

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, October 6, 2021 at 1:30 p.m. at Baytree National Golf Links, 8207 National Drive, Melbourne, Florida.

Present and constituting a quorum were:

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

Also present were:

Jason Showe	District Manager
Michael Pawelczyk	District Counsel
Peter Armans <i>(by phone)</i>	District Engineer
William Viasalyers	Field Manager
Rich Hunter	DSI Security
Paul Bickham	Advanced Recreational Concepts
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.

Mr. Mills: I would like to recognize a guest that is in the military. I want to welcome you to the meeting. Thank you for your service. I am going to ask our Vice President to Chair the meeting today. We will explain why at the end of the meeting. So, Jerry, there is the gavel.

- **Isles of Baytree** *(Item 3C)*

Mr. Darby: First of all, I think we will start with Joanne on the Isles of Baytree (IOB) Report.

Ms. Joanne Wagner (IOB): Yes. I think everybody knows that we are working on the zoo fence still. We have been having problems since January. This is the first project that they have ever taken on, but we signed the contract. So, we are in the final process of getting it done. So,

they have straightened it all out. It should be pressure washed, hopefully, in the next day or two on both sides and then we are actually going to get somebody, every six months, to pull the weeds off of both sides. The reason we are doing the other side is because the zoo is so good to us. They are so accommodating. They mow it for us. They put that sidewalk in for us. So, we are grateful to have them work with us. Our budget meeting is next week. Our dues are going up \$5. We had a few increases. The one increase we had was of course the CDD and the pool. We have no homes for sale in IOB. They have all been sold. Since I changed the By-Laws, we had four rentals sell, which we are very happy about. Those people are putting their house on the market. The businesses that own in there have put theirs up for sale, but we don't know if we are going to have any more of those. I am personally working on the speeders. That's a very long project for me. I only had one resident complain about speed humps being put in. The rest of them really appreciate them being there, but of course the one that complained is the worst speeder in there.

Mr. Mills: That's why.

Ms. Wagner: That's exactly why.

Mr. Darby: Absolutely.

Mr. Mills: It is working?

Ms. Wagner: It's working. Eight out of ten are slowing down. Why would we want more. Really?

Mr. Bosseler: So our deputy won't have to issue tickets.

Mr. Mills: That's a good point, Richard.

Ms. Wagner: I wanted to ask if anybody on the Board is receiving any complains about the algae or whatever is in the ponds? Because I have a resident, actually a couple of residents complain about algae blooms in the ponds. They all look like that. It is that time of year. The weather has been hot.

Mr. Showe: It is also a good time to clarify that the front pond is the only one we don't maintain. That's the golf course. That one we have no control over.

Ms. Wagner: Okay.

Mr. Showe: The rest of them, the CDD maintains and they look a lot better. That pond in particular we have no control over, that's the golf course.

Ms. Wagner: This has nothing to do with me personally or anyone else, but I was in Publix and heard someone on this Board make a comment or complaint about the flag at the back entrance. They said it's ragged. It's filled with dirt.

Mr. Mills: Yes.

Mr. Viasalyers: It's been replaced. The front one as well.

Ms. Wagner: I also want to tell you that on Kingswood, there is a light that is out, but I already contacted Florida, Power & Light (FP&L).

Mr. Viasalyers: That's been replaced as well.

Ms. Wagner: That's not the CDD's is it?

Mr. Viasalyers: The one when you come in on the right?

Ms. Wagner: It's on Kingswood, down where all of the landscaping is.

Mr. Viasalyers: Okay. I'm sorry.

Ms. Wagner: It doesn't say CDD on it, so I put a ticket in there to get that done because I know a lot of people walk and it's very dark out there, so I would take care of that one.

Mr. Mills: Carolyn is in charge of that, so you probably should've contacted Carolyn.

Ms. Wagner: But it doesn't have a CDD sticker, so should I contact her?

Mr. Showe: You can contact us and we'll put the word out to FPL. If you see any of those and they have a number on it, you can go onto the FPL website and put the number in and just report it. That will be just as quick as getting to us because we have to go through the same process.

Ms. Wagner: I put it in, but I looked at the status and they closed it out.

Mr. Showe: That's unfortunately not untypical of FPL.

Ms. Wagner: That's correct. That's all that is going on.

Mr. Brown: I have just a question. Jason, you said that we are all responsible for all the lakes except for one along Baytree Drive at the front. So, we're responsible on the lake that's on the 18th hole?

Mr. Showe: Probably. You will have to show it to me on the map. Will actually got one. Just for the Board's information, the engineer is on the line, if you guys just have any questions for him. I know he doesn't have anything specific. If there's nothing for him, we can have him jump off.

**SECOND ORDER OF BUSINESS**

**Engineer's Report**

Mr. Showe: Okay, you're good to go, Peter.

Mr. Armans: Alight. Goodbye.

Mr. Mills: Thanks, Peter.

Mr. Showe: Maybe there is no one maintaining it.

Mr. Brown: The only reason I'm bringing it up, is because when I first started playing golf there, that lake was as clear as a bell because I could find my golf ball when I hit it into it. Nobody ever hit their golf ball into that lake?

Mr. Mills: No?

Mr. Brown: Excuse me. Now you can't see anything, so if it's our lake I was just going to have ECOR handle it.

Mr. Showe: The map says that it is maintained by the Golf Course. Typically that one up front is the one we get the most complaints about. I always point out that that's not ours. It does look like they sprayed it because it is brown. The algae that's on there now and it looks like it's been sprayed.

Mr. Brown: I understand that, but I was just curious about if we own all the lakes. Then I was just going to bring up about the lake on 18.

Mr. Darby: Alright, we are going to move on. We are going to skip on the agenda a little bit and go to our visitor here from the ARC. So I'm going to turn over to Richard.

**THIRD ORDER OF BUSINESS**

**Community Updates**

- **BCA (Item 3B)**

Mr. Bosseler: Okay. I am reporting on the ongoing saga of the playground. I asked Mr. Paul Bickham from Advanced Recreational Concepts (ARC), to come in to address the new quote. Just to catch everybody up on what happened, we have a \$60,000 quote including all of the exercise equipment. We took it to the BCA. I didn't get anything formally back from them, but I did get a verbal from Mr. Brown. They said they weren't interested in the exercise equipment. So, I went back to Paul and I asked him to go back to our swing and dome. You have it in your agenda package under Tab B. Paul, please go ahead.

Mr. Bickham: So, that's actually a great segue because that's where I step into the project, when there were discussions with my company about some swings and a really cool Thunder

Dome. There was another designer that was originally working with Richard. He's no longer with the company. So, I had the opportunity. I'm a local guy, by the way, so I picked it up right away. I'd done a couple of projects. I have been working with Richard for the last few months, trying to get the best fit, which I think is where we've been at for the last couple of months, the best fit for the space out there. What we ended up with, was a swing feature and a climbing feature, a dome, for lack of better words, which is great for little kids. Both features are great for little kids and for elementary school age, the five and six age range. Like I said, I'm the local guy. We are corporately based here in Brevard County, right down the road here in Melbourne. We are a licensed and insured contractor. We can do a full project for you, pulling permits, doing inspections, getting the installation done right, including your safety surface here as well.

Mr. Bosseler: The quote your predecessor gave us and your quote is quite a bit far apart. So, I noticed when I went through it, it was mostly for the surface. So, tell us about the new surface.

Mr. Bickham: The finished product.

Mr. Bosseler: Yeah.

Mr. Bickham: Okay. I didn't understand where the project was at when I stepped into it because I didn't start it. So, I kind of came in and started over and put my 20 years of experience into the project. What I saw out there was a beautiful space that not only needed it to be fun, but it needed to be architecturally pleasing. It needed to be in fit with the environment that's out there. So, one of the additional costs was a little bit of landscaping that we would like to do. We are going to scrape off about six inches of dirt off of the play space. We want to backfill the borders with some of that finished product, so it's at a finished grade with the sidewalk. So, a typical border is about 12-inches high. Imagine that nice space between your pavilion and your pool having a plastic black border that sits up about 12-inches. The other thing too is it could be considered a trip hazard, although it's not because you use the sidewalk for entry, but you got to step over it as well. So, that little addition can be taken away, but as far as the finished look and feel goes, it's our opinion that we think that would be the best fit, the best look for the space out there. By no means does it change the play value of the part, if we took that away. It's just the look and feel that we added in there and it did add some additional costs.

Mr. Bosseler: Paul's company has done most of the play space, playgrounds in Viera.

Mr. Bickham: Quite a few of the playgrounds in Viera. You'd be hard-pressed to find an elementary school that doesn't have one of our design builds in it. We turnkey it. It's going to be my guys, who are all local guys as well. You would be hiring a local contractor, keeping your money here in Brevard County. We don't subcontract out the work. You're hiring us. It will be our guys that come out to do the project. You would be hard pressed to find an elementary school that doesn't know ARC, homebuilders to the elementary school and most of the Brevard County parks as well. Wickham Park is pretty close, I think. That's a great example of one of our design builds. If you go to that park, they are adding on to that.

Mr. Bosseler: Are there any questions?

Mr. Mills: What's your warranty on the product itself, as well as your labor?

Mr. Bickham: Okay. That is a great question. So, depending on what part of it is, it can go anywhere from unlimited lifetime warranty. For example, for the swings, your posts and beams will have unlimited lifetime warranty. Now that moving part of the swing, that's going to have a shorter warranty on it. I'd have to dig into it. I mean, the warranty is a couple of pages long. I think the important thing to know about this warranty, is it is a non-prorated warranty, which means that if you have a part that fails, you get that part replaced for free and it gets put on as a brand new part obviously, but with a brand new warranty as if it's a brand new playground. The bonus is part of our installation service is we'll come out and we will put that part on for free. So, we talk about the total cost of ownership. When you have a great warranty with a great service provider and you're investing right now in your playground, it should really be the only investment you make for a very, very long time in that environment and on that piece of equipment. You have a one-year installation warranty and on parts, you have an unlimited installation warranty when it comes to a warranty part.

Mr. Mills: The border that you're talking about, that could potentially be a trip hazard, is that rubber or fiberglass?

Mr. Bickham: It is plastic.

Ms. Witcher: How long is the lifespan on it?

Mr. Bickham: On the border?

Ms. Witcher: Yeah.

Mr. Bickham: I want to say 10 years. I will have to confirm that for you. When it's sitting on top of grade like that, the lifespan is very, very short because your landscaper sometimes gets

a little careless and that weed eater goes right into that border. Then things start to look bad. Not that the border might fail, it starts to chunk up the space a little bit. It makes it look like a yard sale out there.

Mr. Mills: Well, maybe we could do what we did around the pavilion, put some stone about six inches out. That way they won't get the weed whacker in.

Mr. Bickham: Okay, that's also an alternative solution as well.

Ms. Witcher: Can we have a seat on top of it for the kids to sit on?

Mr. Bickham: On top of the border you would add some stone on the perimeter.

Ms. Witcher: Okay.

Mr. Bickham: I would suggest, if the budget allows to do it, whether you go with that solution or the solution that I've proposed. They are both viable.

Mr. Darby: So, Paul, the location of the dome and the swing set would be as you face the pavilion to the left, correct?

Mr. Bickham: Yes.

Mr. Darby: Okay. We had just repaired some drainage there.

Mr. Bickham: Yes.

Mr. Darby: How would that drainage area?

Mr. Bickham: In my last discussion with Richard, I'm not touching that area.

Mr. Darby: Okay.

Mr. Bickham: You have that sidewalk to nowhere right now where the old playground used to be. So put yourself right there. What I'm asking for is that space for the dome and the swing. So, I'm going to ask you to clear and relocate some trees maybe.

Mr. Darby: Alright, so it's just going to go parallel to the back of the pool.

Mr. Bickham: Correct.

Mr. Darby: Alright.

Mr. Bickham: I don't want to get near that drainage system.

Mr. Darby: I understand.

Mr. Bickman: I could foul up their construction. I think the design build that I do right there would eliminate its functionality.

Mr. Brown: I just want to bring up some stuff, unfortunately. I participated at the Monday BCA Board meeting and the recreation area came up. There was one Board Member who wanted

to know why we couldn't put in four swings versus two. I believe the reason was because, with the additional two swings and the surface area for the swings and the arc, we require more space and we didn't have that space. So I was correct, I think.

Mr. Bickham: Yes.

Mr. Brown: That's all I wanted to hear. You just said the right word, yes.

Mr. Bickham: If you want the four swing seats, do you have the space? You do have space for four, but you're going to have to relocate more trees. I'm not in the business of making those kind of suggestions. We are already kind of there right now, but now we are talking about even more trees as we go further back into that space. You have the space, but you got to be willing to compromise on those trees.

Mr. Brown: Well, maybe that's something we need to take a look at because that came from a representative from the BCA Board.

Mr. Showe: It might require some changes to the footprint as well, correct? I know that you have to be at least one distance out to the side and double the front back.

Mr. Bickham: I'm factoring that.

Mr. Showe: Okay.

Mr. Bickham: Now there's other spaces around the pavilion that you could go to. We did discuss four swings, but it comes down to what kind of space do you want to compromise?

Mr. Brown: Well, the other thing that the Board has been talking about is putting in a pickleball court. The only space that we have for a pickleball court as a separate court, would be behind the pavilion, directly behind. So, if the swings can be expanded without impacting the space that we are looking at for the pickleball court, then I'm fine. Let's take a look at it. There were two other things. One, originally it was discussed that the BCA Board would give us \$60,000. At the meeting before this one, it went down to \$40,000, and now it's down to \$33,000 based upon the recent bid that you sent to Mr. Hout, who was the President. The only other sticky wicket if you will, is that there was one Board Member who pointed out that we only had one bid. I told him that we didn't have one bid. That Richard had worked with two companies. He wanted to get another company because his background in government procurement required three bidders for every government product and we are a government agency. I said, "Look, we're not doing a \$300 million contract for toilet seats on Air Force One, we're talking about a swing set and a playground, okay?" The other thing was we wanted to keep the vendors local and



to keep the business in Brevard County, as opposed to going outside of Brevard County with contractors, because we've had experience with contractors outside of Brevard County in trying to maintain stuff that we bought from them, here. I'm just trying to be transparent here. The rest of the Board was okay with the two bids, but everybody just needs to be aware this was brought up.

Mr. Bickham: So on the solution is, I'm more than happy to put my entire project on a government contract.

Mr. Brown: No, you're not doing that.

Mr. Bickham: Okay. That's an easy solution to that.

Mr. Brown: No.

Mr. Bickham: Like I said, I do a lot of county and city parks , so government contracting is something that we're very, very good at.

Mr. Brown: I think if there's a way to increase it from two to four swings without impacting the space for the pickleball, take a look at it. But, I can tell you that they're ready willing and able to sign the check for \$33,000.

Mr. Bickham: I think that will work as long.

Mr. Bosseler: Personally, I don't think we need four swings but we'll take a look at it. If it only costs \$500 more, then we might as well do it.

Mr. Mills: Yeah.

Mr. Bickham: So, if that's the direction you're going in, if four is going to be considered, factor this in. One bay has to be either belts or bucket seats. We can't mix up the seats, okay? Where I'm going with this, think about who would be sitting in those seats. Would it be our little ones, our toddlers or is it going to be more elementary school age kids?

Mr. Brown: It's going to be both.

Mr. Mills: And adults.

Mr. Bosseler: Okay. Are there any other questions for Paul?

Mr. Darby: I think Sandy wanted to say something.

Ms. Sandy Schoonmaker (Berwick Way): I just wanted to concur with the statement that somebody else up here just said. Truthfully at this point, you guys are kicking the can down the road so far down the road, put in the swings, put in the dome and just get it done. I have people in my neighborhood that they have little kids and they want a swing set. They want a

playground, and it just seems like we're putting it off and there are a million options that we could go to. You already said that you want two swings and you want a dome. Do it and get it over with. It's fine.

Mr. Mills: I have a question with regard to adding the two additional swings. About how much are we talking, not that we're going to hold you to it, but about how much?

Mr. Bickham: About \$1,500 to add what we call a bay. So, we are going to add the bay, which is about \$1,500 and a few bucks for installation, but then we have to make the space bigger, so factor in tree removal, relocation, putting in the fabric borders and mulch. So there are just a few other line items that go along with that scope of work.

Mr. Mills: One more thing...

Mr. Darby: I'm sorry, Mel, but the thing is this thing has gone from a \$22,000 to a \$32,000 project, now approaching \$40,000. Do we really want to spend \$40,000 on a swing set? I mean, that's the question as opposed to maybe a pickleball court or some other thing. I think that's why we brought it back to the Board to discuss. To Sandy's point, we aren't kicking it down the road, but when you came in with such a sizable increase, almost a 50% increase, you have to ask yourself, do you want a \$40,000 swing set?

Mr. Bickham: I've factored into my increase also, the state of the economy right now. I did have a line item for a materials surcharge, which isn't in my control. Okay? It's dictated from the manufacture and our company just passed it through. We didn't mark it up or anything.

Mr. Darby: I agree.

Mr. Bickham: So, some of your increased cost got just thrown into what's happening out there in the world. It is hard to acquire materials, hard to find people that want to work with the materials. I think we all know that story. Most of my playgrounds right now are sitting off the coast of California. Actually, I'm joking, we're 100% made in the United States.

Mr. Bosseler: Are there any other questions for Paul?

Mr. Mills: I do.

Mr. Bosseler: Go ahead.

Mr. Mills: With that in mind, and I agree with Sandy.

Ms. Sandy Schoonmaker (Berwick Way): Thank you.

Mr. Mills: We are getting younger and younger people moving into our community all the time. This is no longer a retirement community. It's a family community. I think we have to

look beyond the focus of senior living. We have to go on and have a vision of what we are going to look like 15 years from now when it comes to families. I'm all for having four swings.

Mr. Bosseler: Anything else?

Mr. Viasalyers: I have something. In your email, you mentioned needing a dumpster for the excavation, but I don't see that in the price.

Mr. Showe: Are you asking for just space for the dumpster?

Mr. Bickham: No, because there will be some fill. When we excavate, we're going to need to get rid of some of the fill that we take off. Not all of that can be used. I know that I've accounted for it because I had specific conversations about it. I have to dig into that to point it out, but it's built into one of those costs.

Mr. Showe: Okay. That's fine.

Mr. Bickham: I'm sure it's there because I had a specific conversation about it with my excavating partner.

Mr. Darby: Rick, if the quote comes back and let's say it's approaching \$40,000 for the four swing sets, is the BCA willing to fund that?

Mr. Brown: I got the impression that the BCA originally was willing to go at \$40,000. So, I think they'd go back to \$40,000.

Mr. Darby: You do think they would?

Mr. Brown: Right. It was made clear by a couple of members of the BCA Board plus a Voting Member (VM), that they really would like a pickleball court, but not tied into the tennis court by putting stripes. However, that's a separate topic.

Mr. Darby: Are they saying they would like that instead?

Mr. Brown: No. Right now, they are all in favor of the \$33,000 for the swing set and the dome and the landscaping plus whatever we're going to kick in. I think that they would go to \$40,000 if that's what it would cost for the additional two swings.

Mr. Darby: Just to sum up, Richard, what we're saying then is we are going to ask ARC to come back with another quote and provide at the next meeting.

Mr. Showe: Do you want to ask them for another quote or does the Board want to approve a not-to-exceed of \$40,000 and give the Chairman the authority to execute?

Mr. Brown: I would be okay with that, provided that the new layout with the four swings, does not impact the land where we want to put the pickleball court. I'd leave that to your discretion. I don't want it to come back. It's been going on and on.

Mr. Showe: Once we get the revised documents, we can send it out to the Board. If there are any objections from any Board Member, we'll bring it back at a meeting. Otherwise, we can have the Chair execute in accordance with any approvals that you provide.

Ms. Witcher: When you do that, can you tell us how many trees you're going to be impacting?

Mr. Bickham: Sure. So, there's going to be a need to have some trees removed or relocated. That same person could also do that excavation and removal of the spoils at a fraction of the cost that my company can do that at. I would be willing to work with that contractor to save you guys some money. I can remove that from my quote and just basically hand it over to your contractor and answer whatever questions.

Mr. Mills: The trees are not an issue because they are causing problems with the pool anyway. When the leaves come off, they blow into the pool so the trees are not an issue.

Mr. Bickham: So, can I remove that scope from my estimate?

Mr. Showe: Yes.

Mr. Bickham: Got it.

Mr. Bosseler: I'm ready to go.

Mr. Mills: Good. You need a motion?

Mr. Bosseler: Well, we did the motion on \$60,000.

Mr. Showe: I think this would have to be a revised motion because you're changing the dollar amount. What I would recommend is if the Board's comfortable, is a motion to approve a not-to-exceed of \$40,000 with this revised proposal providing four sets of swings, delegating authority to the Chair to execute the contract after the Board has reviewed it. If there's any objections from the Board, we will bring it back at your December meeting.

Ms. Witcher: What about the borders around it? Are we doing that or not doing that?

Mr. Darby: That's part of the quote.

Mr. Mills: Yeah, that's part of the quote.

Mr. Brown: Question. If it comes back at \$40,000 and the BCA Board for whatever reason says, "No, we said \$33,000," are we prepared to kick in the other \$7,000. That's all I'm asking. I don't have a problem with it. I'm just trying to cover all of our bases.

Mr. Mills: We'll find the money.

Mr. Brown: We get the swings. Well then good. I'll make that motion.

Mr. Brown MOVED to approve the proposal for four swings, dome, and full installation in a not-to-exceed amount of \$40,000 and the authority for the Chairman to execute after Board review and Mr. Darby seconded the motion.

Mr. Showe: Are you comfortable with that motion, Mike? I got ahead of myself.

Mr. Pawelczyk: That's fine. While the motion's pending, you've previously approved a cost share with the BCA.

Mr. Mills: Right.

Mr. Pawelczyk: Based on these discussions. We couldn't finalize the Cost Share Agreement until we knew what we were sharing the cost of. So, in that respect, the BCA agreement's has been authorized. Now with this, you've modified your prior motion and this project, I guess, would be authorized under the terms of that motion. So, I think you can call the question unless there's further discussion.

On VOICE VOTE with all in favor the proposal for four swings, dome, and full installation in a not-to-exceed amount of \$40,000 and the authority for the Chairman to execute after Board review was approved.

Mr. Darby: Thank you very much.

Mr. Mills: Thank you.

Mr. Darby: We'll go back to the agenda, that's the next title with security.

#### **A. Security**

Mr. Hunter: Since your last meeting, we visited the site 11 times. I spoke to Matt. There were no issues. Are there any questions for us?

Mr. Brown: I met with Rich earlier regarding an email I sent to Bill. Rich is going to follow up with this because from our last Board meeting, we are trying to find out the names and

addresses of homeowners who have signed on to the Visitor Management System (VMS). I can then sit down with Fairway Management and identify those homeowners who have not signed on to the VMS, so we can reach out to them and extol the virtues of the VMS to them and try to get them to coordinate with that. The other thing that I was asked to follow up on was, there are temporary passes and then there are permanent passes and there is a barcode on those passes. I wanted to find out what information is on that barcode. The information that's on that barcode primarily is relative to the homeowner and the address of the homeowner for that particular visitor. It does not have the name of that visitor. So, I've asked Rich to go back and check with his IS people to see whether or not when we give out these temporary and permanent passes, whether or not the name of the visitor could be included on that pass. So that we know who that person is if, God forbid, they start giving the guards a hard time.

Mr. Mills: Well, Sandy brought up at the last meeting about a photograph as well. We talked to Rich before you came to see if that's a possibility.

Mr. Brown: Oh, I didn't know that, but I do know that I was out at the guardhouse with William, and we now have the sign for the, "*You Are Now Under Audio and Visual Surveillance*" sign when you come up to the guest gate. We were trying to find out what information comes on to the computer when you show your Driver's License and they scan it and it goes into the system. The new Driver's Licenses, the one that has the star on it, automatically goes into the system with your name and your address, which is basically what we're looking for. The camera has been set up, the audio has now been set up, the sign is going up. Visitors now coming into Baytree are going to be under audio and visual camera, so that any visitor who starts menacing the guards and threatening the guards and their families and their offspring and everything else, are going to have a video and audio recording of that, which we are going to turn over to the Sheriff. Okay? We are sick and tired of our guards getting harassed for no reason other than they're just trying to do their job. Okay. Now the new thing is, I've asked William to check with our camera person to see whether or not we need to install a new camera at a lower level than the present camera, because the present camera is coming down this way and the driver of the car is here. Depending upon the time of the day, you're not going to see a good facial recognition. So, we're going to try to get an idea of lowering the camera so it's directly into the driver's seat of the car, so that when somebody gets real ugly with our guards, we will have a nice, beautiful face of that person and his audio that we can turn over to the Sheriff.

Mr. Mills: You might want to check with the camera guy to see if that camera already has an iris lens because if it does, then we don't need to light it.

Mr. Brown: Well, we just need to focus in on the driver's side.

Mr. Viasalyers: It's too high right now.

Mr. Brown: We' played around with it.

Mr. Mills: Check to see if it's an iris lens because they won't need light. The darker it gets the lens opens up.

Mr. Viasalyers: They have infrared on them.

Mr. Mills: Okay.

Ms. Witcher: You need have the name of that person because they could change drivers.

Mr. Brown: I've had an incident with this.

Mr. Mills: What was the question?

Mr. Brown: The name of the company. Is there a way to have the name of the company if they're coming in as a company to see someone.

Ms. Witcher: Such and such lawn company.

Mr. Brown: Right. We've had an issue with a company out of Orlando. I ended up going on their website to find out the name of the company and their local address and I sent them a friendly letter about the behavior of their driver. So, there is a way that we can get the name of the company and the license plates and the number on the truck and the whole nine yards.

Mr. Darby: Rick, two questions. Is every guest that comes in subject to the audio? If they are, how long will that be retained?

Mr. Brown: I don't know how long we're going to retain it. From my way of thinking, I only want to retain the ones that are belligerent. The ones that are nice and say, "*Hi, have a great day,*" wipe them out.

Mr. Viasalyers: The retention of the audio or video is usually about 30 days depending on the usage. We have four cameras there. We get traffic every day, so we'll probably get about 30 days max, maybe a little less and then it just loops over.

Mr. Showe: For the Board's information, it holds it for 30 days. So, as long as we're aware of the incident within that time, we can pull it off of it and move it somewhere else.

Mr. Brown: I'm usually made aware of that, the next shift.

Mr. Showe: Correct. That's the same thing with all of our gates. If you're aware of an incident that happens at one of the back gate or front gate, we have cameras. As long as we can pull that incident while its on the DVR, we can pull it off and store it.

Mr. Brown: I think eventually we'll just get to a point in time that it's an automatic decision on the part of the guard. If the visitor is belligerent, automatically save it.

Mr. Darby: Yeah.

Mr. Showe: Will can pull it offsite. He doesn't even have to be here to pull it. We have the software to do it.

Mr. Brown: I just wanted to get this stopped. That's all. It's not right.

Mr. Darby: Is there anything more for security?

Mr. Brown: No.

Mr. Hunter: It is supposed to be used to record the gate guards when they are occasionally belligerent with our guests, correct?

Mr. Brown: Absolutely. It goes both ways. No, you're right.

Ms. Carol Fox: Quick question. I know the gate is on a timer, but people have followed me in when I'm going through the back gate. So, is there any way to get that closed a little quicker?

Mr. Brown: Do you know what you do? When you come through the back gate, get your car close to the stanchion, the one that holds the gate and it'll come right down.

Mr. Showe: That arm comes down pretty much as fast as it's going to come down. If you notice that somebody's tailgating you just stop and proceed through so they can't just follow you. That's why we put the two speed bumps there. I think we do everything we can.

Mr. Brown: It's like trying to get into the White House.

Mr. Showe: Even if they tailgate you in, they are recorded. So, we have video evidence.

Mr. Brown: Just try to stay close to that white stanchion that holds the gate and you're fine.

Mr. Bosseler: When my wife came in, three cars came in right after her.

Mr. Viasalyers: That's an ongoing issue with the timer. We are trying to get that corrected.

Mr. Darby: Okay. Is there anything else for security? Joanne, I'm sorry. I didn't see you.

Ms. Joanne Wagner (IOB): I wanted to ask, are we still sending letters out?



Mr. Darby: Yes.

Mr. Mills: Yes.

Mr. Brown: That's why I want your email address.

## **B. BCA**

Mr. Darby: Rick, do you have anything more from BCA?

Mr. Brown: I will say at the BCA meeting, we talked about the playground, we talked about the pickleball. They are in favor of the pickleball court as a separate standalone pickleball court. There were two properties that they are bringing to suit for breach of contract. Ms. Stephanie Knudsen resigned as Vice President of the Board. Mr. Bob Eksten agreed to join the BCA Board. There was a change in leadership on the BCA Board. Mr. Wayne Huot resigned because he's moving to North Carolina. So, at a new organization meeting, they voted to make Mr. Bob Eksten, President of the BCA Board. All the other present members of the BCA Board will stay in the same positions that they are in now. Mr. Arthur Hudson is Finance. Mr. Nick Williams is ARC and Mr. Mike Sherbin is Secretary. So, they've left the Vice President slot vacant until they get, hopefully, volunteers who want to join their Board. So, if anybody is interested in joining the BCA Board, get a hold of Paula at Fairway Management. If you need her email address, I'd be happy to give it to anybody. Ms. Sue Frontera, who is the Social Chairman, said there is going to be another social event, on Sunday, December 5<sup>th</sup> from 3:00 P.M. to 7:00 P.M. It's not a holiday party. It's just a Baytree Community party. She has already assigned on a DJ. There will be three food trucks there for everybody. There are going to be toys, games and prizes for kids. Now, there's now some discussion about maybe tying it in with Toys for Tots. So, bring a toy for a toddler when you come to the meeting, but there will be more about that from the BCA. The big concern with Stephanie resigning was what's going to happen to the Baytree Newsletter, because that was her responsibility. So, if anybody is interested in getting involved with that and keeping it going, just let Mr. Bob Eksten know or somebody on the BCA Board.

Mr. Darby: Thank you, Rick.

**C. Isles of Baytree**

This item was discussed.

**FOURTH ORDER OF BUSINESS**

**Consent Agenda**

**A. Approval of Minutes of the August 4, 2021 Meeting**

Mr. Showe: The first item we have under the Consent Agenda is the approval of minutes. I have received some changes. Typically, we would just have a motion at this point to accept those minutes as amended.

On MOTION by Mr. Mills seconded by Mr. Darby with all in favor the Minutes of the August 4, 2021 Meeting were approved as amended.

**FIFTH ORDER OF BUSINESS**

**Agenda**

**A. Consideration of Annual Contracts**

- i. Landscape Maintenance Agreement**
- ii. Aquatic Maintenance Agreement**
- iii. Security Services Agreement**
- iv. Pool Maintenance Agreement**
- v. Fifth Amendment to Facility Use Agreement - Added**

Mr. Showe: Following that, we've got the consideration of our annual service contracts. We'll go through these. You can approve them as a group or you can approve them separately if you have discussion points.

Mr. Darby: I prefer to take each one individually.

Mr. Showe: Sure. I'll go through all of them and then you can ask any questions you have. For the most part, three out of the five of them are just extensions of their current terms. There is no price increase. Your landscaper has proposed no price increase. Ecor has proposed an increase of about \$280 a month, when you average out both their contracts. That was primarily what the increase was due to. They put a note in their proposal that's in your agenda that it's due to the cost of chemicals. We're seeing that with every lake vendor and weed service throughout the State. It's really due to the cost of the chemical process. Security services has no increase. For pool maintenance, they are proposing an average increase of about \$71 a month, due to the same thing, chemical costs. We handed out to you the water aerobics extension as well. Again, we can take those as separate.

Mr. Mills: Jason, I would just like to inform the public that the chemical costs are absolutely unrealistic. The copper sulfate which is used in the lakes to get rid of the algae, went from \$75.50 to \$103. That's for a 50-pound bag. Round-Up, the commercial one, went from \$17.98 a gallon to \$25.50 a gallon. So, those are the increases that we expected when we were doing the budget.

Mr. Showe: For comparison purposes, it's about a 7% increase over their contract price versus obviously the extensive chemical costs. Mike, do you have any comments?

Mr. Pawelczyk: Yeah. Just so the Board knows, when we went through these, Jason and I worked together. If there were any agreements that needed an amendment for legal purposes, legal terms like you'll see in a lot of our contracts, the public records section, E-Verify section, the sovereign immunity section and the notices section, to make sure that's up-to-date. We went through each of these agreements and added those provisions where they needed to be added or modified. Some of these contracts have been together for a while. You will notice that the Security Agreement is a new agreement because the other one expired, but it's under the same terms.

Mr. Showe: Right. Same terms, same price as the last one you approved.

Mr. Pawelczyk: So, I just wanted to explain what we did and why you see some of them have these additional provisions in there and some of them don't.

Mr. Mills: I have two legal questions to ask you, Mike. We having a contract that they will attend every meeting. They haven't been attending every meeting.

Mr. Brown: Who's they?

Mr. Mills: The security company.

Mr. Showe: Security has been attending.

Ms. Witcher: Yeah, they've been here.

Mr. Mills: Not every meeting.

Mr. Darby: Not every meeting.

Mr. Brown: No, they haven't been at every meeting, but okay.

Ms. Witcher: More than the other guy.

Mr. Pawelczyk: Well, I'll tell you what happens. You can terminate it any time you want. I'm down in Miami-Dade County and Broward County where the threat of COVID is. People are more worried about it than they are here. I think that's because of the population. So, a lot of my

Boards say, *"Look, just jump on Zoom."* They have everything set up by Zoom or by phone. Call in, we'll get you on the meeting, we'll express our concerns to you and we'll get you out. So, that might be something that this Board can do to encourage contractors to attend.

Mr. Brown: It's a good idea.

Mr. Pawelczyk: To make themselves available. At the same time, they're not coming here. So, that's something they've done, but I think that provision was in there. That's a carry over from long ago when you weren't getting the response from security that you're getting now, primarily from the relationship you've developed with them.

Mr. Darby: Correct.

Mr. Mills: The other thing is, a lot of times it's mentioned in here about not giving money to the guards. Is there a definite no that we can't do that? Because I know at Christmas, my wife and I always give a check to the guards. I think other residents give gifts. Is there any intrinsic value that we cannot go over

Mr. Pawelczyk: The CDD can't do it.

Mr. Showe: The CDD as a Board couldn't.

Mr. Mells: Can the Board do it?

Mr. Pawelczyk: Which provision are you referring to?

Mr. Mills: On Page 2, second paragraph down.

Mr. Pawelczyk: Under fees?

Mr. Mills: Wait a minute, hold on.

Mr. Pawelczyk: I'm just making sure because some of these provisions are in there because the contractor asked for it. So, I just want to check.

Mr. Mills: I forgot where I saw that, Mike, to be honest with you.

Mr. Pawelczyk: Well, we can look at it and give the question an answer.

Mr. Brown: If it ain't broke don't fix it.

Mr. Pawelczyk: I think the CDD is not bound by what you do individually.

Mr. Mills: Okay. That's all I needed to know.

Mr. Pawelczyk: It's like some people give gifts to their postal carrier.

Mr. Brown: You want to give a gift to me?

Mr. Mills: You're a Board member.

Mr. Pawelczyk: Well, even as a Board member, you can give it to him as long as you're not using CDD funds.

Mr. Mills: Right. I got it.

Ms. Witcher: It's a personal gift from me.

Mr. Pawelczyk: We will double-check the contract to make sure that there is nothing in there that prevents you from doing it or there's nothing in the ethics laws that prohibit you from doing it.

Mr. Mills: Okay.

Mr. Pawelczyk: They can't give you gifts, is the issue?

Mr. Showe: Correct.

Mr. Pawelczyk: It can't be reciprocated is the issue.

Mr. Darby: With respect to all of these fees, do they all fall within the 2022 budget?

Mr. Showe: Yes.

Mr. Darby: We had talked about an increase for Matt this year.

Mr. Showe: I requested that from DSI and I have not received it yet. So, at this point, this is the agreement I have to present. If that's the Board's desire, I can still keep asking for it.

Mr. Brown: Well I asked Rich when he was here if there was any issue relative to finances, relative to the amount we're paying the guards. He said, "*No, right now we're fine. We try to keep competitive rates for our guards.*" I just said to him, "*Well, if that changes, you need to let me know as soon as you know.*"

Mr. Showe: I have made it very clear.

Mr. Brown: Because I said I don't want to upset this apple cart.

Mr. Darby: Will the guards themselves receive an increase in this proposal?

Mr. Showe: Not with this contract. I don't know if they know or not. That's up to the company. This contract is the same. The CDD is paying the same amount. DSI could give them whatever they felt like would be a salary. The challenge you have, if the Board's intention is to give a certain guard a raise, you have to raise the full contract price and you don't know where that's going. You don't have any authority because they are not your employee.

Mr. Darby: But, they were good the last time we did it.

Mr. Showe: Correct.

Mr. Darby: Okay. Is there anything else? Is there any other discussion?

Mr. Showe: I don't have any. Again, the Board could vote on this individually or you can vote on them as a slate if you are all okay with the proposals.

Mr. Darby: Yeah, I think we asked enough questions. I want to approve them all at once.

Mr. Showe: Sure.

On MOTION by Mr. Mills seconded by Mr. Darby with all in favor extending the agreements for landscape maintenance, aquatic maintenance, security services, pool maintenance and Fifth Amendment to the Facility Use Agreement was approved.

**B. Discussion of Playground and Outdoor Gym Equipment**

This item was discussed.

**C. Consideration of Resolution 2022-01 Amending the Fiscal Year 2021 Budget**

Mr. Showe: The next item is Resolution 2022-01, which is amending your Fiscal Year 2021 budget. We do this typically every year at this meeting, these have to be approved by the Board before the end of November. What this does is recognize some additional fund balance, as well as some additional revenues from transponders and the IOB Cost Share Agreement and then the offsetting expenses that balance those out.

Mr. Darby: Do you need a motion to approve it?

Mr. Showe: Yeah, we will need a motion. Again, this is more just a clerical item so that when we get to the audit, the budget is cleaned up in advance of the audit being approved.

On MOTION by Mr. Mills seconded by Mr. Darby with all in favor Resolution 2022-01 Amending the Fiscal Year 2021 Budget, was approved.

**D. Consideration of Agreement with Berger, Toombs, Elam, Gaines & Frank to Provide Auditing Services for the Fiscal Year 2021**

Mr. Showe: The next item is the proposal and agreement with Berger, Toombs, Elam, Gaines & Frank to provide automate services for Fiscal Year 2021. Obviously, we just ended Fiscal Year 2021 and we haven't finalized those financials yet, but we'd like to get the auditor in line and running as soon as we can. So, this is in line with the last bid that you did. It's the same agreement from the same vendor and we've been okay with them so far, so we recommend approval.

Mr. Mills: What was last year's total? They charged us. Do you know?

Mr. Showe: Let me double-check.

Mr. Darby: \$3,265.

Mr. Showe: Yeah.

Mr. Mills: Is that the same as last year?

Mr. Showe: I think so. You typically won't see a whole lot of change unless you add funds or bonds or something different.

Mr. Mills: It said here, "Not-to-exceed \$3,265.

Mr. Showe: That's typically their flat fee.

Mr. Mills: Okay.

On MOTION by Mr. Darby seconded by Mr. Mills with all in favor the Agreement with Berger, Toombs, Elam, Gaines & Frank to provide auditing services for Fiscal Year 2021 in a not-to-exceed amount of \$3,265 was approved.

**SIXTH ORDER OF BUSINESS**

**CDD Action Items/Staff Reports**

**A. CDD Action Items**

Mr. Showe: We will let Will go through that and maybe do his report at the same time.

Mr. Viasalyers: Yeah. I have a few items. We are still working on getting prices for the bocce ball court. As as far as the beautification plans for Fiscal Year 2021, is that something you want to discuss?

Mr. Mills: Yeah. We got a price on doing the large monuments coming in. They still have the green tile. We got a quote for \$4,200 to do that's two monuments, which I find very reasonable to do that.

Mr. Darby: The stone facing?

Mr. Mills: Yeah. The stone facing. I just informed the golf course that we were doing that because I thought it would only be fair for them to know. The other thing is the wall that was wrecked by a passed car, the vendor is going to charge us \$400 to fix that. We have no way of knowing who's insurance we go to.

Mr. Showe: Well, we're still working through that. It's been a little bit of a nightmare because the person that owns the vehicle wasn't the person that was driving the vehicle. They were food delivery as we know, so there's different insurance provisions. So, our insurance

company now is stepping in to help us untangle the \$400, but in the meantime, we should probably just go and get it repaired.

Mr. Mills: The other thing is we have been having some issues with fertilization. If you notice, the plants are looking peaked. They aren't really looking well at all. I've had some major discussions with our landscaper. We have decided now that we're going to go ahead and inoculate into the actual trunk of the tree and pump fertilizer into the tree. That quote is \$2,200 to do that. That is pretty much for all of our Palm trees.

Mr. Viasalyers: It is for all of the expensive Palm trees. Not our regular Sabels.

Mr. Mills: I've ran into some really great fertilizer that works well. I tried it at the back gate on those little Ibex plants that were dying. So, I put some of that fertilizer that I use at my house on it and they came back to life. So, I asked the landscaping company to make sure that they use that kind of fertilizer.

Ms. Witcher: What was it?

Mr. Mills: Gosh, Carolyn, I don't remember the name of it, but it really works well.

Mr. Darby: So Mel, do you look to this as a one-time expense?

Mr. Mills: Yes. If they switched to this other fertilizer, the inoculation will be fine.

Mr. Darby: Good.

Mr. Brown: So, the money to do that is in your Beautification Budget?

Mr. Mills: Yes

Mr. Viasalyers: The other proposal from Ecor for \$250 a year is to just maintain the area from the right-of-way off of National Drive. We did some clean-up 6 feet in or so. This will just be a monthly service that they provide for an additional \$250 a year.

Mr. Darby: That's Ecor, right?

Mr. Viasalyers: Yes.

Mr. Darby: Is there anything else?

Mr. Viasalyers: Yeah, a few other things. We also received the quote from Jack, which I presented to do the window film at the guardhouse, which includes adding a darker shade on the east side of the guardhouse to help with the glare and heat in the guardhouse. That cost was \$1,750.

Mr. Darby: Will this be impact resistant?

Mr. Viasalyers: Yes.



Mr. Mills: Yes.

Mr. Brown: It better be. I've got it on my house.

Ms. Witcher: So, it's impact and shade.

Mr. Brown: Yes.

Mr. Viasalyers: The east side has a darker film to it, but the front window still be a little more transparent.

Mr. Mills: In fact, the east side will look like a mirror. If you look at it.

Mr. Brown: Just for everybody's information, it's a film made by 3M that you put on the inside of the window in your homes, or in this case, the guardhouse. 3M guarantees that the glass will not break from a Category 5 hurricane at a 150 miles an hour from a sharp object hitting that. That's what they guarantee. It will spiderweb, but it won't break. It won't shatter. I gave William this company because they did it in my house. I've lived in Florida for 25 years and have been through I don't know how many hurricanes. I only shuttered my house once and then I realized what it's like living in a cave and I said that I'm not going to do that anymore and I put this film on. It protects your drapes too. Your drapes last longer because the film blocks out the sun.

Mr. Darby: It seems to me there's no reason not to do it.

Mr. Brown: You can't tell the difference or anything.

Mr. Darby: I'd go ahead and do it.

Mr. Showe: There's funding in the Guardhouse Repair & Maintenance Budget.

Mr. Brown: So, if a hurricane comes, we don't have to worry about putting shutters up and figuring out how to put shutters up on the guardhouse and everything else. Just leave it the way it is.

Ms. Witcher: And the side doors?

Mr. Brown: They are doing everything.

Mr. Darby: Do you have anything else?

Mr. Viasalyers: Yes, a few more items. The other proposal that I presented to you is for the Baytree pool area. We got the vendor we used for some of the monument painting at the back gate and throughout the community. We got a cost, minus \$400, so it will be roughly around \$4,700 for all of this work that is included on that proposal. That is to go in there and pressure

wash all of the railings in the pool area and paint them and paint some of trim replaced with damaged wood on the roof. So, if the Board has any questions on that, let me know.

Mr. Darby: I see you had the hydraulic arm. Is that the closer?

Mr. Viasalyers: It has now been installed on that enclosure as well. There are other small things to the bathrooms. Rick and I met last week.

Ms. Witcher: Is there any need to have the impact film put on those two back slider doors? Do you put shutters up during a hurricane?

Mr. Viasalyers: No, there are no shutters.

Ms. Witcher: Do you think we need to put it on the doors back there?

Mr. Darby: I see no reason to.

Ms. Witcher: What's inside?

Mr. Mills: Just storage stuff.

Mr. Showe: They keep the DVR for the cameras.

Mr. Viasalyers: You have a lot of trees that protect that area better than the one out front. Are there any questions on the proposal for the painting of the railings and some of the additional items on there?

Mr. Darby: Richard, you got the money to do this, right?

Mr. Brown: I was just going to say, we have it in the budget.

Mr. Darby: Okay.

Mr. Mills: Yep.

Mr. Darby: Let's do it.

Mr. Viasalyers: Okay. There are just a few other things. I did meet with Richard last week to review some the outstanding pool items that we're currently working on, which includes getting the front part of the fountain. We are still waiting on a part for that. Then we will replace it and get some additional items inside the bathrooms completed. We did finish the Oak tree removal throughout the community. Several residents requested them. That's been completed. We currently are working with the FPL and Eau Gallie to figure out what's happened to the entrance lights up front. A lot of residents have noticed that they are not working at night now. We should have an answer this week on when the power will be restored there.

Mr. Mills: We spent an hour with FPL and their subcontractor to try to find out where it was and had no luck. So, we asked Eau Gallie to come in.

Mr. Viasalyers: Yeah.

Mr. Brown: Now, if we find out from Eau Gallie that it was caused by somebody from FPL cutting a line or whatever FPL, for some reason, couldn't find, do we have recourse back to FPL?

Mr. Showe: We'll reach out to them. As long as we can prove it.

Mr. Brown: Every time we reach out to FPL it takes six months to hear back from them.

Mr. Viasalyers: FPL have been out here, at least, I would say over 40 hours worth of manhours with three guys trying to figure this out over the last few weeks.

Mr. Mills: I got the name of the supervisor. I have his card, so we'll see.

Ms. Witcher: Is there any way just to run a new line, instead of trying to find a break in the line, you just run a new one?

Mr. Viasalyers: I think it would be a lot cheaper just to go ahead and find the break. There's a lot of line to run out to the trench. For the both sides as you come in, there is a lot of electrical line.

Mr. Mills: You've got lights on the CVS side and the bank side.

Mr. Viasalyers: Eau Gallie is confident they may have found the source of the issue. I had a discussion with them prior to today's meeting, but they'll be back out this week to finalize that. Some of the other items. I've been working with Jerry as well to get some of the older signs replaced throughout the community, the "No Fishing" signs and things like that. We are working on that. I am just waiting on the vendor to send over a final proposal.

Mr. Showe: We do have the order for the decorative poles in as well, so as soon as we get those in, we will install them.

Mr. Viasalyers: We are working on the decorative poles as well. Then Tropic-Care has said that, within the next 30 days, they should be getting all the Oak and Palm trees pruned. That's all I have on my list. I don't know if I forgot anything.

Mr. Mills: No, I just want to say that I speak to William or work with William at least three times a week. Is that correct?

Mr. Viasalyers: Sometimes more.

Mr. Mills: Yeah. We ride through the whole development and check everything out. So, I appreciate the input, when someone says our streetlight's out or something. I got a note from a lady in Kingswood and I responded to her, so it's no big deal, just keeps us on track.

Mr. Bosseler: Jerry, I got a couple of things for William. William is going to give a bid on replacing the divider walls in both bathrooms. So, hopefully we can get that on the docket for the next meeting. We are also going to get a bid on resurfacing the pool deck and we're going to get a bid on removing the bocce ball court. Whether we remove it or not, that's TBD, but we're going to get bid on it. One of the drains that we put in next to the pavilion, is right in the middle of mulch and that gets all over the place every time it rains. So, William and I are going to come up with a solution to put sod around that.

Mr. Viasalyers: I've already reached out to Tropic-Care. I'm just waiting for a proposal. One thing I've forgot, I'm working to try to find a local Arborist for that tree on Birchington to make sure it's safe to cut the roots. Tropic-Care doesn't have an Arborist.

Mr. Brown: Mel and I met with the Brevard County Director of Natural Resources. So, I have the name of an Arborist that I will give to you.

Mr. Viasalyers: Okay. A local one?

Mr. Brown: I believe so. I'll bring that up under my Supervisor's Requests.

Mr. Darby: Is there anything else for Will?

Ms. Witcher: Can I just add in about the lakes? The lake people are coming out to do our edging. While he's here, he can tell us which lakes are going to be worked on.

Mr. Viasalyers: Yeah, I apologize. I don't actually have that information right now. My computer's dead. I brought the map but I'm not sure exactly what lakes they are.

Mr. Showe: I've got some of them.

Ms. Witcher: We have a map so you know where the work's going to be done.

Mr. Brown: Is this the one that was done by the engineer, The replica of the one that the engineer did?

Mr. Showe: It's the standard lake map.

Mr. Brown: You identify what had to be done which year?

Mr. Showe: Yeah. Lakes 2 and 5 will be the two that can do that as well as a portion along a portion of Lake 4.

Ms. Witcher: Put it here and you all can look at it and see where it's going to be. The contractor is going to be around.

Mr. Showe: The vendor expects to start at some time at the beginning of November.

Mr. Brown: That's what I thought.

Ms. Witcher: We had the 21<sup>st</sup>. Has it changed from that?

Mr. Showe: He hasn't given me an exact date yet, but he said as soon as he knows the date, he will let me know when he's coming up to this area.

Ms. Witcher: Okay.

Mr. Brown: Can you reach back to that individual on Chatham that brought up about the lake?

Mr. Showe: I can.

Mr. Darby: Okay. Anything else for William?

Ms. Carol Fox (Daventry Drive): Can we circle back to the film on the guardhouse. Has anybody discussed tinting it or having it tinted?

Mr. Brown: The one on the east side is going to be tinted.

Ms. Fox: Because it is hot in there.

Mr. Brown: Exactly.

Mr. Darby: Okay. Anything else? All right, Counsel.

## **B. Additional Staff Reports**

### **i. Attorney**

Mr. Pawelczyk: I don't have anything to report unless the Board has any questions for me. I love it when it's quiet.

### **ii. District Manager**

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

Mr. Showe: Will has covered most of the Field Manager Report.

#### **2. Discussion of December Meeting Date**

Mr. Showe: The only other item we have is I know some Board Members have expressed to me they have conflicts for the previously scheduled December meeting, which I think is December 1<sup>st</sup>. Actually our staff has a conflict that day as well. So, if the Board would be amenable, we could push that back to December 8<sup>th</sup>. We would just need a vote of the Board today if you guys were amenable. It would be at the same time. Typically, you've met at the IOB clubhouse, which is open at night. You set the previous meeting at 7:00 P.M., so we could keep the same time and place, just push it back a week.

Mr. Darby: How does the Board feel about that?

Mr. Brown: It works for me.

Mr. Darby: Carolyn?

Ms. Witcher: It's fine.

Mr. Bosseler: I'm fine.

Mr. Darby: Mel, are you okay with December 8<sup>th</sup>?

Mr. Mills: Yes.

On MOTION by Mr. Darby seconded by Mr. Mills with all in favor moving the December meeting to from December 1, 2021 to December 8, 2021 was approved.

Mr. Showe: So, it will be pushed back one week to December 8<sup>th</sup>. We will contact the Board ahead of time. That's all that we have.

**SEVENTH ORDER OF BUSINESS**

**Treasurer's Report**

**A. Consideration of Check Register**

Mr. Showe: All of those invoices are provided as part of your agenda package. In your General Fund, we have Checks 218 through 253. In your Capital Projects Fund, we have Checks 119 and 120. In the Pavement Management Fund, we have Check 16. In Community Beautification, we have Checks 47 through 50 and August payroll for a total of \$135,999.54. William and I can answer any questions on those invoices should the Board have any.

Mr. Darby: Are there any questions? No.

On MOTION by Mr. Darby seconded by Mr. Mills with all in favor the Check Register for July 28, 2021 to September 28, 2021 in the amount of \$135,999.54 was approved.

**B. Balance Sheet and Income Statement**

Mr. Showe: The final item that I have is the Balance Sheet and Income Statement. No action is required by the Board. We will point out that you've received 100% of your assessment collections and I think that the General Fund is lined up exactly as we've talked about throughout the year, so I don't think there's any surprises in there. Obviously, if you have any questions you can certainly let us know.

**EIGHTH ORDER OF BUSINESS****Supervisor's Requests**

Mr. Darby: Carolyn, you want to start us off?

Ms. Witcher: I'm good.

Mr. Darby: Alright. Rick?

Mr. Brown: We talked about the electric at the front gate. As many of you may know, I am also the Chairman of the ARC Committee for the Homeowner's Association (HOA). There have been a lot of homeowners taking down Oak trees. Okay? Some are legit and some have done them without approval, which we are dealing with. Recently the CDD takes down Oak trees that are on CDD property if those Oak trees are raising driveways, sidewalks, become trip hazards or whatever. Recently we took down two very old Oak trees on Birchington. They were gorgeous trees. I'm turning into Johnny Appleseed, I'm sorry, but these Oak trees were just magnificent. That gave Birchington some of that look, that northern look that just made it look like a wonderful northern neighborhood. I'm getting to the point where if the Oak tree is raising the sidewalk, then we cut the roots under the sidewalk and replace the sidewalk. If it's impacting sewer lines or utility lines, that's a different story. Maybe we can cut around them and save the tree without impacting the sewer or utility lines. Maybe that's something we as a Board need to put on our agenda as a workshop. If that's our tree, that shouldn't be something that the homeowner would have to pay for. I guess I'm looking to see whether or not there's a way to protect some of the beautiful trees that had been part of this development or this area for hundreds of years. Okay? I can understand if it's impacting somebody's utility lines, sewer lines, and stuff like that, but some of these trees are just absolutely gorgeous. Because somebody doesn't like them and takes them down, that's an issue that the HOA is going to deal with. For the ones that we own, are there other alternatives than just cutting them down? That's all I'm saying. I'm not saying what we've done in the past is wrong. I'm just saying maybe we just need to take a different look going forward. That's all.

Mr. Darby: Rick what I might suggest is that during the next workshop, it might be good for the Arborist that you had recommended to come to the Board at the workshop and make a presentation about alternatives of managing live Oaks, which can be both the beauty and a problem.

Mr. Brown: Right. In fact, I reached out to Brevard County because there are certain county requirements as to how many hardwoods you are required by county regulation to have

on your property. The ARC Committee, so that everybody knows, we don't go around driving around and counting the number of trees on your property. The only time we take a look at your property relative to landscaping or trees, is when you ask us to cut one down. Then we go out and take a look to see whether or not we think it's diseased or whatever. If it's causing problems, fine. We say, "*How many trees do you have on your property?*" If you've got two and you're supposed to have three, you've got to add another tree somewhere. Just send us a plan on where you're going to add it and that's fine. We asked this woman from the county whether she would come to an ARC meeting and they don't do that. So, she did give me the name of an Arborist and I will reach out to them and see if they'll come to our workshop. I'm just trying to protect the beauty of this community.

Mr. Showe: I've got that flagged for our next workshop.

Mr. Darby: Thank you.

Ms. Witcher: In Orlando, they were cutting the roots in order to help the sidewalks and whatever, and then when the storms came through, they all came down, because there was no root holding it on that side. The wind came from the wrong direction, which we can't control, but maybe the Arborist can give us another thing to do.

Mr. Brown: Maybe that's something we need to take a look at the workshop. If we cut roots under a sidewalk and it damages that tree and we have a storm and the tree falls on the house, are we liable? I don't know, but let's take a look. Maybe there's a way we can work this all out. That's all I'm saying.

Mr. Darby: Me. Do you have any requests?

Mr. Mills: I only have one thing. I was thinking the other day that the ponds or lakes are getting more and more algae. I don't like chemicals. One of the things that I thought maybe we could look at is putting water lilies in some of the lakes that belong to us. Because they do generate oxygen and that would maybe help keep away the algae. I need to talk to somebody who is an expert on that.

Mr. Showe: Your best bet will be Mike from Ecor. That guy knows everything about anything dealing with algae and those lakes. He would be your resource.

Mr. Viasalyers: From experience, lilies are not usually a good idea.

Resident (Not Identified): The county has an experiment on Murrell Road. There are little plantings.



Mr. Showe: The Viera East CDD did that. We're managing that. They're doing that more for the lake bank erosion.

Resident (Not Identified): All right, but they have got clear signs, "*Please Don't Pull These Out*" or whatever.

Mr. Mills: Let's you and I get with Mike and see what he has to say about that.

Ms. Carol Fox (Davenport Drive): The only thing I'm going to say is I'm from up north where we have lily pads in our lakes. That's a sign that your lake is becoming full of sediment and there's no room for birds.

Mr. Showe: Our vendors will tell us that the lily pads are a sign of a healthy lake. They are actually beneficial plants, but most people don't want them.

Ms. Fox: They take away the beauty of the lake.

Mr. Viasalyers: They suffocate the entire lake.

Ms. Fox: We love our birds and care for them.

Mr. Mills: We'll check it out.

Mr. Showe: We'll take a look.

Mr. Darby: Mel, do you have anything else?

Mr. Mills: That's it.

Mr. Darby: Richard?

Mr. Bosseler: I have one thing. I went down this past week and met our tennis instructor. She's a very nice lady, Ms. Pat Dempsey. She's there Monday, Tuesday, and Wednesday evening from 5:30 P.M. to 8:00 P.M. She's a certified and licensed tennis instructor. She has insurance. She submitted all of her paperwork to Jason.

Mr. Showe: Yeah.

Mr. Bosseler: She wanted to know if I wanted her paperwork. I said no. Anyhow, she's transitioning from another area in the neighborhood and she's not going to be fully here until daylight savings, November 7<sup>th</sup>. So, after November 7<sup>th</sup>, we can put her name on the marquee as the tennis instructor. If you want tennis lessons, give her a call. I'll let you know when that comes about.

Resident (Jan Hill, Balmoral Way): Is it going to be posted on the website? Where do I tell people to look? The website?

Mr. Showe: I would have them call us. I don't know that we want to advertise necessarily for it as a private business, but we can always give them the contact information to call us.

Mr. Brown: I don't know whether we want to put it on the marquee, because then it opens it up for anybody that drives through here. I thought we were doing this for Baytree residents.

Mr. Showe: We can put it on the inside of a tennis court or at least a sign saying the name of the instructor, the number and the days.

Ms. Sandy Schoonmaker (Berwick Way): How about sending the information to the VMs, because the snowbirds are coming back. Why don't you give us a schedule of the aerobics classes and tennis lessons?

Mr. Brown: Good idea.

Ms. Schoonmaker: And what time they are going to start. I'll send it out to all of the VMs, and get it out that way, because remember we are the communication source.

Mr. Brown: Bingo.

Mr. Darby: Richard, do you have anything else?

Mr. Bosseler: No.

Mr. Darby: I'll reserve my comments until after the public comments. So, are there any public comments?

## **NINTH ORDER OF BUSINESS**

### **Public Comment Period**

Mr. Showe: Alright. We'd ask just as a reminder, state your name and address and please keep your comments to three minutes.

Resident (Debbie Davidson, Bradwick Way): I have a couple of questions. I know that we got approved for plants for across the Suntree side, across from our house, across that lake. It's been probably six or eight months and I was wondering if the planning on that lake area is still going to happen.

Mr. Mills: As of right now, it's on hold, because we're trying to let things settle down. I don't want the Hatfields McCoys like we've had in the past. We have been in contact with Todd, who is the General Manager of the Master HOA of Suntree. We aired our concerns with him. Just recently, someone trapped an alligator that was three feet long. They should have never done that. They should've called us first. Todd's been made aware of that, so in the future, we're on it, but right now that's all on hold.

Ms. Debbie Davidson (Bradwick Way): The planting?

Mr. Mills: Yes.

Ms. Davidson: Okay. My next question is the Palm trees at the front gate, who maintains those? Everything just looks so dead and hanging.

Mr. Mills: Well, what happened there is one of the storms that we had, took all those Medjool palms, the front and rear, and just laid the fronts down. In order to get those palms trimmed, we would have to pay another fee for them to come in. So, what we were waiting for is when they come in October, which will be next week or the week after, to trim all of the trees in Baytree.

Ms. Davidson: Okay.

Mr. Showe: Part of our maintenance contracts includes one annual tree trimming of all of those. So, it's in process.

Mr. Mills: Thanks for bringing it up.

Ms. Davidson: It just looks bad.

Mr. Mills: It does. It looks terrible. I tried to see if they could move them up, but the only problem is, they have their schedules and right now they are running very short of personnel. People are getting paid to stay home. They are all having issues.

Mr. Darby: Okay. Carol?

Ms. Carol Fox (Daventry Drive): Thank. I think everyone on Daventry has been noticed about cleaning sidewalks and curbs. My cart has rust on it. Whose responsibility is it to clean that curb?

Ms. Witcher: You do not have to clean your curb. You only have to clean your sidewalks.

Mr. Showe: I know the CDD has experimented several times in the past with trying to clean those curbs and we have not been successful. Typically, anything that's in front of your house, we would fall to whatever the BCA regulations would be.

Mr. Showe: Any other audience comments?

Resident (Jeremy Tippey, Balmoral Way): Speeding came up earlier. On Balmoral, when you turn off of Old Tramway Drive, it is a straightaway all the way to Southpointe Court. I would like to propose another speed bump between Bedford Drive and Andover Way. How do I do that?

Mr. Showe: I think you've just done it.

Mr. Darby: Let me give you some background.

Mr. Jeremy Tippey (Balmoral Way): I would say get two, but let's start with one.

Mr. Darby: Let me give you some background on that. When this whole speed hump issue arose, I was the VM for Balmoral. I sent out a note to all the individuals that I had access to, requesting their responses to what they would like to see: speeds signs, control signs, humps, so and so forth. It was unanimous that they did not want a speed hump.

Mr. Tippey: Well, I don't like them. I'm not going to lie.

Mr. Darby: I know. I'm just saying that the vast majority of residents don't share your opinion. I have been a Balmoral resident myself and I've seen people speed down that thoroughfare including FedEx and UPS and the postman. So, there are issues there. I would suggest that again, you might want to reach out to the Balmoral residents and see whether or not they still want that hump. That is not a heavy traveled road as Old Tramway Drive or Baytree Drive, but they do speed down there. There's no question.

Mr. Tippey: Sure. Over the weekend, I got passed by aggressive drivers.

Mr. Mills: I don't doubt it.

Mr. Tippey: They speed all the way down Balmoral Way.

Mr. Showe: Will and I get passed frequently out here.

Mr. Tippey: I don't see any other alternatives, other than we start issuing tickets.

Mr. Showe: Well, we can't issue tickets. We are forbidden by Florida Statutes.

Mr. Darby: We have been wrestling for this problem for the three-and-a-half years that I have been on this Board.

Mr. Mills: Put that on the agenda for the workshop please.

Mr. Showe: Okay.

Mr. Darby: Are there any other comments?

Mr. Mills: I would like to make one more. We all know that Ms. Stephanie Knudsen who was Vice Chair is ill. She was on the BCA. If you would send her a "*Thinking of You Card*," I'm sure that she would greatly appreciate it.

Mr. Darby: Good idea. My final comment, I'd like to read letter into the minutes if I can that was addressed to Mr. Melvin Mills and Mr. Jason Showe. "*The purpose of this letter is to resign from the Baytree Community Development District effective the conclusion of this meeting. The reason for my resignation is quite simple. I'll be moving to the west coast of*

*Florida in the next four to six weeks. It's both been an honor and privilege to have been a member of this Board for three and a half years. During that time, through the tireless efforts of other Board Members and support staff, we made great strides in not only maintaining the quality of Baytree, but also improving upon the original assets of this community. This Board has been able to forge a strong and harmonious relationship with the Baytree Community Association (BCA), resulting in enhanced amenities and heightened sense of spirit within the Baytree Community. I can confidently say that the dedication and commitment of this Board is unparalleled anywhere in Brevard County. I'm very grateful to have been allowed the opportunity to participate in both the CDD and the BCA and wish this Board, the Baytree community and Baytree residents in general, the best of luck. Thank you.*

Ms. Witcher: We reject your resignation.

Mr. Brown: You can't move.

Mr. Showe: Actually, if you're moving your permanent residence and your voter registration changes, you are no longer eligible to serve on the Board.

Mr. Mills: It is with great sorrow that I accept this resignation on behalf of the Board. I totally understand, but I have something that I'd like to present to you if you'd like to stand up. Here's a certificate of appreciation to you, Jerry, for all of the hard work. *(Applause)*

Mr. Darby: Thank you. Is there any other business?

Mr. Showe: Just for formal purposes, we do the motion for the Board to accept that resignation.

On MOTION by Mr. Bosseler seconded by Mr. Mills with all in favor accepting Mr. Jerry Darby's resignation effective immediately was approved.

Mr. Mills: That's the reason I asked him to preside over today's meeting. Thank you for all for your attendance. By the way, before the next meeting, we're going to have to fill his shoes. So, I would like for the VMs to put out that there will be a vacancy on the CDD Board and we will be accepting resumes.

Mr. Showe: Resumes or letters of interest. Send them to me.

**TENTH ORDER OF BUSINESS**

**Adjournment**

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



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Secretary/Assistant Secretary



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Chairman/Vice Chairman