

MINUTES OF MEETING
BAYTREE
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Baytree Community Development District was held on Wednesday, April 5, 2023 at 1:30 p.m. at Baytree National Golf Links, 8207 National Drive, Melbourne, Florida.

Present and constituting a quorum were:

Melvin Mills	Chairman
Richard Brown	Vice Chairman
Richard Bosseler	Assistant Secretary
Janice Hill	Assistant Secretary
April Simmons	Assistant Secretary

Also present were:

Jason Showe	District Manager
Jeremy LeBrun	District Manager
Michael Pawelczyk	District Counsel
Peter Armans (<i>via phone</i>)	District Engineer
Andy Hatton	Field Manager
William McLeod	DSI Security
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.

SECOND ORDER OF BUSINESS

Engineer's Report

Mr. Mills: Peter, are you on the phone?

Mr. Armans: Yes. I have one item that I wanted to update the Board on. This is regarding the two locations that we were looking at re-designing the pavement to try to solve the pooling issues. We are facing some issues with the way that the roadways were originally constructed. Some of them, especially the intersections of Bradwick Way and Ashwell Court, the corner is very flat. Before we do an extensive design, we don't think any design in that corner will solve the problem 100%. Basically, there are multiple low spots and if we got the water out of one low

spot, it would just go to the next one. So, we wanted to give the Board a heads up on that before we moved forward with it. The two alternatives we have is to simply repair what is there concrete-wise and then make it all match using asphalt to match the existing and re-building the gutters. It is a smaller project to just repair the structural integrity of that location, but it is not going to solve the water pooling issue. To solve the water pooling issue in that corner, you need to move it either to the south or to the north. It will be a bigger project. Those are just two things that we were looking at. We probably think that just repairing the sections structurally and maybe trying to create a grass area next to curb to collect that water to pool there instead of pooling on the street, might be the least impactful solution and more realistic at this point. Because if we try to move the water north, south, east or west, it's just going to pool on the road somewhere else. We just want to make sure that you understand the limitations of that area to be designed. I spoke to the homeowner of Lot 15, which is at the northeast corner of Ashwell Court and Bradwick Way and he confirmed that this corner used to pool much, much less. It used to have some water pooling since it was constructed prior to the repairs that caused existing issues. So, that confirmed the way it was originally built, had some issues to begin with. I recommend repairing the existing structural concrete, replacing that with black top pavement to match the rest of the road and then try to divert some of that water to go into the grass area where the stop sign is, instead of having it pool on the street.

Mr. Mills: Do you have any idea, Peter, of the cost in that proposal?

Mr. Armans: I don't have a cost, but that would be the least expensive between the two options.

Mr. Mills: Well, I think before we discuss it and come to some definitive answer, we are going to need some budgetary number.

Mr. Brown: I would like to see that.

Mr. Armans: Do you want to look at the cost to do what I just proposed?

Mr. Mills: Yes.

Mr. Armans: Which is Option 1, repairing the structural corner and then diverting the water into the grass area. That means we will have some water pooling in that grass area between the sidewalk and the curb.

Mr. Mills: I think Mr. Brown wants to have costs on both Options 1 and 2.

Mr. Armans: Option 1 is pushing the water to pool in the next low spot on the roadway.

Mr. Brown: If I understood Option 1, it just pools the water somewhere else.

Mr. Armans: Option 1 will pool the water in the grassy area between the curb and the sidewalk.

Mr. Brown: Okay.

Mr. Armans: To the maximum extent possible. It depends on how much water there is. Option 2 would try to get the water out of that corner and try to get it go somewhere else. Based on the topography of the roadway, it is just going to pool at the next slow spot on the roadway because the roadway is really flat.

low

Mr. Brown: It is until you have 4 to 5 inches of water.

Mr. Mills: There's no way that you can do what they did on Old Tramway Drive several years ago, where they dug up the side along the curb and put a pipe in, that has holes, that the water can actually go into. Could you put a drain in the center at Ashwell Court and have it go into that pipe and channel it towards Baytree Drive?

Mr. Armans: The problem in this area is the water table is very high. So that will only work if the ground is high enough to where that pipe underground will not always be saturated with water anyway. I did talk with a company that will put a small tank, maybe the size of a wheelbarrow, that will go underground and collect that water. However, for that to work, we will need to have the water table low enough to where, when that tank is collecting the water, it is not already full with groundwater. Does that make sense?

Mr. Brown: Yes.

Mr. Armans: I can clarify if it doesn't.

Mr. Mills: Then we have the problem of stagnant water sitting and drawing mosquitos. So, we really haven't solved the problem.

Mr. Armans: We can look into the option of putting in an underground tank, which is typically used for parking lots that don't have enough stormwater storage. I talked to a vendor about it and he said that would be a good solution here, but we just have to verify the water table height at that location. If we know that its slow enough, we suggest that option. That will take as much water as it can fill below ground. That means we will put a small catch basin at the curb on that corner to drain that water.

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

Mr. Brown: My opinion is whatever is the best way to get the water from pooling. If that wheelbarrow container is the best way to solve that issue, then I would like to know how much that costs.

Mr. Armans: I can come back with costs for the wheelbarrow option, if it's feasible, depending on the ground water. The other option is to basically have the water pool in the grass area, instead of in the street.

Mr. Mills: That's the route I think we should take.

Mr. Brown: I agree.

Mr. Mills: Richard, are you alright with that?

Mr. Bosseler: Yes.

Mr. Mills: Give us two proposals; one on the underground tank and one with the pooling on the grass.

Mr. Armans: Perfect. The other item is there is basically a large 24-inch tree that caused the sidewalk, the curb and even some sections of the road to rise. Basically, what we looked at is taking the water away from the driveway and repairing the curb; however, based on our survey, there is another low spot that is just east of the mailboxes. That will cause some of the water to stay on the street. So, again, we can fix the problem with the tree roots, but it's not going to solve the problem 100%. It might pool east of that area.

Mr. Mills: But the pooling wouldn't be as deep as it currently is. Correct?

Mr. Armans: It won't. Because once it rises above the edge of the curb, it will go into the grass area and keep it in the ground.

Mr. Mills: Right. So, you're actually spreading it out further.

Mr. Armans: Basically, we're taking that pool of water further east, hoping that some of it will go into the grass, but it will get away from the driveway and mailbox area.

Mr. Mills: Well, I think we're going to need a cost on that as well.

Mr. Armans: Yes. I will provide a cost estimate. It will not be a contractor's estimate, because for the contractor to do an estimate, we must have the design complete. But we'll have a conceptual idea of what we need to do and a cost estimate just for comparison and I'll present that to you at the next meeting.

Mr. Mills: That's perfect. Are there any other questions?

Ms. Simmons: I have a question. I'm new to the Board. How deep is this water and how long does it stand there?

Mr. Mills: If we have a major rain on Ashwell Court, the water will lay there for a couple of days and then it will eventually evaporate.

Ms. Simmons: So, it's a safety issue.

Mr. Mills: Exactly. The same way on Bradwick Way.

Ms. Simmons: It's in the street, not on someone's driveway.

Mr. Brown: Yes, but not to the point where you can't travel in your car.

Mr. Mills: Exactly.

Ms. Simmons: Thank you.

Mr. Mills: Peter, I have two other issues. The first is that I would like to have you come out and survey what the sealer people have done. We're holding back money for them and they are telling us that they used all of the sealer that they proposed to us. But Jan and I both feel that they did not do three coats at any of the intersections on Baytree Drive as well as some other areas in Baytree. I recommend to the Board that before we release this money, we make sure that they have lived up to their contract.

Mr. Armans: Okay. Would you like to meet onsite and for me to invite the contractors to that meeting?

Mr. LeBrun: About an hour ago, I received an email from Matt, sending me the data on the gallons and the amount of mixture used. So, Jason and I spoke and we are going to forward that information to Peter and give him a chance to look at it. That would be helpful, if you have an onsite visit to have that raw data to look at.

Mr. Mills: I don't think it's necessary to have the contractor here because we met with him three or four times. I think we should get you out here and you and Jan could meet and look at it. If you look at some of the other streets that they have done, Kingswood for example, the sealing is excellent. It couldn't be any better. In fact, even Kingswood Way is pretty good, but if you look at some of the other streets in Baytree, you can see where the sealer is minimal at its best. It has a wear pattern, which we knew was going to happen, but its wearing quicker than it should.

Ms. Hill: Correct.

Mr. Mills: So, we need your expertise.

Ms. Hill: You can see the stones underneath it. It is supposed to last five years and it hasn't lasted five months.

Mr. Mills: Yeah.

Ms. Hill: The amount of the sealer that they use, you have to take into consideration how many times those machines broke and how much sealer got wasted in all of the different areas. So, maybe that was the sealer that we were supposed to get from that third coat. If it has three coats now, then those coats were really worn.

Mr. Mills: Yeah. So, if you would do that, Peter, coordinate it through Jeremy and line up a time when Jan is available for you two to look at it. I don't need to be involved.

Ms. Hill: I'm here until the 16th.

Mr. Armans: Jeremy, I don't know if I have your contact information. So, would you please send me an email along with the contact information for the Board Member that we need to meet with in the field?

Mr. LeBrun: Yeah. I just forwarded to you the data from the contractor as well.

Mr. Mills: The second item, which I don't want you to take seriously, is when you mentioned the fact that the sealer doesn't bond to the concrete, I want to differ with you on that one. They actually had to chisel some of the sealer off of the concrete. In other areas, they had to use an acid to get it off. So, I don't want to hear from anybody that the sealer doesn't bond to concrete, because it does.

Mr. Armans: Yeah.

Mr. Mills: So, having it done over...

Mr. Armans: I think it's probably because of whoever made the sealer, didn't test it on concrete. So, it's easy for them to say that it doesn't bond to concrete.

Mr. Mills: It does. So, in the future, if you ever hear about that, it does bond to concrete.

Mr. Armans: Yes. We have our reference. That sounds great. If you guys have anything else for me, please let me know. Otherwise, that's it for my report.

Mr. Mills: Okay. Thanks very much.

Mr. Armans left the meeting.

THIRD ORDER OF BUSINESS

Community Updates

A. Security

Mr. McLeod: In February, we had four administrative visits for the remainder of that month. Our Managers came out. In March, we had six visits. The officers completed their monthly training for February. I reported to the Board last month, but I'll finish up. They did their first amendment auditors Part 1 training in February and in March they did the first amendment auditors Part 2 training. This month, they will be doing severe weather safety awareness. I haven't received any complaints about any of the officers.

Mr. Mills: They are doing good. This training for weather training is for snow. Right?

Mr. McLeod: Yes.

Mr. Brown: The lock on the sliding door, needs to get fixed. If you have a storm, you can't lock it.

Mr. McLeod: Yeah. It broke once, I fixed it. It broke again. It should be under warranty. The new one that they put in does not have a lock. Neither one of them did. I requested the lock for that.

Mr. Brown: The other door doesn't have a lock?

Mr. McLeod: They don't come with locks. We had to get them separately, which I did and which I'm using, but not for the other one. It locks manually with a key. But if we evacuate, we would need a lock with a key.

Mr. Brown: They could lock it from the inside. The one that they use all the time, we need to replace.

Mr. McLeod: I was going to ask about storm doors because the doors are wide open.

Mr. Brown: Check with the guard to see if there's an issue with air flow.

Mr. McLeod: There have not been any complaints.

Mr. Brown: I haven't heard anything.

Mr. Mills: Especially since they put the new doors in.

Mr. Brown: Have them keep an eye on it. If there is an issue, let us know.

Mr. McLeod: Absolutely.

Mr. Mills: Alright. Bill, thanks very much.

Mr. McLeod: You're welcome.

B. BCA

Mr. Mills: Bob, you're up.

Mr. Eksten: Okay. Thank you. I have a couple of things today. As everybody knows, your Board as well as mine, are dealing with a lot of complaints from homeowners regarding the golf course. We are moving ahead on this and I drafted a letter that I might be sending to Mr. Charles Staples, the Chairman and CEO of Florida Golf. They own the golf course. I also briefly talked with Mr. Daniel Silcox, the General Manager and told him that I would like to meet with him. Today was his day off. So maybe Friday, you can go with me to talk about this. I thought that I would read the letter that I am sending so you folks know what I said. *Dear Mr. Staples, As President of the Baytree Community Association (BCA), I am writing to request action to address serious drainage issues on the Baytree Golf Course and private properties that border your golf course. There are serious drainage issues for some of our Baytree homeowners. In particular, several property owners, on the 6th and 7th fairway and by the 11th hole tee boxes, have provided evidence to the BCA Board, providing that their lanais are consistently flooding with excess water from the golf course during heavy rains. In many cases, the drains that are in place, have not been maintained by the golf course maintenance team and are no longer functioning. In one or two other cases, it appears that new drains may need to be installed to prevent water runoff from the golf course into homeowner lanais or pools. The BCA attorney has advised me that these homeowners need to notify golf course management directly, either individually or as a group, since the BCA owns no property and would have no legal standing in any lawsuit. This letter serves as an alert to you, in the hopes that we can proactively work together to address the drainage issues before our residents resort to any legal action. Please let me know your thoughts via email or reach out to me at the number provided. Thank you for your prompt attention.*" I did give a copy of this to Jason. Jason had some inquiries about this as well as you do. I will be sending a copy to management as well as to Mr. Staples and Mel on Friday. We'll talk to Daniel and give him a copy of this as well, so we are on the same page. Again, my hope is that we can get them to add drainage quickly and avoid legal action as people are trying to form a class action lawsuit. I think it also puts the responsibility on them. We can't be involved as we have no legal standing. The second thing that I would like to talk about is we would like to restrict new homeowners to not rent their property until they have lived at that address for at least 18 months. The latest numbers that I have as of a couple of days ago, is we

have 181 guests and proxies from residents to pass this. That shows overwhelming support for this and it also shows an overwhelming apathy on the part of a lot of homeowners. So, the good news is the proxies are good for 90 days past our April 24th BCA meeting. So, if we don't get close to the 309 that we must have to pass this amendment, we'll have to make more effort again. Sandy, I know that you have done a great deal of effort and Jackie and some other people have as well. I do understand that the letter that was sent out, was a little bit difficult for everybody, but I think if we get enough word out there that this is in your best interest as it does protect your property values, we should be able to get this passed. I had one homeowner write me about five different times, wanting to know more and more about what this means and I ran the examples of where this was adversely affecting property values and so on. I read in one community, Palm Bay, I believe, where a corporation came in and bought about 150 homes to rent out. That does not bode well for your property values. We see all the time in our violation reports, where a renter, doesn't quite have the same feeling about maintaining that property the way that a homeowner would. Isles of Baytree (IOB) did this because they had a huge influx of rental properties. After those discussions, over five emails, we finally said, "*You have a good point,*" we should vote for this. So, my hope is that we could continue to get the word out there that it is in your best interest to pass this. I think we may need to send out some more proxy ballots.

Mr. Mills: Bob, I personally think the letter was so litigious that people didn't really understand the whole scenario. I think maybe you should send another letter plainly written.

Mr. Pawelczyk: That is my suggestion, to send out whatever legalese you have to have in the actual voting form.

Mr. Mills: Right.

Mr. Pawelczyk: Put that there. The rest of it should explain in simple language, what you are talking about and why you need to do this.

Mr. Mills: Yes.

Mr. Pawelczyk: That would be my recommendation.

Ms. Simmons: I know that Sandy and Art have been working on that for Kingswood, but I don't know about the other Voting Members (VMs).

Resident (Sandy Schoonmaker, Berwick Way): They are. I am in touch with several of them. We had proxies at every event and received five or six every time.

Mr. Mills: Chatsworth Drive hasn't been done at all. I signed mine and sent it in.

Mr. Brown: I didn't turn mine in right away. I just turned it in last week.

Ms. Hill: I just figured that I could be at the meeting.

Mr. Eksten: We have our annual meeting on April 24th at 1:00 p.m. at the Clubhouse. We are doing the elections of the VMs as well as the officers. Hopefully, folks will attend.

Mr. Mills: Thanks Bob.

C. Isles of Baytree

Mr. Mills: Joanne said she might be late. So, we will proceed with the agenda.

FOURTH ORDER OF BUSINESS

Consent Agenda

A. Approval of the Minutes of the February 1, 2023 Board of Supervisors Meeting

Mr. Mills: I guess everyone has seen them.

Ms. Hill: I have a correction. On Page 24, its "*Southpointe*" not "*Southwind*."

On MOTION by Mr. Brown seconded by Ms. Hill with all in favor the Minutes of the February 1, 2023 Meeting were approved, as amended.

Mr. Mills: I'm sorry. I didn't introduce our new Manager, Jeremy. Jeremy, would you like to introduce yourself?

Mr. LeBrun: Sure. I am Mr. Jeremy LeBrun and have been shadowing Jason for seven or eight months. I joined GMS in the summer. Prior to joining GMS, I was a school principal in Brevard County. I did administration for about 10 years, for a total about 15 years in the educational system. I thought that I would try something new. So, I've been following Jason around in the Districts, learning. I live in Brevard County. Going forward, I think he announced at a workshop, that we're going to slowly transition. So, I will start doing the day-to-day things in the next 30 to 60 days and then fully come up after that time, having gotten a chance to learn from Jason and get to know everyone. I look forward to working with everyone.

FIFTH ORDER OF BUSINESS

Agenda

A. Discussion of Fiscal Year 2024 Budget

Mr. Mills: Jeremy, do you want to walk us through the budget?

Mr. LeBrun: Sure. In your agenda, you have an updated draft version of the budget. We took the comments from our last workshop. I know that we came to the workshop with an

assessment increase, but you made some changes to bring it down to no assessment increase for the upcoming fiscal year. Just to refresh your memory from the workshop, the biggest change was reducing the *Sidewalk/Gutter Repair* to \$14,500. You guys also decided to take a reduction in the *Roadway Project Fund* for one year, to keep assessments level in the current year and going into the next fiscal year. It also took into account a 5% increase for the various contracts for inflation. That 5% is included to be conservative in the actuals that we have in the financials today through 2/28. So, you should be able to see those as well. The major thing is that there is no assessment increase for this upcoming year, coming out of the last workshop. If there are any questions or comments, Jason and I could help on anything specific.

Mr. Brown: I would say as far as security is concerned, Bill and I were talking that they may want a 50 cents per hour increase for the guards to keep themselves in the market. Also, I have a question about some of the increases in expenses like *Engineering* going up 17%, *Attorney Fees* going up 26% and *Insurance* going up 28%. I know that *Insurance* went up from last year, but I haven't seen anything in the literature about another 25% to 30% increase.

Mr. Showe: We are getting those actual costs from the insurance company. There are going to be increases.

Mr. Brown: Is *Engineering* going up 17%?

Mr. Showe: The budget numbers for *Engineering* and *Attorney Fees* are ones that we use. They are just guesses at this point.

Mr. Brown: Okay.

Mr. Showe: They only bill based on actuals and we can make adjustments.

Mr. Mills: Do you see that kind of an increase?

Mr. Pawelczyk: It depends on the number of hours. We weren't asked to look at this. It is just based on their accounting software.

Mr. Showe: Yeah.

Mr. Brown: Okay.

Mr. Pawelczyk: I don't foresee an increase. We are asking for a fee adjustment. I don't know if it made it on this agenda. It is an increase in our hourly rate from \$225 to \$275 an hour for Partner and \$175 to \$225 an hour for Associate. We haven't increased our rates since 2005.

Mr. Mills: I know.

Mr. Pawelczyk: There has been a 52.4% CPI. We'll just put that on the next agenda.

Mr. Mills: Okay.

Mr. Pawelczyk: Even with that, that is minimal. It's not going to affect your budget.

Mr. Mills: I agree.

Mr. Pawelczyk: If you look at the projected numbers now, hopefully things stay the same.

Mr. Mills: Okay.

Mr. Pawelczyk: We will stay around that \$20,000 per year as opposed to the \$26,400. The other thing is, if you are going to increase your budget for any other reason, within the \$26,400, you can always move that \$6,000 to another line item, if you need it. So, there's flexibility there.

Mr. Mills: Jan, did you have any comments?

Ms. Hill: Basically, when we had the workshop, we recognized that we had just spent a lot on sealant, but it's supposed to ~~last~~ at least five years.

Mr. Brown: Right.

Ms. Hill: You know, that's a part of my issue with it being so thin in certain places. The other thing that comes out of that budget is the sidewalk. We are having that repaired now. So, I would assume, with all of these repairs, we won't have a big drain on it, at least for the next couple of years. But I do want to stipulate that we go back to setting aside the money because we can't wait until the last minute.

Mr. Brown: Right. My concern is we are now looking at an electrical proposal for almost \$200,000, just to redo the wiring ~~for~~ guardhouse ~~of~~ Wickham Road. Where is that money going to come from?

Mr. Mills: We are going to have to do it in phases.

Mr. Brown: I don't know how you do that in phases. I'm not an electrician.

Mr. Mills: We can.

Mr. Brown: To turn a lightbulb on, you have to have a wire going from Point A to Point B. That's what I'm worried about. The infrastructure is almost 30 years old and some of this infrastructure is going to start giving way. I don't want to turn around every year and say, "*Oh, lets increase the assessment.*" I would rather plan for it and set aside the money in a smaller scale on an annual basis, so when stuff like this hits us, we don't have to say, "*Oh my God!*"

Mr. Mills: I think you're preaching to the choir.

Mr. Brown: I'm sorry.

Mr. Mills: That's alright.

Mr. Brown: Can I get an Amen?

Mr. Mills: Amen. April, do you have anything?

Ms. Simmons: I do not.

Mr. Mills: Alright. Very good.

Mr. LeBrun: I just have one last thing. For the timeline, we're looking at adopting the Proposed Budget at the May meeting and then we will have the Public Hearing and the formal adoption at the August meeting.

Mr. Brown: So, if you can throw in a 50 cent per hour increase starting in October...

Mr. Showe: It already has a 10% increase. We'll let the accountants know that it's a 10% increase and they can re-calculate that.

Mr. Brown: I'm happy.

Mr. Mills: I'm glad that you're leaving happy.

B. Discussion of Proposal for Electrical Upgrades

Mr. Bosseler: Can we get another quote from another electrical company?

Mr. Mills: We are in the process of doing that. I gave him the name of a company and he's going to be meeting with Andy.

Ms. Hill: I have a question. Who writes the Request for Proposal (RFP)?

Mr. Brown: We didn't do an RFP. We brought Eau Gallie in because we've done a lot of work with them. The holiday lights on the left side by the Credit Union, were off more than they were on. Wires were being cut by the landscaping people. We were looking at all of the wiring and the ground fault indicators and just told them to look at it and redo it.

Ms. Hill: When the landscapers cut wires, do we go through their insurance company?

Mr. Brown: No.

Mr. Mills: There was an issue with an extension cord, basically.

Mr. Brown: It was an extension cord that cut across the road that was held down by duct tape and the landscaper just came along and whacked it.

Ms. Hill: I understand that for smaller jobs we wouldn't have an RFP, but when you get to \$200,000 jobs, we should have one.

Mr. LeBrun: Yes. Once you get to a certain amount, like \$194,000, we start to see proposals. So, it would probably be best to have a formal RFP.

Mr. Showe: Jan, just so you know, Andy has pretty good knowledge of what is required or what we want. Andy is working with the contractor directly. As Jeremy indicated, if we think that the bids are going to come in excess of \$194,000 or \$195,000, that is the statutory threshold. That's when we would create a formal RFP.

Ms. Hill: My husband is an Electrical Engineer. I don't understand it, but I asked him what he thought and he looked at the estimate of materials with the price, a diagram of the site and where they are going to place all of these connectors. He said, "*When you're spending this kind of money, that's what you normally expect to get.*" That's why I was asking. I have a whole page of notes. Mainly we need to know so that we don't end up here again with getting all of this work done and then still finding that we come up short. He had a number of things that he questioned.

Mr. Mills: I think there needs to be a blueprint.

Ms. Hill: That's what he was saying.

Mr. Mills: That way in the future, we can have somebody look at a blueprint and say, "*Ah.*"

Mr. Brown: Yeah.

Ms. Hill: Uh ha.

Mr. Mills: We don't have that now. That's a lot of the problems, because we don't know where the conduit is and where its feeding from. So, we need to start from the beginning. Mike?

Mr. Pawelczyk: Yeah. I was just thinking that a lot of those questions would be great to include in the agreement that we would eventually enter into.

Ms. Hill: Right.

Mr. Pawelczyk: I would encourage you to get those, so, they can include those in their discussions. Then, they will send that all to me and it will either be in the proposal or they will send it to me as additional specifications.

Ms. Hill: Okay.

Mr. Pawelczyk: I like Mel's idea of including an as-built showing us where all of the electrical is. Even if it costs a little more, it's worth every penny so we know where it is in the future.

Mr. Mills: Exactly.

Mr. Brown: Just so you are aware, Andy and I did specifically tell them that we wanted an as-built drawing showing where everything was.

Ms. Hill: I think when you are spending that kind of money, we need it.

Mr. Brown: Absolutely

Ms. Hill: The other thing that my husband questioned is they don't specify what kind of wiring they are using, whether it is aluminum or copper.

Mr. Brown: Its copper.

Ms. Hill: Okay. We definitely want it to be copper.

Mr. Mills: Along those lines, I talked to Jason before the meeting, that we don't have in our contracts that we will be holding back 10% or 20% until the job was completed, satisfactorily. We don't have that at all. I think we need to say, *"Anything above a certain number like \$20,000 or \$30,000, we need to be able to hold back money, until the job was completed to the Board's satisfaction."*

Mr. Pawelczyk: I will double check, but it depends. I always ask management to look at that with the compensation schedule to make sure that they are okay with it. I am writing a note. If you have a large project, you can have them hold back a 5% retainage. That wouldn't be paid until final inspection. For most of our agreements, they are not making that final payment until after final inspection. I'm almost positive that's in every agreement. You don't write a check until the Board says, *"Okay, here's your final payment."*

Mr. Mills: Okay. Because with the sealing project, we probably should've held out 20% instead of 10%.

Mr. Pawelczyk: When these come to the Board, I draft it. I took the old agreement and I used that. I don't know whether I changed that or not. They look at it to be sure that its right. So, in the future, I'll try to remember to remind you when it comes up, this is the payment schedule. We can always change that before we send it to the contractor.

Mr. Brown: Good idea.

Mr. Pawelczyk: Between all of us, we can remind each other to say, *"Okay, this is the payment schedule. This is the warranty. Those are really the big items."*

Ms. Hill: In addition to not having enough sealant, just by accident, I ended up running over one of those things to show you where the fire hydrant is, only it was black, during a

bicycle ride. So I didn't see it. I almost went down. It caused me to go back and start looking. It wasn't on the main street, but on the side streets, there is a number that is in the contract. I don't know what product they used.

Mr. Showe: They are RPMs.

Ms. Hill: Yeah.

Mr. Brown: Do you know what they were, Jan, because I went back and looked at them too?

Ms. Hill: There's one on Bradwick Way and Birchington Lane on the corner and further down Birchington Lane. Because of the problem with Bradwick Way and Ashwell Court, there's none at all by the fire hydrant. I don't know what happened to it.

Mr. Hatton: I replaced that myself.

Ms. Hill: Its gone again. I haven't gone down every street. I only got about halfway through the community. Like you said, I wasn't really looking for them, but I was riding and going pretty fast and hit one and went down.

Mr. Mills: Yeah, they don't take the coating off. They just replace them.

Ms. Hill: Right.

Mr. Hatton: They missed it and so did I.

Mr. Mills: Okay.

Mr. Hatton: I'll replace them.

Ms. Hill: Oh okay.

Mr. Hatton: We would normally replace them when a sealant is applied.

Ms. Hill: Its easy to miss them.

Mr. Mills: It is. Alright. Do we want to discuss any more regarding the electrical issues since we were waiting on another proposal? Hearing none,

C. Discussion of Proposal for Pool Deck Resurfacing

Mr. Mills: Richard, do you want to present this?

Mr. Bosseler: Yeah. Andy and I met and decided to work with the two lower bids. We are not going to talk to the company that bid \$31,000. With that being said, we were working to make sure we were comparing apples to apples. I called Gulfstream Pools in Cocoa Beach and I asked them for a couple of referrals, so I can personally take a look at their work. Andy is going

to call Orlando's Best Pool Deck Resurfacing and get a couple of referrals to look at their work. So, we're going to walk a little slower on this and make sure that we get a good job for what we pay.

Mr. Hatton: I talked with Ed also. He's going to come out and re-measure the four drains that we talked about in the area that was tiled. He knew that we had a meeting today and was going to try to get out here, but his schedule is pretty tight.

Mr. Brown: Do we have an expectation once we do this, how long the finish will last?

Mr. Bosseler: That's a good question.

Mr. Hatton: I believe its 15 years.

Mr. Brown: Okay.

Mr. Bosseler: I think that was the \$31,000 proposal.

Mr. Hatton: If you look at the proposal, that's with Behr's Premium paint. If we use polyurothane paint, it's a cooler touch and texture.

Mr. Bosseler: The lower one that came in about \$10,000, we're going to ask him to also bid doing the re-tiling right in front of the bathroom under the overhang. Its starting to crack, so its not going to be too long before that goes. If we end up working with them, I'm thinking it would cost \$15,000.

Mr. Brown: I was just curious if we had an idea how long it would last.

Mr. Showe: Its probably about seven years since the last resurfacing. Its been awhile. We expect to get seven, eight or nine years out of it.

Mr. Mills: We just painted it. If we did that stamped concrete, that will definitely last alot longer, but you are looking at spending \$25,000.

Mr. Hatton: Yeah.

Mr. Brown: You get what you pay for.

Mr. Hatton: We get to pick the color. There are about 15 color choices.

Mr. Mills: Cool. Is there anything else, Richard?

Mr. Bosseler: No.

D. Discussion of Additional Sheriff Patrols

Mr. Mills: That really worked. They gave out a bunch of fines. I asked for them to give me an actual count of how many tickets or citations were issued, but I haven't received it. Personally, I would like to see us implement this every other month or every quarter. I think it's

worth spending that extra money as it slowed people down. I have seen more people stopping at stop signs. It is \$169 ticket for not stopping at a stop sign, but there were two drivers today that did not stop at the stop sign on Chatsworth Drive. They kept right on going. So, I think it is money well spent. I refer back to April when she was taking her child to school and a car passed her on Baytree Drive. It is becoming a typical situation.

Mr. Brown: I got passed on Baytree Drive.

Mr. Mills: So, I would like to see the Board entertain having additional sheriff patrols every other month or once a quarter.

Mr. Brown: Either one is fine by me.

Ms. Hill: Me too.

Mr. Brown: For the next six months, lets do every other month and then re-assess it.

Mr. Mills: Okay.

Mr. Brown: I like the idea that nobody knows when this is going to happen.

Mr. Mills: That's right.

Mr. Brown: But I also have to say, I don't remember seeing a police car on National Drive checking to see if people stopped.

Mr. Mills: I have.

Mr. Brown: Okay. That's good.

Resident (Art Breitner, Kingswood Way): I have. Do we tell them what road we want them on?

Mr. Mills: Yes.

Resident (Art Breitner, Kingswood Way): Because I did see one on National Drive. I didn't see one trying to catch golfers in the morning, but I saw them in the afternoon, stopping people coming from the Clubhouse to get home in a hurry. However, they were sitting 300 yards from the stop sign and anyone seeing that squad car is going to slow down and stop at that stop sign. So, I didn't think that was a smart place for them to be.

Mr. Brown: If they go further back by Adrian's driveway, alot of people are not going to see them. Can we request that they be at a certain location at a certain time?

Mr. Mills: I don't think we can.

Mr. Showe: We try to give them a list of locations that we want them to be at and it's up to them. We don't always know exactly when they are coming in. We ask for certain dates on when they can fill those four hours.

Mr. Brown: Can we impress upon them that National Drive and Old Tramway gets alot of traffic early in the morning and people that don't stop at stop signs?

Mr. Mills: We had 7:00 a.m. to 10:00 a.m. and 3:00 p.m. to 6:00 p.m. I think those are good times.

Ms. Hill: I do too.

Mr. Brown: I agree, but it would be nice to have a car on National Drive.

Mr. Mills: I think we would still want to emphasize Kingswood Way, National Drive, Old Tramway Drive and Chatsworth Drive. We need a true concentration on those areas.

Mr. LeBrun: When I make the request, I will make sure that I request those specific streets and times. Do you want the same time; 7:00 a.m. to 10:00 a.m. and 3:00 p.m. to 6:00 p.m.?

Mr. Mills: Yeah.

Mr. LeBrun: I will make sure that's in there. The last time was February 16th through March 10th. What month did you want to start the every other month cycle?

Mr. Brown: April is tax month. Let's wait until May.

Mr. Mills: In May, school is out. Let's do it every other month. You can put that on the same form.

Ms. Hill: So, we're going to do it in May and skip June?

Mr. Mills: Yes.

Mr. Brown: Do it in July, skip August and do it in September. At the September meeting, we'll reassess it.

Mr. Showe: Okay.

Mr. LeBrun: Would the Board like for them to go straight to citations and not issue any warnings?

Mr. Brown: No warnings.

Mr. Mills: Absolutely. Put that in big letters, "*NO WARNINGS. TICKETS ONLY.*"

SIXTH ORDER OF BUSINESS
A. CDD Action Items

CDD Action Items/Staff Reports

Mr. Mills: Are there any CDD action items?

Mr. LeBrun: They are working on trimming back the CDD conservation areas to push it back to the natural tree line.

Mr. Art Breitner (Kingswood Way): I know that they were having problems with a machine.

Mr. Mills: I think so. However, on some of the pushbacks, they need to fine tune it.

Mr. Hatton: He told me that they were coming out on Thursday to clean up any mess he left behind.

Mr. Mills: Okay. On the first house on the left, there was a big pepper tree there that needs to be cut down.

Mr. Hatton: They didn't take it down?

Mr. Mills: No.

Mr. Hatton: I will remind them about that.

Mr. Mills: You haven't run through it yet?

Mr. Hatton: No.

Mr. Mills: You might want to do that. I rode through there yesterday and they were still working on it. Is there anything else, Andy?

Mr. Hatton: Probably a couple of things that we haven't already touched on. Phil is going to re-measure the guardhouse. Access Control Systems (ACS) will be out tomorrow. The problem with the exit gate is it is loose. They disconnected the machine. A separate company comes out, takes it out, puts the new one in and then ACS will get it online. They are starting the work tomorrow and probably won't get it completed until next week. It will be replaced on Friday.

Mr. Mills: Okay.

Mr. Hatton: Richard and I were talking about having the pool furniture cleaned. I left a message with Jane today.

Mr. Bosseler: Tomorrow the pavilion is going to be pressure washed?

Mr. Hatton: Yes.

Mr. Bosseler: As well as areas in the parking lot.

Mr. Hatton: Yes.

Mr. Bosseler: Where the ice cream truck was. It all needs to be pressure washed.

Mr. Hatton: I talked with Ken to add that on. He said that he wasn't sure of the cost to pressure washing the additional areas, other than the pavilion, but he would provide us with a proposal.

Mr. Mills: If they do the parking lot where the ice cream truck was, send the bill to the BCA.

Mr. Bosseler: Okay.

Mr. Mills: Is he going to power wash the tables as well as the pavilion?

Mr. Hatton: Yes. He will be doing the picnic tables.

Mr. Mills: Perfect.

Mr. Eksten: As well as some areas in the parking lot that Richard and I looked at.

Mr. Mills: Very good.

Mr. Hatton: Regarding the sidewalk repairs, we only have two sections left.

Ms. Hill: They are doing a good job.

Mr. Brown: They are doing a good job.

Mr. Hatton: I know that pool furniture is not in the budget, but we are going to get a quote from our maintenance crew to re-strap it, in the meantime.

Ms. Hill: When are we going to do our sign?

Mr. Hatton: We can talk about that as soon as we are done. I will go on the website and pull up some sizes. Luckily that t-post is back there. Its expandable.

Ms. Hill: We just need the light.

Mr. Hatton: I'm sourcing a new light for that. The anchors that go in the asphalt for the speed bumps is blown out from people taking it off. I talked with the guy that is doing the sidewalks and he would gladly put in the bolts. So, I ordered new bolts for them. I ordered extra because I noticed some at the back gate that were loose when I walked on them.

Mr. Mills: Is there any adhesive that we can put on the back of those before we actually bolt them?

Mr. Hatton: We can, but I don't know if it will hold. The asphalt most of the time will give way before we do this. I don't know if you can see, but it actually came out of the asphalt. There are holes in there. We usually only use three of them, which we can move around.

Mr. Mills: Okay.

Mr. Hatton: My drill is not big enough to do it or I'd do it myself. There is a pretty substantial hole there. It is 6 inches long.

Mr. Mills: Oh wow.

Ms. Hill: There is one at the back end that's gone already.

Mr. Hatton: I pulled that one off. It was sideways.

Mr. Mills: Its laying right there. I saw it.

Ms. Sandy Schoonmaker (Berwick Way): I have a question. We always had a sign there that says, "*No Fishing.*" This last Spring Break, the sign was gone and kids were fishing there. I don't want to be a policeman. Are we responsible for putting that sign up or is the golf course?

Mr. Hatton: The first one?

Ms. Schoonmaker: The first one on the left by the fountain.

Mr. Mills: I think we should probably put it on.

Mr. Showe: It's our property. We will get it up.

Ms. Schoonmaker: Thank you.

Mr. Mills: Thanks, Sandy. Is that it?

Mr. Hatton: That's it.

B. Additional Staff Reports

i. Attorney

Mr. Mills: Mike?

Mr. Pawelczyk: I don't have anything.

ii. District Manager

Mr. LeBrun: I had one quick item. We covered most of it. I will follow up with Peter with the data that the sealer vendor sent to make sure that what they said is what actually happened. I will work with him. Regarding the transition, if there's something that you would normally email Jason about, start including me or making me the primary and copy Jason. The good news is he's 30 seconds away, so I can always go to him. I know that he has a long history here. He knows everything about this place. Going forward, I will start taking over the day-to-day type items. So, if you have any questions or comments or anything that I can help with, send it my way and I will get Jason's help if I need anything. In 30 to 60 days, we will slowly transition.

Mr. Mills: Do you want to give your contact information?

Mr. LeBrun: Sure.

Ms. Schoonmaker: What he always told us to do, is when we received a complaint that doesn't go to Fairway Management, we have been giving out Jason's contact information.

Mr. LeBrun: That's fine.

Mr. Showe: When I've been responding, I've been including Jeremy.

1. Field Manager's Report

Mr. Mills: You are already done.

SEVENTH ORDER OF BUSINESS

Treasurer's Report

A. Consideration of Check Register

Mr. Mills: Jeremy?

Mr. LeBrun: In your agenda, you have the Check Register for items totaling \$109,508.52. If there are no comments or questions, we would look for a motion to approve.

Mr. Brown: I just have a comment for my wonderful ACS. On their invoices, they are now charging us for freight. Not only are they charging us travel at a minimum hourly rate, now they are charging us freight.

Mr. Hatton: It is for the shipping for the new area rug.

Mr. Brown: Give me a break!

Mr. Mills: That's the rule of thumb.

On MOTION by Mr. Bossler seconded by Ms. Hill with Ms. Simmons, Mr. Mills, Mr. Bossler and Ms. Hill in favor and Mr. Brown dissenting, the Check Register for January 1, 2023 through February 28, 2023 in the amount of \$109,508.52 was approved. (Motion Passed 4-1)

B. Balance Sheet and Income Statement

Mr. LeBrun: The financials for February 28, 2023 were included in the agenda package. No action is required. It shows you where you are at this point in time. It looks like we are about 96% collected on assessments.

Mr. Mills: Very good.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Mills: April?

Ms. Simmons: I finished looking at all of the streetlights and I gave Andy a list of lights that are compromised. There are 22 that are about to break through from the weed whackers. Forty-nine have a purple hue. Three actual lights are out on Sandhurst Drive and two on Baytree Drive. That's it.

Ms. Schoonmaker: There is one in front of my house that's tilting to the side.

Mr. Hatton: We are still working on that. Jeremy reported one on Bradwick Way and Sandhurst Drive. He was told that it would take 30 days to replace.

Mr. LeBrun: They said it would take up to 40 days. We'll just keep on them. I know that Jason has been following up.

Mr. Mills: Try that card that I gave to you.

Ms. Schoonmaker: They spray painted our entire yard six weeks ago and now it is all mowed over and you can't see it

Mr. Breitner: They came out and identified the gas line four months ago and then three months ago, a Florida, Power & Light (FPL) truck came out. They spent three hours looking at the type of poles that we have. Before they left, they put a 3-foot hole in the ground and now I have grass growing out of the hole.

Mr. Mills: Mike, in our Lease Agreement, it says that you have to maintain these ^{holes} and they are not. What can we do from a legal perspective?

Poles

Mr. Pawelczyk: I would have to look at the agreement. I guess we could send them a demand letter. If you are going to try to enforce it, you could sue them.

Mr. Brown: Could we put a small border around their poles like we did with ours?

Mr. Mills: We could.

Mr. Brown: Why don't we do that?

Mr. Pawelczyk: Do what?

Mr. Mills: Put stones around the bottom.

Mr. Brown: So that weed whackers don't weed whack the bottom of the pole and wreck it.

Mr. Hatton: I want FPL to come out and do a review of that because I've seen in other places where they put a wrap around the bottom. A new pole has a different bottom.

Mr. Mills: Andy, try the guy that I gave you or somebody and see how you make out. If you don't, the Board may have to have FPL come.

Mr. Brown: Do the FPL lights have a special tool in order to change the light?

Mr. Hatton: The problem with those LEDs is it's an entire fixture. Those LEDs are soldered to a motherboard. You can't just unscrew the bulb. You have to replace the entire fixture.

Soldered

Mr. Brown: Can you buy the replacement parts online?

Mr. Hatton: No. Our Baytree CDD lights that we're responsible for, I ordered four and Eau Gallie is going to be installing those. I had to go through FPL to source them. They are coming to replace the one by the tennis court and one by the guardhouse.

Mr. Brown: Like April is saying, half of them are purple, so they are all going to go at some point.

Mr. Hatton: Luckily, that's done by maintenance.

Mr. Brown: They are right on top of that.

Mr. Mills: Alright. Rick, do you have anything?

Mr. Bosseler: I wanted to add one thing. When we get the pavilion pressure cleaned tomorrow, they are probably going to need painting.

Mr. Hatton: We'll work on that.

Mr. Brown: I have the name of a good painter.

Mr. Bosseler: Mel, you used that painter.

Mr. Mills: Justin?

Mr. Bosseler: Yeah. Do you think that they can do the job?

Mr. Mills: We're not using him anymore.

Mr. Bosseler: Alright. Enough said.

Mr. Mills: Jan, do you have anything?

Ms. Hill: No. I'm good.

Mr. Mills: Rick, do you have anything?

Mr. Brown: Just a quick question. Are we still announcing our meetings in Florida Today or are we using the website?

Mr. Showe: As far as I know, the website for Brevard has not been fully set up yet, but soon you will be able to use it. This was due to the legislation that they passed last year, but so far none of the counties that set infrastructure up is required to be compliant.

Mr. Pawelczyk: Broward has.

Mr. Brown: But nobody else.

Mr. Pawelczyk: In order to do it, you still have to advertise in the newspaper.

Mr. Brown: Really?

Mr. Pawelczyk: Yeah. You have to do an advertisement saying, "*We're going to start advertising on the website.*"

Mr. Brown: Every time you have a meeting?

Mr. Pawelczyk: Just once. I don't know how much money it's going to save. They charge you to do it.

Mr. Mills: Of course.

Mr. Pawelczyk: Brevard is going to charge you to post something on their website.

Mr. Brown: Oh yeah?

Mr. Pawelczyk: Absolutely. Broward does.

Ms. Hill: How about our website?

Mr. Pawelczyk: We can't put it on our website because the Legislature doesn't allow us to do that, even though that was what the original Bill said. When I look for a meeting for the City of Pompano Beach, do I look on Broward County's website to see when the meeting is? No. Do residents go to the Brevard County website to see when the Baytree CDD meets? No. they are going to go to the CDD website. So why wouldn't the Legislature allow it? It's unbelievable, the thought process that goes into that.

Ms. Hill: There is no thought process.

Mr. Mills: Alright. Let's move along. I heard that somebody is not going to be here in June. Is that correct?

Ms. Hill: I'll be here in June. I wasn't going to be here in May, but it turns out that I will be.

Mr. Mills: Okay. I will not be in May, June and/or July.

Mr. Showe: All it takes are three people for a quorum.

NINTH ORDER OF BUSINESS

Public Comment Period

Mr. Mills: Alright. We'll open it up for public comments.

Mr. Breitner: I just have one question. Are we ever going to fix the transponder? We used to have a problem with it every other month and there's an issue with it every week, but now it's every other day. With my car, in order for the gate to open, I have to be at the gate or under it.

Someone said that it was probably the transponder. At the rear gate, I have to be 15 feet away and it goes right up. So, it can't be my transponder, if one gate works and the other gate doesn't.

Mr. Brown: That resident gate in the front is a brand-new gate with a new mechanism. It has state of the art technology that cost \$8,500.

Mr. Hatton: It could be just the angle of your windshield. We will talk to ACS next time they are out and re-adjust the antenna.

Mr. Brown: Just make sure that they don't charge us for freight.

Mr. Hatton: I'll talk to them.

Mr. Mills: Andy, why don't you try a new transponder on his car.

Ms. Hill: That's what I was thinking.

Mr. Mills: Sometimes when I was doing them, one transponder would work and the other wouldn't. You have to be very careful if you move that antenna because other cars may have the same issue. That's why I'm suggesting that you change his transponder. Back when the system was installed and we were involved with this, Mr. Eksten and I tried the rear gate and drove to the front gate to make sure that it worked the same. Sometimes it would not. Sometimes the rear gate would work and the front gate would not work. We changed the transponder and it worked at both gates.

Ms. Hill: We have a SunPass and when I have the Sunpass too close to the transponder, it won't work. Apparently, they use the same frequency.

Mr. Hatton: If you want to bring it back next Monday, we'll switch out transponders.

Mr. Mills: Have him replace it on Monday.

Mr. Mills: Is there anything else to be brought before the Board? Hearing none, we need a motion to adjourn.

TENTH ORDER OF BUSINESS

Adjournment

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


Secretary/Assistant Secretary
Chairman/Vice Chairman