

MINUTES OF MEETING
BAYTREE
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Baytree Community Development District was held on Wednesday, May 3, 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
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: Is Peter on the phone?

Mr. Armans: Yes.

Mr. Mills: We are ready for your report.

Mr. Armans: The first item that I'm reporting on, is that I'm coordinating with the contractor for the seal coating. I have been in touch with them. I came out and inspected all of the intersections that I was sent to look at. Based on my inspection, one intersection clearly has wear and tear from people slowing down and then speeding up. In some areas, the aggregate in the pavement is projecting. This is a bit technical, but it means that they would've been a better candidate for a mill and resurface. But these are small, isolated areas. Because of that, the

friction shows up a lot more on the aggregate. However, the sealant was applied properly in the right locations and doing what it was supposed to do as it was not on top of the aggregate. It was supposed to line the aggregates together. With that being said, there are definitely some areas where I saw some clear lines between what was applied, like one layer or two and areas that consistently had more coverage. So, I talked to the contractor, and they are willing to come back out and re-look at it. We are going to do that on Friday, but I want to clarify two things. One is that we want to make sure that what we communicate with the contractor comes through one channel, so they are not getting different feedback. I don't want to tell them, *"There are areas that you need to do. You need to do five or six or the other way around."* I'm going to meet with the contractor and we're going to agree on a few areas. If somebody from the CDD would like to communicate with me about it or meet with me, you can, but I definitely don't want to negotiate with the contractor about engineering judgement because that is our responsibility. But if we are missing something that they want to highlight, for sure we want to do that and make sure that the CDD gets what they paid for. So, they are going to come back out and we are going to identify some areas and they are going to take care of it. Then they will be done. We just wanted to make sure that you guys understand that some of what you are saying is just normal wear and tear, which was communicated early on, especially in higher traffic areas. So, that's the first item. Are there any questions?

Ms. Hill: Yes. I want to know why you negotiated with Pothole Heroes. Why did you contact them? You were supposed to contact us and hear our concerns. There was no direction for you to negotiate with Pothole Heroes.

Mr. Armans: I feel like that was exactly what I was instructed to do, which was to inspect these areas and find out if they need to be re-done and communicate with the contractor. If I misunderstood, I apologize.

Ms. Hill: We wanted an independent evaluation from you of the work that was done, not a negotiated evaluation.

Mr. Armans: I completed that. I looked at all the different intersections. Based on my findings, some of these areas are normal wear and tear, which is what we expect. There are maybe a handful of corners within an intersection that may need some re-application. So, that is our independent evaluation. However, I do want to clarify that when it comes to communicating with contractors and we go out and get bids or write quotes, our job is to communicate with the

contractor to make sure that the work is done according to our design and specs. I apologize if I reached out to the contractor without specifically mentioning that, but that is typically what we do.

Mr. Brown: Did you have Jan's punch-list with you or did you just look at the intersections throughout the community?

Mr. Armans: I asked the CDD Manager to send me a list. I tried to schedule a time with Jan first and I think the CDD Manager mentioned that she was on vacation and I could go and look at it. He sent me a list of all the intersections. I'm not sure if Jan was the source of that list.

Mr. Brown: Do you have a list of the intersections that you as the engineer feel is normal wear and tear? I would like to know what they are.

Mr. Armans: There are only a couple that need re-application. Any area where you have a stop sign and people need to slow down and turn their wheel and start speeding up, causes normal wear and tear. Because a lot of the questions are coming up regarding discoloration of the pavement, I noticed that some areas were discolored, like when you start to see that lighter white/grey color. That is perfectly normal. That is what we expect to see because a seal coat is not supposed to color the aggregate. It's supposed to bind the aggregate together. It will always wear off of the top of the aggregate, but stay in between it. So, the majority of these are in fact due to wear and tear. I have to look at my field notes, but I will be meeting with the contractor on Friday to talk about it. If you would like for me not to meet with the contractor and have someone else handle that, let me know.

Mr. Mills: Peter, the unfortunate part of it is that there has been quite a distance from the time that it was put down until now. In a lot of the areas that we're seeing the lighter white/grey, were there and were prevalent, the month after they got off of the job. That is one of the reasons we held back the money. We were not pleased with what we saw. There is normal wear and tear all around the corner, but there are areas in the center of the intersection where basically a car will not turn. It's very thin compared to what it is in other areas. The sad part is it was completed in December or January and we still had these issues then.

Mr. Armans: Yeah. There were seven locations, if I remember correctly, that I was asked to look at. I believe there were five that I recommended some additional application. Before I commit to the contractor, which is why I'm going to meet with them on Friday. I will ask them to come back and do one spray on coat and be done with it. I took pictures of the aggregate so

you could see the difference between an area where you have aggregate projecting and no aggregate projecting. That is because those intersections would have been a better candidate for a mill and resurface. When we do a mill and resurface, this would be the first location we should do.

Mr. Mills: Jan isn't available on Friday. What time are you planning on meeting?

Mr. Armans: Friday morning. I believe its scheduled for 9:30 a.m.

Mr. LeBrun: I can attend as well.

Mr. Mills: If the Board doesn't mind, Jeremy and I will be there.

Mr. Armans: Perfect. So, Friday at 9:30 a.m., we'll meet at the gate.

Mr. Mills: Perfect.

Mr. Breitner: I understand that five to seven locations were identified. Can you please make sure that the corner of Chatsworth Drive and Old Tramway Drive is on the list?

Mr. Mills: I got you. Is there anything else, Peter?

Mr. Armans: Yes. We ran some cost estimates on the roadway repair for Birchington Lane and Bradwick Way. On Birchington Lane, one area needs to be repaired. We had an estimate for the area in front of the house that has a tree that lifted the curb and pavement. The estimated cost is \$17,000. On Bradwick Way, there were two options for us to evaluate. One option was to try to create a depression in the grass area next to curb at the intersection of Bradwick Way, to let the water seep into the grass. Another option was to put in a catch basin and below it, a container to collect the water. The difference in cost between these two options is \$2,000. The first option is \$16,000 and the other is \$18,000.

Mr. Mills: But that's predicated upon the water level of the ground. Correct?

Mr. Armans: Correct. The ground water level. That would require us to geotechnical bore to identify where the water level is and the normal water level versus high water level during a rain event. But at the end of the day, that may not be feasible. Basically, the cost to do that repair is about \$16,000. There is a concrete section that is broken up. We would repave that with asphalt, remove to concrete and treat it like a curb to allow the water to pond into the corner. We would then regrade that grass area to be more of a swale, because right now, its flat. It's not going to be flat as it is right now and it would be more of a swale.

Mr. Mills: Peter, this is my opinion only. Option 1 for \$16,000, in my opinion, once its complete, there's no existing maintenance cost. If we do a catch basin, we're going to have maintenance costs. Correct?

Mr. Armans: Absolutely. You are going to have to clean it on a regular basis.

Mr. Mills: Does anyone on the Board have anything to say?

Ms. Simmons: Yes. Are we talking about Ashwell?

Mr. Mills: Ashwell Court and Bradwick Way.

Ms. Simmons: We're talking about puddles.

Mr. Mills: Yes.

Ms. Simmons: Not in front of anyone's driveway. It's in the gutter. I don't feel like spending this money.

Mr. Mills: Okay. Rick?

Mr. Bosseler: Well, I looked at it a couple of times and the pavement is cracked. It's unsightly and not normal in our community. So, I feel that maybe we would be better off going with asphalt because concrete didn't work.

Ms. Simmons: There is a gutter that goes down the road and another gutter that goes around. So, the places where its catching are where the gutters are meeting. Right?

Mr. Mills: Yeah. Jan?

Ms. Hill: It's my understanding that this was caused by a fire hydrant having an issue. Is that correct?

Mr. Mills: No. It was because the road wasn't properly graded.

Ms. Hill: Then it came to our attention.

Mr. Mills: It's been at our attention for several years. Rick?

Mr. Brown: I don't see puddles during a heavy rain, but it doesn't prevent vehicles from driving on the road. It's not a very heavily trafficked area. I would say to defer it until we have to mill and resurface that area and then fix it at that point.

Mr. Mills: I agree.

Mr. Brown: If the water was congregating to such an extent that a car couldn't get through, then that's a different issue. It's just puddling and attracting mosquitoes. I don't think anyone has gotten malaria on Bradwick Way, so I think we're okay with that.

Ms. Simmons: When I dropped my daughter off in the morning, there were puddles. I think by 5:30 p.m., they dissipate. I actually saw areas where it was affecting more people.

Ms. Hill: It is unsightly.

Mr. Mills: Its unsightly.

Ms. Hill: It probably does need some kind of cosmetic attention, but not \$16,000 worth.

Mr. Mills: Peter, you had a conversation with a resident that lived there. Correct?

Mr. Armans: Correct. I had a conversation with the gentleman that lives on that corner. When we surveyed that area to see what repair we could do, we noticed that the entire road was milled flat and there was not very much grade to direct the water. So, I asked him if water was puddling before the fire hydrant repair was completed. He said, *"Yes, it was puddling even before that, but not as much as it is now."* So, it was already puddling, which confirms our survey. By survey, I mean we took elevation shots throughout the intersection. It was all very flat to begin with and not enough of a grade to direct water in different directions.

Mr. Mills: Probably settlement caused the concrete to crack. So, you had settling that took place as well because most of that was filled to begin with.

Mr. Armans: Correct. There was already flat puddling somewhat and some work done on the concrete. The concrete settled, so it puddles a little more and maybe is not aesthetically pleasing because of the broken concrete. The challenge is that we cannot direct that water to go down the road. We have to deal with it in the corner of that intersection.

Mr. Mills: That's the cul-de-sac that Carolyn lives on as well as Ms. Joanne Waltman. I know that they have all filed complaints, if I remember correctly. It's up to the Board on whether we move forward or just let it be.

Mr. Brown: I personally don't want to move forward. The engineer completed his study and came up with two recommendations for Bradwick Way and Ashwell Court and one recommendation for Birchington Lane. I would say to leave them as they are, since there is not a safety issue or an issue with vehicles not being able to traverse either one of those areas, until we mill and resurface. Then we can correct those two problems.

Mr. Mills: Jason, correct me if I'm wrong, but isn't the one on Birchington Lane in front of where Mr. Mike Sherbin lived?

Mr. Showe: Yeah.

Mr. Brown: Yes. Right by that specimen tree.

Mr. Armans: That tree is creating a trip hazard. So, there may be a safety concern.

Mr. Showe: That tree cannot be removed.

Mr. Armans: In our estimate, we included replacing the front part of the driveway that abuts up against the curb. Because if we fix the curb, there is already a lift there, which is a trip hazard. So, we would create more of a lip. We would repair that section as well to take care of the safety issue.

Mr. Showe: I concur with Rick. We knew these were issues and were going to address those when we mill and resurface. Obviously, the Board chose to deal with the sealing process, so we wanted to revisit this to see what the next steps would be. Certainly, it was always the intent of the Board that when we did mill and resurface those roads, we would make those changes. It might save some money.

Mr. Brown: We also have a contract to repair all sidewalks throughout the community. Maybe we should have them take a look at the sidewalk for that specific property and maybe they have a recommendation to eliminate the trip hazard as opposed to spending \$17,000.

Ms. Hill: Good idea.

Mr. Armans: Yeah. I'll ask them.

Mr. Mills: So, I guess for now, we are just going to let it be and have the concrete people look at that curb.

Mr. Bosseler: That's fine. Just for the record, when you go down Bradwick Way, it is the first cul-de-sac on the right, not where they are turning.

Mr. Mills: Yeah.

Mr. Bosseler: So very few people come out of that cul-de-sac and turn right. They all turn left to get back onto Baytree Drive. To Rick's point, it's rarely used.

Mr. Mills: Alright. You have your marching orders, Peter. We are not doing anything.

Mr. Armans: Sounds good. We will continue to monitor it and if anything happens, we'll look at it again.

Mr. Mills: We'll see you on Friday morning at 9:30 a.m.

Mr. Armans: I'll see you guys at the gate at 9:30 a.m.

Mr. Mills: Thank you.

Mr. Armans left the meeting.

THIRD ORDER OF BUSINESS

Community Updates

A. Security

Mr. Mills: Mr. Bill McLeod is not here.

B. BCA

Mr. Mills: Bob, do you want to give your Baytree Community Association (BCA) report?

Mr. Eksten: Okay. I have a couple of items. First of all, I have the mail-in proxy ballots, to amend our documents to prevent people from renting homes in Baytree. They must live in the home for 18 months before they can rent it. Unfortunately, it takes two-thirds of the community to vote, "Yes" on that ballot. That is not an easy number to get to, but as announced at our BCA meeting last week, we did get to that number, which was 314 votes. It is a major accomplishment because that's very hard to do. My position at the beginning was that we would never get it. First of all, it is hard to find everyone in the community. Secondly, the legalese that the ballot was written in, caused a lot of people to file it and dismiss it. So, it took a lot of effort on the part of the Voting Members (VMs) and Jackie and I knocking on doors to explain to people what this was all about. At the last minute, we got the required number. Once the legal process is finished, when any new buyer purchases a home in Baytree, they cannot rent their house until they are living there for 18 months. I think that's a good thing. We had to explain the details to a lot of people, but I think once people understood it, they did agree. Secondly, at our meeting last week, we formed a new committee to address golf course rainwater drainage onto lanais and pools and possibly into their homes. We formed that committee because at the meeting, Mr. Wayne Wilkerson announced that he did not know this before and had been working on the drainage issues for a while. He is a friend of Mr. Charlie Staples, the CEO of Fore Golf Partners. So, I asked him to serve on that committee. I also asked Mr. Paul Kanakowski to serve. We are working with Fore Golf management. So, hopefully, we will get some action. Rick, on behalf of your committee, I hope to hear some good things and make some progress to alleviate the drainage issues before the rainy season.

Mr. Brown: I talked to Wayne and I'm leaving on Monday for a trip. When I get back, we're going to plan a face-to-face meeting with Charlie.

Mr. Eksten: Other than that, Sue is having another reptile event, which is coming up soon.

Ms. Hill: On the vote that got passed, will there be some kind of notification or form that people need to fill out, sign and acknowledge at closing when they buy a home?

Mr. Eksten: This will be placed into our governing documents.

Mr. Mills: It will be filed with the county.

Mr. Pawelczyk: It's an amendment to your covenants. It will appear on the title work before they buy the property.

Ms. Hill: Okay.

Mr. Pawelczyk: Your covenants are basically, whether you like it or not, a contract.

Ms. Hill: Okay.

Mr. Brown: Do you know when the attorney is going to file that with the county?

Mr. Eksten: He has the paperwork. So, whenever he gets it filed with the State, we'll let them know.

Mr. Brown: It would be nice if he could do it next week instead of next month.

Mr. Eksten: Mike would know more about that.

Mr. Pawelczyk: I don't know anything about HOA covenants.

Ms. Joanne Wagner (IOB): It takes about two months.

Mr. Eksten: By the way, I would like to thank Joanne for helping me to get two-thirds of homeowners in the community to approve it. I'm very proud of her.

Mr. Mills: I think that Sandy also went above and beyond to get the people in Kingswood to sign it.

Ms. Wagner: It was a team effort.

Mr. Mills: Great teamwork. Do you have anything else, Bob?

Mr. Eksten: That will do it.

C. Isles of Baytree

Mr. Mills: Joanne, it's nice to have you with us.

Ms. Wagner: Thank you. It's nice to be back. We had our annual election in April and I was elected President.

Mr. Brown: They should just make you President for life.

Ms. Wagner: It was the first time, though, that we really had an election, because we had more than five people that wanted to be on the Board. So, we have five people now on the Board.

Usually, we have three. Two guys are helping me a lot, especially with the Clubhouse and things like that. So, I'm very pleased with the Board that we have. I just want to go back to the rental agreement. It does work. You would think, "*Oh gosh, these people are not going to do it,*" but I have a couple of people that want to keep their house. They all call management before they do anything. We have 15 rentals. It's worked out very well.

Mr. Mills: Good.

Ms. Wagner: So, it's a good thing to do. We have a lot of repairs that happened all at once at our Clubhouse. The air conditioning went out and we had to replace the entire unit. But once they got into the attic, they found that the furnace needed to be replaced. The hot water heater was falling apart and dripping all over the place. Our fountain outside of the Clubhouse also wasn't working. Lighthouse thought it was turned off because of the drought, but that wasn't the case. The motor was messed up again. So, we're just going to have to replace that. We also still have an issue with people with their dogs. People are disposing of their trash at the Clubhouse. So, I have hidden the trash cans for now and they are all asking where they are at. I tell them, "*You can just take your trash home with you.*" So, we'll see how that works. We have an alligator that is very large on Kingswood behind a house. I suspect that the woman is feeding them. It's up on the bank and raises its head. She thinks it hilarious, but the ones that are complaining have grandchildren. My responsibility is to get it out of there. I'm sure everyone else feels the same way. It's very aggressive. She even named it.

Mr. LeBrun: Typically, if a resident does feel that an alligator is aggressive or a nuisance, they would call the Florida Fish and Wildlife Conservation Commission. They usually give you a case number. If you let me know, I can contact them with that case number. They usually harvest the alligator.

Ms. Wagner: This one looks like its 8 to 10 feet.

Mr. Showe: It has to be a minimum of 4 feet.

Mr. LeBrun: We prefer that residents call it in because they will have that first hand knowledge. They will ask you a bunch of questions. So, we ask residents to call in.

Ms. Wagner: So, we can just tell the residents that are concerned to call it in.

Mr. LeBrun: Yeah.

Ms. Wagner: Okay.

Mr. Showe: Like Jeremy said, they will give you a case number. I'm not sure which lake it is, if it's one of your lakes.

Ms. Wagner: Its ours.

Mr. Showe: The property owner would need to get a case number and call it in.

Ms. Wagner: Okay. That's all I have.

Mr. Eksten: I forgot to mention that we also had our election at our last meeting. We had a bunch of people wanting to volunteer. Two sitting members were re-elected, so our Board remains exactly the same.

Mr. Mills: Good. Thanks Bob.

FOURTH ORDER OF BUSINESS

Consent Agenda

A. Approval of the Minutes of the April 5, 2023 Board of Supervisors Meeting

Mr. Mills: I'll entertain a motion for approval of the minutes.

On MOTION by Mr. Brown seconded by Ms. Hill with all in favor the Minutes of the April 5, 2023 Meeting were approved, as presented.

FIFTH ORDER OF BUSINESS

Agenda

A. Ratification of Joint Acknowledgement of Encroachment into Drainage Easement

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

Mr. Pawelczyk: Yes. This is the Joint Acknowledgement of Encroachment that is applicable to the Ray property at 8175 Bedford Way. This is where the property owner acknowledges that they are encroaching. The actual home encroaches onto one of the District's drainage easements. Despite the fact that we've all been here for 25 years, no one knew that the home was built in the easement until last year. So, this just acknowledges that. It was recorded in the public record, as you can see. We previously authorized execution of it. This way, anytime someone buys that home, it shows up in the record that there is an encroachment there.

Ms. Hill: Does that protect us?

Mr. Pawelczyk: To the best we can, yes. Typically, you would have an Encroachment Agreement from the owner that says, *"If you're encroaching on our easement, if we tell you to move it or remove the encroachment, you have to move it."* But the encroachment is actually in the corner of the property, so they are not going to move it. After going back and forth with the

Rays, this was the best that we could come up. If you recall, we talked about scoping a line to find out where the line actually was. It is somewhere within the easement and its draining from the road to a lake. So, if we have to get in there, it shouldn't be that much of an issue. We just have to be careful. But even if they did encroach into our easement and it was outside of the easement, we still have to be careful. It only encroaches a small area, less than a yard. So, yes, I think this is the best we can do. This is a culmination of the discussion we had over the years.

Mr. Mills: Thank you, Mike for getting this accomplished. We greatly appreciate it. We need to ratify that and I'll entertain a motion.

On MOTION by Mr. Brown seconded by Ms. Hill with all in favor the Joint Acknowledgement of Encroachment into a Drainage Easement for the Ray property at 8175 Bedford Way, was approved.

B. Consideration of District Counsel Fee Adjustment

Mr. Mills: Moving on to a topic that we really need to discuss at length, is the attorney fees.

Mr. Brown: You have to be kidding me.

Mr. Pawelczyk: All of the work that was done before, was done at the lower amount. To quickly summarize, the letter was included in your agenda package. The current fee structure has been in place since 2005. That was the last time we changed our rates. So, we are asking that the rate be increased. The partner rate was \$225 and the associate rate was \$175. So, after 18 years, we are asking that it be increased to \$275 an hour for partners and \$225 an hour for associates. During that time period, there was a 52.4% increase in the Consumer Price Index (CPI) and we are well under that. We think this is comparable with the market rates for local Government District Counsel. I'm happy to answer any questions.

Mr. Mills: I certainly don't have any.

Mr. Pawelczyk: It's not going to impact your budget. Because we really didn't do a whole lot of work for this District other than attending meetings.

Mr. Mills: What do you charge for family law?

Mr. Pawelczyk: We don't handle family law. It's a local Government practice and we charge local Government rates. After 30 years, I've been asked to do other things, but I'm going to stick with Special District Law.

On MOTION by Mr. Brown seconded by Ms. Hill with all in favor the District Counsel fee adjustment request, was approved.

- **Consideration of Resolution 2023-04 Electing Jeremy LeBrun as Assistant Secretary**

Mr. Mills: Moving along, we have a resolution electing Jeremy as Assistant Secretary.

Mr. Brown: You forgot about the budget.

Mr. Mills: I'm going to come back to that. I wanted to get this one done first. We need a motion to elect Jeremy as Assistant Secretary.

On MOTION by Mr. Brown seconded by Ms. Hill with all in favor electing Mr. Jeremy LeBrun as Assistant Secretary as evidenced by Resolution 2023-04 Electing Jeremy LeBrun as Assistant Secretary, was adopted.

C. Consideration of Resolution 2023-03 Approving the Proposed Fiscal Year 2024 Budget and Setting a Public Hearing

Mr. Mills: Now we'll go back to the proposed fiscal year budget and setting a public hearing. Jeremy, do you want to present this?

Mr. LeBrun: Sure. Not much has changed. We took the changes from our last meeting. The main one was to increase the *Security Contract* hourly rate to 50 cents per hour. They also adjusted *Attorney Fees* and *Engineering* to the same amount as Fiscal Year 2023. The Board adjusted the pavement reserve contribution for one year only, to keep assessments level for this upcoming year. All of the changes thus far are in this budget. We did make a minor change to make the *Gate Maintenance* and *Transponder* section clearer because gate repairs are under the *Gate Maintenance* line item. This will clarify the access maintenance cost of the transponders on one line and the physical gate maintenance on another. So, those are the changes that we had since our last meeting. This is just setting the public hearing date and set ceiling, so we can still make adjustments up to that hearing date. So, the Board would be approving this Proposed Budget and setting that public hearing date that's in the resolution.

Mr. Mills: April, do you have any comments to make?

Ms. Simmons: No.

Mr. Mills: Richard?

Mr. Bosseler: No.

Mr. Mills: Rick?

Mr. Brown: I'm good for now.

Mr. Mills: Alright. I'll entertain a motion to approve the resolution.

On MOTION by Mr. Brown seconded by Ms. Hill with all in favor Resolution 2023-03 Approving the Proposed Fiscal Year 2024 Budget and Setting a Public Hearing for August 2, 2023 at 1:30 p.m. at this location was adopted.

D. Consideration of Resolution 2023-04 Electing Jeremy LeBrun as Assistant Secretary

This item was discussed.

E. Discussion of Proposal for Well Drilling for Irrigation

Mr. Mills: Before we get into that, I want to ask a question. Jason, maybe you can help me with this. They literally put a pipe into that lake to suck water out of it so that we would have irrigation. Can we be allowed to continue that without drilling a well?

Mr. Showe: If you ask that question, your likely answer is going to be no. Those lakes are not for residential water. They are strictly for stormwater. You could certainly ask the question, but I'm pretty sure that the answer is going to be no. You can't withdraw surface water without an adjustment to your permit. Obviously, that could only last while you have water in that lake, which right now is fine, but in six months, it may not be.

Mr. LeBrun: I would just add, in one of the Districts that we have, they pulled irrigation from the ponds and there are a lot of problems associated with that. You could have salinity in the water or lack of rainfall. So, there are some downsides to that.

Mr. Showe: Your permit does not allow for withdrawal.

Mr. Mills: The reason I ask that question is because we are holding firm on our assessments and here we are again now being attached with a \$10,000 bill. We don't know what they are going to run into, how big a casing they are going to have to use or how long it's going to be. The last one we drilled cost \$10,000, if I remember right. That's the reason for the question.

Ms. Hill: Could you give me some background?

Mr. Mills: The well that actually irrigates the front of the entire development went dry. So, we have to drill a well. They bypassed the well, put a pipe into the lake to suck water out of

it, so we could have irrigation and the grass and flowers wouldn't die, which they did in Windsor. That's basically the impetus for that.

Mr. Showe: I know that \$10,000 is a lot, but I would venture to say that the amount of landscaping that you would lose, if you didn't have a source of irrigation, would probably far outweigh that.

Mr. Mills: I understand.

Mr. Showe: You are kind of in a no end situation. I know it's not a comfortable thing for us to present to you, but that's the situation you are in.

Mr. Brown: If we were in violation of the permit, what is the penalty?

Mr. Pawelczyk: There are fines.

Mr. Brown: I think we just need to bite the bullet and dig a well.

Mr. Bosseler: Do we dig the well in the same area?

Mr. Mills: Yes.

Mr. Bosseler: We just go deeper.

Ms. Hill: Is there a Request for Proposal (RFP)?

Mr. Mills: We don't have to go out for RFP.

Mr. Brown: Do we know how deep our well is now?

Mr. Mills: I don't know. Apparently, they will be digging 147 feet. Mine is 300 feet. Artie, what is yours?

Mr. Art Breitner (Kingswood Way): I think its 250 feet.

Mr. LeBrun: This would be for a 4 inch well. The one that is currently there is 3 inches. There would be up to 147 feet of galvanized casing and they charge an additional \$50 per foot.

Mr. Mills: Right. If the Board is amenable, we just need a motion.

Mr. Brown: Is it 147 feet from the bottom of our present well or 147 feet from the surface?

Mr. Showe: I believe it's from the surface.

Mr. Mills: It's from the surface down.

Mr. Brown: Well, our well is already 150 feet.

Mr. LeBrun: There's a cost to fill in the old well.

Mr. Brown: What happens if they go past 147 feet?

Mr. Showe: There's an additional casing cost per foot. They are going to have to drill until they find sufficient water. There are some unknowns. It is similar to a roofing contract.

Mr. Mills: It's going to have to produce "x" gallons per minute.

Mr. Brown: It is what it is.

On MOTION by Mr. Brown seconded by Mr. Bosseler with all in favor the proposal from Heidekruger Well & Pump Services for well drilling for irrigation in the amount of \$9,300 was approved.

Mr. Mills: To get a well there, we're going to have to have access from that homeowner.

Mr. Showe: Eventually.

Mr. Mills: So, now we're going to talk about damages to the property.

Mr. Showe: Jeremy and Andy should probably work with that vendor to make sure that they mitigate that. There are things they can do such as putting plywood. There may be some additional things that they can look at to restore the property.

Mr. LeBrun: We will make sure that we notify them and have good communication.

Mr. Mills: To let you know where it's at, when you come into the front gate, there are lakes on the left-hand side and the shack on the left that looks terrible, which is the golf course's. The well is just beyond that shack.

Mr. Brown: Oh no.

Mr. Mills: Exactly. That's my point.

Mr. Brown: That's the homeowner.

Mr. Mills: Yup.

Mr. Brown: Lots of luck. Can we get approval from the golf course?

Mr. Mills: No, because the building is in the way.

Ms. Simmons: Oh, that's too bad.

Mr. Mills: We have no choice, but to go up on that man's property.

Ms. Simmons: Is that little building our property?

Mr. Mills: No. That little building is owned by the golf course.

Mr. Brown: It's their pump house.

Mr. Mills: That's their pump house for that big lake.

Ms. Simmons: I saw them running pipes out of the lake. Is that related to this pump running dry?

Mr. Mills: Yeah. That's it.

SIXTH ORDER OF BUSINESS

CDD Action Items/Staff Reports

A. CDD Action Items

Mr. Mills: We're still working on the beautification with regard to getting the preserve to the tree line. I'm not happy with the cleanup. I talked to Mike yesterday and he's going to endeavor to get it completed. They are having employee problems as everybody else is.

Ms. Hill: It doesn't look very nice in Balmoral for sure.

Mr. Mills: It doesn't look nice anywhere. It will grow back, but they haven't done a good job.

Mr. Brown: No.

Mr. Breitner: Do we have a timeframe?

Mr. Brown: Yeah, between now and the next six months.

Ms. Simmons: Do we hold the payment until they complete it?

Mr. Mills: That comes out of my budget for maintenance. I can hold it back, but the problem is what everybody else is having, which are employee problems. We just don't have enough help. I talked to Mike yesterday and he said that he wanted to fire 10 people, but can't replace them. So, it is an issue.

Mr. LeBrun: We will make sure that we stay on top of that.

Mr. Mills: Yes.

Mr. LeBrun: The work does happen in stages.

Mr. Mills: Alright.

B. Additional Staff Reports

i. Attorney

Mr. Mills: Do you have anything, Michael?

Mr. Pawelczyk: I have nothing further. At the end of this month, you'll get your Form 1, Statement of Financial Interest in the mail. Fill it out and return to the Supervisor of Elections office.

Mr. Mills: They are due by July 1st.

Mr. Pawelczyk: It depends on what the form says.

Mr. LeBrun: I'll have our office send one to everyone.

Mr. Mills: The county will send it out to you.

Mr. Pawelczyk: We check and GMS checks.

Mr. Showe: Our staff will get reports from them and we'll reach out to you individually.

Mr. Mills: Okay. Mike, do you have anything else?

Mr. Pawelczyk: That's it.

ii. District Manager

1. Field Manager's Report

Mr. LeBrun: I just have a couple of items. Andy has been out on vacation since Friday. I'll try to fill in some things that he had. Just a reminder, this month, the Sheriff's Office is doing their patrols every other month.

Mr. Mills: I saw them yesterday.

Mr. LeBrun: It has been scheduled and set up for the month of May. I've been going back and forth with Florida, Power & Light (FPL). I had a response from them yesterday, which was encouraging. I asked them for another status update. So, they are actively working on it. I received an email response yesterday afternoon. I know that Andy has been working with them as well. I believe that Eau Gallie Electric is out today, repairing CDD streetlights. I saw them when I was coming in this morning. They were by the tennis court area. Pressure washing was completed on the common area sidewalks. The pool area and the benches were also pressure washed. Hopefully, they are to your satisfaction. You already mentioned the preserve cut back. That's all that I have unless the Board has any questions.

Mr. Brown: The new floor is in for the guardhouse, but we are waiting on the contractor.

Mr. Mills: Yes. The material is here.

Mr. Brown: Okay. We are still having issues with the lock on the sliding door that they use all the time. They thought it was fixed and now its broken again. Whoever we had to try to implement that lock, didn't do the job and we should just call a locksmith.

Mr. Mills: Sure.

Mr. Brown: Because the other door can be locked on the inside, which is fine. But this door, the one that they used most of the time, can't be locked. So, if we have a hurricane, they can't lock the guardhouse. That's all.

Mr. Mills: I would like to see them put a deadbolt lock on that door if anyway at all possible. That way they won't break in so easily. Is there anything else for Jeremy? Hearing none,

SEVENTH ORDER OF BUSINESS

Treasurer's Report

A. Consideration of Check Register

Mr. LeBrun: For this month, in our General Fund, there are checks totaling \$92,907.09. In the Pavement Management Fund, there are checks totaling \$45,067 and there is payroll totaling \$923.50, for a total Check Register in the amount of \$138,897.59. If there are no comments or questions, we would look for a motion to approve.

Mr. Brown: I have a comment. My favorite company, Access Control Systems (ACS), have now increased their travel and labor time to \$175 per hour. We had a \$31 part that they charged us \$1.24 for freight. I guess they didn't have it in their inventory, which surprises me. So, we paid \$300 to fix a \$31 part. Jeremy, you're from Brevard County.

Mr. LeBrun: Correct.

Mr. Brown: Use your network to find a local company that can do what they do because this is ridiculous. Every time we call them, it's \$350 just to have them drive out here.

Mr. Showe: We did try to find one and they were worse. We are always looking.

Mr. Mills: Let me give you a suggestion. Call Frank. He does their security system and has a lot of contacts. He probably could give you several names of people. Okay?

Mr. Brown: It's just a pet peeve of mine. I agree, but it's a lot of money to pay to fix a \$31 part. The other thing that I would request is when Dewberry sends in their invoices, can they be a little more specific on what an engineer spent 15 hours on, instead of just defining it as general engineering services? When we get Mike's bill, it's very detailed. I don't necessarily need it to be that detailed, but when you look at their bill, I have no idea what project they are working on because they have it coded. I don't know what their code is.

Mr. Showe: Yes sir. I will ask them for more detail. It may just be that the second page is not getting included. They typically provide backup. I will deal with our staff internally.

Mr. Brown: Okay. Well then that would be very helpful because I don't know what we are spending the money on.

Mr. Mills: Okay. Anything else, Rick?

Mr. Brown: No.

On MOTION by Mr. Brown seconded by Ms. Hill with all in favor the Check Register for March 1, 2023 through March 31, 2023 in the amount of \$138,897.59 was approved.

B. Balance Sheet and Income Statement

Mr. LeBrun: These are your unaudited financials for March 31, 2023. No action is required on your part. You are at 97% collected for your assessments.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Mills: April?

Ms. Simmons: I wanted to ask about the Street Lighting Fund. Where does that come from? The General Fund for the CDD lights?

Mr. Showe: That's for the utility account line in the General Fund. It's how we pay for the streetlights. Now, if they are repairing it, there's no charge, if it's their line. That's their job.

Ms. Simmons: But the CDD ones are paid from the General Fund?

Mr. Showe: Correct.

Mr. Mills: While we're on that, I asked Mike to review the contract with regard to FPL, but let's work through what we have going right now before we send any letters to FPL.

Ms. Hill: What about the person that you asked Andy to contact?

Mr. LeBrun: We received some traction.

Mr. Mills: He was appalled. He couldn't believe that he had to call 911 to get a streetlight repaired. Richard?

Mr. Bosseler: Yeah. I have two items. We are still working on the resurfacing bids. Andy isn't here to give us an update. We're working on it and hopefully at the next meeting, we'll come to closure on that and get something on the drawing board. The other thing is the company that comes in and cleans the bathrooms, we asked them to clean all of the pool furniture, because it was starting to look ratty. He did an excellent job. So, from this point on, Andy and I are going to identify the straps that are stained. We are going to have to replace them. He's going to take a handful with him to GMS, getting it done and bring it back. We'll get another couple of years out of them.

Mr. Mills: Good.

Mr. Bosseler: That's it.

Mr. Mills: Jan?

Ms. Hill: Andy is working on the sign at the back gate. At our last meeting, I gave him the QR Code to have it reproduced. It's not a simple project. He is working on that. The only other thing that I have we already addressed with the sealant. I appreciate you handling that.

Mr. Mills: No problem. Okay. Rick?

Mr. Brown: I'm done.

Mr. Mills: I only have one item. The blast on the front gate sign needs to be washed and cleaned up. The same way with the rear one. It looks terrible.

Ms. Hill: What happened to the BCA sign?

Mr. Brown: Its being repaired.

Ms. Wagner: Is it plexiglass or glass?

Mr. Mills: I think its plexiglass.

Ms. Wagner: I tried to clean it, but I didn't know how.

Mr. Mills: There is a plastic or wax that you can use. Meguiar's makes it. You can get it at an auto parts store. It is for people who have convertible tops or plexiglass. It makes it come out like brand new.

Ms. Wagner: Okay. I'll look into it.

Ms. Hill: Is it a cleaner?

Mr. Mills: Yeah.

Ms. Wagner: The BCA gate lock wasn't working and the wind blew the door open. We had people come to fix the lock, but they broke it. I'm hoping that they replace the entire unit. That's what happened to it.

Mr. Mills: It had broken hinges, right?

Ms. Wagner: Yeah.

Mr. Mills: Okay. That's it for me.

NINTH ORDER OF BUSINESS

Public Comment Period

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

Mr. Breitner: I have one item. At the last meeting and at every meeting, we talk about transponders. At the last meeting, we discussed that there was activity with FPL. Obviously, nothing happened. So, I guess it's going to be out forever.

Ms. Wagner: I called last week and they said, "*You'll get it when we get done with Naples.*" They are still working with Naples.

Mr. Mills: That's an excuse. Bring that up to Jeremy.

Mr. Breitner: When it went down, they were out immediately and then three weeks later, they had a crew of three people there for two hours doing whatever they do and then they left. The fact that I have to drive the nose of my car to get the gate to work, is ridiculous. It's not only me. I give up. As long as it opens, I'll live with it.

Mr. Bosseler: I think you need a new car.

Mr. Breitner: I think it either has to do with the transponder on the car or the signal because when I come in the back gate, when I'm 15 feet away, the gate opens right up. It works perfectly at the back gate. I give up. As long as it opens, I'm happy.

Mr. Brown: Have you brought the car on Monday morning to Andy and have a new transponder put on it?

Mr. Breitner: I did put a new transponder on the car and it didn't make any difference. The other car, the gate always worked fine, but now it's doing the same thing. It has something to do with the signal.

Mr. Mills: With the antenna. That front antenna had water in it and they replaced it.

Mr. Breitner: By the way, it's not just me. I know other people who have the same problem. Every once in a while, it works.

Ms. Wagner: I was asked about the flowers.

Mr. Mills: When the flowers died, it was due to the irrigation. The flowers for Fall have already been ordered, but whether they could replace those flowers or not, I could ask.

Ms. Hill: Are the flowers in from April 1st through June?

Mr. Mills: Something like that. They will be replaced again.

Ms. Hill: In two months.

Mr. Bosseler: Jeremy, we have a pole down at the back gate.

Mr. Brown: The arm that goes up was replaced.

Mr. Bosseler: At the back gate, its laying on the grass.

Mr. Brown: When did you last drive through there?

Mr. Bosseler: I walked there this morning at 10:00 a.m.

Mr. Brown: The gate was knocked off by a gentleman from Precision Garage Door who tried to tailgate somebody in. That's why we had ACS come back out here to put the gate back for \$300.

Mr. Mills: Linda actually went back there this afternoon and its up.

Mr. LeBrun: I'll check it on my way out.

Ms. Wagner: The monument in front of CVS is broken.

Mr. Mills: Yes. Andy is aware of that. I don't know if someone was walking on that wall and slipped, but it broke a chunk out of the wall. Its only Styrofoam. Is there anything else? Thank you for coming. We appreciate having the same crowd every time.

TENTH ORDER OF BUSINESS

Adjournment

Mr. Mills adjourned the meeting.



Secretary/Assistant Secretary



Chairman/Vice Chairman