

**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, **September 7, 2022** at 1:30 p.m. at Baytree National Golf Links, 8207 National Drive, Melbourne, Florida.

Present and constituting a quorum:

Melvin Mills	Chairman
Richard Brown	Assistant Secretary
Carolyn Witcher	Assistant Secretary
Richard Bosseler	Assistant Secretary

Also present were:

Jason Showe	District Manager
Jeremy LeBrun	GMS
Michael Pawelczyk	District Counsel
Peter Armans	District Engineer
Andy Hatton	Field Manager
William McLeod	DSI Security
Zach Young	Pot Hole Heroes
Daniel Castro	Pot Hole Heroes
Dean DePhillips	Pot Hole Heroes
Bob Eksten	BCA President
Sue Frontera	BCA Social Chairman
Residents	

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Engineer's Report

Mr. Mills: Peter, since you're here, do you want to go ahead to give your report?

Mr. Armans: The one thing that I can update you on is we looked into seal coating or painting the garters and we haven't really found any viable solution. We recommend pressure

washing or seal coating, but other than that, it's not going to be anything that is less expensive than just pressure washing. So that's the update. The other reason I'm here is to go over the plan once the contractor is here for the sealcoating.

Mr. Mills: For the audience, we've invited the contractor who's going to be doing the streets, to come today to give us a presentation. We are going to ask that there be no questions asked of him until after he gives his presentation. The Board will then have an opportunity to discuss what he has given us and then we will ask you for your input.

THIRD ORDER OF BUSINESS

Community Updates

A. Security

Mr. Mills: William, would you like to give your report?

Mr. McLeod: Yes. First of all, I'd like to apologize for my absence the last couple of meetings. It was a misunderstanding completely on my part. It won't happen anymore. You will see me more regularly at every meeting. In the past month, somebody from the management staff has visited Baytree 16 times. We have our Field Supervisors back, which I'm very happy to report. These are representatives that represent administrative staff during the evening hours. They go around and check the officers during the nighttime in some of the further out communities that we have. In that time, they have done a courtesy patrol in Baytree at least four times, just patrolling your roads, not really looking for anything in particular, more than just being a presence for anybody who might be considering doing harm to the Baytree community. They've done that four times in the past month.

Mr. Mills: Good. Thank you.

Mr. McLeod: We just delivered supplies to the guardhouse for the officers. Our trainings have switched up to where Matt doesn't do a training with the officers every month. It's done through a computer-based system through our company now. The officers have to log onto a computer and show that they've completed the assignment and they're paid for it. So that's the way they're doing their ongoing training. This past month, it was based on customer service. It is my understanding that there's one particular officer that needs a little help in that area.

Mr. Mills: Okay. Does anybody have any questions for Bill? Thank you.

B. BCA

Mr. Mills: Bob?

Mr. Eksten: This is a quiet time for the BCA, but I will first say that we are having a budget meeting on November 14th and our next regular BCA meeting is on December 12th. We're not in the business and do not wish to collect fines. However, sometimes we are forced to do them in order to protect everybody's property values. So, when you get a violation notice, and there are probably 50 a month that come out, most of the time it's just a nice, subtle reminder to fix something on your property and it gets done. We seldom get something that rolls into an actual fining process. We don't want that to happen, but when we're forced to, we do have to go ahead and enforce. To that point, we have won two court cases since I came on board, so it's not something we take lightly. We hope that the homeowners understand that you do have an obligation with a deed restricted community, to do the things that are in our Bylaws and Covenants. I don't want to sound harsh, but I just need to remind people that we don't want to collect fines. We simply want to protect everybody's property values and that's why we end up getting into a situation sometimes that we really prefer not to. We have some social events coming up that I think Sue could probably tell you about at some point later. That's something we do enjoy. Finally, I know that we do have a work in progress. I hope you have an update for us today, but obviously we're looking forward to having the second sign up for the BCA to post our notices. Thank you.

Mr. Bosseler: Okay, Bob. I had a question. Do residents that cut their limbs and put them out on the curb get letters, because we seem to have a terrible time on Kingswood? There are always one or two on Wednesday or Thursday that cut their limbs, trim their bushes and it all sits there all week. Do you know if they get letters?

Mr. Brown: What I've done, if I see that happening Richard, is I take a picture of it on my cell phone and email it to Paula. The next day a letter goes up.

Mr. Bosseler: Okay.

Mr. Eksten: We can either do one of two things. Either a resident sends us something or Paula does her routine inspections, but that's not going to catch them. If you have proof of that, we will try to get it corrected.

Ms. Witcher: Is that the homeowners' lawn person or the homeowner themselves leaving it?

Mr. Brown: We sent out a number of things on the ARC updates and in the BCA newsletter, saying that if they have a contractor that comes out and does their landscaping and

trimming, it's their responsibility to remove that debris, not the homeowners. That's a requirement of Brevard County, not us.

Resident (Not Identified): Does Fairway Management go around on the golf course and take a look at the roofs? Every morning we see dozens of roofs that are almost black because they haven't been attended to. They just go around the front.

Mr. Eksten: They just go around the front.

Mr. Brown: No. They don't go on the golf course.

Resident (Not Identified): They're not allowed to take the cart around?

Mr. Brown: I don't know whether they're not allowed. They just have never done it. When I play golf on Wednesday and Thursday morning, if I see the stuff, especially on the fifth hole, in back of the houses on Baytree Drive, I send a little love note to Paula.

Resident (Not Identified): There are dozens of houses out there.

Mr. Brown: There are.

Mr. Mills: I think the key to that would be, if we notice something like that, do what he does, take a picture and send it to Fairway Management saying, "*This is what I observed.*" We all can play a game in this.

Resident (Not Identified): But you don't know what the number of the house is.

Mr. Brown: That's true.

Resident (Not Identified): If you're on the 13th hole, other than tell them it's the fourth house down on the 13th hole, you don't know which house.

Mr. Brown: I do. When I drive out Baytree Drive, I remember the house and say, "*Oh, it's this one.*"

Mr. Mills: There you go. I'm going to ask Sue to give us a quick update on what you've got coming down the pike with entertainment.

Ms. Frontera: On October 16th from 2:00 p.m. to 4:00 p.m. at the pavilion, we're going to have Char Good coming back, playing the electronic violin and singing. She was here beginning of April and people that were able to come and did come, enjoyed it and wanted her to come back again. So, I booked her. Again, it's 2:00 p.m. to 4:00 p.m. on Sunday. We're going to have the Strong Island Ice Cream truck come and the BCA is going to give out tickets again, like we did with our reptile event, for free ice cream. If you think that the electric violin is boring, it's not. You really need to come and check out Char. Then our big event is on December 10th, our

holiday party, also at the pavilion. We have a DJ coming. We have face painting for adults and kids. I think we had more adults get their face painted last December. There will also be a balloon artist and four food trucks. Mr. Paul Hill from Baytree, who owns Dirty Oar Beer Company in Cocoa Village, is supposed to be there. We're going to have red and white wine and charge a minimum amount. Paul, usually the last three times, donated his beer to us. We charge a minimum amount and any profits go right back into the BCA budget for future events. Then we have a special guest coming at 12:30 p.m. It's a surprise, so don't let it out of the room that we have Santa showing up for the event. There will be lots of prizes for the kids. It should be a good party, weather permitting, hopefully. It's been good to us so far.

Mr. Mills: Thanks, Sue. I appreciate that.

C. Isles of Baytree

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Consent Agenda

A. Approval of the Minutes of the August 8, 2022 Board of Supervisors Meeting

On MOTION by Mr. Brown seconded by Mr. Bosseler with all in favor the Minutes of the August 8, 2022 Meeting were approved as amended.

FIFTH ORDER OF BUSINESS

Agenda

A. Sealing of Roads

Mr. Mills: Now, we'll get into the sealing of the roads. We asked the contractor to come and give us a presentation on sealing of the roads. I know all of us have questions that we really want to ask these gentlemen. We have Mr. Daniel Castro, Zack and Andre. The floor is yours.

Mr. Young: Thanks for having us. We're excited to start the project. Today our goal is to talk through the Phasing Plan and then pick a start date. We have a map showing where we want to begin.

Mr. Showe: If you send us the map, I can get that out to the Board.

Mr. Young: Okay. I'll send it as soon as the meeting is over. Let's talk through the project and give everybody some highlights into how we typically would approach this and then see how that works for you. Typically, this product is 100,000 square yards, which would take about 20

workdays. Those 20 workdays won't be 20 consecutive days. Obviously, it's always an inconvenience and that's where we need input from all of you, the other residents as there will be some minor inconveniences. We split up the roads, so you'll always have traffic on the main roads. We'll work one side at a time and not do the full length of any area, but rather sections at a time. There will be a one-lane road on Baytree Drive, all the way back. We'll start with each small section, starting at the top. The furthest from the entrance would be the South side and then we'll work our way out. So, we'll come into the main road, and then work our way all the way out in the subdivision. The smaller side streets, not any more than maybe 200 yards of walking, we would like to close that whole thing off. Then people would have to park on the street. Any section we seal, we have to stay off of for 24 hours. The typical start time is 7:30 a.m. We would get here, start to prep the area and close it off with cones. Any driveways that we close off, cars would need to be out of there by 8:00 a.m., unless they're staying there, because we'll start sealcoating by 8:30 a.m. That gives us some leeway for people who forget and miss the memo. From there, that area will be totally closed off for 24 hours. As soon as the 24 hours is up, you're able to drive on it again. On the main road, we have to leave each section closed for 48 hours because we're doing a three-coat application. They'll do two coats one day, close the road down for those two coats for 24 hours and the following day, they'll be back and apply the third coat. It needs 24 more hours to dry. You won't see much tracking, although it's possible. I noticed an email from someone about it trapping into driveways and that sort of stuff. If somebody has a driveway that they're extremely concerned about, you should put a little bit of sand at the entryway for that first day when you drive on it. Just like new pavement, it tracks. There's no way around it. It doesn't track heavily, but as we get later in the year, it's drier and sunnier. During the humid times, it takes a little bit longer for it to cure all the way. There's no way to expedite it, unfortunately. It's just a chemical process taking place. That's our typical plan. As we walk through the site plan and get that sent out, the biggest issue is, the weather because we're going to have rain delays. If the hurricanes roll in like they're supposed to, we've got to pull all of our stuff out of here and get out and that delays it. So, we need flexibility from everyone to work with us on that. Obviously, the driveway has been closed off. We can lean onto you guys to say, *"What's reasonable to the resident, a 48-hour notice to be out of the driveway or a 1-week notice?"* Whatever that would look like, we could just do each subdivision at a time. We can say, *"Hey, these days, you need to be out of your driveway."*

Mr. Mills: I have a question. I observed them sealing a parking lot at Publix. Basically, they just sprayed. I don't think they squeegeed or anything, because you can actually work?

Mr. Young: Yeah. We're going to do one-coat squeegee, two-coat spray. Sealcoat is not a crack fill. So, any existing cracks that you have will still remain. That's what we tell you and that's what the manufacturer will tell you as well. This is not crack fill. For tiny hairline cracks, there is a possibility that you may not see them, but more than likely you will. Sealcoat's purpose beyond beautification is to retain and rejuvenate the oils in the existing asphalt, that keep them from raveling. So, if you go to an old parking lot and scrub your foot really hard, you'll see the rocks fall apart. That's called raveling. Sealcoat's purpose is to prevent that, which means preventing potholes from possibly forming on your roads, delaminating and falling apart. So, this is not crack fill. This is simply extending the life and giving you time to budget for the future, 10 years from now or whatever that looks like for paving.

Mr. Mills: If there is a large crack, will you feel that crack before you seal it? Is that in our contract, Peter?

Mr. Armans: There's no line item for that. Actually, the manufacturer of the material itself actually came out and drove the community. He looked at the cracks and did not recommend that we do crack filling.

Mr. Mills: Okay.

Mr. Young: The person who made the scientific formula for the material we're putting down, we asked him, "*Give us an assessment of what you think,*" whether we won the project or not. That's what we did when we wrote the scope. He came out here and said, "*This is a candidate for being squeegeed.*" There are certain types of asphalt that are beyond squeegeeing. They're not good candidates. This one happens to be a candidate for that and then a two-coat spray. A lot of people don't like the look of crack fill. In Florida, we don't have three stall cycles so it's not as important. It's important, but it's not as important because you did not have any major longitudinal backing that would concern us.

Mr. Mills: Okay.

Mr. Armans: We're doing squeegee everywhere and then heavy traffic will get two additional spray-ons and light traffic will be one additional spray-on.

Mr. Young: Correct.

Mr. Mills: Over at Publix, if you look closely, you can see where the spray didn't really cover all of the old macadam that was there. So, you know they didn't squeegee it.

Mr. Young: Yeah. Exactly.

Mr. Armans: They probably seal coat it a lot more often than we would recommend for it. In some parking lots, they do it yearly or every year and a half, or every two years max. We're trying to do something that is a little more durable than that.

Mr. Mills: Carolyn, do you have any questions?

Ms. Witcher: When you put sand at the end of your driveway, how deep do you have to go in? How far?

Mr. Young: The length of your car, because you need a little less than the length of your car. You want your front tires to have a false rotation. What that sand does, is if you happen to get a tiny bit of sealer on your tire, the sand will stick to the sealer and not to your driveway.

Ms. Witcher: Can we just use bed sand?

Mr. Young: You can go to Home Depot and buy a \$3 bag of clay sand. That's plenty.

Ms. Witcher: Okay.

Mr. Young: If you're really concerned about your driveway, unfortunately, the full cure times on sealcoat are usually two to four weeks. The same with new pavements in excess of 90 days. You'll see tracking for that long. A big part of what we do is managing expectations. So, one thing I'll put out there, you will see power steering marks on new sealcoat, especially with three coat applications because it's going to be so thick. You have a polymer, which is melted plastic inside of our sealer. When you drive on that and you pull up through an intersection, totally stopped and you turn your wheel to make a right or you turn the wheel to make a left with no forward motion, you will see power steering marks. At your driveways, when you back up and stop, after you've backed out and turn the wheel hard and pull forward, you will see power steering marks in those spots. The sealer is not failing. The application did not fail. After about 90 days, traffic will wear them in and you won't see them as much. New pavement does the same thing. It's just asphalt. Materials are pliable and there's nothing you can do to avoid that. You will see wear marks sooner on your high traffic roads in the drive lanes. The gutters or the area up against the gutters on the curb will stay black forever because cars don't drive there. Sealer, even after it turns gray, is still doing its job. The primary function is extending its life. The secondary benefit is the beautification.

Mr. Mills: With your experience and the amount of roads that we have, what do you think our extended life will be? Let's take Baytree Drive and Old Tramway Drive.

Mr. Young: Based on the consultant's assessment of the property and our experience as well as Peter's assessment, you could probably make it another five to ten years without pavings and definitely without sealcoating for a while. You don't have surface cracking. You don't really have, like I said earlier, longitudinal cracking. The roads were built solid. They were built like a proper county road. You have 2.5 inches with asphalt and they paved it with a 12.5 material like it's the solid road. So, you have a lot of time of having no potholes. We can't guarantee anything other than our workmanship and the material. But the lifetime of your road, you're going to spend now. You're spending 10% to 12% of what it's going to cost to pave the whole thing and that's going to buy a lot of time.

Mr. Armans: I want to clarify on that. This 1.5 is not going to buy you any more than 10 years, but sealcoating on a regular basis, if we don't wait until it deteriorates enough to where seal coating is not an option, it can buy you that additional time.

Ms. Witcher: There's quite a bit of time in between Phases 1 and 2 because we had a little recession going on in there. I think that has had more problems because it's a little bit lower with water. Would that make a difference in what you're doing?

Mr. Young: No. The only thing the water will do is wear the sealer out quicker. Where water puddles, it wears the sealer out. The worst enemy to asphalt and sealcoat and any petroleum-based product, is water and traffic. Water with traffic creates more friction and more wear. Unfortunately, your sealer will wear out wherever there's a puddle first. So, if at the end of your driveway, just before the curb, there's a big puddle that's always there, you're going to see that sealer disappear before the rest of the road. Because we're squeegeeing, the tops of the aggregate are what is wearing off, but the actual benefit of the sealer by squeegeeing it, is pulling it into all edges that are exposed to air. Then the spray coat is actually just a cosmetic coat. When we squeegee, we're pulling that material off the top of the rocks, but when spray, we're covering the top of the rocks.

Mr. Bosseler: I have a question. You said that we're going to do one side of the road at a time in small sections. Now, how do you handle it if you're on a curb? If we're at the other end of a curb, how do we see if a car is coming or not?

Mr. Young: So, what we've decided, as we created the Phasing Plan, and again, why we need some level of flexibility, is when we're setting up our Maintenance of Traffic (MOT), which are cones, barricades, caution tape, we will not close an area off beyond what we can see both sides of. That way we don't get two people in the middle of the section playing chicken. It's not good for all three of us. So, we won't close anything off where you can't see. We still need patience from people. It's 20 workdays of inconvenience for not seeing us again for three to five years.

Mr. Mills: In a couple of cases, a wand would be good.

Mr. Young: If everybody cooperates, maybe we can throw a happy hour.

Ms. Witcher: What would happen on Baytree Drive when you go onto Old Tramway Drive? That's a major intersection.

Mr. Young: We're going to close one-quarter of the intersection. Again, we create a Phasing Map with 20 sections. We're going to be here on September 30th, as well as the 31st and the first and second year. It is best if we say, "*Here are our sections or phases*; Phases 1, 2, 3 and 4, five to six workdays per space and notifying the people that are going to be affected, 24 to 48 hours before. If you live on the far side of the subdivision, I don't want you to know I'm here working, until you have to and that's best for all of this.

Ms. Witcher: How do you post that?

Mr. Young: That's what I was talking about, in these small sections. If it's not too far to walk, that's relative, I would lean in to you guys to say what is too far. But we would want to close the entire cul-de-sac off because it's the quickest way to rip the band-aid.

Mr. Brown: Right.

Mr. Young: If there are eight or ten homes. All 10 have to walk for 24 hours or one work day.

Ms. Witcher: I'm going to a hotel.

Mr. Mills: Do you have anything, Rick?

Mr. Brown: I do. You said around 20 workdays. Are Saturday and Sunday considered a workday?

Mr. Young: That's what we're here to sort out.

Mr. Brown: Because I'm in charge of security. I can tell you that we have several hundred cars coming into this community on a daily basis. Friday is the heaviest traffic day during the week and Wednesday has the least amount of traffic.

Mr. Young: Okay.

Mr. Brown: The garbage trucks come in here Tuesdays and Fridays, and they wreak havoc in the cul-de-sacs because they can't turn so they back up. Just consider that when you're doing your phasing and your planning.

Resident (Not Identified): Don't forget about the Amazon trucks and other delivery vehicles.

Mr. Brown: Right, but they're smaller than the garbage trucks. They're part of the several hundred cars that are coming in.

Mr. Mills: We'll have to orchestrate something with regards to basically saying to the vendors that are coming in, "*Please observe the traffic lanes.*"

Mr. Showe: Use extra caution.

Mr. Mills: Yes, exactly.

Mr. Showe: We will have to develop something for the guards to tell everyone.

Mr. Young: I would just add too that the big culprit are UPS and Amazon trucks. We'll close off this section. It will be clearly defined that we're obviously working in this area and they will just drive right through it to get into their driveway. It happened in the past. We document it as soon as we can, because we make it very clear. We would also notify the UPS drivers by saying, "*Hey guys, you're going to see us in here for the next _____ days.*" If it's 20 working days, we could be here over a period of two months, depending on the weather and everything else. So, you want to expedite it.

Mr. Brown: Do you have a network into UPS and FedEx?

Mr. Young: No. They're super localized. Do they have clickers to come through the gate or do they get permission from the guards?

Mr. Mills: Permission from the guards.

Mr. Young: So, it's simply notifying the guards. We can hand them a piece of paper.

Mr. Mills: That would be great.

Mr. Showe: That would be beneficial for everyone.

Mr. Young: Just to clarify, there is trash and water on Tuesdays and trash is on Friday.

Mr. Brown: Right.

Ms. Witcher: Recycling is on Tuesday also.

Mr. Young: There are two other pieces to it. When we're working in a subdivision like this, you have communal mailboxes. Right?

Mr. Mills: No.

Ms. Witcher: Phase 1 was 1,200 mailboxes and Phase 2 has incremental ones.

Mr. Young: The best way to handle the mail is simply not telling them. What happens is when they show up to the mailman, they give us the most respect because they don't want to deliver mail. So, when the residents walk, they just turn around and leave and that person won't get mail today. The mail man comes six days a week. They'll deliver your mail as soon as they can.

Mr. Mills: We will inform our mail girl, Susie that this is going to be taking place and to please bear with us.

Mr. Young: Okay.

Mr. Brown: Will you be using flagmen on the main roads, as far as directing traffic or no?

Mr. Young: We don't plan on it because it's got to be closed for 48 hours. There would be 20 to 40 days of flagmen and they cost \$1,200 per eight-hour shift. You need three shifts a day for 40 days. That's why we're only going to close as far as safe and reasonable for people to see a car coming. There's no way around the inconvenience. It's a construction site.

Mr. Mills: Alright. I'll open it up to the audience. Bob?

Mr. Eksten: I just have two unrelated questions. For people that have their side of the street under construction, garbage trucks aren't going to be able to come to that side of the street. Invariably, somebody can start rolling their cans over the freshly sealed driveway. I don't know if there's a way to get around that or not. The other part is there's always going to be somebody saying, "*I have an emergency and have to go to the supermarket,*" and they're really not supposed to be on that pavement. Do we block off driveways in any way?

Mr. Young: Yes. So, we'll put cones behind every driveway.

Mr. Eksten: Okay. Good.

Mr. Young: What we typically do is take pictures of what we did. Our machine has three wheels on it and a car has four, so we'll know if it was our machine that did it or FedEx or UPS.

A secret for you to know that nobody else would know, is you could walk on that sealer about six hours after we put it down, if its dry to the touch. Don't tell anybody, but you can walk on it if it is dry to the touch. What you can't put on it is weight and traffic.

Mr. Eksten: Because some of those garbage bins can be very heavy.

Mr. Brown: Especially with all of the bottles.

Mr. Eksten: If I want to go across newly sealed driveway, that's going to be a problem, I would assume.

Resident (Sandy Schoonmaker, Kingswood): I have a couple of questions. The first one is probably the simplest to answer. There are 100 or so houses in Isles of Baytree (IOB). Joanne is not here. I'm assuming that IOB is aware of all of this. Kingswood Way, although it seems to be a small road, is very well-traveled, due to those houses back there. There are two cars per household. Are you considering in a major way that we're going to give the same treatment as Old Tramway Drive?

Mr. Young: We added Kingswood Way to the three-coat application.

Resident (Sandy Schoonmaker, Kingswood): Okay. That's fine.

Mr. Young: Later on, that one will be treated the same way as the main road. Small sections will be done 48 hours at a time.

Resident (Sandy Schoonmaker, Kingswood): Okay. My next question will answer questions that I know people in my neighborhood are already asking. I live on one of the little side roads and you're going to block my car off for 24 hours, but where is my car going to be parked? Secondly, when you do the lane adjacent to where I come out, and it's not 24 hours, how am I going to get out? Do you know what I'm talking about?

Mr. Young: You're concerned about backing out?

Resident (Sandy Schoonmaker, Kingswood): No. When you come to the stop sign, there's Kingswood. When you do the North side of Kingswood Way, I can just sneak out and go back, but when you do the South side of Kingswood Way, I'm not going to be able to get out because I'm not be able to drive across the wet stuff.

Mr. Mills: So, you park your car.

Resident (Sandy Schoonmaker, Kingswood): But that could extend to more than 24 hours. Now we've got two different times when people are going to have to do that.

Mr. Young: It would be two totally separate times. Typically, in an area like that, they're not going to be back. So, we're going to seal it here. We're going to come to the middle of the area, open one section completely up and close off the other one.

Resident (Sandy Schoonmaker, Kingswood): Okay. The next to last question is, our streets, especially at our end of the community, are very narrow. That's why we have this lower speed limit. If the road is one way, there's nowhere for us to park, which means that we are going to have residents walking. I have several situations where this can be an issue without going into them specifically. The closest place for them to park, if you're doing Kingswood Way, is going to be way out by the credit union. I think that's going to be an issue. Where are they going to put their cars? That's the question that everybody is asking.

Mr. Mills: You have a little space on Kingswood Way, pretty much down to Mr. Richard Bosseler's house?

Resident (Sandy Schoonmaker, Kingswood): No, there's a car parked where the Sheriff parks all the time. That closes off the road. You have to go on the other side of the road to get by him. So, there are cars parked along there.

Mr. Mills: I'm talking about before you get there, Sandy, on the right-hand side where all of the shrubbery is planted. You can just park in that area.

Resident (Sandy Schoonmaker, Kingswood): Will you let us park there?

Mr. Mills: Absolutely.

Mr. Bosseler: What if the resident is a senior citizen and they can't walk half a mile?

Mr. Brown: You can pick them up in the golf cart.

Mr. Mills: There you go.

Mr. Brown: We're probably going to have to do that.

Ms. Witcher: Take care of your neighbor.

Mr. Young: I was just going to mention that residents that might have limited mobility or limited access, if they need any assistance, we've addressed those issues with them to make sure that they have the ability or somebody who might be seeking medical treatment continuously, needs to make arrangements in advance or we can arrange it.

Mr. Mills: I'm going to make this open statement. Any open space that the CDD has, go ahead and park on it. We don't want you spinning your wheels or breaking the sprinkler heads, but park on any open space that the CDD has available.

Resident (Sandy Schoonmaker, Kingswood): Okay. Could the CDD have an emergency line? You're right, golf carts are the solution because they can ride on the sidewalk. But there aren't that many golf carts in Kingswood.

Mr. Bosseler: You can borrow mine.

Resident (Sandy Schoonmaker, Kingswood): Has IOB been informed?

Mr. Mills: I haven't.

Mr. Showe: We'll have to reach out to them.

Mr. Mills: We'll reach out to Joanne.

Mr. Showe: Their impacts should be less. Essentially, it's going to be driving on one side of the road to get home. They're not worried about parking their cars. They're not going to be worried about anything.

Resident (Not Identified): I just have a quick question. Mel, who will be notifying the residents that all of this parking needs to be determined.

Mr. Mills: They will contact Jason. Jason will send out either emails or we will pass around information.

Mr. Showe: It depends on the BCA to help us distribute things because we don't have email addresses.

Mr. Young: Well Peter, and I spoke about it. Obviously, you need to water our lawns over the course of 30 days to keep it green. You've talked about a time window that may not be ideal, but sealcoats dry in about six to eight hours of sunlight. So, you can run sprinklers from about 10:00 p.m. until 5:00 a.m. or 6:00 a.m. That gives us time for it to dry for people who sprayed the road more than their yard, in time for you to water as well. Again, it might not be an ideal time horticulturally speaking.

Mr. Showe: If you want, get a landscaper, because we have a lot more landscaping and want to make sure that ours is all taken care of.

Ms. Witcher: We also have signs in the front and the back.

Mr. Mills: Sandy, put that in your newsletter to all of the Voting Members (VMs)?

Resident (Sandy Schoonmaker, Kingswood): It says 10:00 p.m. to 5:00 a.m. We changed it to 5:00 a.m.

Mr. Armans: We really talked about 6:00 a.m., but I know some people water the street really well.

Mr. Showe: Each house has their own. We have one landscaper for all of the CDD common areas and we can make sure that they take care of our stuff.

Mr. Young: You may want to do that from now on because the plan is to be done before Thanksgiving.

Mr. Brown: But you don't need to turn off your sprinklers.

Ms. Witcher: Give us the specific dates for each section.

Mr. Showe: We'll give you timeframes

Mr. Armans: I think it's safest to tell everyone for the next couple of months, to irrigate between 10:00 p.m. and 5:00 a.m.

Resident (Sandy Schoonmaker, Kingswood): Okay. Maybe the CDD or the BCA should make a policy so we can state it drastically as opposed to a suggestion.

Mr. Brown: They know when they're going to do it.

Mr. Mills: Well, the rule is, correct me if I'm wrong, Bob, if you're an even number home, you water on Wednesday and Saturday and odd number of homes water on Thursday and Sunday.

Mr. Eksten: No. It's the other way around.

Resident (Sandy Schoonmaker, Kingswood): Well, the other issue is the time is determined by key cards.

Mr. Brown: But the reality is, if we know what you're facing and which streets are going to get done on a certain timeframe, we can have residents turn off their sprinkler systems during that timeframe as opposed to turning them off for 90 days.

Mr. Young: Even with commercial buildings, in our experience, we have one person managing the entire facility and we plan these projects far in advance and say, "*Turn the irrigation off.*" Without fail, probably once a week, we show up and we're getting wet, and we have to turn around and leave because you can't seal wet parking lots. It won't cure them dry at the proper rate. It takes everybody to be on board with it as it is going to be an inconvenience.

Mr. Mills: I think everybody changes the time on their sprinklers from 10:00 p.m.

Mr. Showe: I think Peter's direction is right. When we start our communications, we just tell people, "*Please adjust your sprinklers from 10:00 p.m. and 5:00 a.m. only*" and start getting them ready for it now. If Andy and I see it running when we're out here or anybody's out here, even before they start working, we can try to communicate with that resident to get it changed.

Resident (Art Breitner, Kingswood): Just a couple of clarifications. I want to try to make the whole thing a little simpler. I live on Kingswood and as you know we've got IOB, which is not being done, but they have to use Kingswood Way. The question is, in the scheme that you're setting up, will anybody coming out of IOB or wanting to come into IOB, have access to get through regardless of what that issue is?

Mr. Young: That's correct.

Resident (Art Breitner, Kingswood): Okay. That's important.

Mr. Young: All areas coming into the subdivisions, when we close off the entire subdivision, any main road will always maintain some delayed flow of traffic. When we close off the subdivision, if an ambulance needs to get in or a fire truck, they can just move cones and ruin the sealer and we'll take care of that.

Resident (Art Breitner, Kingswood): But again, IOB is not part of that. All of these people that have to go to work in the morning, no matter where you are in your scheme of things, there must be a way that they can come out of IOB.

Mr. Young: They'll always maintain low traffic.

Resident (Art Breitner, Kingswood): Okay. As long as they can get from Baytree Drive back into IOB, regardless of how you're doing this, that's important because then all we have to do is make sure they understand that they may have to travel on one side of the road and the other side of the road.

Mr. Young: They're going to have to move, but we'll put out cones, flags and caution tape.

Resident (Art Breitner, Kingswood): Okay. That's the first issue. The second issue we talked about, was the watering. I'm assuming the watering is subject to the same 24-hour rule and after that, you could put it back to where you want it.

Resident (Sandy Schoonmaker, Kingswood): No. We're not going to run them between 10:00 p.m. and 5:00 a.m. for three months.

Resident (Art Breitner, Kingswood): For three months.

Resident (Sandy Schoonmaker, Kingswood): Yeah.

Mr. Young: If we finished early, we would notify the CDD and then you can go back. But because of all the possible delays, we want to say up until Thanksgiving to be safe.

Ms. Witcher: You can put it on the sign upfront.

Resident (Art Breitner, Kingswood): So, you're saying to run the sprinklers from 10:00 p.m. until 5:00 a.m. and nothing during the day.

Ms. Witcher: Nothing during the day.

Resident (Art Breitner, Kingswood): Okay.

Mr. Mills: You shouldn't be sprinkling anyway during the day.

Resident (Art Breitner, Kingswood): My third question is, you guys have a complicated plan to set up. I mean, it is not a piece of cake.

Mr. Young: No sir.

Resident (Art Breitner, Kingswood): But I'm trying to distill this down so that I understand a little bit better what we could tell the Baytree residents on a top level. Correct me if I'm wrong, but I think what you're saying, for all of the residents of Baytree, they have to expect two 24-hour periods where they can't put their car in the driveway or the garage. Is that correct?

Mr. Mills: Not all.

Mr. Young: Any driveway that ties into Baytree Drive, Kingsway and Old Tramway Drive will experience a 48-hour delay. They will not be able to access their driveway for 48 hours.

Resident (Art Breitner, Kingswood): Okay, but what about somebody on Kingswood Way? Is it 48 hours there also?

Ms. Witcher: 48 hours. It's a main thoroughfare.

Resident (Art Breitner, Kingswood): That's what I'm saying. I think the overall message, without getting into the way that they could put cones up and all stuff, is residents have to expect two 24-hour periods where they can't use their driveway?

Mr. Mills: But not all residents. That's the problem. Only Baytree Drive, Kingswood Way and Old Tramway Drive.

Mr. Bosseler: And National Drive.

Mr. Young: And National.

Mr. Mills: Those are the only streets for two 24-hour periods.

Mr. Young: I would wait 48 hours because it will be exactly right.

Mr. Showe: It's not two separate periods.

Resident (Art Breitner, Kingswood): No. It's two sets, two 24-hour periods.

Mr. Mills: Yes.

Resident (Art Breitner, Kingswood): Its 24 consecutive hours. I'm just trying to get clarification because people are going to question the total amount of time.

Mr. Young: Sure.

Resident (Art Breitner, Kingswood): As people drive down the road, they are going to see the ribbons and the cones and they should be able to figure out that they have to follow the traffic direction. But just so we could tell them what the total downtime is, I think that'll go a long way in explaining this entire process.

Mr. Mills: Yeah.

Resident (Sandy Schoonmaker, Kingswood): I'll clarify that and send something out. Most of things are here. I'll specify what's going on in Kingswood. You could write about what's going on in at the South end.

Resident (Art Breitner, Kingswood): That's excellent. When you decide on an area that you're going to do, when put in your columns and everything else, if you can't do it in the morning, then you're going to do it at work because those people that want to move their cars...

Resident (Sandy Schoonmaker, Kingswood): He said by 7:30 a.m.

Mr. Young: Any car that's in a driveway being affected, will need to be out by 7:30 a.m.

Resident (Art Breitner, Kingswood): Yeah, I know that, but then how did they know that their section is the one being done tomorrow morning?

Mr. Young: That's what I talked about earlier when we first got started, was coming up with a plan for the people who are being affected.

Resident (Art Breitner, Kingswood): Because obviously the people had to know that they're going to be affected tomorrow. They can't walk out of their house at 7:30 a.m. and say, "*Oh my god, I can't leave the house.*"

Mr. Young: That's right. That's why I was deciding whether it is a 24 or 48 or 72-hour notice.

Resident (Sandy Schoonmaker, Kingswood): I have a small community. Windsor is the only one that has a big problem, but if I know ahead of time between Artie and myself, we're just going to knock on doors. We're going to get a lot of grief and we'll take it for you guys.

Ms. Witcher: If nobody is home, maybe you can get a yellow piece of paper or something to stick on the door.

Resident (Sandy Schoonmaker, Kingswood): I'll take care of it. We'll talk to them.

Resident (Not Identified): I just asked that question and was just told that Jason is going to manage that.

Resident (Sandy Schoonmaker, Kingswood): You don't have to. I'm going to because he's going to send out a notice. Are they going to read it? I don't know. I'll still go and talk to them.

Mr. Showe: I think maybe as an alternative, we can work with the vendor. Andy and I can get some signs made. So maybe when the vendor knows and they say, "*In three days, we're going to do this section,*" we can put signs out.

Mr. Young: We have about 100-yard signs that say, "*No Parking In This Area. Vehicles Will Be Towed at Owners Expense.*" It's hard for us to move them fast enough, but we can bring all that we have and say, "*Hey, your 24-hour notice will be in your grass and your 48 hours' notice might come via e-mail. If you miss that, we'll do our best to let you out of the driveway. If we're not able, that's unfortunate.*"

Resident (Art Breitner, Kingswood): I think we need to let people know which side of the road you're doing, so they're not parked on the wrong side.

Mr. Young: That's right, which area and which side we are going to start on.

Mr. Brown: The standard point to that, if you can't do that on Kingsway...

Resident (Sandy Schoonmaker, Kingswood): But he gave us some place to park. I've got us under control, but I don't know about the other communities. I know that Windsor has parking.

Mr. Mills: Artie?

Resident (Art Breitner, Kingswood): You mentioned that the application should last five to ten years. Is that five to ten years with additional applications?

Mr. Young: Yeah. That five to ten years is what the structural health of your asphalt could potentially be extended by, not how long it's going to be jet-black or how long it's going to look new. The manufacturer recommends you seal your property every three to five years.

Resident (Art Breitner, Kingswood): If we want to continue with this within three to five years, we should consider applying this.

Mr. Castro: Potentially. It will also depend on traffic. Areas where garbage trucks are working through, may need to be done as often as the high traffic areas. In three years, we'll have to re-evaluate and see if we can do another phase that is smaller, not the entire community. We

can look at that in three years. But in three to five years, we should be looking at adding another coat.

Mr. Young: Again, it depends on the scientific or structural improvement. A sealer lasts much longer than a beautification property. You have hundreds or thousands of homes here and everybody has one or two or maybe three people coming in and out daily. You're going to see where much quicker than you probably expect. But that sealer is still doing its job in saving you 90% of that paving budget. If you did not seal, the likelihood of having to pay the next five years is significantly higher.

Resident (Art Breitner, Kingswood): The reason that I ask is I assume the Board is getting into their financial planning.

Mr. Showe: Absolutely.

Mr. Mills: Yeah.

Resident (Art Breitner, Kingswood): You mentioned a warranty.

Mr. Castro: There's a one-year warranty if there's something that was due to misapplication, we will come back and fix it at no additional cost.

Mr. Young: Correct. If it is something that we did. If we put down sealer, and somebody drives through it wet while it's blocked off, we'll come and fix it, but we'll have to assess the change order at that time. If FedEx, or UPS crashes through our cones and we hoot and holler at them and they still don't stop, because sometimes they're like that, there's nothing we can do to control them. I can guarantee you; I always like to set the bar low, but there will be at least three driveways with sealer in them from a FedEx, Amazon, UPS truck. It will happen. We'll take pictures and videos as it happens. People have door cameras. They have house cameras. You'll know what it was.

Mr. Mills: But what's interesting, I haven't seen a UPS truck or a FedEx or Amazon truck parked in a driveway. They usually park on the street and into the house.

Resident (Art Breitner, Kingswood): That's good for all of us.

Mr. Young: What they do is drive on freshly sealed material and then drive on the unsealed material and you'll see tire marks, but when we cut over that you won't see them. So, don't be alarmed if you see tire marks. Don't worry about that. That'll be covered up next time

Mr. Mills: I think we're making this more than what it really is. These guys have done this a number of times and I'm sure that they have it down to a science. We will make sure that everybody is communicated with.

Mr. Showe: We've also done the milling and resurfacing multiple times. This isn't that much different where folks got locked from their driveways for several hours.

Mr. Young: The difference here is, Jason, and for all of you with milling and paving, when it's a milled surface, you can drive on it. When it's a paved surface that cools below 150 degrees and it's a major traffic road, you can drive on it. When it's a seal coated surface and it's dry, you can't drive on it. We need 24 hours. We need eight solid hours of daylight.

Mr. Mills: It's \$2 million versus \$200,000?

Mr. Young: That's correct.

Resident (Sandy Schoonmaker, Kingswood): I have a question. I know last time you were talking about doing gutters. Are they doing the gutters too?

Mr. Mills: No, you weren't here when he mentioned the fact that they can't find anything wrong with the gutters.

Resident (Sandy Schoonmaker, Kingswood): Okay.

Resident (Not Identified): I like the sand idea to protect the driveway. If tracking does get on the driveway, is there a way to clean off or it's just on there?

Mr. Young: You can power wash it. There are some chemicals out there that we've used in the past where if you have painted concrete, it's strong enough that it will take the paint off all of your concrete as well, like sealed concrete. So, it is possible to get it out. It's easier to blow sand back in the yard than it is to power wash and buy chemicals and wash your driveway.

Ms. Witcher: Go out and buy a bag of sand.

Mr. Mills: We just need everybody's patience while this is being done. I'm sure it's going to make the community look better and at least save us a bunch of money for a long period of time.

Mr. Showe: Like any other project that we do, something is going to happen. There will be things that will happen. We'll make do and we'll work with it and communicate with the residents as best as we can.

Mr. Young: There's always about 10% of the people that make it hard for all of us.

Mr. Showe: Yeah.

Mr. Young: Those people whose numbers are very public should expect phone calls.

Mr. Brown: We can give you names before you leave.

Mr. Young: No matter how hard we try to make everybody happy, it just won't happen. Somebody is going to miss their doctor's appointment or be late for work and you're going to know it. We're going to know it too because they're going to tell us first. We've practiced patience and we need that from everybody else as well, as we go through the project.

Mr. Bosseler: How soon are you going to start?

Mr. Young: Well, that's the next thing we want to discuss with Peter and with all of you here.

Mr. Mills: You have the material now, correct?

Mr. Young: We have the availability of material right now.

Mr. Mills: Okay.

Mr. Armans: How soon can you start?

Mr. Young: Well, right now, it's the week of the 5th or 7th. If we started the week of the 19th, that would give us about a week-and-a-half from today. What does the Board think in terms of everything?

Mr. Mills: The sooner the better.

Mr. Young: Okay.

Mr. Mills: Jason, is that okay with you?

Mr. Showe: I always prefer to have more time so we can get the most communication out to the residents as possible.

Mr. Mills: You tell us.

Mr. Young: Even the week of the 26th. I would like to start on a Monday. It's easiest.

Mr. Mills: Is that better, the 26th?

Mr. Showe: I think the more time that you allow for this, the better. You guys have a meeting on the 5th, so that would give residents time.

Mr. Mills: To find out?

Mr. Showe: Yeah. Right.

Ms. Witcher: You were talking about September 26th. Right?

Mr. Showe: That's correct.

Ms. Witcher: Remember Tuesday is garbage pickup.

Mr. Young: What we have to do is find out if everybody's trash gets collected on Tuesdays.

Mr. Mills: Yes.

Ms. Witcher: And Friday.

Mr. Young: Everybody?

Mr. Brown: Everybody in the community.

Ms. Witcher: Usually, they're pretty early.

Mr. Young: Based on your observation, are most people's trash pretty full both days?

Mr. Brown: On Tuesday, yes.

Mr. Mills: Tuesdays, yes. Fridays, no.

Mr. Young: Fridays and then you have the weekend and then Tuesday.

Mr. Mills: Right.

Mr. Young: What we'll look at, is if our work schedule looks like a Tuesday through Friday. There's possibility that trash may not always be picked up at everybody's house every time.

Mr. Mills: If it's not picked up on Tuesday, they pick up on Friday.

Mr. Young: No one will lose access to their driveway more than 48 hours and no one will miss more than one trash pickup over the course of the entire project.

Ms. Witcher: How about the sidewalks? You can pick up at the end of the road.

Mr. Young: It would make everyone's life easier if we just said, "*If your section is closed on a Tuesday or Friday, you have two choices; walk your trash to the end or just wait until the next one.*" Because what will happen is we'll have a great plan for a Monday and it will rain on that Monday. We would just like to show up and pick up our plan on Tuesday because if we try to redo it because of trash on Tuesday and then it rains on Wednesday and we miss Friday...

Ms. Witcher: Do you have a staging area within the development that you're going to have?

Mr. Young: Yeah. Daniel will tell you where that is. That's where you'll see a semi-truck trailer.

Mr. Showe: It's going to be where the guards are parked.

Ms. Witcher: Okay. On the corner?

Mr. Castro: Right next to the entrance.

Ms. Witcher: Okay.

Mr. Castro: They will be storing at the big tank there. You will see all of the material there. For the duration, that stuff will just remain there.

Mr. Bosseler: Are you going to start in the back?

Mr. Young: Yes.

Mr. Mills: You already have your Phasing Plan?

Mr. Young: We have a draft that we want to send out to have the Board look at and get opinions on. You guys know your traffic flow. We've spent numerous hours here, but some of you guys have lived here for a long time and you know what's actually possible. Regardless of what that Phasing Plan looks like, it's going to have to change based on weather, traffic, parked cars, etc.

Mr. Mills: Are you starting in Balmoral and work this way and then you'll probably go into Southpoint?

Mr. Showe: No, they're talking about starting at the end of Baytree.

Mr. Young: On the South side.

Mr. Showe: At the rear gate.

Mr. Mills: At the rear gate? I thought he was going to do to the very end.

Mr. Young: We're going to work around the side streets into Baytree and then Baytree out.

Mr. Mills: Okay. That's what I thought you said.

Mr. Brown: So, its Balmoral out.

Mr. Showe: Yeah.

Ms. Witcher: So, you're going to be back in Phase 2 first.

Mr. Young: Yeah, starting in the back.

Mr. Mills: Yes.

Mr. Young: We'll have the least amount of traffic in the back.

Ms. Witcher: A lot of those people go to work so they'll be out of here.

Mr. Mills: Yes.

Ms. Witcher: It will be interesting.

Mr. Young: I want to clarify. There was a question about which days they're allowed to work. Are there any days that they're not allowed to work?

Mr. Mills: The BCA says there's no traffic allowed on Sundays. Saturday is okay, but not Sunday.

Mr. Young: Sunday is the only allowed day.

Mr. Mills: Right.

Mr. Brown: I think we can talk to Bob. When Baytree was being developed, when all the construction was going on, they allowed the contractors to build six days a week, but not on Sunday. Now that it's finished, the BCA has been discouraging lawn keeping and landscaping, emergency repairs, plumbers and electricians on Sundays.

Ms. Witcher: Tree people.

Mr. Young: We'll do our best unless we get towards the end of the project and people really want us gone, to not work on the weekends. There is golf on the weekends.

Mr. Brown: But golf doesn't go past National Drive.

Mr. Young: Okay.

Mr. Brown: They have to come in the main gate and go to National Drive to go to the golf course. They don't go past National Drive.

Mr. Young: It's usually best that we don't do Saturdays and Sundays when everybody is trying to have a barbecue.

Mr. Brown: Exactly.

Mr. Young: You're going to smell the sealcoat. It's not toxic to you, but people don't like to hear us. You're going to hear diesel engines running all day.

Mr. Mills: Not on Saturday and Sunday.

Mr. Brown: Can we sniff it?

Mr. Young: You can.

Ms. Witcher: We're still having roofs done because insurance companies have now put a new mandate on roofs. We've got three on our street that are doing roofs now.

Mr. Young: It is a matter of those residents who are being affected that are supposed to have roofs done or worked on. It is giving a heads up. I know it's a real pain because roofers are busy and no one wants to reschedule.

Mr. Mills: Yeah. Sue?

Ms. Witcher: They have three or four days when they are on the roof.

Ms. Frontera: I hope that we're not working on National Drive on October 16th because that's when I have a food truck coming.

Mr. Young: We'll make sure we're not.

Ms. Frontera: Okay. I have to come a couple of days ahead.

Mr. Young: The 15th and 16th. Do you guys have a Halloween event or where grand kids or kids visit or anything like that?

Ms. Frontera: Some people do.

Mr. Brown: A lot of people come from outside the community.

Mr. Young: Right. So, we just want to avoid any special days or holidays. Just make sure we know about that or any special events to avoid those days.

Ms. Frontera: Okay.

Mr. Young: We'll make sure we're not there on the 15th and 16th. We won't be in here at all.

Mr. Mills: There you go.

Ms. Frontera: You'll enjoy the entertainment.

Mr. Young: Yeah, maybe. Just to let you guys know we really appreciate it and are going to do our best to make the impact as low as we can. We're going to be here and working and we're going to do our best. The thing that really can affect us a lot is the weather. Weather is a big factor for us. If we get a week of non-stop rain, it's a challenge. We stop. Then if we find out that we've got a couple of good days, we won't work weekends like we said. We'll go full blast if we can, to try and catch back up.

Ms. Witcher: If they have been delayed with weather for a while, can we say we want to do it on a Sunday?

Mr. Showe: Just let us know.

Mr. Young: Our goal is to be in here four days a week, four to five days, if it's possible. It's long days. Is there a Noise Ordinance?

Ms. Witcher: Usually its 7:00 a.m. to 7:00 p.m.

Mr. Young: Okay. We can push it and make some progress and get it done sooner. If we can get out of your way sooner, we always will try to.

Mr. Mills: Are you going to be here all day, every day, Zack?

Mr. Young: You'll always have people on site. I personally won't be here every day of the project.

Mr. Mills: One of the things you may want to tell your people, is we do have some residents that feel they are god.

Mr. Young: Okay.

Mr. Mills: They will come up and chew you out. If they do, don't pay any attention to them. Call Jason or me and I'll give you my phone number and I'll be glad to handle it for you.

Mr. Young: Appreciate it.

Mr. DePhillips: What our guys on the crew are trained to do, when they're out here and there is a disgruntled person, is to call our office and say, *"Hey, we're going to call our office and let them help you out."*

Ms. Witcher: Yeah.

Mr. DePhillips: That's when you'll get a phone call. Jason, you'll be the site contact for us throughout the four days?

Mr. Showe: Yeah. Then maybe if you could, just let me know who's onsite, so if we have an issue and I need to get a hold of somebody, then I can get a hold of somebody.

Mr. Armans: I do want to remind you, there's a section that we visited together on the corner of Bradwick and Ashwell, that's all concrete. It was repaired as concrete. We said that whole area is not going to get sealed.

Mr. Young: That's correct. If we sealcoat concrete, the sealer will come off in two weeks. It won't stay on. So that spot comes out like a triangle into that intersection. If you were turning right onto Bradwick off of Ashbrook, it's on your right.

Ms. Witcher: Yeah. It's where the fire hydrant is.

Mr. Young: Right by the fire hydrant.

Ms. Witcher: It blew one night. There's a big repair there.

Mr. Showe: Sandy, you missed it. They're going to start on the 26th of September.

Resident (Sandy Schoonmaker, Berwick Way): They are going to start in the South anyway.

Mr. Bosseler: Balmoral.

Resident (Sandy Schoonmaker, Berwick Way): Balmoral is first?

Mr. Mills: Yeah.

Resident (Sandy Schoonmaker, Berwick Way): Lucky Balmoral. Tell us how it goes.

Ms. Witcher: Will you go out of order?

Mr. DePhillips: If we show up, it's possible. Again, there's a lot of things that get assessed the day of the work. If we show up and see a section of driveway where every driveway has cars in it, and we were to knock on the doors and no one answered, my guess is some of the cars were trying to get out...

Ms. Witcher: Eventually, yeah.

Mr. DePhillips: Something is wrong. Our goal is to always make progress every day that we show up. So, we'll do our best not to trap people in their driveways, based on working the section, but if people don't cooperate with notices then...

Mr. Mills: We're going to move right along. Thank you guys so much for your time and your presentation. We greatly appreciate it.

Ms. Witcher: Thank you all.

SIXTH ORDER OF BUSINESS

CDD Action Items/Staff Reports

A. CDD Action Items

Mr. Brown: All right, we're going to move right along with the CDD action items.

Mr. Showe: Yeah, we could do a full report this time. One project that we have coming up is the lake bank restoration. We'll obviously need to coordinate with the vendor in coordination with the roadway project as well to make sure they're not over each other.

Ms. Witcher: You can tell the lake guy?

Mr. Showe: Yeah. Andy and I are going to start working on the tree replacements as well as the sidewalk repair. I just want to thank the entire community for their support over the last month. I've gotten a lot of cards and I really appreciated it. Thank you guys so much. It's really nice. I appreciate it.

B. Additional Staff Reports

i. Attorney

Mr. Pawelczyk: I don't have anything today. No legislative reports for you guys.

ii. District Manager

1. Field Manager's Report

a. Consideration of Preventative Maintenance Agreement for Gates

Mr. Showe: We have a couple of proposals. Andy can go through those.

Mr. Hatton: I don't have copies.

Mr. Showe: There's one for preventative maintenance and a revised one for the swing gate operators

Mr. Hatton: Yeah. We talked about those.

Mr. Brown: I have a question.

Mr. Hatton: It's just an idea.

Mr. Brown: On the Preventive Maintenance Agreement, it talks about maintenance on four gates at the main entrance and four gates at the back. We only have two gates at the back.

Mr. Showe: It's not four gates. It's four operators. The large metal arm operates on a separate operator. So, there is a large metal arm, the one that we painted. That's a separate operator. The up and down one is a separate operator. So, there are actually four operators at the back and four at the front.

Mr. Mills: Yeah. We have two lanes going out and two lanes coming in: that's four and four at the back.

Mr. Brown: Okay.

Mr. Mills: I have an issue with this. There are no parts. No labor. So, what you're paying for basically, is for them to come from Orlando to here.

Mr. Hatton: Yeah.

Mr. Mills: I figured it out. I took \$175 per trip and divided into the number that they gave us. That's 28 trips for the front and rear gates.

Mr. Hatton: Right. That was the idea, Mel, which was to see what this was going to look like and compare it to what we're already paying for. They do come out a lot. But if it's for the same issue, they don't charge us.

Mr. Mills: Right.

Mr. Hatton: This was just to see where we were. It's about \$80 an operator.

Mr. Mills: Yeah.

b. Consideration of Small Project Agreement for Swing Gate Operators

Mr. Hatton: What was the other item, Jason?

Mr. Showe: The revised Small Project Agreement for ACT. There was some discussion in the last meeting that additional operators weren't included.

Mr. Hatton: Yeah. They replaced the entrance operator. The exit operator that you talked about would be getting done at a different time. That number went up because the loops are going bad in the round. That's why the entrance one was cheaper. Because he didn't do that loop, he wants to do all the loops at one time, if he can.

Mr. Showe: There is an additional item that was not in the agreement that you guys approved at the last meeting. We had District Counsel draft up a Small Project Agreement that incorporates the entire scope of the project. I think the Board already approved it. We just need a motion.

Mr. Brown: That's why one of gates went from \$72 to \$98.

Ms. Witcher: Does he have all of the parts so he can do them all at one time?

Mr. Hatton: Yeah.

Mr. Brown: We don't have to get any permits or anything, do we?

Mr. Hatton: No.

Mr. Showe: We would want a motion to approve that Small Project Agreement.

On MOTION by Mr. Brown seconded by Ms. Witcher with all in favor the Small Project Agreement with ACT for the swing gate operators was approved.

Mr. Showe: Is there anything else?

Mr. Hatton: Yeah. We're still working on the transponder upfront. It's still not working unless you have a blue Corvette. That seems to be the only car that gets in, unless you hold your transponder right to it. We know that the antennae is bad. They've done some experiments with some loan equipment that didn't work out. So, they're going to send over a transponder receiver input.

Ms. Witcher: My Mini Cooper can go through.

Mr. Hatton: Yeah. Matt said there's one car constantly getting through and occasionally another one. It's just intermittent.

Mr. Mills: This really didn't start until we had that hard rain. I'll bet there was water in that antennae.

Mr. Hatton: Yeah.

Mr. Mills: So, when are they going to replace that?

Mr. Hatton: They're going to send the quote over. It will have to get approved and then we'll come back in.

Mr. Showe: But we won't delay on that. We'll just get it fixed.

Mr. Hatton: We'll probably have it by the end of the day.

Mr. Mills: Okay.

SEVENTH ORDER OF BUSINESS

Treasurer's Report

A. Consideration of Check Register

Mr. Showe: The next item is the approval of the Check Register. In your General Fund, we have Checks 419 through 441 in the amount of \$65,037.48. In your Capital Projects Fund, we have Checks 123 and 124 in the amount of \$39,999.80 and July payroll in the amount, \$554.10, for a total amount of \$105,591.38. Both Andy and I can answer any questions on those invoices should you have any.

On MOTION by Ms. Witcher seconded by Mr. Brown with all in favor the Check Register for July 1, 2022 through July 31, 2022 in the amount of \$105,591.38 was approved.

B. Balance Sheet and Income Statement

Mr. Showe: No action is required by the Board. We are doing a little better than budget to actuals on our General Fund, so that's in good shape. We are at a 100% collected on our assessments and are in great shape there too.

Mr. Mills: Fantastic.

Mr. Showe: Everything's good.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Mills: Carolyn?

Ms. Witcher: We were just talking about the play area and the drainage issue.

Mr. Bosseler: We're going to get a couple of sand bags. Any other storm is not going to affect it. Andy and I are going to take a look at that.

Mr. Mills: Do you have anything?

Mr. Bosseler: No.

Mr. Mills: I want inform residents; they're taking down the tall Palm trees in the front. They're going to be doing it at night because of all the traffic on Wickham Road and cars parked at CVS. So, if you see activity out in the front, they're taking those down.

Mr. Hatton: I just got an alert from Mike. He says September 12th at 9:00 p.m., is when he's going to take those down.

Mr. Mills: September 12th is next Monday.

Mr. Hatton: At 9:00 p.m.

Mr. Mills: We keep getting various dates. I was told this past Monday, then I was told Friday and now it's next Monday.

Resident (Art Breitner, Kingswood): Quick question. Do you think it's prudent to speak to Space Coast Credit Union and ask them whether they would have any problem with some Baytree residents parking in the parking area during the asphalt?

Ms. Witcher: You have that parking lot over there right before you get to the transponders. Isn't there a parking lot right there?

Mr. Bosseler: You can't get in there.

Mr. Showe: They have their own access into that.

Resident (Art Breitner, Kingswood): Once you go through the gate, there's not an open lot inside of there?

Ms. Frontera: Yeah, but you have to get through the gate.

Resident (Art Breitner, Kingswood): So, I guess that's out. Right?

Mr. Bosseler: Well, like Mel said earlier, we have that area where the guards park.

Mr. Showe: They're going to be staging there.

Mr. Brown: You have the grassy area by your house.

Mr. Bosseler: There is the front of the island.

Ms. Witcher: That's IOB property.

Resident (Art Breitner, Kingswood): That's wrong. That's not IOB property. That's our property. They even landscape. But it's our property.

Ms. Witcher: So, we're going to park 10 cars in the yard?

Resident (Art Breitner, Kingswood): No, I'm not talking about parking cars there. I just wanted to verify the fact that we went down that road already.

Mr. Bosseler: We'll figure it out.

Mr. Mills: Yeah, we'll figure it out.

Ms. Witcher: What about where the accountants are?

Mr. Mills: Yeah, they can park on that street.

Ms. Witcher: Are there any businesses there that are viable anymore?

Mr. Mills: No, they're all busy.

NINTH ORDER OF BUSINESS

Public Comment Period

Mr. Mills: Are there any public comments?

Resident (Dee Waldren, Balmoral): For those who don't know me, I'm the VM for Balmoral and Southpoint. I just wanted to bring something to the CDD's attention. I emailed all of the VMs to inform their residents that we're having a problem in Baytree because of the assumed bird flu that the vultures just brought in everywhere. So, I contacted the Florida Fish & Wildlife Conservation Commission (FWC) for some advice. Their official word is not to touch them, but because they have a foul odor, it's impossible for us not to dispose of them somehow. So, the unofficial word is to double bag them and throw them in the trash or bury them. That's what they're telling us to do. They also want us to fill out a form, letting them know that we have this issue and they may or may not be able to test for bird flu. But I've had neighbors call and say that they dropped dead on the roof and rolled onto their screens. They find them on the golf course, cart trails and dead in trees. My husband already removed three from our backyard. Because of the foul odor, you can't even go out on the lanai. They're also dropping at the zoo. When I consulted with them, they told me that they had dropped dead there as well. I'm not a big fan of them because they destroy our screens, but we don't want to see them die that way. We don't want them on our golf course and on our property. I know there's a lot of property that the CDD has, so I just wanted you to be aware. I sent the link to all residents. If anyone wants it,

who doesn't have it, just email me because it's important for them to know the amount that's happening here.

Mr. Mills: I appreciate that data.

Resident (Dee Waldren, Balmoral): We have the most vultures out of anyone in Florida.

Ms. Witcher: Have you let the golf course know what they've said?

Resident (Dee Waldren, Balmoral): No, I did not.

Ms. Witcher: Maybe you might want to mention to the manager that they're supposed to double-bag and throw them in the garbage.

Mr. Bosseler: There's no manager.

Mr. Brown: They have a temporary manager.

Ms. Witcher: He left again?

Mr. Mills: We haven't seen any at Chatsworth at all.

Mr. Brown: There is a temporary manager. His name is Tom.

Resident (Dee Waldren, Balmoral): We're on the 16th to 18th green on Southpoint. I've seen an alligator coming out of the pond and attack one and kill one right there, but I don't think that had anything to do with the bird flu.

Ms. Witcher: Did the alligator die?

Resident (Dee Waldren, Balmoral): Yes.

Mr. Mills: Are there any other public comments? Thanks again.

Resident (Cody Ray, Balmoral): Is this a good time for me to bring up my issue?

Mr. Mills: Sure.

Resident (Cody Ray, Balmoral): Very good. I just moved into Balmoral a few months ago. During the purchase of the home, it was learned that when Jo-El built our home, they built the home over a drainage easement between my house and the house next to me. It's supposed to be a 10-foot drainage easement. As it currently stands, if that drain ever needs to be worked on and my house gets damaged and banged up, I'm liable for that and have to do all of the repairs and that sort of thing. The previous owner and I are working with Brevard County to get 3 feet vacated so we're safe in that regard. Also, the title company had an issue with us and they did some special exceptions. So, I'm hoping that the more you can help me find a way to take some actions similar to Brevard County, just to vacate a few feet into the easement so that our house can be protected, we're protected from being liable if the house gets banged up.

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

Mr. Pawelczyk: We prepared an Encroachment Agreement to deal with the title issue twice now; one for the old owner and one now for the new owner. I haven't received any comments other than that he won't sign it. It does not mean he's liable. It only means if we have to go in there and cause damage. We don't know where the pipe is. It's in the easement somewhere.

Mr. Mills: Right.

Mr. Pawelczyk: I would assume, since it connects the road to the lake. It is not a private easement by any means. It is a public easement because you are a public entity. The District Engineer left, but I assume there wouldn't be a pipe there if it wasn't essential to the drainage of that area, that room, which protects your homes. So that pipe needs to be there unless you're going to alter the drainage and move, which I think that would be your responsibility to do, because you don't have the title. The way that we wrote the Encroachment Agreement was because when the original owner acquired the property and maintained it with the easement on there, it's the owner's responsibility for what's under that easement. So, if we need to get in there and dig up that pipe, if the pipe collapses, we have to go there and dig up that pipe, otherwise, potentially everybody upland of them is going to flood. Because if the pipes block, you need to obviously repair the drainage. So, if something happens there and we don't know where the pipe is, maybe it's completely on the other side of his neighbor's lot or under that lot, but if we need to get in there and move something, why would the District and its contractor be responsible for any damage that occurs within the easement, which is our easement? That was my only question. We wrote the Encroachment Agreement to alleviate the title issue and allow the owner to say, *"Look, I understand if something happens, you need to get in there."* By the way, we also included a notice provision, because if we need to get in there, we have to notify the owner and let them know, *"Look, we got to get in here. Here's what we going to do. Let's work together to figure out a way."* There's additional engineering. For instance, if it would cost us \$20,000 to replace the pipe, it's going to cost \$5,000 more to make sure that that home which sits in the easement is not damaged. Then the public should not be assessed for that \$5,000. That's what the spirit of the Encroachment Agreement. But like I said, I didn't receive any comments at all other than he indicated that he wouldn't sign it. So, that's all I have to say at this point.

Resident (Cody Ray, Balmoral): Yeah, it sounds like I need to have a conversation with Michael to understand that document. Both the previous owner and I thought that it was very clear that I, the new owner would be liable, if somebody comes in to work on a pipe and they tear the house up, that I get to pay for whatever damage is done.

Mr. Pawelczyk: Well, you'd be responsible for your home if something happens to your home from work that's done in the easement, if it's because we need to access it. Like I said, Jason and I talked about this and I'm willing to work through that document to alleviate the title issue.

Mr. Mills: It sounds you two need to get together.

Mr. Pawelczyk: That would be fantastic.

Resident (Cody Ray, Balmoral): That's great.

Mr. Pawelczyk: I don't understand how a county can come in and remove an easement off of the plat, when it's a public easement and it's necessary for the drainage system. If the county removes the easement, there's a problem.

Mr. Brown: Is there any way that we can actually find out where the pipe is?

Mr. Pawelczyk: You can only vacate an easement if it's not needed. That's the only way you could vacate an easement.

Mr. Showe: If you look at the map, it appears to be almost right under the edge of the house.

Mr. Brown: It does.

Mr. Showe: If you take where the easement is and go dead center, I mean, without going out and locating it specifically.

Mr. Pawelczyk: The engineer told me in all likelihood, the pipe is under the property line.

Mr. Showe: Correct.

Mr. Mills: Under the property line.

Mr. Pawelczyk: Right. Because you have an easement on either side.

Mr. Mills: On either side of the pipe.

Mr. Pawelczyk: On each property. In all likelihood, that's where it should be.

Mr. Mills: Right.

Mr. Pawelczyk: But we already know, with issues that many of you have had with the people that are in here, you don't really know where it could be. So, you're hesitant to do that

unless you were to find out exactly where that pipe was. Even Jason and I said, "*The CDD shouldn't have to go through the cost to locate the pipe to see if we can remove 3 feet of that easement ourselves.*" We rushed through an Encroachment Agreement...

Mr. Showe: It goes from lake to lake.

Mr. Pawelczyk: Because they told us it was a title issue, we brought it to the Board, sight unseen. You never saw it, we just showed you the survey, remember?

Mr. Mills: Right.

Mr. Pawelczyk: And you all were kind enough to fix the title issue for this guy so he could buy the property or the other guy could sell it. I guess we never heard back.

Ms. Witcher: Does the county not know from the infrastructure before the development was done?

Mr. Pawelczyk: I don't know what the county knows.

Resident (Cody Ray, Balmoral): Well, first, thank you for taking that action so we could purchase a home. We love it here. I appreciate the work. Secondly, my understanding is, from speaking with Amber at the county, they're vacating their interest in the easement, but they really don't have an interest.

Mr. Pawelczyk: That's not going to help you.

Resident (Cody Ray, Balmoral): The CDD is not in charge of that. I have no idea what I'm doing. I'm learning as I go. I'm just trying to protect my house from getting banged up or somebody else's house.

Mr. Mills: Well, I think you had Michael need to get together and get this ironed out because the Board wants you to be satisfied.

Resident (Cody Ray, Balmoral): Thank you.

Mr. Showe: I think we all do.

Mr. Brown: Yeah. Like I said, I have to protect our interest, but whatever I can do to be flexible to help you, I'm all for it.

Resident (Cody Ray, Balmoral): Thank you.

Mr. Pawelczyk: While we're brainstorming, he could sign the Encroachment Agreement and if we find out where that pipe is, we can release the encroachment, but right now he has the property. He has it and has the title.

Ms. Witcher: Because Jo-El didn't put that pipe in. It was the guy that did the infrastructure for the development, the one that was originally done.

Mr. Mills: But the encroachment issue has released us if he signs it.

Mr. Pawelczyk: It doesn't release us at all. It protects and cures his title.

Mr. Mills: Exactly.

Mr. Pawelczyk: Because it allows him to maintain the property that's on the easement. I'll talk to him and we can set up a call if he's got somebody else's he's working with. Maybe just try to work through that Encroachment Agreement somehow and make it so it's more palatable to him.

Mr. Mills: Yeah.

Mr. Pawelczyk: I'm doing whatever I can to protect the District.

Mr. Mills: Right.

Mr. Pawelczyk: Granted, it does cover everything.

Mr. Mills: Okay.

Mr. Brown: There is a drainage pipe that goes into that lake.

Mr. Showe: I pulled up the map. I can show it to you. Yes.

Mr. Brown: Can't we snake that pipe backwards to find out whether it's going under his property or not? I've got somebody coming to my house tomorrow to snake it out.

Mr. Showe: I think depending on how much money you want to spend, we can do anything.

Mr. Pawelczyk: Just because I know we don't want to keep talking about this, what I think we should do and I'm not his lawyer, but from a District standpoint, I think we should move through the Encroachment Agreement and revise it in a way that's mutually acceptable, which provides the owner, Mr. Ray and his wife, sufficient notice that we're going in there. So, we can work together to make sure nothing bad happens.

Mr. Mills: Then he's going to have clear title of the property.

Mr. Pawelczyk: Well, the other thing is the likelihood of us even having to go in that easement, is very slim.

Mr. Mills: Exactly.

Mr. Pawelczyk: Unless he used a corrugated plastic and that plastic pipe fades. But if it's a concrete pipe or I don't know what's in there, it's probably not going to fit.

Ms. Witcher: There must be an expense for that.

Mr. Showe: It's here. We'd almost need a diver to go in it.

Ms. Witcher: I know.

Mr. Pawelczyk: Which, to me, is a waste of money to go through that process, unless you need to do it. Don't spend money unless you need to. Mr. Ray does seem like a reasonable guy. He did admit to it.

Mr. Mills: Are there any other public comments? Hearing none,

TENTH ORDER OF BUSINESS

Adjournment

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


Secretary Assistant Secretary


Chairman / Vice Chairman