

MINUTES OF MEETING
BAYTREE
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Baytree Community Development District was held on Wednesday, May 5, 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
William Viasalyers	Field Manager
Seamus Rowe	Advanced Recreational Concepts, LLC
William McLeod	DSI Security
Residents	

FIRST ORDER OF BUSINESS

Roll Call

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

- **Presentation of Play Structures for Recreation Area** *(Item 3Bi)*

Mr. Mills: Richard, would you like to introduce our guest?

Mr. Bosseler: Yes. Today I invited Mr. Seamus Rowe, from Advanced Recreational Concepts (ARC). We have been doing different concepts of what to replace the playground with. After visiting several playgrounds, I contacted Seamus and we worked together on a plan, which he is going to present today. We don't have to decide on this today and would like the Baytree Community Association (BCA) to consider a joint effort with whatever we do. So that is our end goal. Without further ado, Seamus, we appreciate you being here.

Mr. Rowe: Thank you, Richard, I appreciate it. Today I was going to format this more of a question-and-answer session and tell you a little about our company. Richard and I have been

working together on some ideas for the usage of your space by your pool deck area. There is a good amount of space to do either expansions or install new recreational equipment. The current plan that we are looking at is a two-base swing with two toddler buckets and two regular belt swings to have some diversity. I know in my discussion with Richard, the neighborhood is older in generations, but we are looking at more toddler based to mid-range age options. We are also looking at a climbing element called Thunder Dome as well as other climbing elements. Moving forward with what you presented, we are looking at a \$22,000 package. Keep in mind, that would include not just the equipment, but installation and everything we do in-house. If there is anything you want to add to that, I can certainly help you. We already discussed potentially what we might want to do with that area that is currently occupied by the bocce ball court, which to my understanding is not being utilized. Are there any questions?

Mr. Mills: Is the dome more or less something kids can climb over? Is that a trampoline in the center?

Mr. Rowe: It's not a trampoline. It is a rubber surface that is mostly designed for sitting.

Mr. Mills: Okay.

Mr. Rowe: Yes, the dome is called the Thunder Dome. Everything that we sell under our brand is certified by the American Society for Testing and Materials (ASTM) guidelines, which means you will never have an opportunity to climb higher than any kid can reasonably expect to be okay if they happen to fall. Everything that is quoted in this package will also include our Engineered Wood Fiber (EWF) servicing and infill in the areas around the play structures to protect kids who fall.

Mr. Bosseler: At prior meetings, Mr. Mike Hernandez loved these domes. They are putting them on all new playgrounds now. I have a sample that you can look at. When I was talking with Seamus about this, he told me his kids loved it.

Mr. Rowe: Every kid is different. That is a big belief that I have. We have different playground elements. Otherwise, we wouldn't be that successful. My youngest is quite the monkey and the Thunder Dome is one of her favorites. It is a super popular element. We are dealing with a mitigated space back here. Every element that we sell within our catalog, meets a fall zone to come into regulations. So, always keep that in mind. I've already done the measurements and have a reasonably good selection of items that we could provide. Considering the bang for your buck, with the fall zone that you have, we came up with the Thunder Dome,

which is one of my personal favorite options. My kids love it. It has a lot of visual appeal. It does give a certain shape for kids to play on.

Mr. Bosseler: Some people might not have seen what a Thunder Dome actually is.

Mr. Rowe: I'm sorry that don't have more catalogues.

Mr. Showe: That's fine.

Mr. Rowe: Potentially, we plan on using some of that extra space by tearing out the existing crosswalk or filling it in or doing something for adults such as an exercise area.

Mr. Darby: Just out of curiosity, if we were to put in some adult exercise equipment on the bocce ball court and do the playground, is it more economical to do it at the same time or is there no cost difference to do it two separate times?

Mr. Rowe: Nothing other than mitigated freight costs. My only hope, which I have to bring up to all potential customers this year, in particular, because the international trade routes have been so disruptive, is there have been surcharges. That is something everybody is hoping ends by the end of the year, starts working in the opposite direction, but there are no guarantees. So, my best advice is getting to a design point that we can all agree on and do everything as close together as possible, maybe not shipping, but maybe manufacturing. Because the longer you wait, the longer we potentially look at those surcharges continuing to go up. I wish it was something I could avoid, but unfortunately it is the truth for everybody in the industry.

Mr. Darby: Is it coming from overseas or just domestic shipping that you are talking about?

Mr. Rowe: It is domestic shipping. They have some costs for shipping and material surcharges.

Mr. Mills: In your catalog, you have all of the adult equipment. What would something like that run us?

Mr. Rowe: Typically, a full set, what I would consider a standard package, after installation and servicing is \$45,000 to \$50,000. That is with current market conditions. Every year we accommodate for market fluctuations, but surcharges are going up quite literally after two months this year so far. The standard package of fitness equipment is \$45,000 to \$55,000. Installation is taken care of.

Mr. Darby: Are county permits required to install this equipment?

Mr. Rowe: Yes.

Mr. Darby: You would take care of that as well?

Mr. Rowe: Yes, we take care of that on our end. That is something I clarify ahead of time.

Mr. Bosseler: I am proposing that we put the Thunder Dome where the old playground was. There is plenty of room. I am also proposing putting the swing set behind the pavilion. That way, we only affect one tree and would be able to keep that tree. We have pickleball back there and I am not convinced that our community would support pickleball. I played pickleball. Do you play pickleball, Jerry?

Mr. Darby: No.

Mr. Bosseler: Does anyone in this room play pickleball? I like pickleball. It's a great sport, but I'm not convinced it's worth the money. I didn't price it out, but imagine it would cost \$30,000, \$40,000 or \$50,000.

Mr. Darby: It's around \$30,000.

Mr. Bosseler: So, what I'm proposing and I spoke to William about is either taping one of the tennis courts or painting stripes for pickleball. It is not that big of a deal. I know tennis players are not going to be happy and there won't be any disruption. So that's kind of what I'm leaning towards, a more economical way to use our money with a couple of playground activities down the road. I also saw in my travels, tennis courts that have the movable basketball hoops. There is no reason why we couldn't get a basketball court on wheels that could be moved to the corner of the tennis court. When kids want to play basketball on Saturday night at 6:00 p.m. when there is no tennis there, they can wheel it out and play basketball.

Mr. Darby: Rich, one of the things that could happen is if you permanently stripe the tennis court with pickleball lines and we find that people aren't playing pickleball, you can always paint over those stripes and we are right back to the original tennis court.

Mr. Mills: Let me ask you another question. If we were to go with this physical activity package, is there room enough to do the dome, swings and this as well?

Mr. Rowe: I spaced out what we are suggesting between the tennis court fence and the swings. The swings are not an issue so much, but you just have to keep in mind that however high your pendulums are on the swings, I need that times two in the front and two in the back. I already have it placed exactly between the fence lines so it has clearance. With the exercise equipment, there is no room whatsoever, so we would end up looking at tearing down that bocce

ball court to accommodate “x” amount of fitness equipment. I did have an idea if you were interested in aesthetic value as well as physical value for those using the exercise equipment, which is to put down rubber mulch. We use this as a safety feature, not just for playgrounds. It’s attenuation factor is fantastic. Water runs straight through it without damaging it. It has the ability to comfort anyone who is walking on it from an exercise standpoint. We could potentially put the bocce ball court there, put the fitness equipment inside of it and fill it up. Everything that I’m talking about right now, we do in-house. We never sell contracts. We take responsibility for it.

Mr. Mills: If we add the adult workout package and go also with the dome and the swings, would there be any further discounts?

Mr. Rowe: No, because they are two separate companies, especially when we are talking about a private job like this. Though it has not been unheard of in the past, the fact that you are in Brevard County, I could potentially look at a special project discount.

Mr. Mills: One of the things on this package that maybe we could do without are the stepping platforms.

Mr. Rowe: They are relatively simple and take up a big footprint. They are not a favorite to be honest. I prefer anything with moving parts.

Mr. Mills: Would the Board like for him to give us a price taking out these stepping-stones?

Mr. Showe: I think an all-in price would be nice for the Board to know.

Mr. Mills: Yes. That would be a great idea.

Mr. Rowe: Okay.

Mr. Mills: Use the bocce ball court for this.

Mr. Rowe: Yes. I would use that general area. We can include that in our price.

Mr. Darby: I would also ask if you could give us a rough layout of what it would look like. That would be fantastic.

Mr. Rowe: With the space that we are working with, I will tell you right now that whatever pieces we choose need “x” amount of distance away from the fencing and the swing fall zone.

Mr. Mills: Wayne, since the BCA is considering partnering with us on this, how do you feel about this?

Mr. Wayne Huot (BCA): It looks nice. I am a little surprised about pickleball because the pickleball season is so strong.

Mr. Bosseler: Lastly, we are going to discuss the dog walk area. We still have the area south of the pool behind the small trees. That could possibly be a dog walk area.

Mr. Mills: My only concern with a dog park is people not picking up after their dogs.

Mr. Rowe: Do you think that could potentially change if people were given the opportunity to do so if they didn't have to bring their own bags and there was a place to dispose of it?

Mr. Brown: We've been down that road.

Mr. Mills: The other problem is collecting the dog feces. Who is going to dump it and how often is it going to get dumped? In the middle of the heat, we certainly don't want that around. Richard, I suggest that we have him come back and give us an all-inclusive price.

Mr. Huot: How long would the dog walk be?

Mr. Rowe: I don't know if the space back there is necessarily ideal for a walking trail for dogs. We could certainly look at other recreation items down the road to put in that space. For the moment, we will focus on the fitness items on the existing playground proposal, if everybody feels that's a good direction to go in.

Mr. Viasalyers: We have playground borders, but I don't know if we have 28. I know that we have close to that amount. We already removed previous ones. We are a tax-exempt corporation so we have to remove all of the taxes. That would also benefit the District.

Mr. Rowe: Fantastic. That is great.

Mr. Mills: I was just telling Jerry that we could probably get a trainer to come into the adult fitness center and provide training for Baytree residents, like they do for aerobics.

Mr. Rowe: That is a good idea.

Mr. Bosseler: Regarding the basketball court, when we have events down there, we could put equipment out there.

Mr. Mills: That bocce ball court hasn't been used for years. It's an eyesore.

Mr. Huot: Someone is using them.

Mr. Brown: For the first time this year.

Mr. Darby: Richard, a standalone pickleball court shows some interest. Would the area behind the pool, which has a bunch of trees, accommodate a pickleball court?

Mr. Showe: No.

Mr. Mills: It's very tight.

Mr. Bosseler: A single pickleball court is 35x65.

Mr. Darby: There is 65 feet there. The question is whether we have the width from the back of the pool.

Mr. Rowe: There is 35 feet.

Mr. Bossler: That includes the fence and room for an out of bounds area.

Mr. Darby: I think the fence is inward of a property line there. Correct? You could actually move that fence back if we had to.

Mr. Brown: There is some space. I don't know how much.

Mr. Mills: I think it's 3 feet.

Mr. Bosseler: Are there any questions for Seamus?

Mr. Mills: I am just waiting for him to confirm.

Mr. Rowe: That would be extremely tight.

Mr. Showe: You still need to provide concrete access per ADA.

Mr. Darby: For people in wheelchairs who want to play pickleball.

Mr. Bosseler: Correct.

Mr. Huot: Could you present it to the BCA Board? There are some people who are going to want to know.

Mr. Showe: I think Richard can do that once we get the full proposal.

Mr. Brown: I want to hear what the BCA Board says. We are open to options, but tell us what you are recommending and let us react.

Mr. Showe: There is probably going to be a world class dog park opening up in the next few months.

Mr. Mills: It is.

Mr. Showe: A few miles from the front gate.

Mr. Bosseler: I know that we are leaning towards pickleball. Do we have a meeting next month?

Mr. Mills: I think so.

Mr. Bosseler: Over the next month, I would encourage you to drive into Viera in the new areas to see their beautiful playground and wide spaces and come back with your ideas.

Mr. Mills: Is there anything else that seems to be a hot item for young kids besides the swings and dome?

Mr. Rowe: No. We can replace that with other items. One particular item that is very popular that would fit in the extra space behind the pool area, is a zip line. It is not a zip line from going from a high point to a low point. It is almost like the old rope swings where you have a rope that goes straight across. It's not that expensive. It is relatively similar to the Thunder Dome. There is higher cost to resurface. Not everybody is interested in it. It does fall within ASTM guidelines; however, there is a certain liability if they fall off. They usually don't mind so much because they are having a lot of fun, but they will fall off.

Mr. Mills: I just thought I would ask.

Mr. Rowe: I have a lot of different options.

Mr. Mills: This is probably the best one.

Mr. Rowe: Your cost to play value ratio is very good. That is the only item that does require some maintenance. Anything with moving parts, especially in Florida with the salt air and the heat and sunshine, tends to stop working very well. So, with that in mind, going through the catalog, that is a good option.

Mr. Darby: Seamus, what is the guarantee or warranty?

Mr. Rowe: It is standard five year, which could be extended to ten.

Mr. Mills: Does that include installation?

Mr. Rowe: Yes.

Mr. Mills: Are there any other questions?

Mr. Bosseler: Does the Board want the full proposal with the exercise equipment?

Mr. Darby: Yes.

Mr. Mills: Just remove the stepping-stones.

Mr. Rowe: I will look into the standard package.

Mr. Mills: Good. Thank you very much.

Mr. Rowe left the meeting.

SECOND ORDER OF BUSINESS

Engineer's Report

A. Review of Final Brevard County Memorandum and Response

Mr. Showe: I can go through his report quickly. At the last meeting, the Board approved sending a traffic calming memo to Brevard County. Behind that is the memo from the County where they accepted it and had no problems or concerns at this time. So, we are proceeding with the speed humps and any other implementation that we would like to do in the future. If we want to go beyond this, we probably will just have to do a similar memo saying that we are adding something here. We just wanted the Board to review that memo and response.

Mr. Mills: We need to look at putting decorative posts on the speed hump signs as well as the current stop signs.

Mr. Showe: We can review those, have them taken down and putting decorative ones in.

Mr. Brown: Are those the galvanized ones?

Mr. Mills: Just like the black posts.

Mr. Darby: Jason, I received a couple of inquiries about Kingswood Way and what sort of speed mitigation and traffic control options we should consider for that. Before this brouhaha came about, we did talk about installing a stop sign. I know that the Voting Member (VM) for Kingswood is very much opposed to a speed hump, but I'm not so sure that her opinion alone should be considered whether or not we would evaluate that. So, perhaps we can have Peter give us an assessment of what would be a relatively good traffic control device for that area because cars do go down that road quickly. It is 20 miles-per-hour (MPH). Richard knows what I'm talking about.

Mr. Bosseler: Yes. Once that is done, I think we pretty much nailed everything concerning traffic enforcement.

Mr. Mills: Joann, a lot of it is coming out of your neighborhood.

Ms. Joanne Wagner (IOB): I know that.

Mr. Mills: I guess to be neighborly with all of your residents, we need to let them know that this is under study and due to the fact that they are not obeying the speed limit, we called the Sheriff. Jason sent a letter to the commander in charge of the West Precinct. The police are going to be in and out of here. If anyone goes through a stop sign, it's an automatic \$169 fine.

Ms. Wagner: A lot of people run that stop sign at the gate.

Mr. Mills: We have the same problem on the ones we just put in.

Mr. Bosseler: Vendors are a big problem too. On Sunday, a post office truck was flying down there and yesterday a FedEx truck went extremely fast. I usually call the gate and ask them to stop them and tell them to stop speeders, but I didn't have time to call the gate.

Mr. Huot: UPS and FedEx trucks are under a lot of time pressure. It has gotten ridiculous. A guy came out of the truck yesterday and ran to the house and ran back to the truck.

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

Mr. Showe: No. Peter didn't have a report so he may just have decided not to attend.

THIRD ORDER OF BUSINESS

Community Updates

A. Security

Mr. McLeod: Since we met in February, we have been out here 16 times to do management visits with the security officers between February, March and April. Matt conducted three trainings during that time. One was for prep mitigation, one was for fire procedures and the other one was for customer service and gate operations. We are still operating with the same security officers who have good longevity. Everybody seems to be happy. Two days before I came out here to see you guys, the computer system decided to go to sleep. Matt is very computer savvy and identified the problem as being the hard drive. He ordered a new hard drive with an operating system and will repair it no later than tomorrow, Friday at the latest.

Mr. Mills: That makes everybody's job a lot easier.

Mr. McLeod: Absolutely.

Mr. Darby: So, the Visitor Management System (VMS) is not working?

Mr. McLeod: Not right now.

Mr. Mills: Is there anything else for Bill? Thanks, Bill. We appreciate it.

B. BCA

Mr. Huot: We have a new treasurer, Mr. Arthur Hudson. Mr. Mike Sherbin is now the Secretary, Stephanie is the new Vice President and Nick continues to be Director. Just for everyone's information, seven months ago, a Black Lives Matter flag was hanging in Baytree. I'm not going to tell you where. The covenants do not cover this particular flag legally for us to tell the resident to take it down. We went through a lot during the election with election flags. Because they are not selling anything, they are good. This Board talked to the lawyer and the Sheriff's Department. We can change the covenants to eliminate all flags, but we were told to

leave it alone because we are an affluent white neighborhood and we don't want people at our front and back gates. At this point, we are not changing the covenants. It created quite a "*Shit Storm*." One lady told me to get it removed. I am not going to say any more as far as that goes. As far as the BCA, we have approximately \$90,000 that we have excess to contribute. Everything has been going fairly well as far as the BCA. The one thing I would say is there is a lot of crime. This is not the kind of crap the BCA needs to get into outside of these gates. There are enough people, especially in Cocoa. Two kids were killed. You never know. It's a tender situation. Some people can't see past the end of their nose and I am interested in the safety of each and every resident in Baytree. If you have any questions, please don't ever hesitate to call me.

Mr. Mills: Thanks, Wayne.

i. Presentation of Play Structures for Recreation Area

This item was discussed.

C. Isles of Baytree

Ms. Wagner: We had our election last week and I was voted back in as President (*Applause*). Our front entrance was painted last week. I don't know if anyone has seen it. We are going to redo our IOB sign to make it stand out. We ordered some new rocks to make it cleaner looking. As far as the fence, that is turning into a disaster. We had to cancel our contract with the contractor after they misrepresented themselves. We just received our check back, so now we are looking at another company. Hopefully they can do the job because we have to get that fence taken care of. Also at our meeting last week, I finally got two amendments passed that I tried to get passed last year. One was to have the Bylaws changed to a 51% vote versus 76% because it was difficult to get that many people to vote. We had some vandalism at the pool. A couple of weeks ago, I couldn't figure out who was doing it. We looked at our video camera and didn't recognize anyone. So, I wrote down the time. Thank goodness we have the that new access card system. Last year, I don't know how your access cards worked, but I was able to put in the time and day I saw that happening and the person's name popped up. It was a tenant of course, so I went down there and that was taken care of. I was glad we spent the money on that access system. It works really well. We have two houses for sale and two going to market. One was a rental.

Mr. Mills: There was one other thing that we asked you to do and you brought it before your Board and the Board unanimously did not approve it. Do you want to share that with the Board?

Ms. Wagner: Yes. It was for access through our gate. I didn't have one yes on that from any resident nor any Board Member. The reasoning always came back to the fact that I know you guys said it would just be for bicycles, but we all know that cars will use it to get to the zoo. We just don't have the parking space there to support all of the cars that will be coming in there. I don't know if you guys can come up with something different, but I don't know how we would stop that. The residents were concerned about that little cul-de-sac and there would just be a pile of cars.

Mr. Mills: Are there any other questions for Joann? Hearing none,

FOURTH ORDER OF BUSINESS

Consent Agenda

A. Approval of Minutes of the April 7, 2021 Meeting

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

On MOTION by Mr. Brown seconded by Mr. Darby with all in favor the Minutes of the April 7, 2021 Meeting were approved as presented.

FIFTH ORDER OF BUSINESS

Agenda

A. Discussion of Fiscal Year 2022 Budget

Mr. Showe: At the last meeting, the Board approved the Proposed Budget, which is in your agenda package. It included an assessment increase of \$115.32 per home. The Board also asked us to take a look at the budget to see what we could do to level that assessment out for the year, which we have done and that is in the second tab behind that, which has no increase. We didn't do the narrative, but some of the changes we made, did not change anything on the admin or operations side. Based on discussion by the Board, we updated the operations side to \$14,000 for Christmas lights. That is the contract cost. The major change is in your reserves. We reduced the *Roadway Project Fund*, *Transfer-Out-Reserves* as well as *Transfer-In-Beautification Fund*. That is where you balance your budget out. On the Capital Projects side, not much changed. In your original budget, there is \$20,000 in *Capital Outlay* for more contingency. We can reduce that to \$10,000 to balance that out. There are reductions in *Transfer-In-Pavement Management*

and Transfer-In-Community Beautification Fund. For payment management, we don't expect to have any roads done next year, so it may not have an impact on that, but long-term at some point, you are going to have to consider that increase. It is just a matter of timing. William and I looked at the budget and it is certainly possible to keep assessments level for next year. It is just a matter of having a hard line on those capital projects as you use those funds.

Mr. Darby: Jason, if I could just comment.

Mr. Showe: Absolutely.

Mr. Darby: In total *Reserves*, there is about a \$55,000 hit across the board. For *Transfer-In-Pavement Management*, you are taking \$20,000. This year it is probably not going to have an adverse effect, but I am very concerned that this is going to be the trend going forward because as we had laid out, the Pavement Plan was done at the \$100,000 level.

Mr. Showe: Correct.

Mr. Darby: I'm very sensitive to the comments that Mel made at the last meeting, that it is a difficult time for a lot of people. This is the best time to have an assessment, but I would also say, almost certainly, we are going to have a larger assessment next year than we planned, without a doubt. I don't know what the surrounding communities are doing relative to assessments. I don't know what Viera East and Duran are doing.

Mr. Showe: To the best of my knowledge, I don't believe that Viera East is planning an assessment increase this year. The one we have tonight in Satellite Beach, they are discussing having something similar. They want to have an increase that covers capital projects. I think a lot of Districts are doing the same thing. You try to hold that assessment level for so long. I think I have been very clear with the Board for the last several years that at some point, it's going to have to happen. It's a matter of you guys deciding when you want to pull that trigger.

Mr. Darby: The way we did this, of course, we moved some capital around and moved \$40,000 under *Gate Closures*.

Mr. Showe: Correct.

Mr. Darby: We did have a large hump this year and next year relative to the Capital Plan. So, I would support a zero assessment for this year with the caveat that we would almost certainly have to raise it significantly next year. What significantly means, I don't know, but it could be several hundred dollars.

Mr. Showe: I think it will at least be in the ballpark, about \$115 or \$130. Somewhere in there is what you looked out for this year. I think that is the difference.

Mr. Darby: We also had a conversation that any excess we have in the budget can roll over into reserves.

Mr. Showe: It will. There are two things that we have to reserve for. We have to reserve for the first quarter operating reserve, because we don't receive our assessments until December or January. Anything in excess of that we roll into the capital, so it becomes additional funding. It will help pay dividends to help offset increases for the future.

Mr. Darby: Right.

Mr. Mills: Richard, do you have any comments?

Mr. Bosseler: I have to think.

Mr. Mills: Rick?

Mr. Brown: I think we should increase it by \$115. I don't like reserves going down to \$56,000. We are about to go into hurricane season and God forbid, we have a hurricane like we did four or five years ago, where we spent \$47,000 just to clean up the community, where is that money going to come from? Right now, we just spoke with Seamus about a \$77,000 to \$80,000 playground and what we are going to do is turn it over and say, "*Hey, BCA, you pay for it.*" I don't like that. I think we should kick in some of that money. I don't think another \$100 is going to kill everybody around here. You talk about gas prices going up or down. They are going to go up or down no matter what. \$15 an hour is going to be \$15 an hour. Get used to it. It's going to impact everybody. I don't want to go back next year and all of a sudden it is not \$115. It's \$200. Remember two years ago when we came through with the \$300 increase? That was for past issues that weren't addressed. So, I don't want to go back through that again as a cash out. This is a gorgeous community. It needs to maintain itself as a gorgeous community. It needs to be kept up as a place where people want to live in here. I think the due diligence is if there needs to be a \$100 increase, there needs to be a \$100 increase. That is my opinion.

Mr. Mills: I already stated my feeling and I'm sticking with it. I think that the tax added by the Fire Department is 29%. That is going to hit everybody's pocketbook. I think it is not the right signal that we want to send to our homeowners at this time to increase it; however, whatever the Board wants to do, I will go along with. Jason, what is the next alternative? We voted to go ahead last time with the current proposal. Now we are talking about this again.

Mr. Showe: You have a meeting in June. If you can't decide on the direction now, you can still do it in June. Your public hearing is set for August 4th, I believe.

Mr. Pawelczyk: Correct.

Mr. Showe: So, any increases will require us to mail notices 21 days in advance, so we would need to have letters out by July 9th. You can still have more discussions at your June 9th meeting. Again, I don't know if it's going to change a whole lot.

Mr. Pawelczyk: At the last meeting, you actually adopted the Proposed Budget.

Mr. Showe: Correct.

Mr. Pawelczyk: With the increase.

Mr. Darby: Right.

Mr. Pawelczyk: So, unless one of the Board Members wishes to change that, there is no action required tonight, but like Jason said, you can still continue to discuss it through the June 9th meeting for advertising purposes.

Mr. Mills: I would like to put it to rest. Before I do this, I guess that I am going to go outside of what I should do, but I would like to ask Artie his thoughts. I would also like to ask the BCA Chairman for his thoughts. So, Artie?

Mr. Breitner: So, if I understood right, the increase is just \$132.

Mr. Showe: Right now, the increase that was proposed in the Proposed Budget was \$115.32, which will raise the assessment to \$2,000 per home.

Mr. Breitner: I think what Mel said is correct. I agree. People are facing increases from a lot of things and there are going to be a lot more increases. Gas prices are going up. We just heard the gentleman from the company selling the playground equipment, that all of his costs are going up. So, there is no doubt that these costs are going to be recognized. I don't speak for every homeowner in here, but I'm trying to think the way they would think. Having the option of going up \$100 or \$115 a year, versus waiting for three years and then increasing by \$400 in one shot, in my opinion, the \$100 is miniscule. In my opinion, if we really think that we need to increase the budget, over the next couple of years to avoid a big fight three years from now, I would say do that. That would be my recommendation.

Mr. Mills: Wayne?

Mr. Huot: You pretty much know how I feel. Budgets from other Districts are talking about some healthy increases. So, on the face of it, I'm not in favor of it, but I agree with Art in

the sense, we are going to have \$200 to \$400 coming down the pike and it will be a much smaller pill to swallow now than later on. People are fed up. Housing costs are up 24%. Everything is going up. I know what Rick wants, but if people find out what it really costs for those lights, people will tell you to where to stick them.

Mr. Brown: That's fine. I understand.

Mr. Huot: \$14,000 is a lot of money. You have a lot of people with fixed incomes that live here and they are very concerned about that. I have had people recommend with the surplus money we have, that the BCA needs to give it back to all of the people; however, there are some legal things as far as trying to find everybody who paid and it is real mess. So, I am going with what makes the most common sense and would be the least painful.

Mr. Mills: Artie, if we were to next year go to \$150, how do you feel about that?

Mr. Hudson: If you wanted to keep this as benign as possible, I would increase it \$75 per year and you would have the same result.

Mr. Showe: I think the challenge of that is we have to send out a mailed notice to put it in their face that there is an increase.

Mr. Hudson: I understand that, but I don't think many people are going to go nuts over \$75 or \$100, especially as we all just said that things are going up. Everything is going up. The last time we had an increase, it sort of just came out of the woodwork. That is what set people off. Since I am the AVM for Kingswood, I spoke to many people and a lot of them were livid with what happened and where this came from. They said, "*What is the matter with you guys to have such a big increase all of a sudden?*" Percentage-wise, it was a large increase.

Mr. Mills: What they didn't understand was we haven't raised any assessments for five years.

Mr. Hudson: I mentioned that. That's one of the reasons I'm saying what I'm saying, because some of the comments that I got back was, "*Why didn't you do it gradually so it wasn't such a big hit?*"

Mr. Vince Acardi (942 Balmoral): I think it would be better to start out with a small increase. I think the \$300 increase a couple of years ago was a big shock for a lot of our neighbors. I'm sure my neighbors can afford it, but even if they can't, getting hit at one time is a problem. I hadn't actually looked at the budget and didn't see the numbers. I can't comment on that, but if necessary, I would rather see a smaller increase over time than a big increase.

Mr. Mills: Okay.

Mr. Acardi: It is also easier to have the money in the budget available when you need it as opposed to not needing it in the case of an emergency.

Mr. Mills: I understand.

Mr. Stu Waldron: I agree with Art. Do something.

Mr. Darby: Just as a matter of perspective, if it is raised \$75 a year, you are going to take in \$34,500 in additional revenue. The \$115 a year is going to take in \$53,000. So, there's not a large difference in the overall scheme of things.

Mr. Showe: The challenge that this Board has in terms of making small increases every year, as stated in the Statute, any time that there is an increase, we are required to send a mailed notice. That requires about \$500 worth of expenses for the mailing. We have Boards that have an increase every two years, whether they need it or not.

Mr. Waldron: I suggested that. That is an opportunity to communicate what is going on in the economy.

Mr. Showe: That's why we try to encourage the Board to set an assessment level that they can live with for a couple of years as opposed to doing a small increase every year. It just gets a little more efficient for using those funds.

Mr. Waldron: In addition to your letter that you legally send out to everybody, why don't you also mention it in the Baytree newsletter.

Mr. Showe: I think we already put something in there.

Mr. Waldron: Because we are getting good results and people are reading it. They won't be able to turn around and say, "*I didn't hear about it*" or "*I didn't know this*" or "*I didn't know what.*"

Mr. Showe: I believe we put a little blurb in there. Richard included his in his article that the Board was considering an increase this year.

Mr. Mills: So, we can bring closure to this, do you still have the same thoughts, Jerry?

Mr. Darby: I support a zero increase in assessments.

Mr. Mills: Richard?

Mr. Bosseler: I will support it.

Mr. Mills: Rick?

Mr. Brown: No.

Mr. Mills: Do we need to make a motion on this?

Mr. Pawelczyk: The Board adopted a resolution to increase the assessment by \$115. If you want to change that, you need to basically amend that resolution and adopt the replacement proposed budget that Jason has showing a zero increase. We don't have a resolution, so that would be Resolution 2021-05. If you want, I can read the title. We will draft it if someone wants to make a motion to adopt a resolution amending Resolution 2021-03 to replace the Proposed Budget, calling for no increase in overall assessments.

Mr. Mills: Jerry made a good point. I think we should wait until Carolyn is present.

Mr. Pawelczyk: We can have the resolution ready and you can consider it at the next meeting.

Mr. Showe: Yes.

Mr. Pawelczyk: That's fine.

Mr. Showe: That still gives us time either way if we approve it or you change your mind between now and the public hearing, we still have time to get the mailed notices out.

Mr. Mills: Okay. Very good.

B. Discussion of Creation of Dog Park in Recreation Area

Mr. Showe: Richard, do you have information on the dog park or did we already touch on that?

Mr. Bosseler: I didn't put that on the agenda.

Mr. Darby: I think I did. Some people reached out to me because I sent out a survey some time ago about what to do with the Rec area. Some suggested that a back portion by the pool be dedicated as a dog park and wanted to bring that matter up before the Board. My personal feeling is it is probably not a great idea. I don't think that area is well suited to it. There are liability issues associated with it. We had some problems with some where a man and a dog were attacked. Was that one year ago, Wayne?

Mr. Huot: That was when Mr. Wayne Wilkerson was here, so that was two years ago.

Mr. Darby: It was a vicious dog attack. The dog was almost killed and had to undergo surgery. I'm concerned if people don't protect their dogs or watch them, we could have potential liability and it's a mess to cleanup. For all of those reasons, I'm not personally in favor of it.

Mr. Mills: Rick?

Mr. Brown: No.

Mr. Bosseler: Just to agree with Jerry, people who have dogs who want to go down to that grassy area behind the pool, it's wide open. They can take their dogs there now.

Mr. Mills: Right, or Balmoral Park.

Mr. Huot: You can spend \$80,000 to increase the pavilion area. That is for kids and everything else. You don't need dogs here and that liability.

Mr. Mills: Right.

Mr. Huot: A lot of people don't monitor their dogs very well. We are working like crazy now to try to get people to use the pavilion. It's starting to get used more and more now. If you get one kid bit by a dog...

Mr. Mills: Do we need to have a motion?

Mr. Showe: No.

C. Discussion of Traffic Calming

Mr. Showe: We already discussed this, unless there are any other items from the Board.

SIXTH ORDER OF BUSINESS

CDD Action Items/Staff Reports

A. CDD Action Items

Mr. Mills: William?

Mr. Viasalyers: Regarding the lake bank repairs, I met with the District Engineer. I was hoping he would be on the call this afternoon to go over what we found. A couple of residents had some concerns about the lake banks. I defer to the District Engineer to discuss that the next time he is available.

Mr. Showe: We discussed the recreation area improvements.

Mr. Viasalyers: For the gatehouse improvements, Jerry provided the shutter measurements. We can use a couple of them for the sliding glass doors, but not the smaller windows. So, there would be some additional cost savings there for the District. I still need some direction from the Board if we want to continue to get the other storm shutters installed on the windows from the vendor.

Mr. Darby: I would think you would want to. It doesn't do much good to protect the doors, not the windows.

Mr. Viasalyers: Right. I just want to make sure I can get that quote and bring it back to the next meeting.

Mr. Darby: Okay.

Mr. Viasalyers: The fourth item is the Beautification Fund plans. Mel, do you want to discuss that one?

Mr. Mills: Basically, I am not going to spend all of my money this year, but we are going to spend some money to finish what we already started. I am going to put money towards getting the rear gates painted. We talked about that at the last meeting. Richard has come back with a quote to paint the metal black between the columns at the pool. That's pretty much it. Tropic-Care as all vendors, are having employee issues. They can't find people. Some work hasn't been completed with getting rid of all the trash on National Drive and trimming Palm trees so they look decent. Other than that, that's it for right now.

Mr. Viasalyers: The fifth item is solar heating for the pool. This one has been an ongoing challenge. I had several vendors come out and provide a quote, but we haven't received any callbacks.

Mr. Darby: William, at the last meeting, Carolyn suggested Florida Power & Light (FPL) as a possibility.

Mr. Viasalyers: Yes. I still haven't received any follow up from them as well. I got a call about a streetlight so I will ask about that.

Mr. Darby: If we don't get a response by the next meeting, I suggest pulling this one.

Mr. Viasalyers: Okay. The Suntree lake bank was approved. We are waiting for Tropic-Care to move the material in and get that project going. The rear gates speaker and mic was working, but it is not working again. We are still waiting for the vendor to come back out and fix it again. The bike racks and water fountain were installed at the pool yesterday.

Mr. Darby: Good.

Mr. Viasalyers: We are still working on the signage for the monuments.

Mr. Mills: Can we stop there for a second?

Mr. Viasalyers: Sure.

Mr. Mills: What do people think of the letters on the signs?

Mr. Darby: I like the color.

Mr. Huot: My wife complains a lot about them.

Mr. Mills: They are the same size as the other ones. Exactly the same size.

Mr. Huot: In certain times of the day if the sun is right, it reflects and they are beautiful. Other times a day, it is light on light and you can't read it.

Mr. Mills: We are working on possibly doing a darker background behind the letters. We are going to do one monument, let it go and see how it looks.

Mr. Huot: That's a good idea, if you had a black background.

Mr. Mills: We are talking about a dark brown background.

Mr. Huot: Okay. If you have a dark brown background and then put the letters on that plaque, I think that would look really cool.

Mr. Mills: Yes.

Mr. Huot: Sometimes I can read it and other times I can't.

Mr. Mills: William and I adjusted the lights at night and all of them shined well. It was just during the day how the lights casted on the monument.

Mr. Huot: The lighting at night is nice. It works.

Mr. Mills: Sorry William.

Mr. Viasalyers: No problem. Jason had an update this morning on the larger stop signs.

Mr. Showe: I spoke to the General Manager. He is speaking with his ownership to see about upgrading those signs. He is at least looking at them.

Mr. Viasalyers: Do you want to talk about Item 13?

Mr. Mills: Let's wait.

Mr. Darby: What about having a speed hump there?

Mr. Viasalyers: I think we discussed that earlier in the meeting.

Mr. Showe: [Pertaining to sending letters to residents who will have a speed hump installed in front of their property] When I get a call from the vendor, we will take care of it. I don't want to send those out too early. We had occasions where we sent letters out saying something is going to happen and then we get a snag and folks have a letter two months early. We have the letters. They are ready to roll. We just need to get a date from the vendor. We are working on that.

Mr. Viasalyers: Item 14 is the drainage work at the pavilion. To give you an update, this afternoon Tropic-Care is expecting at least three weeks before they start that project. We are hopeful that will be done before the next Board Meeting.

Mr. Mills: Okay.

Mr. Viasalyers: The repair of the Phase 1 monuments was approved and we are waiting for the work to start. I will follow up with the contractor to see if they have a start date. Item 16 is the bench installation. The pads have been poured. We are just waiting for the product to come in. There is huge demand and shortage right now for materials. So, we are looking at the end of May for the shipping date for the benches. That's all I have, unless the Board has any questions.

Mr. Darby: I just have two or three questions. The last time, we talked about a "*No Overnight Parking*" sign in the pavilion parking lot. Have we gotten that yet?

Mr. Viasalyers: No. Let me make that a priority on my list. Sorry.

Mr. Darby: On the 22nd, the food truck night, we had a bunch of signs that said, "*No Trucks*". Can we take that down for future food truck nights? Waste Management to the best of my knowledge has not been parking there. We can probably put those in the storage room.

Mr. Viasalyers: That's no problem.

Mr. Darby: What is the status of the lake fountain?

Mr. Viasalyers: It's installed. It's beautiful.

Mr. Darby: One last item. I know that you and Peter were looking at the Ashwell Court and Balmoral Way pavement issues.

Mr. Viasalyers: Right.

Mr. Darby: What is the status?

Mr. Viasalyers: I defer to the engineer.

Mr. Showe: We will get a completed report back. I know that you looked at several issues. We couldn't have him come out on every issue the Board had over the last month or two. We will have them provide a report on that.

Mr. Darby: Thank you.

Mr. Mills: What about the guardhouse repairs?

Mr. Viasalyers: That is part of the monument repair and will be done at the same time.

B. Additional Staff Reports

i. Attorney

1. Presentation of Chapter 2021-1, Laws of Florida

Mr. Pawelczyk: There is one item that was included in the agenda. Normally, if you recall, I provide a legislative report every year, but the law that is included in the backup was approved by Governor DeSantis on the legislature on an expedited basis. It protects against individuals in my profession that sometimes tend to bring frivolous lawsuits. It makes it difficult for someone to bring a frivolous claim for COVID-19 related damage. It applies to CDDs on our playground and pool area. It applies to McDonalds. It applies to the Golf Club. Basically, if the owner is acting in good faith and has the good faith to follow the county and CDC guidelines, then the plaintiff can bring a case against that owner. Even if the owner has acted in good faith and a determination has been made that the owner has been in good faith and done everything they reasonably can do to protect against these types of damages, the plaintiff would have to prove that the owner was grossly negligent. In my opinion, that is counterproductive because how can you prove I'm grossly negligent if you already found that I acted in good faith?

Mr. Mills: Right.

Mr. Pawelczyk: So, it does protect against claims. The Republican Party has said that it protects small businesses. I say that it protects all businesses and all governments against frivolous claims, but it still kind of left open. If someone is grossly negligent, they can go after you and find that there was some liability there. I think it's good legislation, but I don't think plaintiff's work. Maybe that's why I think it's good legislation. If members of the public want to look at it, it's Chapter 2021-1, Laws of Florida. You can just Google it and it will come up.

Next is Governor DeSantis just approved two Executive Orders that basically remove all county regulations regarding mask mandates restricting the number of people that can use the pool, etc. I don't think it applies too much up here as it does down by me. For instance, local governments like the park system cannot enforce a mask mandate because of what the Governor has done. However, the Golf Club can still require masks, so the private entities are not impacted by that, if they require their patrons to wear masks, at least for now. So those Executive Orders passed.

The last item I have is just a reminder that at the end of this month, the Board Members will receive their receive Form 1 in the mail. We will remind you again when those come in. If you want to file it early, go online and file it. You still have to print it out, fill it out, scan it as a PDF and email it to the Supervisor of Elections office.

Mr. Darby: What is the deadline?

Mr. Pawelczyk: Technically it's July 1st, but they don't fine you until September 1st.

Mr. Showe: We will follow up as well. They will send us a list. If you haven't completed it, we will follow up with you individually. I file mine on February 1st every year. The problem with doing that is I checked and they said it would be forwarded as of May 1st. It was still not recorded when I checked. I might start filing it in May.

Mr. Showe: They sent it back to you twice when I turned it in early.

Mr. Pawelczyk: If you do it early, there's probably a good chance that they are going to lose it. If you remember last year, there was legislation mandating that the Commission on Ethics set up a website so any one of us can go in, fill it out and submit it.

Mr. Brown: Right.

Mr. Pawelczyk: I think it's planned for 2023. I don't know why it takes so long to develop a website like that. That's all I have. Are there any questions?

Mr. Brown: Is there any update on the trees?

Mr. Pawelczyk: I do not have an update for you. I will let you know.

ii. District Manager

1. Field Manager's Report

Mr. Viasalyers: I have a few updates that weren't on the Action Item List. Staff worked with Tropic-Care to edge along Baytree Drive. We do that twice a year. We had the pressure washing completed at the pavilion, guardhouse and multiple areas around the community. They are doing a great job. We are also working to get some of the chaises at the pool re-strapped. We looked at a few of those and three were bad. We ordered two new pool motors for the pool. Those are expected between six to eight weeks. We replaced the lights behind the guardhouse and converted them to LEDs. I think that's it unless the Board has any questions.

Mr. Mills: What about the lighting at the back gate?

Mr. Viasalyers: That's the next section to get done.

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

SEVENTH ORDER OF BUSINESS

Treasurer's Report

A. Consideration of Check Register

Mr. Showe: In your General Fund, we have Checks 149 through 163 in the amount of \$33,298.09 and April payroll in the amount of \$923.50, for a grand total of \$34,221.59. William and I can answer any questions on those invoices should you have any.

Mr. Darby: I'm good.

Mr. Mills: I'm good.

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor the Check Register for March 31, 2021 to April 27, 2021 in the amount of \$34,221.59 was approved.

B. Balance Sheet and Income Statement

Mr. Showe: No action is required by the Board. These go through March. You are out performing by about \$7,000 of the budget. That is where we anticipated to be at this point of the year. We are also 95% collected on our assessments, so we are in good shape revenue-wise.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Mills: Does anyone have any requests? Rick?

Mr. Brown: No.

Mr. Mills: Richard?

Mr. Bosseler: No.

Mr. Darby: The only thing I have is about the Balmoral waste.

Mr. Showe: I have it on my list. I will get with Will and we will get some letters out.

Mr. Mills: I have nothing either. At this time, we will open it up to audience comments.

NINTH ORDER OF BUSINESS

Public Comment Period

Mr. Showe: Please state your name and address for the record.

Mr. Stu Waldron (Southpointe Court): I am the one proposing having an access path on one of your trails. At the point, can we at least get the estimate from the engineer and Tropic-Care and provide a proper proposal to the CDD and BCA?

Mr. Bosseler: Did you get permission from the zoo?

Mr. Waldron: I talked to Keith. He had no problem with it. He looked at it and sees no problem with having no potential future zoo extensions. What I am proposing is not a wetlands area. He's fine with it. I met with Ford and we went around the golf course. He was very clear of not making any commitment on funding and speaking for the owners on that. Otherwise, he said

that the owners of the golf course would be very much in favor of it because people use the cart paths to get to the trail. So, I would like to see this as a viable alternative.

Mr. Mills: I appreciate you bringing it to the Board. As you are well aware, at the workshop, the Board basically said, *"No, we are not going to do this."* The reason is it is a conservation area. We are prohibited by law to do anything in a conservation area. So that is number one. Number two, it could generate a parking issue in Balmoral. I've had a number of people approach me and say, *"This isn't going to work."* The third issue is the expense because we would have to make it ADA compliant. We have to build a bridge. So even if we can do it, it's very expensive. I've talked to Tropic-Care. They won't even quote it because they said, *"If the Board isn't going to activate it or interested in doing it, we are not going to bid it."* So basically, you are running against a brick wall. I hate to say that, but the fact is it is a conservation area and we cannot disturb it.

Mr. Waldron: I have a question on that because I went looking through what defines a conservation easement. If I'm looking at the right one, it seems that the CDD has a fair amount of latitude to define what that means. Those are some items that I wanted to get together and present to you. There are a lot of things in this particular one that says, *"You may restrict or prohibit, but it seems to leave you a fair amount of latitude."*

Mr. Pawelczyk: I looked at the minutes and I couldn't comment, but I do know for conservation easements and easements, depending on which jurisdiction has authority over that conservation easement other than the CDD because it is not the CDD, it either belongs to the county or the St. Johns River Water Management District (SJRWMD). You can build a path in there, but you have to go through permitting. My understanding is it is extremely expensive, but it can be done. I'm not familiar with what's out there and have no idea what it looks like.

Mr. Showe: The Property Appraiser's site has that labeled as environmentally sensitive land. Just the land description based on that product is a conservation area. Just on a preliminary basis, typically most engineers will tell us that we can't do anything in a conservation area besides removing invasive species.

Mr. Pawelczyk: You would have to go through special permitting. I'm not a land use lawyer, but my recollection is there are numerous reports including animal life. Down by me there are gopher tortoises. If there are gopher tortoises, you have to get a report on the gopher

tortoises, how you are going to impact them and how you are going to mitigate, etc. Like I said, it probably could be done, but it would be quite an undertaking for this CDD and your budget.

Mr. Darby: So, you are saying that we would have to go through a full Environmental Impact Study.

Mr. Pawelczyk: I don't know the answer to that question, but I would imagine that you would have to go through an extensive Environmental Study, than you would if we were just putting a path next to our playground.

Mr. Showe: By the pool there is no impact. You can do things there because that area is designated as a passive recreation area. This is strictly a conservation area so the requirements are much different.

Mr. Pawelczyk: If our Engineer doesn't know, he would hire a subcontractor, someone who has that type of consulting experience to get us through that.

Mr. Mills: The other issue that was discussed was the security issue. At this point in time, Rick, do you have anything you want to say?

Mr. Brown: No. I think we discussed it at the workshop fairly extensively and we just felt it wasn't the right thing to do.

Mr. Mills: Richard?

Mr. Bosseler: I agree.

Mr. Darby: Just two comments. I referred to the engineer's comment at the last meeting. He said, "*You cannot absolutely go into the conservation area.*" Stu, as a resident of Balmoral, close to where this proposed access is, I can tell you that every one of my neighbors came to me and said, "*There's no way they want parking down in that cul-de-sac.*"

Mr. Waldron: We can expect them to put up, "*No Parking*" signs.

Mr. Darby: They don't even want "*No Parking*" signs there because you are pushing parking further up Balmoral right into the Southpointe area. They are very much against it.

Mr. Waldron: Does the CDD have other possible locations? Where the trail is, the maintenance shed for the golf course is less than 100 yards from the trail. That is all controlled by the golf course. It's not a restricted easement or environmentally sensitive easement. It would be by a parking lot that is in the buffer.

Mr. Darby: I think the bigger problem is this is more on the golf course than in the prior proposal. Until the golf course absolutely agrees to that, I don't think we would be interested.

Mr. Waldron: Could the CDD at least discuss it?

Mr. Showe: I don't know that we would have any room other than individual Board Members might talk to them and say, "*Would you be interested?*" Because the property is owned by the golf course and goes right into the zoo property, the CDD would have no standing whatsoever.

Mr. Waldron: I understand, but they want to know if the CDD is filing an exemption.

Mr. Darby: I think what Jason is saying, that the CDD does not have a dog in that fight because it is all golf course property. Of course, people will be parking in the golf course parking lot.

Mr. Waldron: I don't expect it to be popular.

Mr. Darby: If you want to pursue the golf course, I don't see a problem.

Mr. Showe: I think if you were pursuing that remedy, the Board would have no objection. You might be better off talking to the BCA to see how much support you have from residents.

Mr. Waldron: That's what I did. I went to the next Board and a dozen people were all positive about it. We should have security questions answered. At least with that small sample size, people are satisfied with new security equipment.

Mr. Mills: As the Board basically stated, we are not interested in pursuing this at all. For the record, if that's the case, I would like a motion that we not pursue this.

On MOTION by Mr. Darby seconded by Mr. Brown with all in favor the request not to expend funds or CDD resources for the zoo trail was approved.

Mr. Pawelczyk: Mr. Chairman, I want the Board to understand that I wasn't at the workshop. If the CDD were to fund it, we would need a property interest over the improvement and that improvement would have to be open to the public.

Mr. Brown: So that means we couldn't lock the gate.

Mr. Pawelczyk: Correct. You could put an access system there, but you would have to make sure that everybody has an opportunity to purchase a card.

Mr. Mills: Then we would have to run electricity there.

Mr. Pawelczyk: I just wanted to make sure that you and this gentleman understood, even though the golf course may own the property, if we are going to put \$1.00 of CDD money into it, we would need a perpetual permanent easement over the land where the access point is.

Mr. Mills: Are there any other comments from the public? Artie?

Mr. Breitner: Just a clarification. Did we say at the beginning of the meeting that we were going to get an Engineering Assessment on how to control this meeting?

Mr. Showe: To improve the safety of traffic along Kingswood.

Mr. Mills: Yes.

Mr. Hudson: I did interpret that an engineering group is going to look at that and provide a recommendation.

Mr. Showe: That is the direction of the Board.

Mr. Hudson: Okay.

Mr. Brown: Looking at it from a traffic safety standpoint.

Mr. Mills: Calming traffic.

Mr. Acardi: I happen to be one of the guys that want a trail from the back side. The golf course is doing their best to mitigate that and be successful, but I had asked that we find out what was going on with that bridge, which in my opinion belongs to the CDD. There was a report about four months ago that said we were in discussions with them and they had declined planting any type of grass or doing anything to mitigate the situation. In my opinion, it provides significant liability to every single resident in this development. So that is something I would like to see addressed in the future. I also wanted to let you know that there was a trail that belonged to the CDD and it still exists.

Mr. Darby: But you have to walk across golf course property to get to it. Right, Vince?

Mr. Acardi: No. Where it connects is actually through the zoo property. The golf course actually destroyed private zoo property.

Ms. Wagner: Where is it?

Mr. Acardi: I'm not a golfer, so I couldn't tell you the exact location. I can tell you that it is at the end of Old Tramway where the cul-de-sac is. There is a bridge right there that goes across and actually hits it.

Mr. Darby: It is the second bridge going from Holes 17 to 18.

Mr. Showe: That is the one that we sent a letter to the golf course clarifying it. I think Mike and I were working on that letter.

Mr. Darby: It was the second bridge and I think there was the question of an easement.

Mr. Pawelczyk: That's the one where the golf course still has a responsibility to maintain the bridge.

Mr. Acardi: How do you know that the golf course has the responsibility to maintain the bridge? The last time they did not take that responsibility. In fact, the way I read it and it's in writing, it said that they wanted the CDD to take responsibility for that maintenance.

Mr. Pawelczyk: Not that I'm aware of. The last thing I heard was that the golf course said, "*Yes, we will maintain the pathway and the bridge.*"

Mr. Mills: Right.

Mr. Darby: We sent them a Letter of Understanding or something to sign.

Mr. Pawelczyk: We wanted them to sign it.

Mr. Showe: We sent them a letter.

Mr. Acardi: Did they sign it?

Mr. Pawelczyk: No, they haven't. I'm not answering any more questions.

Mr. Acardi: I would like to hear a report on that at some point in time on exactly what is going on because in my opinion, that is not accessible to the golf course, based on the current situation, even though it is used.

Mr. Pawelczyk: We established before Jason, that a portion of the second bridge, not the entire bridge, coming from Holes 17 to 18, belongs to the CDD. That is what initiated the entire conversation with the golf course about responsibility for maintaining that and access to individuals who are not golfers.

Mr. Huot: The entire bridge falls into the CDD.

Mr. Darby: I'm not so sure.

Mr. Huot: The entire bridge. You might say that part of the trail included the bridge.

Mr. Pawelczyk: If it's the same bridge we looked at, it is on CDD property, no doubt.

Mr. Mills: That is the one.

Mr. Darby: But the obligation to maintain the bridge has always been the golf course's.

Mr. Brown: Correct.

Mr. Huot: It's just like the fountains.

Mr. Brown: The golf course owns the lake and we maintain it.

Mr. Darby: Until we turn it over.

Mr. Pawelczyk: The golf course has easements throughout the District dealing with access to the golf course.

Mr. Brown: It always has.

Mr. Acardi: I read the descriptions and it does not include the bridge.

Mr. Pawelczyk: Which easement was that?

Mr. Acardi: The easement to cross the roads.

Mr. Pawelczyk: Which ones?

Mr. Acardi: There has always been one.

Mr. Pawelczyk: You would have to send it to Jason.

Mr. Acardi: There are easements. There is not an easement that I can find. It is physically described in the document.

Mr. Mills: Jason, you need to look that up and we will discuss that at the next meeting. I think it's the one that we talked about before.

Mr. Darby: It's exactly the one we talked about. I think the Board has already taken action. We clarified it.

Mr. Pawelczyk: We also said that there is no reason that any member of the public can't be on CDD property.

Mr. Acardi: I understand that. My concern is not that right now. My concern is you sent an agreement to the golf course stating that the golf course would maintain it. As far as I am concerned, I haven't seen any reports to the contrary and they have not signed it. So, it's unfinished business in my opinion. Not finished business.

Mr. Mills: We will discuss it at the next meeting.

Mr. Brown: That is a good point. We need to get an answer back from the golf course.

Mr. Mills: Exactly. Are there any other comments? If not, we need a motion to adjourn the meeting.

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