal.

Mr. Brown: Right.

Mr. Showe: You should see them.

Mr. Brown: It comes down to management. He did say that he must have two guys that he didn't have before that he was using as his Supervisors. He is telling them what he needs them to do with certain key customers.

Mr. Showe: Will and I have been in direct contact with them throughout the entire process. Every time we had an issue, they were quick to respond and were here as quickly as they could. It's a challenge with all vendors at this point.

Mr. Viasalyers: We can have them do a pre-install.

Resident (Not Identified): Baytree appears to be selling at an incredible pace, as they do throughout the County, at an incredible rate. They sell it that way because this community is incredible. Here we are nibbling around the edges. It is like when I was working on the budgets, people would come in and say, *"We will cut our xerox costs."* Do what you have done. Do a good job. Don't worry about \$100. If people live here, they can easily pay \$100 more in their assessment. I applaud what you are trying to do, but you are nibbling around the edges. Keep making the filament look great. People will recover when they decide they want to leave here, but you are cutting xerox costs. Do what's right. Put in Christmas lights that are going to make the development look great. People will feel good about it. They will come in and it will be Christmastime. It looks incredible. Do something that looks right. If you play golf here, you can

afford the fees. We are not in a trailer park. Do what looks right and stop trying to nickel and dime. As sure as it is going to go up, property values are going to go up, but a lot of other things are going to go up, including the price of your home when you decide that you are going to leave here. So do what looks right. Make the community look right. People may piss and moan about it initially, but at the end of the day, we are going to be very glad when people are driving here and they look around and say, *"I don't want to live here."* Like the tennis courts, all of a sudden things start to look good. Nibbling around the edges is not going to do anybody any good. I know you are going to get complaints about this. Do people care when they get the bill, at the end of the day, they are not going to care. As far as the golfers, put up a sign, *"Biohazard – Property of Golf Club."*

Mr. Mills: Thank you very much. You are preaching to the choir. We all agree with this.

Resident (Not Identified): I know you do, but you have to grab it, do it and make it happen. Put in \$100. Make it happen. You have done a great job so far.

Mr. Mills: Thank you.

C. Consideration of Resolution 2021-04 Providing for the Removal and Appointment of Treasurer and Appointment of Assistant Treasurer

Mr. Showe: Mr. Ariel Lovera in our office used to serve as Treasurer of the District. He is no longer going to be involved in the day-to-day operations with GMS. The request is to appoint me as Treasurer and Ms. Katie Costa in our office to serve as Assistant Treasurer. That is for the purposes of signing checks. We don't anticipate the Board seeing any changes in terms of how things are done. Will and I already looked at every invoice that comes through. So, we already have that approval. This is just a matter of updating it to approve checks.

Mr. Darby: Is this a temporary change, Jason?

Mr. Showe: For now, it's going to be permanent, but it could change in the future. We need a motion.

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor Resolution 2021-04 Removing Mr. Ariel Lovera as Treasurer and electing the District Manager as Treasurer and Ms. Katie Costa as Assistant Treasurer was adopted.

D. Discussion of BCA Funded Amenities

Mr. Bosseler: I'm not prepared today, but I will be at the next meeting. I am meeting with the vendor down at the pavilion tomorrow at 1:00 p.m. to discuss the advanced recreational concept. I think that I have enough information and I have your opinions. So, I will have a packet tomorrow and we will go from there.

Mr. Mills: Do you want to have him come to the meeting?

Mr. Bosseler: I will let you know.

Mr. Mills: Very good. Thanks, Richard.

Mr. Darby: Richard, just out of curiosity, do you think we will actually do the things we had in the Capital Plan for 2021? We had the drainage, swale, pickleball lines, cornhole equipment, charcoal grills and horseshoe pit.

Ms. Witcher: How far along are they?

Mr. Viasalyers: They are in the starting phase.

Mr. Mills: I don't know whether anyone has seen this or not, but a sign was installed at the park at Suntree saying it is for Suntree residents only.

Ms. Witcher: Yes, because everybody is going over there.

Mr. Mills: That land is owned by Suntree. Some people thought it was a Brevard County park, but it's not.

Ms. Witcher: A lot of people have their lunch over there.

Mr. Mills: Richard, that's all the better for you.

Ms. Witcher: On Murrell Road, they have the nice parks. They are always packed.

E. Ratification of E-Verify System Memorandum of Understanding

Mr. Pawelczyk: I know all of you remember the legislative memo I prepared last year.

Mr. Mills: Absolutely.

Mr. Pawelczyk: I told you that the legislature was going to require everybody, all Special Districts, municipalities, etc. to become part of the E-Verify System. So, this basically implements that statutory requirement. Even though the CDD doesn't have any employees, technically they must enroll them in the E-Verify System for IRS purposes. Even though we don't have employees, we have to become part of that system. So, GMS has done that and registered the Baytree CDD. If you go onto the E-Verify System and search for the Baytree CDD, it will come up as the District being part of it. This Memorandum of Understanding just sets forth the parameters, which management will have to follow. There is really not a whole lot

that management has to do because we don't have employees. One thing that the other part of the statute does is if you search Billing, Cochran, Lyles, Mauro & Ramsey, my firm, it will show that we are registered. So, any contractors and service providers we engage after January 1, 2021, also has to be part of this system. If we amend that in an agreement, that contractor must be part of the system. This may change. Who knows?

Mr. Mills: I was just going to ask that question.

Mr. Pawelczyk: God only knows what is going to happen. We could be saying that it's repealed, but who knows. For now, it's there. What we have done as staff, your counsel and your manager is in any new agreements, for example, the Holiday Lighting Agreement, will now include a provision that reminds the contractor that they are required to follow Florida Law and be a part of the E-Verify System. When GMS checks insurance, they also check to make sure they are part of the E-Verify System. Another aspect of this is we don't have to monitor it, to make sure that the contractor's subcontractors are part of the E-Verify System. So, if Holiday Lightscapes hires ABC Corp, Holiday Lightscapes needs to make sure they have an affidavit that says, "*ABC Corp is part of the E-Verify System.*" If we ask for it, they must provide it. If we find out that Holiday Lightscapes is not abiding by the E-Verify System for whatever reason, we can automatically terminate their contract. No 30 days' notice or cure period is required. We are required to terminate them. I don't think that's really going to happen. I know that most of your landscape providers like Tropic-Care are already doing this because they are a big company. It's the landscape companies that maintain your homes, for instance, that aren't always a part of this E-Verify System because they are so small. In Miami-Dade County, we had a couple of instances where small landscapers were hired to maintain a median in front of the District. That's it. It's a couple of hundred dollars a month. Right?

Mr. Mills: Really?

Mr. Pawelczyk: Yes, because they weren't registered before. For the most part, I think we are finding that everybody is already registered.

Mr. Showe: Will and I for this District and all Districts, are already in touch with all of our vendors, letting them know that they must be registered with the E-Verify System if they want to continue performing work out here. I don't think we have had any challenges yet.

Mr. Pawelczyk: It doesn't cost anything. It takes about an hour to do it.

Ms. Witcher: As Supervisors, do we have to register with the E-Verify System?

Mr. Showe: No. You guys turned in your I-9 and W-4s for tax purposes anyway. In essence, we already e-verified you guys.

Mr. Pawelczyk: You are required to be a US citizen to be on the Board in the first place. It has no impact on Supervisors. It really doesn't have too much of an impact on the District other than just to add another requirement. This doesn't apply to just Special Districts; it applies to all government entities. Florida says that you are going to be like the Federal Governments and we are going to make sure you are required to do this.

Mr. Mills: Even a one-man show has to E-Verify.

Mr. Showe: Yes.

Ms. Witcher: You have to prove that you are a US citizen.

Mr. Pawelczyk: At the same time, it's really not a burden to them. It's not a recording requirement that they are being imposed upon.

Mr. Showe: If you go onto the website, there is a 30-minute video you have to watch. You fill in your name and information and I think that's it.

Mr. Mills: Do we need to ratify this?

Mr. Showe: Yes. A ratification for the Board's information is because this took effect on January 1st. District staff has already enrolled the District so it's just a ratification of that enrollment and memorandum that's in your agenda.

Ms. Witcher: So, from this day forward, any company that we hire to do has to be e-verified.

Mr. Showe: Yes.

Mr. Darby: Mike, do we have to have annual monitoring?

Mr. Pawelczyk: I don't think we have any reporting requirements that I'm aware of.

Mr. Showe: No.

Mr. Pawelczyk: We just have to maintain the record to show we are abiding by it.

Mr. Showe: Right.

Mr. Pawelczyk: We are alleviating a lot of that by requiring that as a contractual provision. We told them they have to be in that system. If we find out they are not, we terminate them. It is not something that Jason has to go out and check with them every three months.

Mr. Showe: It's super easy to check. We've already done that with a couple of our vendors. We had some that just weren't sure. So, you can go onto the E-Verify website, type a

corporate name and it will show whether they registered or not. We will check it when the contracts are initiated and after that, the language falls to the contractor to keep us up to date on it.

Ms. Witcher: So, if we had a three-year contract with somebody to do something and we approved it last year, we don't have to do anything this year.

Mr. Pawelczyk: That's correct, but like Jason said. This isn't just Central Florida. South Florida is doing the same thing as well as North Florida. Just remind their contractors, *"You might as well do this because if you are doing work with us, the Baytree CDD, you are probably doing work with Viera or some other District in the County or the area so you might as well do it now."* We haven't had any pushback from any contractors on that or the provision that is included in the agreements, because for the most part, they are already registered.

On MOTION by Mr. Brown seconded by Mr. Darby with all in favor enrolling the District in the E-Verify System based on the Memorandum of Understanding was ratified.

SIXTH ORDER OF BUSINESS

CDD Action Items/Staff Reports

A. CDD Action Items

Mr. Showe: We can go through some of these items quickly. Most of them are completed. Regarding the lake bank repairs, the vendor expects to come out in November. We are still reviewing the scope on some of those items,

Mr. Mills: Has the issue been resolved with the homeowner?

Mr. Showe: I have not heard back from the homeowner. For the Board's information, obviously there were a couple of properties that the Board wanted us to look at. The vendor took a look at those and based on the distance from the lake to the actual property line, the vendor thought they really didn't qualify at this time for lake bank repair. Obviously this doesn't mean he won't do it. If the Board directs those properties to be done, we can certainly do them and include them in a future contract, but that was his recommendation at the time. We had a resident that wasn't happy when I informed him of the status. The contractor doesn't expect to be out until November. So, when Peter comes out, maybe we can have him take a that might necessitate those repairs.

Mr. Darby: Is that the Studds property?

Mr. Showe: Correct. As well as the one on Ashwell.

Ms. Witcher: We have a drop off now that goes down to the water. Because we don't have plants, the wave action takes it all off.

Mr. Showe: There are a couple of ways to handle that. Like I said, it may be beneficial when Peter comes out for his next review to look at those properties, as an Engineer. Typically, the Board has used that distance from the lake bank to the property line. It is the trigger for which properties to repair.

Mr. Mills: This property is 15 feet.

Mr. Showe: Correct.

Mr. Mills: Did you send him an email or talk to him?

Mr. Showe: I wrote an email.

Mr. Mills: Okay.

Mr. Viasalyers: The second item is regarding the recreation area improvements. We have been working with Richard. We got some bike racks for the pool area. There is a water fountain that residents can use to fill up a water bottle. Those items were ordered and as soon as they arrive, we will get them installed. The third item is for the gatehouse improvements. Everything is completed with the exception of getting additional costs. Jerry provided some ideas for the hurricane shutters. We are going to measure them to see if any will work to try to save some costs to the District. All of the other improvements in the guardhouse were completed.

Mr. Darby: Is the tile in?

Mr. Viasalyers: Yes. Everything is done.

Mr. Darby: Was the door replaced?

Mr. Viasalyers: We didn't improve the sliding glass door. We are going to do the shutters. I had a vendor come out this past Monday. They inspected the back and front of our guardhouse to get an additional quote.

Ms. Witcher: I have a question about the water fountain. Is there anything with the Corona Virus that we have to do because of the water fountain?

Mr. Viasalyers: We have additional cleaning with our vendor.

Ms. Witcher: Okay.

Mr. Viasalyers: They are making sure it's disinfected. The fourth item is the Beautification Fund. I've been working with Mel. We started with the tennis court area, removing dead material along the fence line yesterday. That is completed. All of the sod has

been installed and we are just working on some minor items. Some leftover trees will be cleaned up. Tropic-Care completed the area along National Drive. They are going to clean some remaining debris out of there. Is there anything I'm missing?

Mr. Mills: They are supposed to trim the palm fronds that were broken off. They are supposed to trim the trunks to the existing fronds.

Ms. Witcher: Is that near the end of the tennis courts close to the pond? I know the pond belongs to the golf course. By cleaning all of that, does it make any more drainage go into their pond? They said it was at capacity.

Mr. Showe: We didn't affect the drainage that we had. Ours is kind of an overflow. It is designed if ours fills, it just spills over into theirs. We didn't affect any of the drainage on our side.

Ms. Witcher: One more question. The fence at the back of the tennis courts, doesn't go to the property line? Are we allowed to put a fence there? Is that the property line?

Mr. Darby: No.

Mr. Viasalyers: Are you talking about the black fence that was installed two years ago?

Ms. Witcher: Yes, the one across the back.

Mr. Viasalyers: We kept it shorter in front of the property line for maintenance purposes. We took it about 5 to 10 feet back.

Ms. Witcher: Are we allowed to go back to our property line?

Mr. Mills: Of course.

Mr. Viasalyers: You could, but it wouldn't be beneficial to the District. It is perfect where it is now.

Ms. Witcher: I was just wondering about the recreational area.

Mr. Showe: Theoretically you could turn back to that property line, but I think we are both saying that the conditions of that soil on the ground aren't conducive.

Ms. Witcher: Alright. Thank you.

Mr. Viasalyers: No problem. Item 5 is the solar heating for the pool. I haven't been able to get any proposals from vendors. I contacted every vendor in the area. They said that they were going to come out and follow up, but I never received calls back.

Ms. Witcher: How about the one that is trying to get us to do it on our houses?

Mr. Viasalyers: I didn't know that was an option.

Ms. Witcher: They are soliciting to us.

Mr. Viasalyers: I can check with them.

Ms. Witcher: Ask them about heating the poles at the same time.

Mr. Viasalyers: We can ask again. Item 6 is the flagpole movement. We completed that. We also installed a light. Item 7 is the Suntree lake bank.

Mr. Showe: I think that's on hold for now.

Mr. Mills: I received an email before I left home today. I replied to the resident that we are still in negotiations with the Suntree people. We want to be good neighbors so it's a win-win for both sides; Suntree and us. Where are we with filling in that upper end of that lake to gain access to the Suntree side? I'm talking about the lower end of the lake off of Bradwick where the restroom is. We should fill it in so we can across there once it gets wet.

Mr. Viasalyers: I spoke with Tropic-Care. They did not recommend doing that because it wouldn't make much difference, but I will follow up with them. I spoke with Mike about it.

Mr. Mills: We need to have a way to get over to the Suntree bank. That's my point.

Mr. Viasalyers: They recommend keeping that area from coming back. I will follow up.

Mr. Mills: Okay. Maybe you and I can get them to do that.

Mr. Viasalyers: Item 8 is the rear gate speaker. That was completed yesterday.

Mr. Mills: Is it above ground?

Mr. Viasalyers: I had to follow up with them in the beginning to make sure that it was completed. We had the guardhouse computer go out at the same time.

Mr. Mills: He told me the reason it was not completed is he heard a hum and it is a bad ground.

Mr. Viasalyers: That was mysterious.

Mr. Mills: So, they probably fixed it. Good.

Mr. Viasalyers: I already discussed Items 9 and 10. The signage for the Phase 1 monuments are in development right now. According to the manufacturer, they should be installed in the next two weeks, hopefully.

Mr. Mills: I spoke to the sign guy yesterday. He hopes to have the letters installed Tuesday or Wednesday of next week.

Mr. Darby: Okay.

Ms. Witcher: When they were first put up, were they green?

Mr. Mills: They are not green. Those letters were wrong. The new letters are gold.

Ms. Witcher: I saw them come off.

Mr. Mills: They do come off.

Mr. Viasalyers: Item 12 is for the larger stop signs at cart crossings.

Mr. Showe: We reached out to the golf course, but have not received a response. I will try to reach out to them.

Mr. Mills: It's interesting. The other day, a golfer came across Old Tramway Drive and I didn't stop. Linda had to bear the middle finger.

Mr. Viasalyers: Item 13 was deferred to the District Engineer. Item 14 was put on the backburner.

Mr. Darby: No. Joanne is going to meet with her Board next week and bring that up.

Mr. Viasalyers: Item 15 is the conservation area cleaning at the rec center.

Mr. Showe: The engineer talked about that. You can clear off of the property line, but you cannot impact conservation property.

Mr. Viasalyers: Item 16 was the drainage work near the pavilion. It was scheduled and we are waiting for a start date from Tropic-Care. Item 17 is the repair of the Phase 1 monuments. I know that we have a proposal from Extreme Stucco for \$3,400 to raise up four columns that are leaning. We reviewed it and obtained new quotes. This is by far the cheapest. They were the original installers. They were going in, digging around and straitening those columns up.

Mr. Mills: This is one of the reasons we need to keep on our contractors to make sure that they are doing quality work. My estimation is that they should eat this, but it has been over five years so we really can't go back on them.

Ms. Witcher: They don't guarantee it forever.

Mr. Showe: The warranty was one year.

Mr. Viasalyers: There is an additional charge of \$400 for the efface around the front guardhouse. Some of the styrofoam portion right next to the storage is nicked and damaged. They would come in and repair it. That is part of the \$1,700.

Ms. Witcher: Are they going to paint it or do we have to paint it?

Mr. Viasalyers: That is something we would work on. I know there was some talk about getting another company.

Mr. Darby: Do we need a motion to approve this or is it just going to be paid out of the maintenance budget?

Mr. Showe: I think we would want the Board to discuss that to make sure you were comfortable with that.

Ms. Witcher: Yes, because we have been waiting to have it completed.

Mr. Mills: It needs to be done.

Mr. Darby: Yes it does.

Mr. Viasalyers: Okay.

Ms. Witcher: Let's get it done before hurricane season and stucco starts flying around.

Mr. Mills: Yes.

On MOTION by Mr. Brown seconded by Mr. Darby with all in favor the proposal from Extreme Stucco to raise up four leaning columns in the amount of \$3,400 was approved.

Mr. Viasalyers: Item 18 is for the bench installation. I'm pleased to announce that all pads have been poured this week and we are just waiting for the benches to be delivered from the vendor.

Mr. Mills: They are coming from China.

Mr. Viasalyers: Unfortunately, everything is on back order.

Ms. Witcher: How many new benches are we putting in?

Mr. Mills: Three.

Mr. Viasalyers: Two along Baytree Drive and one at the Balmoral entrance.

Mr. Mills: I went out the back gate this morning and that bench was full with people sitting there.

Mr. Viasalyers: They always are.

Mr. Mills: That looks good. I'm so glad that they are using it.

Mr. Darby: One other thing, when are the repairs to the sidewalk and all of the markings going to be completed?

Mr. Viasalyers: I was going to touch on that in my report. That is scheduled for the next week or two.

Mr. Darby: Good.

Mr. Viasalyers: The first time we spent six hours on two different occasions going through and marking all of those areas.

Ms. Witcher: Did you hear anything from that company? Did you ask about the one that comes in and fills in from underneath so we don't have to replace the slabs?

Mr. Mills: We did.

Mr. Viasalyers: It is not feasible.

Ms. Witcher: How much of a cost difference is it?

Mr. Mills: \$7,000.

Mr. Viasalyers: They only do it for a certain amount.

Mr. Showe: I think it is a lot more than that. I will pull it up. It was pretty cost prohibitive.

Ms. Witcher: They are talking about doing driveways and people's foundation.

Mr. Mills: It is not cheap.

Mr. Viasalyers: Initially it sounds good until you get them out here.

Mr. Showe: Their proposal was \$7,850. That was only for two monuments. So, it would be double that.

Mr. Mills: Yes.

Ms. Witcher: How much would it be if we had been doing sidewalks instead of grinding?

Mr. Viasalyers: They only do it by a certain truckload, which I think was a \$4,000 or \$5,000 minimum.

Mr. Mills: Yes. It had to have a minimum.

Mr. Viasalyers: They don't just do four, five or six sidewalks. There has to be a minimum truckload.

Ms. Witcher: I was thinking about that corner of Birchington Lane where it is a mess.

Mr. Viasalyers: I know that we have 158 inches of sidewalk that are going to be completed within the next few weeks.

Ms. Witcher: What happened at the corner of Bradwick Way and Ashwell Court? Are we going to do that? Do we need to have a vote on it? The one where the fire hydrant is.

Mr. Viasalyers: It has to be re-poured.

Ms. Witcher: It has been two years. The homeowner asked again when we were going to fix it. It also has a tree that needs to be removed.

Mr. Darby: If I recall correctly that's pavement, not sidewalk. That's a road.

Ms. Witcher: It was a low spot that undermined the fire hydrant. It collapsed and broke in the middle of the night.

Mr. Darby: It is not sidewalk that needs repair. It is the road that needs to be repaired.

Ms. Witcher: It is a concrete drainage swale that goes across. That area right there and the curb.

Mr. Darby: Okay. So, I would think if we talked about repairs to Balmoral Way, we should have the engineer assess it. Then if we elect to do the work, we will put it all together.

Mr. Viasalyers: We should have them remove the Miami curbing too.

Ms. Witcher: We would do two areas at the same times.

Mr. Darby: That is what I would propose.

Ms. Witcher: Do we have to vote on anything to do that work?

Mr. Darby: No. An Engineer's assessment is what needs to be done.

Mr. Brown: Right.

Mr. Darby: Then we will get a quote and then we will vote on what to do.

Mr. Viasalyers: We just need to schedule the work and go over all of the areas.

Ms. Witcher: Thank you.

Mr. Mills: So, what do we need to approve?

Mr. Showe: The fountain, which is the next item.

Mr. Mills: What about the Extreme Plaster quote?

Mr. Viasalyers: You already approved it.

Mr. Mills: We need a motion to approve the fountain for \$9,085.

Ms. Witcher: Are you going to check and see if there is something else that we can do?

Mr. Pawelczyk: No. The motion would imply that the District Manager is going to make sure that we have permission to install the fountain.

Mr. Showe: I can assure you if there is no document that we are not going to be able to find, we just need to reach out and give verification.

Ms. Witcher: Would it be from the primary company or just the manager?

Mr. Showe: I will reach out to the manager first. If he needs to get approval from somebody else or someone higher up the chain, we can do that.

On MOTION by Mr. Brown seconded by Mr. Darby with all in favor the proposal from Fountain Design Group for a lake fountain in the amount of \$9,085 was approved.

B. Additional Staff Reports

i. Attorney

Mr. Mills: Do you have anything, Mike?

Mr. Pawelczyk: Two quick items. We monitor as I indicated earlier, the legislation that goes through Florida's legislative process. They are in session now. That session will be over at the end of April. So, I wanted to put out a couple of things of interest. The first is one we talked about before, which is the tree legislation, Rick's favorite legislation, is where you have a tree that's damaged or diseased, you can remove it, the ones the Arborist said you could move. There are two bills. One bill is to repeal that law. The second bill is to define what residential property is in a way that wouldn't include HOAs. We will see what happens. I just thought it was funny. It will be part of the legislative report. I will monitor it and if it passes, we will let you know.

Mr. Showe: Thanks Mike.

Mr. Pawelczyk: The other one is of interest to everybody. This is actually a law now in Florida. You may have heard about it in the news. This is the only bill that has been signed in this session so far. For lack of a better term, it provides immunity for COVID-19 claims. I have a copy of it here and if anyone wants it, Jason can distribute it to the Board. I'm just making it a part of my report because I think it is important to understand. A lot of times, especially down south, should we open, should we not and what do we have to do? The long and short of it is in order to be immune from liability, the District in this case, has to be in good faith to follow the guidelines and regulations that are out there. This applies to private businesses as well. So, if there is a County regulation, we have to in good faith follow that regulation. Not necessarily that someone else might breach that rule and get COVID-19. We just show that we are acting in good faith. It makes it harder for people to sue with frivolous claims, basically. It requires a doctor's determination first. So, until someone starts buying off the doctors and bringing these claims, I think they are trying to nip it in the bud. The other thing is even if we are not in good faith following the regulations, in order to proceed forward and succeed in a lawsuit where someone has been damaged because they caught COVID-19 and can show that they caught it at a District facility, they would have to show that the District was grossly negligent. You guys are all business people, so you know that's much more than just showing you were negligent. It is a

difficult burden to show that you are grossly negligent. Given management around here and management in most of my Districts, it would be almost impossible for someone to show it in court. So, the legislation is online. It's Chapter 2021-1 Laws of Florida. You could read it online or Jason can distribute it.

Mr. Showe: He sent it to me and I already have a request.

Mr. Pawelczyk: We will include it in our report as part of the legislative report, but since it's already logged, I am going to bring it up at the next meeting.

Mr. Brown: We know how it goes with the trees.

Mr. Pawelczyk: As soon as I saw the bill, I said, "*I have to let everyone know,*"

Mr. Darby: Mike, what happens in a situation where State and Federal Law or State and County Laws are in conflict?

Mr. Pawelczyk: It is unclear. You have to show a good faith adherence to what is there.

Mr. Brown: Right.

Mr. Pawelczyk: In theory, the Federal Government for instance is saying, "*Look, local governments should be responsible to address things in their local areas because those are the conditions.*" The conditions in Brevard County are different than in Miami-Dade County and in Troy, Alabama. I thought it was very good legislation, applauded by the municipalities and businesses everywhere.

Mr. Brown: Good.

Mr. Pawelczyk: We will see how it goes going forward. That's all I have.

Mr. Mills: Thank you, Michael.

ii. District Manager

1. Field Manager's Report

Mr. Showe: We have the Field Manager's Report. I think Will covered most of his items.

Mr. Viasalyers: I just have an update. Jerry and I worked through the sidewalk inspection. We also completed the proposed tree removal in the rights-of-way (ROWs). I need to get that address so I can add it to the list. There are six trees. We are working with the County to get that permit application started. Hopefully, within the next few weeks, we can get that completed. The underwater lights in the pool were replaced. Two of them burned out. The other two were on their way out. I think it was \$1,200 to replace all four. That has been completed.

Mr. Mills: LEDs?

Mr. Viasalyers: Yes, LEDs.

Mr. Showe: Just a note to the Board, they are required. You are required to have lights on in that pool even though there is no night swimming.

Mr. Mills: Are you serious?

Mr. Viasalyers: Yes.

Ms. Witcher: It's a safety issue.

Mr. Viasalyers: Staff is working with the pressure washing company. They set up a water meter. They are going to pressure wash the common areas. We asked them to pressure wash the pavilion area because it is getting moldy.

Ms. Witcher: He's doing it once a year now?

Mr. Viasalyers: Pressure washing the sidewalks? Yes.

Mr. Showe: He has been pressure washing it once a year and six months later, he comes in and does a soft scrub to protect the integrity of the sidewalk.

Mr. Mills: He also pressure washed the monuments. He put soap on top of them.

Ms. Witcher: That's what he does on mine because mine is down to the aggregate. He just comes in and shampoos it.

Mr. Viasalyers: We also had a fire extinguisher installed at the pavilion. That was a new requirement from the inspector. We put up a plastic enclosed one that is a breakaway. We had the bathrooms painted at the pool. That's all I have unless the Board has anything for me.

Resident (Not Identified): What kind of camera coverage do we have at the pool, pavilion and tennis courts?

Mr. Viasalyers: Pretty much full circle.

Mr. Darby: Is there one in the pavilion and one at the tennis courts?

Mr. Viasalyers: Yes.

Mr. Mills: I would like to run this by the Board. Instead of having white gates at the rear, what do you think about painting those black? They are awfully hard to keep clean. They look terrible no matter how often we wash them or paint them.

Ms. Witcher: I'm afraid at night if someone is riding a bicycle. Then they can hit it. They won't see it.

Mr. Mills: It's all well-lit back there.

Mr. Showe: They have to be LEDs.

Mr. Mills: I think it's going to help us with the maintenance costs on those iron gates.

Mr. Viasalyers: I've been their multiple times.

Mr. Mills: I know you have.

Mr. Viasalyers: I scrubbed them. It doesn't help.

Mr. Mills: I was thinking about taking some of the beautification money and painting the gates black.

Ms. Witcher: How much is it to powder coat them because that lasts a long time?

Mr. Mills: I had some powder coating done in these weather conditions and it does not last.

Mr. Showe: They must remove the gates to do it.

Mr. Mills: It's not worth it.

Mr. Darby: We can use Rust-Oleum.

Mr. Mills: Does anyone have a problem with that? Okay. Approach Justin on that.

Mr. Showe: We will work on that.

Mr. Mills: Is there anything else for William?

Ms. Witcher: He is doing a good job.

Mr. Viasalyers: Thank you.

Mr. Mills: Yes he is. I want to thank Jerry for spending time with him to work on the sidewalks.

Mr. Darby: No problem.

Mr. Mills: I had four phone calls.

SEVENTH ORDER OF BUSINESS

Treasurer's Report

A. Consideration of Check Register

Mr. Showe: In your General Fund, we have Checks 112 through 148 in the amount of \$126,591.58. In your Capital Projects Fund, we have Checks 114 and 115 in the amount of \$8,587.50. In the Community Beautification Fund, we have Checks 39 through 42 in the amount of \$5,058.19 and February and March payroll in the amount of \$1,662.30, for a grand total of \$145,487.76. 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 January 27, 2021 to March 30, 2021 in the amount of \$145,487.76 was approved.

B. Balance Sheet and Income Statement

Mr. Showe: No action is required by the Board. The General Fund is falling in line according to the budget and we are on target. You are close on your assessments. I think we are about 90% collected, so we are in good shape.

Mr. Mills: Jason, you have given a report, which I really liked, showing the monthly expenditures for each category. Did you find anything regarding the Beautification Budget?

Mr. Showe: They don't do specific ones, but I can have them try to do one.

Mr. Mills: I would appreciate that.

Mr. Showe: We will add it to the report.

Mr. Mills: It is actually good for the Board to know as we go along how much money we are spending in each area. Thank you for doing that.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Mills: Carolyn?

Ms. Witcher: I just gave it to William. It was about my neighbor's tree.

Mr. Mills: Jerry?

Mr. Darby: Yes. Jason, would you put information on the website on how to get a transponder?

Mr. Showe: Sure.

Mr. Darby: We talked about that last time. Also, we said that we are going to raise the price to \$25 because things cost us \$21.

Mr. Showe: Yes.

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

Mr. Mills: Richard?

Mr. Bosseler: No.

Mr. Mills: Rick?

Mr. Brown: No.

Mr. Mills: The only thing that I want to suggest is stop in and look at the guardhouse because it looks good. We removed the old hot water heater in there and replaced it with an

instant hot. That should cut down on our electric bill. The floor looks great. The new toilet looks great. They put new faucets on the sink. They have nice living quarters. I told Matt he should stay overnight.

Ms. Witcher: Do they have that storm door on there?

Mr. Mills: No. We are getting a price on shutters.

Mr. Viasalyers: I forgot to mention that. We replaced all of the lights. There is a meter to the south of the guardhouse in a small island. Five out of six are completed.

Mr. Mills: They were 220 and we inverted back to 110 so we could use LEDs. I would like to thank William and Jason for doing a great job. Is there anything else?

Mr. Showe: The next meeting is on May 5th.

Mr. Darby: Jason, that's a full Board meeting, not a workshop.

Mr. Mills: Yes.

Ms. Witcher: I won't be here for that meeting.

NINTH ORDER OF BUSINESS

Public Comment Period

Mr. Mills: Are there comments from the audience? Hearing none,

Resident (Not Identified): When are the food trucks going to be in the parking lot?

Mr. Darby: On May 22nd from 5:00 p.m. to 9:00 p.m. We have to make sure that the back gate is open to access the bathrooms.

Mr. Viasalyers: We have to be careful because a kid could run in there and fall.

Mr. Darby: They are going to have activities in the pool.

Ms. Sandy Schoonmaker (Kingswood): Jason, I'm confused. You said that assessments per home are going up to \$2,000 per home?

Mr. Showe: That was in the proposed budget that was approved. The Board wants to see a budget at the next meeting that would have no increase. Then they will just try to negotiate that amount as we proceed.

Ms. Schoonmaker: Got it. Thank you.

Mr. Mills: Is there anything else for the Board? Hearing none,

TENTH ORDER OF BUSINESS

Adjournment

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


Secretary/Assistant Secretary


Chairman/Vice Chairman