

**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, **February 7, 2024** at 1:30 p.m. at Baytree National Golf Links, 8207 National Drive, Melbourne, Florida.

Present and constituting a quorum:

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

Also present were:

Jeremy LeBrun	District Manager
Michael Pawelczyk	District Counsel
Peter Armans <i>via phone</i>	District Engineer
Andy Hatton	Field Manager
Chris Semko	US Lawns
Josh Hargon	US Lawns
Valerie Scott	DSI
Bob Eksten	BCA President
Joanne Wagner	IOB
Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Engineer's Report**

Mr. Mills: Do we want to skip the Engineer's Report?

Mr. LeBrun: He's on.

Mr. Mills: Alright. Peter?

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Mr. Armans: Basically, because the one thing we have some feedback on, are the repairs of the storm system, we've been working with GMS and the subcontractor to identify the issue with the depression, not in the roadway or the front yard. We identified if there's a big hole in the pipe. The exact cause of it is not 100% sure, but it does seem like some other utility might have been drilling. That's a possibility. We're still trying to identify that. However, GMS is getting quotes to get that repaired. They received one quote and as I understand, they're going to have additional solicitation to get additional quotes. If you guys have questions for me, please let me know.

Mr. Mills: Do we know what that quote is?

Mr. Armans: Yes.

Mr. Hatton: Its \$36,000.

Mr. Armans: Yeah, we have a copy of that quote. I don't know if you want to publish the number, given the fact that you're going to be soliciting additional ones. But, yes, we do have that quote.

Ms. Hill: Is the quote for digging it all up and replacing it or putting a sleeve in it.

Mr. LeBrun: This would be a replacement of that section.

Mr. Mills: Just to replace that section.

Ms. Hill: Oh okay.

Mr. LeBrun: So, the quote just came in maybe a day or so ago and Andy already reached out to a couple other vendors just to get a couple other quotes to compare. Then we'll go through and see what makes the most sense.

Ms. Hill: Because the gentleman that was there with a diver, was talking about putting a sleeve inside of the current one. That way they wouldn't have to dig up the yard and the golf course.

Mr. LeBrun: Yeah. From my understanding, they researched that more and that was a viable solution for this type of repair that would be needed for the replacement of that section.

Mr. Mills: So, \$36,000 is the number that we have now?

Mr. Hatton: Correct.

Mr. Mill: I guess we'll take that out of roads budget.

Mr. LeBrun: These are all jokes for the record.

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Mr. Mills: The gentleman that did our grading over in Kingswood, that whole area, which we also did over here by the pool, you might want to contact him. I can't think of the guy's name. He's a short, chunky guy. He worked with Tropic Care. That's who I'm talking to.

Mr. Armans: I do not have any other items to report on, unless you have any questions for me.

Mr. Mills: Does the Board have any questions for Peter?

Mr. Brown: No.

Mr. Mills: That's it, Peter. Thank you.

Mr. Armans: Sounds good. Thanks. Have a good one.

- **Agenda – Ratification of Landscape Maintenance Services Agreement with US Lawns (Item 5A)**

Mr. Mills: We have our new landscaping people with us today. We have Chris and our Supervisor, Josh, who's going to be in charge of our community. Correct?

Mr. Semko: Yes, sir.

Mr. Mills: Do you have anything you'd like to say, Chris and Josh?

Mr. Semko: Yeah, we're very excited about the opportunity. We went over the lay of the land with Mel and Andy and see a lot of improvements, things that we can do better. We're excited about the opportunity, appreciate the opportunity and are going to hit the ground running this week. Josh and I laid out a plan of what we're doing.

Mr. Hargon: Friday will be our first service day. We are still in a Winter schedule, so you guys will be serviced every other week. But how important this is to us, we are going to be servicing it every week, every Thursday, for right now. The first initial month is when we're going to be going through and getting a whole program for you guys, getting everything cleaned up and on a rotation program with our map. Once we get about a month, six weeks in, we'll provide a map so everybody can know where we're at, detailing week by week when we come in here. But by far the first thing, all of the weeds and the annual beds are all popping up. They're pretty bad. So, we're going to hit all the hot points this Friday. We're going to get everything cleaned first and then we're going to work our way.

Mr. Mills: I had a lot of conversations with Josh when Josh and Chris and Andy and I were going around. He's only 26 years old and this kid really knows his stuff. I was shocked. So,

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thanks to the younger generation, there are some good people out there. You may want to tell them how you started.

Mr. Hargon: So, I started with US Lawns when I was 17 years old, doing labor and worked my way up to being a Foreman and Account Manager. Now I'm the Operations Manager for this franchise. There is a lot of knowledge going through it. Knowledge through the University of Florida and Mississippi State University. I'm still trying to continue my education even further with fertilization and irrigation, but it's been a long stride, for sure. I'm very knowledgeable in the industry as far as what's going on day to day and I'm still learning. It's really not work for me anymore because I love what I do.

Mr. Mills: You might want to tell them what we just agreed to do.

Mr. Hargon: We signed off to do some upgrades around the community. One is removing the Cypress along all of the signs and monuments and replacing with Japanese Blueberries. We have some light Oak tree trimming going on, removing some Gamma Derma on one of the Palm trees up front. At the main entrance, we're really going to capitalize on removing some of those really big beds full of mulch. We're going to make those look nice by filling them all up with river rock. Again, at the entrance, there are some bare spots all over the place. We're going to fill that up as well. There are a few other projects that we're going to be working on, that we haven't yet gave to Mel, such as the resident entrance in the back. We're doing a program for that. We're going to do a landscape program and set all of the proposal options that we can do there. A lot of the plant material here is old and it only lasts so long, so we're going to put a plan for that as well.

Ms. Hill: Did Tropic Care fulfill their contract with us?

Mr. Mills: Yes.

Ms. Hill: Because there were things that were left.

Mr. Mills: In fact, the annuals they were putting in, come the 15<sup>th</sup> of the month.

Ms. Hill: Okay.

Mr. Mills: You may want to tell them about May 4<sup>th</sup>.

Mr. Semko: Yeah. On May 4<sup>th</sup>, we have a specific event for this community. It's a community outreach, which is built on what we're doing here at the clubhouse. It's going to be like an educational seminar for the residents. We're going to cover three topics. We're going to be talking about lawn fertilization, irrigation and just going into the Summer season with

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something like a give back to you guys. We will have refreshments and drinks for you guys. It's a question and answer time where you guys can answer questions about the CDD community, but really on your particular lawn. We'll also, come out and make appointments with you guys and give recommendations and even hopefully work with the community itself. So, we really want to partner with the community in all aspects.

Mr. Mills: Do any Board members have any questions?

Ms. Simmons: I just have a question, that you might be able to answer. I was looking through the contract and it said there would be annuals, in the front and back. Are you going to stop doing them at all of the monuments?

Mr. Mills: No.

Ms. Simmons: Okay.

Mr. Mills: We're still going to do that.

Ms. Simmons: Okay. Because it said in parentheses, "*Front and back only.*" So, I wanted to make sure that all of the monuments were getting it.

Mr. Mills: Does anybody have anything else?

Ms. Hill: No. I just noted that there is something in this contract that we haven't had before. So, we will be adjusting our budget accordingly.

Mr. Mills: Yes.

Ms. Simmons: I did have one other thing. I was the President for Turnberry. I don't know if you know about Turnberry. They had their own lawn care service for 64 houses. So, I learned a few things from that and things that we took for granted, was Tropic Care does the sewer wells. They spray them and clean them out, to make sure that they didn't have debris. I didn't see that in the contract. Believe me, you don't think about it now, but when they're not doing it, you realize it matters.

Mr. Semko: We'll look it over and see what it entails.

Ms. Simmons: Yes, because the weeds are growing up over there and they would spray them.

Mr. Semko: Once we get through with everything, we can implement that.

Ms. Simmons: Okay.

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Mr. Bosseler: One more thing. I'll say to Andy, could you have your guys stay away from the pool on Tuesday, Wednesday and Friday between 9:00 a.m. and 10:00 a.m., because the water aerobics people get very irritated with all of the noise?

Mr. Mills: Your service is going to be on Thursday. Correct, Josh?

Mr. Hargon: Yes, sir.

Mr. Bosseler: Yeah.

Resident (Not Identified): Could I ask a question?

Mr. Mills: Sure.

Resident (Not Identified): You probably noticed that all of our lawns are being dug up. Can you tell us the best way to keep that from dying? Should we pack it down? I know you are keeping it watered, but we've had a lot of water and fertilizer this time of year. How can we maintain my front yard? My whole front yard is about 2 feet and it's starting to drown in some places. So, am I over watering or under watering?

Mr. Semko: If you can give us your address, we can go look at it and tell you.

Resident (Not Identified): I live on Kingswood.

Mr. Semko: Typically, the ground has fungus this time of the year. It is very prevalent this time of year because our temperatures have kind of dipped and gone up. Brown hatch fungus is a microorganism in the soil already and it activates based on temperature. So, as soon as it hits above a certain temperature, it will activate.

Mr. Brown: Well, you're talking about the AT&T port. Right?

Resident (Not Identified): Yes.

Mr. Brown: AT&T is putting in a fiber optic cable.

Mr. Semko: Okay.

Mr. Brown: So, they're digging up everybody's lawns.

Mr. Mills: Yeah.

Resident (Not Identified): I was going to just watch and see what you did on the CDD property and say, *"Okay, that's what I should do."*

Mr. Hargon: I've been doing this for 20 years. What they're going to do, is they're going to dig it up, try to keep the existing sod that they dug up and put it down. What you can do as residents, is you have to put pressure on them, because they need to put new sod down. That's what they should do. Because that's what they're getting contracted to. If you look at their

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contract, they're contracted to come out and do new sod. I was the President of my HOA, where they did it at mine and they tried to do that whole, *"Oh, we dug it and your sod is going to live."* Well, they left it undug for days and days and the sod eventually died. I told them, *"No, bring a pallet of St. Augustine, so we can start replacing it."* And they did it because it's in the contract. They consider it as a government's contract. They're contracted to do it and they try to get away with it.

Mr. Mills: That's good to know.

Ms. Hill: That's good to know.

Mr. Hargon: You said Monday, Tuesday, Wednesday from 9:00 a.m. to 10:00 a.m.?

Mr. Bosseler: Tuesday, Wednesday and Friday.

Mr. Mills: That's only what, in the morning. Right?

Mr. Bossler: Yeah, 9:00 a.m. to 10:00 a.m.

Mr. Mills: Okay. Anything else for the group? Thanks, Josh and Chris. We're looking forward to it.

Mr. Semko: We're looking forward to the partnership.

### **THIRD ORDER OF BUSINESS**

### **Community Updates**

#### **A. Security**

Mr. Mills: Alright, we'll go with security.

Ms. Scott: Good afternoon. It's good seeing you again. I'm Ms. Valerie Scott with DSI. I'm standing in for Bill today. Bill asked me to share with you that since last month's meeting, there had been 12 management visits to the gatehouse and all the security officers are continuing with all of the online education and learning programs. That was his report, unless you have something for me.

Mr. Brown: I just have one thing, which I brought it up at the Homeowners Association (HOA) meeting. I'm sorry we don't have more people here, but in the recent couple of months we've had a number of incidents where Uber drivers, delivering food to residents in Baytree, have given the guards at the front gate a really hard time, refusing to show their licenses, cursing at them, calling them everything under the sun. It's not one or two particular Uber drivers. It seems to be rampant. So, I'm going to ask Maureen to put something in a newsletter about it, that if you are ordering food and having Uber deliver it, tell the Uber driver to be prepared to show his driver's license when he comes in here. Because I want to see if I can't either shut this all

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down or start to identify specific Uber drivers or what addresses they're going to and then specifically send a letter to the address, the residents of that address, letting them know that the Uber driver that they're using, is really inappropriate.

Ms. Scott: We appreciate that. Obviously, that's going to be something that's kind of difficult because Uber drivers change all the time, but we appreciate the acknowledgement of it and the effort to do something about it, because we want them treated well.

Mr. Brown: They are just doing their job.

Mr. Mills: Yup. Any comments? Alright. Thank you. We appreciate it.

**B. BCA**

Mr. Mills: Bob, BCA?

Mr. Eksten: This will be my last report to the CDD as President, because my term is up and I'm not going to be running for re-election. That's my segue into saying we will obviously then have a vacancy on the BCA Board and anyone interested in running, should get their notification to us sooner rather than later, because our election will be at the March 25<sup>th</sup> BCA meeting. So, if you know anybody that's interested, that's good, capable or whatever, we'd love to have them. Let us know. I got three points. That was the first. The second one is, the Florida Legislature has given HOAs new requirements. The first has to do with violation letters. So, anytime we send out our third violation notice, which is a certified letter to a homeowner, it specifies a fining amount that would begin in 14 days, if that resident is not in compliance. Now we must attach a DPC date, an actual date, where they can request a hearing. They can either attend or not attend, but hopefully they would at least let the rest of the DPC committee know that they're not going to be appealing. In the past, we always had a note in our final notice where you can request a hearing. Now the law requires us to put an actual date in there. The second thing is meeting agendas. We have to have those posted on our website at least 48 hours prior to our meeting. But all the agendas now must have very specified items. You can't just put down whatever. You have to specify what that is that you're going to be discussing at that meeting. So, only those items can be voted on. Meaning if you have somebody coming in that has an issue and they want to have a vote on it, you can bring it up under new business, but we have to wait until our next meeting to actually vote on it. So, again, if you have an issue, bring it to us so you can get it on the agenda at least 48 hours prior to the meeting. Finally, I wish to thank the CDD



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Board for your continued cooperation with my BCA Board. I think our two Boards have truly identified the same goals. That's what I think makes Baytree a great choice for people looking to buy a home. We're a community of well-maintained properties for homeowners, infrastructure, common areas and whatnot. More importantly, we're a very friendly community, people populated by good neighbors. We do have facilities and activities and whatnot, for people to get to know and enjoy each other and I think that's something that's a bit above what many of the communities have. So, I sincerely thank you, Mel and the entire CDD Board for your cooperation with me and your support over my two plus years. I think we've accomplished a lot. I know going forward, our next President will make things even better. So, thank you.

Mr. Mills: Bob. On behalf of the Board, I want to thank you as well. It's been absolutely fantastic working with you. You've been very cooperative on many of the issues that have been challenges and I greatly appreciate it. We're looking forward to working with whoever becomes President next. Thank you.

**C. Isles of Baytree**

Mr. Mills: Alright. Isles of Baytree (IOB). Joanne?

Ms. Wagner: Yes. I just want to go over a few things. We had a leak in our pool and we have a pipe that's busted underneath our deck. We're getting a repair on Monday. So, we'll probably have to shut our pool down for a couple of days, but because of weather like this, I don't think people are going to get too upset about that. I know everybody in Baytree is probably upset with the residents that have young boys that fish, but I'm doing all I can to try to stop it. Management is going to work with me. We're just going to be calling the Sheriffs going forward. We're going to get a picture and call the Sheriffs and have them picked up, because they're causing other issues as well. They won't get an access card to get into the pool. They climb over the fence. They go through the gate down there and they're taking their bikes. We got them on camera the other day. They're leaving that gate open all night long, because they take their bike and just push it open and go through there and that's the end of that. I don't know. They're just very destructive boys and I think everybody's either experienced them or two of them. We all asked them to stop. We've all tried to be nice to them, but they're pretty destructive. So, if anybody has any resolution to that, please get with me and let me know how to handle that. We have three houses for sale in our development and they're not selling like they were. I talked to

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one of the owners today and he said he only had one person at his house in two weeks. Before that, he had six people in a couple of hours when it first went on the market. but now it's just drying up. He's already lowered it \$20,000. So, I don't know what's going on there. We're having our annual meeting for election. Hopefully, I'm not elected, but I doubt that. Usually, it doesn't happen. We don't have terms in our seats, so, that's why I'm pretty much elected every time as President, because nobody else wants the job. They just want to complain. You know how that is. They don't want any part of it. We have five vacancies on the Board. That's probably about it. AT&T is still working on development, too. I know they cause some damages, but they were already replacing it. They had someone out there yesterday.

Mr. Mills: Very good. Joanne, I want to thank you. With regard to the fishing, Joanne gave me the names of the residents whose children are violating the no trespassing signs. I called Jeremy and Jeremy sent those two parents letters. You heard back from one of them. Correct?

Ms. Wagner: That's not the one that has the kids that are very vocal and nasty.

Mr. Mills: Oh, it isn't?

Ms. Wagner: No, it's not. That's a new resident that bought her home and she pretty much took care of the situation. The other one, the parents have not seen that video. I really want those parents to see it, but I've got it and going forward, if its escalating, I am going to present that video to them and say, *"This is how your children are speaking to us. They are calling us every name in the world."*

Mr. Brown: Do you have the homeowner's email address?

Ms. Wagner: Yes.

Mr. Brown: Could you send the video and email address? I'm just throwing this out to Jeremy. Then Jeremy from the CDD Board can send that video to the homeowner saying, *"This is how your kids are acting."*

Ms. Wagner: One is only 10 years old. It's just mind boggling.

Mr. LeBrun: If it's within a CDD pond that they're fishing in, I can send a letter. I can also speak to the parents via the phone. The other parents that I did speak to, went very well. They thanked me, thanked us and they talked to their children. So, if I had that information, I'm happy to send that letter again and try to mediate that as possible.

Ms. Wagner. I think that the gentleman that took the video, was speaking and there are pictures of my husband, myself and his wife. However, I will tell you, next time he comes into

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my yard, I will go out and video tape it and make sure that there's no one else in it. Because he was there three days ago. He doesn't use profanity, but he is causing major issues.

Mr. Brown: Throw him in the pond.

Mr. Mills: We may also want to send a part of that video to the Sheriff and let them know what we're dealing with.

Mr. LeBrun: I could try the letter and the call first.

Mr. Mills: Yes exactly.

Mr. LeBrun: To see what reception we get and then we can go from there. The quickest answer is, if you call law enforcement, they're the ones that can come out.

Ms. Hill: Are there signs saying that there are alligators in our ponds?

Mr. Mills: No.

Ms. Wagner: They took our sign down. Three days after we sent them a letter, the mother called management and told them that she had talked to the boys and it won't happen again. Three days later, another resident reported that went to their pond and took our signs down.

Ms. Hill: If one of those children get attacked by an alligator, we will be at fault.

Mr. Mills: That's what I told them.

Ms. Hill: Just like Disney.

Ms. Wagner: I know. We had to get another sign. We'll put it back up there. That's been happening on Interlachen Road. They were fishing on Interlachen Road, at the end of our road right there. The father drives with his golf cart there. They got out, they were fishing and they went to get back in the golf cart and left their bait there and an alligator came up and got the bait. So, they're leaving their bait there.

Mr. Mills: Yeah. Okay. Thanks for your cooperation, Joanne.

Ms. Wagner: No, thank you guys.

Mr. Mills: We work together or try to.

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**FOURTH ORDER OF BUSINESS**

**Consent Agenda**

**A. Approval of Minutes of the December 6, 2023 Board of Supervisors Meeting**

Mr. Mills: Alright, we will do the consent agenda. First, we have approval of the minutes.

There were changes and I'm sure Jeremy's received them all.

Mr. LeBrun: Yes. I received all of the ones up to now.

Mr. Mills: Okay. Were there any additional ones?

Mr. Bosseler: No.

Mr. Mills: Then I will entertain a motion to approve them.

On MOTION by Ms. Hill seconded by Mr. Bosseler with all in favor the Minutes of the December 6, 2023 Meeting were approved as presented.

**FIFTH ORDER OF BUSINESS**

**Agenda**

**A. Ratification of Landscape Maintenance Services Agreement with US Lawns**

Mr. Mills: Alright. Jeremy, would you like to go ahead and ratify the Landscape Maintenance Service Agreement?

Mr. LeBrun: Sure. So, previously, the Board delegated authority to the Chair and staff, to negotiate with US Lawns, per the proposal that was presented to the Board, in which the Board selected to go with US Lawns. So, this has been fully executed by both the Chair and US Lawns. They started on February 1<sup>st</sup>, as we just heard from them today. So, this is just ratifying that the Landscape Maintenance Service Agreement with US Lawns and memorializing the actions of the Chair. I'm happy to take any questions on it. If not, we just look for a motion to ratify that action.

Mr. Mill: Do I hear a motion?

On MOTION by Mr. Brown seconded by Mr. Bosseler with all in favor the Landscape Maintenance Services Agreement with US Lawns and memorializing the actions of the Chair was ratified.

**B. Consideration of Resolution 2024-03 Adopting a Records Retention Policy**

Mr. Mills: Next is a resolution adopting a Records Retention Policy. Is this something new, Michael?

Mr. Pawelczyk: No. I'm going to kind of give you a quick history, because it's this one and the next one, which deals with the E-sign Policy. So, we work with GMS South Florida.

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They had a bunch of Districts that wanted to do Record Retention and E-sign Policies and they asked us about it. We said, *“Yeah, it’s a great idea to put it in resolution form.”* So, we worked with them on all our Districts down there. Then GMS Central Florida said, *“Yeah, we’ll do it, too.”* Then other management firms said, *“Yeah, send us the resolution, we want to adopt it was well.”* So, we worked on this resolution with, basically almost all of our CDDs.

Mr. Mills: Okay.

Mr. Pawelczyk: A lot of the content of the resolution is repetitive, meaning you've already done it. This resolution appoints a records management liaison. Well, you're management liaison by contract is GMS. So, this just formally appoints the District Manager and an employee of the District Manager, to serve in that capacity. That is statutorily required. But to have that, that's really for public records purposes, so someone knows who to contact, basically. GMS also wanted to adopt a Records Retention Policy at the same time, in all their Districts. They do it in all their new Districts, some of their older Districts, like this one, as I've been working with you since 2005. So, this adopts a Records Retention Policy, which is consistent with that which is in the Florida Statutes. The third thing this resolution does, it acknowledges that an electronic record can be an official record of the District. So, if you think back to the days when you all were working in business and you needed a certified copy of something, that certified copy was made from an original document that, for instance, the City Clerk was maintaining. So now, with electronic records, if I ask for a certified copy, Jeremy's office can pull it right from the electronic record. Now this resolution tracks that and it can be an official record of the District and it's managed pursuant to a Records Retention Policy that GMS utilizes to maintain the sanctity of the records that we have, so they're not modified. So, those are the three things this resolution does.

**C. Consideration of Resolution 2024-04 Authorizing the Use of Electronic Documents and Signatures**

Mr. Pawelczyk: The only thing that Resolution 2024-04 does, is it adopts the content of Chapter 688, Florida Statutes, which deals with electronic signatures. One of the things that I know GMS is doing is, let's say the minutes have to be changed today. Well, if Jeremy's not going to be here for two months, it's easy for him to send or perhaps his staff, send Mel a DocuSign email, and Mel can sign it electronically and shoot it right back. Then Jeremy can sign it as the Assistant Secretary and shoot it right back and we have it. It's quicker and efficient and

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then there's a record of how that is signed. So, rest assured, this doesn't allow us to sign documents like deeds and easements that were reporting public records electronically, but it does for basically every other record, which is, frankly, 98% of your business anyway. So, it just provides them with an option and then once that electronic record is created, it's preserved under the prior resolution, 2024-03, as an electronic record. So, we feel this is a good way to do this. One of the reasons you do it by resolution, is so we can track it, because we adopt how many resolutions a year? Five or six. So, now it's easy for GMS to go through those resolutions, as opposed to going through the minutes and finding some motion that we adopted 15 years ago, appointing them as the Records Management Facilitator, for instance, if GMS is dissolved 15 years from now and we have a new management firm coming in, it's easy to go back, pull that old resolution, amend it and appoint the new management firm as records management. Does anyone have any questions on that?

Mr. Mills: I think it's a great idea.

Mr. Pawelczyk: Yeah. We think it really works, and I think that's why all of these other management firms have adopted it. I'm sure it's kind of leaked over to other law firms who do the same work we do. We steal from them; they steal from us. It's for the good of the Special District practice. In that regard, I think the only thing we would need now would be a motion to adopt Resolution 2024-03.

Mr. Mills: Can we take them both together or separately?

Mr. Pawelczyk: I would do them separately.

Resident (Not Identified): Can I ask a question?

Mr. Mills: Sure.

Resident (Not Identified): Is there a requirement for individual Supervisors to retain documents and if so, how deep does it go into electronic media? Does it include social media conversations, text, that sort of thing?

Mr. Pawelczyk: They do, unless GMS has the record. So, in other words, you could forward everything you have, give Jeremy a disc if you wanted to and you can basically say, "*I forwarded all my records to Jeremy and he will maintain it as the Records Manager and his office as the records management facility.*" I don't know what the record retention schedule is off the top of my head, but I know for emails and texts it's very short. However, one of the things that records management does, is when and if GMS destroys any records, they have to fill out a

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form that indicates that the record was destroyed. So, if you have anything that you're not sure of, I wouldn't worry about anything that you and I had a conversation on, because I have that record. But if you had a record with somebody who's not connected with the District and you can forward that to Jeremy, he can maintain it if you choose to, otherwise you do have to retain it. That would be my advice to you. But most of the stuff that I know you all have received over the years, has come from GMS or been exchanged with GMS or they've been copied on that correspondence. So, in that respect, you're kind of protecting the public record. There's some protection there for you, from a public records standpoint.

Mr. Mills: You can be like DC; I don't remember that.

Mr. Pawelczyk: Well, it's great and it does happen and texts disappear. I don't mind when Supervisors have an issue in this District, text me and say, "*Hey, Mike, come to the meeting*" or "*Mike, I need to talk to you after the meeting.*" That's fine for a text. Don't send me a text saying, Mike, what's your legal opinion on this? Because then I have to take that text, put it in an email and save it somehow in my email directory. So, it's like extra steps for me. I try not to use text when I communicate with Supervisors on issues that someone's going to maybe want to know about that has some historical significance.

Mr. Mills: Does the HOA have to do the same thing?

Mr. Pawelczyk: I don't know what their records retention is for HOAs. I don't practice in that area.

Mr. Brown: It's Fairway Management.

Mr. Mills: I would imagine they would have to.

Mr. Pawelczyk: Yeah. Just so that Board knows, we've been together for a long time and GMS has obviously been around just as long. I always ask, as you know, for a copy of the executed version, like, we're going to adopt these resolutions today. I want a copy of that in my file so, I don't have to call Jeremy and say, "*Hey, did we adopt this?*" And it's easy for us to then go look at our resolution directory for *Baytree\resolutions2024-03RecordsRetention*. I can search that directory and I can find it. So, I know I've been in conversations with a lot of you and you've asked and we've talked about stuff on the phone. I can pull it up just as easily as Jeremy can when we're talking about things.

Mr. Mills: Right.

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Mr. Pawelczyk: I can tell you; we've had Districts where we're no longer council and we've forwarded that whole directory to the replacement counsel because they've asked for it. That does make it easy for them as well. So, I'm a big records retention and preservation guy. We were able to track down a lot of that stuff with easements and over the years, that we just found in our records and we saved everything. So, between GMS and I, I think we had everything that this District has ever done, especially since the developer, I guess, since 2005.

Mr. Mills: Good. Thanks, Mike.

Mr. Pawelczyk: So, we need a motion to adopt Resolution 2024-03.

On MOTION by Mr. Brown seconded by Mr. Bosseler with all in favor Resolution 2024-03 Adopting a Records Retention Policy was adopted.

Mr. Mills: Moving along to the next resolution, Resolution 2024-04, we need a motion.

On MOTION by Ms. Hill seconded by Mr. Brown with all in favor Resolution 2024-04 Authorizing the Use of Electronic Documents and Signatures was adopted.

**D. Consideration of Resolution 2024-05 Designating Assistant Secretary and Assistant Treasurer of the District**

Mr. Mills: Alright, moving on to the Assistant Secretary and Assistant Treasurer. April thought she was being replaced already.

Mr. LeBrun: Resolution 2024-05 is due to a person going on maternity leave in our Central Florida accounting office. So, we moved Baytree to our South Florida accounting office. Therefore, we are adding Mr. Richard Hans, who is the Manager of the South Florida office, as an Assistant Secretary and Ms. Patty Powers, as an Assistant Treasurer, who is an accountant in that office. The two of them will be able to work on behalf of the District. So that's what this resolution is doing.

Mr. Mills: So, we're going to be moved to the South Florida office?

Mr. LeBrun: Yes, but the Board will experience no changes. It's just there's a different accountant that's doing Baytree's accounting and they are not in the Central Florida office. They're located in the South Florida office.



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Mr. Mills: Okay.

Mr. LeBrun: So, when you're approving checks and things like that, it's a totally different physical space. So, this is just allowing them to work on behalf of the District due to that.

Mr. Mills: Are there any questions on the resolution?

Ms. Simmons: I'm assuming it'll be moved back once the people come back.

Mr. LeBrun: I haven't heard of that yet. I'm not sure down the road, how that goes, but for now, that's who will be handling Baytree's account. I'll be sure to bring the changes back to our previous office and we'll address that then.

Mr. Pawelczyk: They have an extensive staff down there that does the accounting. Patty, is actually a principal at GMS.

Mr. LeBrun: Yeah, I think she's been doing it for close to 30 years. She's very experienced.

Mr. Pawelczyk: She's very good.

Mr. LeBrun: You're in good hands.

Mr. Pawelczyk: Rich is like the Mr. George Flint of South Florida.

Mr. Mills: Do I hear a motion to approve it?

<p>On MOTION by Ms. Hill seconded by Mr. Bosseler with all in favor Resolution 2024-05 Designating Assistant Secretary and Assistant Treasurer of the District was adopted.</p>
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**E. Consideration of Small Project Agreement for Lake Bank Restoration with American Shoreline Restoration Inc.**

Mr. Mills: Alright. Lake bank restoration.

Mr. LeBrun: Sure. We've been talking about this for quite some time, but I finally received the plan from American Shoreline Restoration, which is in your agenda packet. He has done all of your previous lake bank restoration work. He was provided both the Engineers Report that Peter prepared, when he did an inspection of the stormwater system. He also has previous inspections that he's been using over the last several years at Baytree. His process that he had mapped out for all his other work, he was provided the budget for. You guys approved a \$34,000 capital expense for lake bank restoration as part of your yearly allocation and he came in below that number for the work that he's going to be doing. If you go down to the last page, you'll see

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his proposal, which is a narrative of the work that's going to be done. Then also below that, you'll see a picture. I'll give you guys a chance to get to the picture of the lake. The first one, is Lake 22. Just a quick note for the Board. The work will only be done on the portions that the CDD maintains and owns, and not the golf course side of it. Just the ones that are behind the homes. This is from the Property Appraiser's map. I just want you to have the full picture.

Mr. Mills: Yup.

Mr. LeBrun: Then also, from his inspection and also using the previous engineers inspection and his previous work, from what he's noticed, there is erosion at 975 Chatsworth. That was an area he indicated needed immediate attention. Basically, the Board charged him with finding the most bang for the buck and what are critical needs of the District for this year. Also, behind that, you'll see two photos. These were items that the engineer identified in his report that needed some attention. There was some sediment buildup inside the stormwater structure on Lakes 19 and 20, so, he added those as part of his work as well. That's a relatively small portion of the \$34,000. I believe it comes out to about \$1200 to clear those out. So, this is based off of those recommendations from the engineer and from his inspection. This gentleman is the best in the business. He does work all around the State. He's in our area right now, finishing up Viera East. I think they have about 3,000 linear feet that they're doing in Viera East. Once they finish up there, he'll move over to Baytree, if the Board approves this. So, we're next in line, but he anticipates being done first quarter of 2024. So, within the next couple of months he hopes to get started and then finish up.

Mr. Mills: Andy, aren't the lakes down by 975 Chatsworth? Isn't that the one that we talked about before that had a lot of sediment in it?

Mr. Hatton: Yes.

Mr. Mills: I thought it was. Alright. Do I hear a motion that we go ahead and approval?

On MOTION by Mr. Brown seconded by Mr. Bosseler with all in favor the Small Project Agreement with American Shoreline Restoration Inc. for lake bank restoration was approved.
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**F. Discussion of Pool Deck Resurfacing Project**

Mr. Mills: Alright, Richard, you're up for the discussion of the pool deck resurfacing.

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Mr. Bosseler: Can't wait. We've been in touch quite a bit with Pool Doctor of Brevard. Andy and I met with him and we had a good visual. Overall, both Andy and I were pretty impressed with his presentation, his ideas and experience. Since then, the deck right in front of the bathrooms, have a thin set tile. It's going to pop one of these days because you can feel the air under it. So, we asked him to go ahead and include that in the bid and this is his new bid, which just came out a couple of days ago. Jeremy didn't have time to add it. I wrote a summary for everybody to see. Jan and I talked about it a little bit before the meeting, because she pulled up the Better Business Bureau Report on the Pool Doctors. Well, apparently, his rating is 2.1 on a five-rating system. So, that's not very good. He has had 13 complaints in the last three years. So, with the work Andy and I did, you can see all of the experience. He showed us what he was going to use for materials. He uses Richard's paint, but he uses Florida stucco. He provides a five-year warranty on both the pool and the deck. The replacement joints would be replaced. He did a lot of detailed work. He really wants our job. He came back to us and said, *"I can fit you in February and I'll give you a \$3,000 discount,"* but if we wait till the fall, because we kind of told him we were looking at the Fall when we had the money, he said that his prices with material and stuff, was probably going to go up another \$3,000 at least. So, if we do it now, we're actually going to be saving about \$6,000. So, I asked Jeremy and Andy to check out Pool Deck Resurface of Central Florida over at Champions Gate. Andy didn't have a chance to send the pictures out, but he will tell us what you saw over there.

Mr. Hatton: The pool deck itself looks really good. They moved the furniture back on to it. It looks really good, but to be honest, some of the detail work wasn't noticeable, because they have a black fence around the pool. Quite a bit of that bottom rail around the fence looked less than stellar, I guess. Other than that, the pool deck itself, had a couple of colors in there. It was also a commercial deck. I spoke with the lady in the office and she said that they were a fantastic company to work with. They're very attentive. It was raining one day and they sat and waited for the rain to pass. She had nothing but good things to say about them.

Mr. Bosseler: Have Jeremy send them an invitation to meet with the Board. I really like the company that Andy visited, because basically, you can use a hose to wash the pool deck down. The Pool Doctor and all the other bids that we received, you needed it to be pressure cleaned in order to wash it down. So, that was really appealing. Plus, the bid that Pool Deck Resurfacing gave us, was \$12,700, which was quite a bit less than every other group that bid on

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the property. We had eight bids on the project. The closest one for just the pool deck was \$14,400. Anyway, I put another paragraph in my summary note, but I'm not going to read that today. We will re-address that in the future. So, are there any questions from the Board?

Mr. Brown: Yeah. I have some concerns. Number one, this \$63,900 is not in our budget. I believe that we had money budgeted for re-doing the deck, but not the pool and now we're looking at a potential, \$35,000 to \$36,000 to fix this leak in the pipe and the sinkhole, which we are going to be required to do by St. Johns. So, now we're now talking about \$100,000 worth of expenses, capital improvements that we have not budgeted for. We did not approve an increase in the assessment this year and I'm just wondering where this money is going to come from, number one. Number two, thanks to Mike, who sent out the Florida Department of Health (FDOH) regulations regarding commercial pools that is 32 pages long, there are two sentences within 32 pages that talk about the pool surface and one sentence in the Inspector's Report that talks about the pool conditions. All, in my opinion, are subject to the interpretation of the Inspector, who comes at that time. I went over and took a look at the pool. There are about 30 indentations in the bottom of the pool about this size. The one that's on the steps going into the pool, I felt it. The surface is rough, but feeling around the edges, they're not sharp. So, as of today, I don't know whether we have had any complaints about injuries or accidents or somebody getting injured as a result of those indentations. So, in my determination, and it's only my interpretation, the pool is safe. It's not unsafe, because the regulations, as considered by FDOH, is only significant in the prevention of disease, sanitary nuisances and accidents by which the health or safety of an individual may be threatened or impaired. The next sentence under cleanliness says, "*Pools shall be refinished when the pool surfaces cannot be maintained in a safe and sanitary manner.*" The Inspection Report says, "*The pool finish and tile shall be in good repair.*" My sense is that's possible and is a sticky wicket, regarding his definition of good repair and our definition of good repair. To date, nobody's been injured by it. Andy, the pool company that maintains the chemicals, have never said anything recently that the chemical balances are out of whack. So, it's sanitary. Therefore, in my opinion, it's safe and sanitary. I'm being a devil's advocate here, and I'm sorry that I'm doing that, but if I don't have to spend \$63,000 that we don't have, I don't want to spend it.

Mr. LeBrun: Just for the Board's knowledge, there was an interim inspection done on the pool, I believe, in December and it was not noted on that interim inspection.

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Mr. Brown: Okay. I can appreciate the guy wanting to give us the benefit, because if we sign today, we'll get \$6,000 reduction and a pair of Ginzu knives or something. But we had talked about the possibility of approaching the BCA. They have some reserve money, but from a timing standpoint, the timing is such that the next Board meeting of the HOA isn't until March. So, we're not going to be able to take advantage of this guy's \$6,000 discount in the next 15 days, because we'd have to commit to the whole amount of money. I'm just throwing this out, but I would like to hear what everyone else has to say. I have no problem doing the pool deck because that's what we said we were going to do and I think we budgeted money for it, but we spent \$82,000 last year out of the Roadway Fund to do the sidewalks and now we're going to look at spending \$100,000 for this, but where is that going to come from, as there's no increase in the assessment.

Ms. Hill: The other thing is, we got a bid from this gentleman back in August, and at that time, he was saying that he had a slot in four weeks. That was back in August and now he's giving us a new one and telling us, "*Oh, there's a slot in February.*" Well, I reached out to our pool people and said, "*Now I realize ours is just a residential, not a commercial pool.*" But I trust them. They've done a good job for us for 20 years, so I asked them. They're telling me that they're booked three months out. So, I'm saying, "*Well, why aren't you booked three months out?*" Which is why I looked them up in the Better Business Bureau.

Mr. Brown: Well, I would say there's probably a heck of a lot more residential pools in Brevard County than there are commercial.

Ms. Hill: Yeah.

Mr. Brown: It's a whole different market.

Ms. Simmons: I'm going to play devil's advocate. Are we going to wait until someone gets hurt? Then it's worse. I'm not saying that I agree or disagree. I'm just asking when are you going to fix it? We did get \$18,000 for it and if you do decide not to do it, it should be put away for when the time comes to do it.

Mr. Bosseler: I agree with Rick, that none of these areas that have the indentation are sharp. I swim all the time. There is just maybe a 16<sup>th</sup> of an inch deep or less. It's just like a two- or three-inch pop out. I put my feet on all of them and there's no problem.

Mr. Brown: The vandalism was done back in May or June. So, it's been nine months and during that nine months, we've had water aerobics. We've had the Summer with kids and

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everybody else swim in it. It's been there and nobody has complained. No mothers called me to say that the pool is dangerous. So, I'm just throwing it out. I did ask Mike, from the standpoint, if the FDOH Inspector came in and said, *"No, you're going to have to shut the pool down,"* what recourse do we have? There is nothing in the regulations saying that I can appeal a decision. I thought there was. But there is a process we can start with, if the Inspector says, *"You have to replace this."* If I remember what Mike said, and I'm not quoting you, it's not a short process and it may not be a cheap process. So, it really involves the involvement of attorneys, not Mike, because he doesn't handle stuff like that, but another attorney or FDOH.

Mr. Pawelczyk: That's if you were to contest the decision of the Inspector.

Ms. Simmons: Yeah, that cost would be just doing the full resurfacing.

Mr. Pawelczyk: Other than complying, as a result of the inspection.

Mr. Brown: Then the issue would be, whether or not during that appeal, if you will, whether the pool would have to be shut down. But it would be shut down. The guy's not coming until June to do the annual inspection.

Mr. Hatton: Yeah. Its typically when we get our license.

Mr. Brown: Okay. Which is probably the time that our heated commercial pool is least utilized, because most of the people in Baytree have their own pool. So, I'm playing a little crap game here, but \$63,000 is on the table.

Mr. Mills: I agree with all of you. I'm going to walk both sides of the fence. I like to be proactive and not reactive. I think sometimes we don't look at things, but I agree with you. We do not have the money appropriated, number one. Number two, our community is getting old. Infrastructure is getting strained and we have to look at that. To me and Rick, I go along with you with regard to everything, including the fact that the sinkhole could be a health issue, number one. Number two, it could cause flooding and property damage. So, I think we need to prioritize where we spend the money. To me, the sinkhole comes before the pool. The pool would still be maintained and no one's going to get hurt, from the way it looks. I was at the pool also and I would recommend that we don't do anything. That's my point at this time.

Mr. Brown: Now I'm going to flip. Rich, you had mentioned that every contractor you talked to said, *"Refinish the pool before you refinish the deck."* So, if we flip it and say, *"We already have the money in the budget to redo the deck, which needs to get done, but if we redid the deck with this company and God forbid in June, the FDOH guy comes in and says, 'I'm not*

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*going to approve this, and you're going to have to refinish the pool and I'm going to shut it down and all this other stuff,' we then have options."* However, my question is, if we redo the pool deck this year and sometime in 2025, I'm assuming that at some point, we're going to have to increase the assessment, in order to rebuild up the Roadway Fund and cover the \$82,000 for the sidewalks and \$36,000 for the pool, is there some way that the new pool deck can be protected so that it's not damaged when they refinish the pool? Because I know that when I had my pool refinished, they wreaked havoc on my pool deck, to the point where I almost had to have it redone. So, I'm just throwing that out as, is there something that they can do in the future, so that we can redo the deck and then when we need to refinish the pool and we have the funds to do it, that it will be protected?

Mr. Mills: I had our pool redone two years ago and they didn't even touch my deck, period.

Ms. Hill: They didn't touch ours either.

Mr. Brown: We should have used your company.

Mr. Mills: Yup, Intercoastal. They did ours.

Ms. Hill: That's who did ours.

Mr. Mills: They never touched our deck. You would never even know that they did the pool. Yeah, I think we just go ahead and do it.

Mr. Pawelczyk: You can just include it as part of the contract, even if you're going to pay a little bit more that they are responsible to protect the new deck.

Mr. Mills: Exactly.

Ms. Hill: Yes.

Mr. Pawelczyk: Because I've had my pool done too. My deck was done last year. So, the only thing that the pool company did, was left dirt that I scrub out with a machine across the pavers.

Mr. Mills: Right.

Mr. Pawelczyk: So, I think it can be protected with something. One thing that I just wanted to share with you. We said a lot on the record, about, as best as we can tell, there's no dangerous condition. So, one thing that I suggested to Jeremy, in speaking about this matter, is we should have an inspection program of some sort, whether it's once a month or a pool contractor. I know he's out there all the time, so we need just some sort of note that says, *"Hey, I*

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*went out there and physically looked at those indentations and they're all the same.*” That way, if a Pool Inspector comes, we're doing what we're supposed to do. We're monitoring the surface of the pool and we're trying to wait until we can include it in next year's budget, before we undergo any action. So, I think you're taking a proactive approach, not a wait and see approach. You're being more proactive by waiting and seeing, by making sure that we're monitoring the surface of that pool. Here's our records that show that and create an inspection sheet, showing that it was physically inspected or Richard could do it. I think that's good when FDOH does come out and say, *“Oh, no, we're aware of this for months.”*

Mr. LeBrun: Just to add on to that, just for the record, there have been two inspections by the county that have not shown any dangerous initiative.

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

Mr. Bosseler: No. I would ask Andy to see if you can set up a meeting with the Champions Gate company and see if you can get them over here. I guess the only question that I have is, if we like this company and we come back and propose that we go with this company, would we do it before the inspection or would we wait until July?

Mr. Brown: Personally, I'd wait until after the inspection.

Mr. Mills: Yeah.

Mr. Brown: The only reason I'm saying that, Mike's comment is right on. If we can show that we were aware of it, we've been studying it, there have been no incidences of anybody injured, the chemical balance of the pool has maintained itself as per DOH requirements, that should bide us time, when we say, we're going to have to put this in our budget for next year, which doesn't start until January 1<sup>st</sup>. I would hope that they would be somewhat flexible. But I think if we have a record showing that we're aware of it, it also gives us time. We know that at some point in time, hopefully in 2025, if the funds are available to resurface the pool, it gives us now time between now and then, to approach the BCA and say, *“We're going to have to resurface the pool, these are the quotes we've gotten so far.”* I assume that the amount of money that the insurance company is willing to give us, will be the same next year as it is now.

Mr. LeBrun: I verified there's an expiration on the distribution of funds.

Mr. Brown: We received \$18,000 from them.

Mr. Mills: Excuse me one second. Will they consider an escalation in costs of equipment and labor? We've gotten an \$18,000 check from them now, based on a proposal.



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Mr. LeBrun: We haven't received the check yet.

Mr. Mills: If the proposal comes back higher, will they look at it additionally and give us more money?

Mr. LeBrun: I can resubmit and see.

Mr. Mills: That's what I would do.

Mr. LeBrun: Hopefully they would. We would fight for that, but I can ask.

Mr. Mills: That's what I would do.

Mr. Brown: I'm only saying that gives us time, from a timeline standpoint to present the information to the BCA Board and ask them, "*Would you consider donating up to a certain amount of money to help us pay or defray the cost of refinishing the pool.*" Because in the past we've said, "*Let's go to the HOA.*" Well, they only meet certain times of the year, so if we don't have our act together, you can't expect to just go, "*Hey, we're thinking about doing this. Would you give us so much money?*" If I was on the BCA Board, I would say, "*Well, show me some numbers*" and knowing their Chief Financial Officer, he's going to want to see them. Okay? So, it gives us time. That's all.

Ms. Simmons: The answer is no.

Mr. Mills: Okay, I think we beat that enough. So, we're going to go ahead and do the pool deck? Is that what we were saying?

Mr. Brown: I would.

Mr. Mills: Do I hear a motion that we go ahead and approve the money for the pool deck?

Ms. Simmons: But he said after the inspection in July.

Mr. Mills: After the inspection.

Mr. Bosseler: We're not sure with what money. We haven't picked the company yet. So, do if you want to specify no more than \$15,000?

Mr. Brown: Well, I'm assuming that this is the company that you would recommend.

Ms. Hill: No, he wasn't recommending that one. He was recommending Pool Deck Resurfacing.

Mr. Mills: The ones who are doing it for \$14,000.

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Mr. Bosseler: The one Andy and I like and Andy went to visit, was \$12,800. The other guy who came out and sold us a bill of goods, was \$14,400. Then we had proposals for \$17,000, \$18,000 and \$31,000.

Mr. Mills: Is the \$12,800 proposal, the one that Andy said was good, but not that good?

Mr. Hatton: The surface itself was good.

Mr. Mills: But wasn't neat around it.

Mr. Hatton: Correct. I think we could build something.

Mr. Mills: I'd rather spend \$14,000. How much do we allot for the pool?

Ms. Hill: Well, there is a difference. The proposal for \$12,800 can be cleaned with just a hose and water.

Mr. Bosseler: Yeah.

Ms. Hill: All of the rest require using an epoxy and pressure cleaning. So, that affects the price as well.

Mr. Hatton: And if we jump to the \$14,000 proposal, that takes us back to the Better Business Bureau.

Ms. Hill: Yeah.

Mr. Hatton: We should probably build a cushion, because of rate increases. Therefore, I recommend approving a not-to-exceed amount.

Mr. Mills: Do you want to approve a not-to-exceed amount of \$14,400?

Mr. Bosseler: Yes.

Mr. Mills: Is the Board good with that?

Ms. Hill: Well, if you're doing it later, it should probably be a not-to-exceed of \$15,000, because you're going to have some cost escalations, if we're in February and you're talking about doing the work in August or September.

Mr. Mills: What did we budget for it?

Mr. LeBrun: I'm trying to find where it's actually spelled out in the Capital Improvement Plan. So, if I'm looking at our Fiscal Year 2024 Approved Budget, I don't see that line item specifically listed for the pool deck. So, I'm doing a little more research right now, to see if I can see where that's spelled out. We have the tennis court lights that are in there for next year and the pool furniture for the following year.

Mr. Bosseler: Look at two years ago.

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Mr. LeBrun: Okay. I'll have to look a little deeper and see where it is.

Mr. Mills: Is \$15,000 your recommendation?

Ms. Hill: Yeah, that was my recommendation, just to give us a little cushion, with escalating costs and inflation.

Mr. Mills: Okay. The one that gave us the \$14,400 proposal, could they give us a quote on using the same material?

Mr. Hatton: According to him, they could use the same material. They can use either one, the knock down or the pool deck.

Mr. Bosseler: That's right.

Mr. Hatton: But he's talking about a \$3,000 increase and he's just over 20%. So, if you're going with the \$12,700 proposal, we should probably build up at least 20% of that one, more than likely across the Board.

Mr. Brown: So, we should approve \$15,000.

Ms. Hill: Yeah.

Mr. Brown: \$15,000 to cover the 20%.

Mr. Mills: Yeah. Alright. Do I hear a motion to approve the pool deck resurfacing in a not-to-exceed amount of \$15,000?

On MOTION by Ms. Hill seconded by Mr. Brown with all in favor the proposal from Pool Deck Resurfacing in a not-to-exceed amount of \$15,000 for pool deck resurfacing, after an inspection was approved.

Mr. Mills: And this is for July?

Mr. LeBrun: Yes, for the pool deck only.

Mr. Mills: For the pool deck only.

**SIXTH ORDER OF BUSINESS**

**CDD Action Items/Staff Reports**

**A. CDD Action Items**

Mr. Mills: Alright, moving along. Next we have the CDD action items.

Mr. LeBrun: I'll go through those real quick. So, in your agenda, you have the current Action Items List. The first item is the new landscape vendor onboarding. You will see that the

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status is ongoing. US Lawns is here today and Mel and Andy have been working with them pretty closely on looking at deficiencies that they've inherited on the property and getting those addressed. So, we're going through that onboarding process. They mentioned having that schedule for the Board to be aware of what zones they will be in on what days. So, that will be on there. The second item is the lake bank restoration, which we went through earlier. Like I said, I was hoping to start Lake Q1 next month, tentatively and to finish up Q1 in March. The pool and deck resurface, we just discussed. So, that is our Action Items List. I do want to add that I had a good conversation with Florida Power & Light (FPL). They're replacing that missing pole. It should be replaced by next week. So, we've had some good movement with them. They should have that.

Mr. Mills: What about the two street lights coming in on the right-hand side?

Mr. Hatton: Yeah. So, FPL fixed those. That was one of their issues. They also fixed their heater table.

Mr. Mills: They did?

Mr. Hatton: That was their problem.

Mr. Mills: Okay, but what about the two lights?

Mr. Hatton: The two lights on the right-hand side was also their problem. Eau Gallie came out because they replaced the heads and said that there was no power coming through, which was supplied by FPL. So, I called it in FPL and they came right out and made that fix.

Mr. Mills: Well, they aren't lit.

Ms. Simmons: They're not lit.

Mr. Mills: They're dead.

Mr. Hatton: I'll check on that, because they sent me a report.

Mr. Mills: Yeah, they aren't working.

Mr. Hatton: Okay. Those have brand new heads. We'll touch base on that.

Mr. Mills: Okay.

Mr. LeBrun: That's all I have for the action items.

## **B. Additional Staff Reports**

### **i. Attorney**

#### **1. Memo Regarding Annual Ethics Training Requirement**

Mr. Mills: Alright, Mike?

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Mr. Pawelczyk: Sure. There's a memo in your agenda package, which addresses the ethics training and financial disclosure. I went backwards in terms of the way that I wrote the memo. I know Jan has heard of this, because she pays attention to municipal government. So, a lot of City Commissioners are up in arms because they're being asked to file Form 6. Just a reminder, that does not apply to CDD Special District officers. Only City Commissioners right now have been impacted by this change and they're very upset about it. A lot of people are going to either resign or not run because of that. Form 6 is an enhanced Financial Disclosure Form that none of us want to sit down and do in the first place. It's pretty intrusive as far as I can see. So just a reminder, you don't have to do that. I'm only bringing that up, because I had a lot of Board Members come to me and say, *"Do I need to fill out Form 6?"* You don't have to, but they're listening to the news. So, you don't have to do that one. Form 1, though, remember now it's all electronic and there are no more paper filings. There is a link embedded in this memo, which I think is in your agenda package, and Jeremy may have sent to you separately, where you go onto the Florida Commission on Ethics website, click on the link and you put in your email. They should already have your information from the email that GMS uses. A lot of your form will already be filled in, such as your address and your personal information. They actually make it very easy. What I would encourage you to do, between now and the next meeting, is start that process. You're going to get your own password, in order to set up an account. That way, if you have any questions, we can talk about it at the next meeting. We still have plenty of time, but I would at least start the process. You might be able to complete it right away. I started mine and said, *"Maybe I better go back and look at my intangible personal property,"* which is probably the one that you guys always have to look at as well, just to make sure I don't report it. But to get there, it took me three minutes. So, it's very easy to get through the process. There is a provision in there. Remember the Part G where you report that you completed ethics training? For this year's form, you are not going to have to do that. It's going to basically skip over that section, because it's going to say that you don't have to do that this year. The caveat to that, is the legislature says you have to complete it before the end of the calendar year. So, Form 1 is due on July 1, but you have to complete ethics training by December 31, 2024. There are some links in here. The first two are the ones that I would recommend. One is on public records and one is on state ethics laws for constitutional officers and recommended officers. There are links to the Florida Attorney General's website that has videos that you can watch at your leisure. If you

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don't like those or you find them boring and you want more, I wouldn't necessarily look at the next ones, because one has a registration fee. Actually, the one at the top of Page 2, you can listen to, but the next two are really for pay. There is another one coming out. The Florida Association of Special Districts will be releasing another four-hour program. So, Special District officers can take advantage of that, as well as municipal officers. If Jeremy and I hear anything along the way, I have a lot of contacts in the City Attorney's offices and in Brevard County. They might say, "*Hey, we're going to open up a program, since more and more people are required to take this ethics training.*" If that's available and there's something local and you find out about it, we'll let you know and you can go to it, even if there's a registration fee. If you're like me, I'd rather go and listen to it than sit at my computer, but at the same time, try to complete that before December of 2024.

Mr. Brown: Can we access these by <https://floridaethics.org/>?

Mr. Pawelczyk: You can actually go to the memo and click on the link. It's embedded in the memo that was sent to you.

Mr. Brown: Okay.

Mr. Pawelczyk: And it's on the agenda package. But these first two, if you look at the first one, Rick, it says, "*This presentation is offered by the Office of the Attorney General.*" If you were to Google "*Florida Attorney General,*" "*Public Meetings*" and "*Public Records Law,*" its going to pop up.

Mr. Brown: Got you.

Mr. Pawelczyk: And if you can't find something, just shoot me an email and we'll send it to you. It's very easy for us to do. We have all of these lined up, so if anything else becomes available, let me know. If you all hear of something up here in Brevard County, just let me know. That way I can circulate it to my other Brevard Districts. But it's really kind of about sharing information. GMS is doing the same with us. We're trying to make sure that we have a good list. Whether my firm prepared it or some other local government law firm, we want to make sure that you have as much information as you need, to complete that requirement. I will tell you that Broward County does have an in-person requirement, not for the Special District officer, but for municipal officers. I think two hours of it has to be in person. I guess they don't find them ethical enough to listen to it online, so they figure they can at least get two hours out of it. The only other thing that I would do, is when you register for these programs, because you have to register

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and then they send you the link, basically, it records that. Just save that somewhere, so you have a record of it. So, if anybody were to ask, *"Let's do it on this date,"* that's my only advice.

Mr. Mills: Well, if you register for it, you'll have a registration receipt.

Mr. Pawelczyk: Exactly. You should have something. Like me, I just put on the calendar, *"Attended ethics training on this day."* That way, you can always go back and find it, if you had to. But in 2025, when you fill out your Form 1, you'll basically be ahead of the game, because you will have already completed the ethics training for 2024. You can check that box, and then you can do four hours again next year.

Ms. Hill: I was just at a conference, because I'm on another Board.

Mr. Pawelczyk: Right.

Ms. Hill: They're telling the people on the Board at the City, that they need to attach a copy of their 457, of what they hold in that account. Before I just put the categories, but now they're saying, *"Oh, no, you need every line item."* And I'm thinking, no, because that's all public information. Now the police and the fire, theirs gets redacted, but the rest of us would not.

Mr. Pawelczyk: Not their financial information.

Ms. Hill: Are you sure?

Mr. Pawelczyk: I'm not sure.

Ms. Hill: That's not what they were saying, but anyway.

Mr. Pawelczyk: No, I don't know if that's the case or they might be referring to Form 6, which you, as an advisory Board Member, for instance, don't have to complete. That's only for the elected officers, I believe, for municipalities. But I can tell you when I filled out my form, because now it's all based on the Dollar Guide, there are little comparative thresholds that we always filled out where you can attach stuff. There's a link that says you can attach it, but there's nothing that requires you. You just have to disclose it, which means if it exceeds a certain dollar threshold that's there, you would just have to disclose 457 from your IRA with Wells Fargo.

Mr. LeBrun: Yeah. I recently just did my own as an officer on other Districts. It's very easy to register, it's very quick and it doesn't ask for specific dollar amounts. As Mike said, if it's over \$10,000, you just have to disclose the type of vehicle that that money is within. If it's a Target Date Retirement Fund, you would just put, *"Target Date Retirement Fund - Vanguard."* That's it. There are no other specifics. I just filled mine out. So, as you guys go through it, if you have any questions or need help, I live in the area, so I can always help you out.

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Mr. Brown: So, it's basically what we put on Form 1 last year.

Mr. Pawelczyk: It's going to be, but you need to watch the dollar value threshold now. That's the only thing. Like I have to report more. That's why I stopped, because when we were doing a comparative, I just had to put the big boy on there, which is the IRA for my firm and then another retirement account, as I had two retirement accounts. That's all I had to list. Now, since the investments are over \$10,000, you are supposed to list those individually.

Ms. Hill: Yeah. If you're talking about cars, you have to put your vehicles down and a lot more detail.

Mr. Pawelczyk: I don't know that. That's why I'm asking you, because it will be at the end of July. Just make sure that you can get in, number one, because I had actually called. The Village of Islamorada was using MJP at my email instead of MPawelczyk, which I wasn't aware of. I kept trying to log in and it was not letting me log in. So, there may be an email issue where they just have different email for you.

Ms. Hill: Well, I did go and print it out. They're talking about in addition to stocks, bonds, CDs, vehicle leases, interest in benefits, beneficial interest in trust, money. They're even going down to, like, the 529 plan that I have for my grandkids. It's a lot more detailed than what it was in the past.

Mr. Brown: You know what, lie. That was a joke. For the record.

Mr. Mills: I'm going to say refer to Ms. Jan Hill.

Ms. Hill: No, no, no. But I sit through 90 minutes of this.

Mr. Pawelczyk: Yeah, let's do this. I mean, this isn't a Sunshine Law issue either. We're never going to vote on this. So, if we're having issues, we can set up a Zoom call. I don't want to do it here, but we can always set up a Zoom call where we discuss this amongst ourselves. You guys can talk about this together.

Mr. Brown: I was going to say discussing this at the workshop would be a good time.

Mr. Mills: That's a good idea.

Ms. Hill: Yeah.

Mr. Pawelczyk: We can just do it that way and you can narrow the issues that you need to look at and I can look at them ahead of time and we could go through that process, if we had to. That's all.

Ms. Hill: Can we still use percentages?



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Mr. Pawelczyk: I think it's only dollar value now that they look at, but again, I just started doing it online and I didn't go into further detail.

Ms. Hill: Okay.

Mr. Brown: How about each one of us goes online and starts the process and writes down any questions that we have.

Mr. Pawelczyk: Perfect.

Mr. Brown: And shoot those to Jeremy.

Ms. Hill: Okay.

Mr. Brown: You consolidate them all and shoot them to Mike and then we go from there.

Mr. LeBrun: No problem.

Mr. Pawelczyk: Yeah. It might actually be beneficial to schedule something in between meetings. Just like I said, a Zoom would be great, if we have the questions ahead of time. I think it would be quicker to have a Zoom meeting, than for me to go through a long email.

Mr. Brown: This way, if we send them to Jeremy, he can see that maybe five of us have the same question.

Mr. Pawelczyk: Right and we can get that answer quickly.

Mr. Brown: Right.

Mr. Pawelczyk: That works. That's a good idea. That's all I have. If I took too much time, I apologize.

Mr. Mills: No problem.

**ii. District Manager**

Mr. Mills: District Manager Report.

Mr. LeBrun: Sure. So, besides that, I don't have anything. I'm going to go into the Field Manager a little bit.

**iii. Field Manager**

**1. Discussion of Repairs for Broken Sink Pipe on Balmoral**

Mr. LeBrun: The discussion of repairs for the broken sink pipe on Balmoral Way, is in regards to the service depression that we've heard about a little bit today. So, just to take the Board through the history of that, once we were made aware of that, we went through the process of identifying what the cause was. We started with the smallest issue. It could be a broken

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irrigation pipe. We worked our way through that. We looked at whether it could be a city utility issue. The homeowners were looking at their water data. There was not excess usage. So, we kind of worked our way up from least expensive to what could be the problem to narrowing things down. We had our engineer's office do an onsite inspection, to see if they could see anything. They recommended that we do a CCTV of the pipe, a scan of the pipe, where they take a camera down there to see what's going on inside the stormwater pipe. This is located within one of the residents' yards. Our easement, of course, requires that stormwater pipe. So, one of our trusted vendors went out there to perform exploratory work, to see what the issue was. It was a pretty extensive inspection. They had to fully drain the pipe to get a camera in there to see it. That involved going into the lakes that feed into that stormwater pipe. A diver had to go in there to block the inlet to that pipe, which allowed the vat truck to go in and pump all of that water out. To add on to that, the area where the pipe is, is unfortunately, where a lot of utilities merge together. We're talking fiber optic cable, electricity. So, it's really just a tough spot for the vendors to work in. They were able to do all of that in order to pump out the water. They also installed the camera. They sent over a link to the video. We sent that to Peter to have him take a look at it. So, that's kind of where we're at now. We see that the extent of the damage is a crack in the pipe. So, that's where we're at currently. We have a quote from the vendor that did all of the exploratory work to get us to this point. We have that quote from them, which came in about \$36,000. Andy's going to get two or three more. He has other vendors that he's worked with, to get a comparison to see if the cost is about right or its too high. Then we'll send all of those to Peter as well, so he can see what they're recommending for the repair. It's one of those things that this District is required to do to maintain the stormwater system. So, it's not something we really have a choice on, but we do have a choice of making sure we're getting the best bang for our buck in a qualified vendor and repairing it as fast, quickly and as efficiently as possible. As Jan mentioned earlier, they were looking to see if they could repair it using a sleeve, which would be much more cost effective than digging everything up. However, one vendor said that's not an option. We'll make sure the other vendors look at the video and pictures to see if they have another solution. So, that's where we're currently at. When we get those in, I can send those all out to the Board and then we'll go from there. But like I said, this is one of those things that you're going to have to do.

Mr. Mills: Andy, is that a corrugated steel or a concrete pipe?

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Mr. Hatton: Concrete.

Mr. Mills: It is?

Mr. Hatton: Yeah. It's a tough repair.

Ms. Hill: They said it was concrete up to the road.

Mr. Hatton: In the road.

Mr. Mills: Under the road and then it's corrugated.

Ms. Hill: Yeah, from there on.

Mr. Hatton: It switches right there.

Ms. Hill: This is the actual owner.

Resident (Tim Vitou, Balmoral Way): I'm unfortunately the proud owner of this. I don't know if you've all seen it. This would fit in it very nicely and it's growing. This is my wife, Rhonda. It's actually her fault. We were there for the plug. Jeremy, I apologize for some of my emails.

Mr. LeBrun: Oh no. That's alright.

Resident (Tim Vitou, Balmoral Way): They may have been a little snarky. I recently retired in October and I have nothing to do. I don't know what I'm doing yet, other than firing off emails. Andy, thank you for all the correspondence back and forth, but the question that I have is, are we talking about just fixing where this hole exists or the entire run, which goes from here to the starter house. If it goes to the starter house, you're talking about a very mature Oak tree sitting right on that line, a maturing Norfolk Pine, another Oak tree and depending on where this line goes, my neighbor's hedge probably sits right on top. \$36,000 isn't going to cover all of that. I'm assuming you're talking about right there. Right?

Mr. Hatton: Right. They can repair that segment.

Resident (Tim Vitou, Balmoral Way): We can adjourn to the bar.

Mr. LeBrun: Just also for the Board's knowledge, a repair like this, you have to coordinate with a variety of agencies, such as FPL. So, it takes a lot to get everyone to move together and it's a long wait for contractors to do anything small, especially something like this. So, we are going as fast as possible to repair that.

Resident (Tim Vitou, Balmoral Way): When the kid started digging, he started hitting power lines and decided it was a good idea to stop with a power line that big. We thought it was a good idea too.

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Mr. Mills: Well, thank you so much for coming.

Resident (Tim Vitou, Balmoral Way): Thank you.

Mr. Brown: Thanks for your patience.

Resident (Tim Vitou, Balmoral Way): I just don't want to see anyone get hurt.

Ms. Hill: Yeah.

Mr. LeBrun: On that note, as part of the quote that Andy received, and we'll check with the other vendors, they are saying that they might have to shut down the power to that section of the area. So, it would involve notifying the homeowners and having FPL schedule the work, as it's a bit of a process. So we are, like I said, getting to it as quickly as possible and making sure that we notify everyone. Hopefully it only be for a few hours.

## **2. Update on Fire Damage Repairs of Birchington**

Mr. LeBrun: Then below that, also listed is the update on the fire damage repairs on Birchington Lane. That was for the car that caught fire on that section of home, in front of the home. This is at the end of a cul-de-sac, right in front of the homeowner's home. The car caught fire and a small portion of the road was damaged. So as soon as we received that, we notified the insurance agency. They worked to contact the homeowner. There was some miscommunication from the homeowner. They sent the email to the wrong email address. So, our insurance tried to talk to them and we eventually got the phone number and then we finally realized why they weren't getting our responses. This is the insurance. So, now they're communicated. BMW is going to cover the costs. I guess it was deemed to be that BMW is going to own up to this. So, now our insurance is working with BMW. There's a release that they want us to sign, which I sent to District Counsel and he's reviewed it. He's requesting some changes just based on public records and what we have to comply with. So, that's being worked out. Andy already has a quote from the vendor. I believe it is a little under \$4,000 for the repair, so we'll get that road repaired. The good news is it's not in high traffic area. It's only in front of this person's house at the end of a cul-de-sac. So, it's not affecting many residents. As soon as we get that release, we'll get that repaired.

Ms. Hill: It does look terrible.

Mr. Mills: You are communicating with the homeowner?

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Mr. LeBrun: Yes. I'm checking weekly. He has emailed me. He said, "*I'll check in again next week,*" and I'm telling him where we're at.

Mr. Mills: Okay.

Mr. LeBrun: But right now, BMW and our insurance are working on that.

Mr. Mills: Okay. Very good.

Mr. LeBrun: I don't think Andy had anything else for Field Manager. I just wanted to cover those two items.

Mr. Pawelczyk: What I think we should do now, is just a motion from the Board, authorizing the execution of any release that's required, provided that release is in a form acceptable to the District Manager and District Counsel.

Mr. Mills: Perfect.

Mr. Pawelczyk: We'll send it to Mel to sign.

On MOTION by Mr. Brown seconded by Mr. Mills with all in favor authorization for the Chairman and District Manager to execute any release required to be signed regarding the fire damage repairs on Birchington Lane was approved.

Mr. Pawelczyk: They sent a release that only EGIS would sign and said, "*CDD, please sign this.*" Thankfully, with my legal training, I was able to tell Jeremy that we can't sign this because we're not being asked to sign it. So, we sent it back to EGIS and said, "*Well, what do you want us to do?*" Typically, they're going to have both EGIS as the subrogee and the insured, which is us, to sign off on that. It's BMW, so they have a standard release saying, "*This shall be kept confidential,*" but we can't, because it's a public record. So, I just pointed that out, sent it back and we're waiting to hear back.

Mr. Mills: Okay.

## **SEVENTH ORDER OF BUSINESS**

## **Treasurer's Report**

### **A. Consideration of Check Register**

Mr. Mills: Treasurer's Report.

Mr. LeBrun: We have the Check Register that is in your agenda package. From the General Fund, we have Checks 714 through 742, which covers both the November and December checks, in the amount of \$141,339.48. Then we have payroll for the Supervisors in the

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amount of \$1,847. The total of the Check Register is \$143,186.48. Behind that, we have your detailed register. I'm happy to take any questions about that or a motion to approve the Check Register.

On MOTION by Ms. Hill seconded by Mr. Bosseler with all in favor the Check Register for November and December 2023 in the amount of \$143,186.48 was approved.

**B. Balance Sheet and Income Statement**

Mr. LeBrun: Behind that, you have your Unaudited Financials. through December 31, 2024. No action is required by the Board. They were provided for your review.

**EIGHTH ORDER OF BUSINESS**

**Supervisor's Requests**

Mr. Mills: Alright. Supervisor's Requests. Richard?

Mr. Brown: No.

Mr. Mills: April?

Ms. Simmons: You already brought up the two lights that I was going to tell Andy about. So, that's taken care of. The lake bank restoration, we talked about already. So, that's it for me, except this will be my last meeting. We got approved to go over to the UK. So, I will be sending Jeremy a letter of resignation and that's it.

Mr. Mills: We wish you the best.

Ms. Simmons: Thank you.

Mr. Mills: We thank you for all of the work that you've done.

Ms. Simmons: Thank you.

Mr. Brown: Give our best to the King.

Mr. Mills: All right, Rick?

Mr. Brown: One thing that came up at the BCA meeting, AT&T is out in the community, putting in fiber optic cable. Originally, I thought that they were going to be using the space between the street and the sidewalk, that grass area. Actually, they're on homeowners' property putting their lines in. Someone brought up at the HOA meeting, that he had heard in some communities, AT&T has paid either the HOA or the actual property owners, a certain amount of money to allow them to dig up their property and put their cable in. He was saying, "Could we

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*do that here?"* The question that then came up was, was the community that did that a private community or a public community like we are, because I guess AT&T is considered a public utility as it relates to this fiber optic thing? I don't know. So, I said, *"You know, we had a meeting on Wednesday and I would ask our attorney what he thought."*

Mr. Pawelczyk: Well, we can't do anything about private property. That is the HOA. Typically, when AT&T enters into these agreements, they do it with the HOA, because they already have easements over those roadways. I don't know if they do here or not. I have no idea.

Mr. Brown: To be honest with you, I don't know, Bob, whether you received anything or any of the other Board Members did. All I received was an email that was sent through Paula.

Ms. Hill: Yes.

Mr. Brown: I went to everybody in the community, saying that AT&T was coming in to install fiber optic cables, but there was no date, no nothing. These were the contractors. If you had an issue, this is who you call and stuff like that and that was it.

Mr. Eksten: They provided very convoluted looking maps. You couldn't tell where everything was and there's no real specific timeline for anything. But it was explained to us, *"That is a public utility and you can't expect anything, other than, doing it as neatly as we can, we will repair any damage to sod, driveways or sidewalks."*

Mr. LeBrun: They sent me and Paula the same email and then Paula sent out the email, which I believe I forwarded to the Board.

Mr. Pawelczyk: Typically, in your BCA covenants, there are provisions that say, *"AT&T, Bellsouth, whoever."* But you have to check those covenants. Other than that, they're typically in there. From the CDD standpoint, yeah, these communities are all creative. There are always easements in there and it's probably on the plat for the rights-of-way (ROW). I would imagine it's on the plat, when this District was established.

Mr. LeBrun: As they're finishing a section, Andy is going through and making sure that everything looks like it did prior to their starting and if it's not, we'll submit a request to return it.

Mr. Mills: Well, they are going across CDD property.

Mr. LeBrun: Yes, sure. So, we'll make sure it's on there.

Mr. Eksten: The resident that brought up this issue said that they are paying \$3,000 per home.

Mr. Pawelczyk: I'm pretty sure that did not happen.

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Mr. Brown: But do I as a homeowner have the ability to tell them to stop?

Mr. Pawelczyk: I don't know. You have to look at your covenants and what your agreements say.

Mr. Brown: Okay, because I have drains underneath certain parts of my property that are right near the sidewalk, which is where they're digging up.

Ms. Simmons: They cut my cable yesterday.

Mr. Brown: Okay. I will look at the covenants.

Ms. Hill: I wonder what you would do to get new sod, like the gentleman from US Lawns talked about.

Mr. Pawelczyk: I would imagine this actually did happen, based on hearsay, that it would be in a community that didn't have covenants like that set up, where you as homeowners, when you buy in here, basically grant easements for those types of purposes. I would imagine that's in there. I just don't know if it is or not.

Resident (Sandy Schoonmaker, Berwick Way): The gentleman who brought this up was with me and assumed that it was for a Condominium Board.

Mr. Mills: That makes sense.

Resident (Sandy Schoonmaker, Berwick Way): He's on the Board.

Mr. Pawelczyk: Didn't you guys have a Broadband Agreement that you entered into? When a lot of these communities are set up, AT&T sets up a contract. You did have one, because I remember seeing it, where everybody in the community was given the option to have their cable with this one company. So, you either take that one or you get Direct TV back.

Mr. Mills: Right.

Mr. Pawelczyk: Now our options are endless. Maybe with the condo, some sort of deal was set up where they're bringing fiber into the condo and everybody can hook up to that fiber.

Mr. Mills: Yeah. Alright. We'll move right along. Do you have any comments, Rick?

Mr. Bosseler: No.

Mr. Mills: Jan?

Ms. Hill: No.

Mr. Mills: Alright. I have a few. Andy, it was reported yesterday at the BCA meeting that there were dead fish down at Southpointe. I don't know what lake it would be coming out of, but it was brought up yesterday at the BCA meeting.



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Ms. Hill: That would be on the 16<sup>th</sup> hole.

Mr. Mills: Yeah, there was quite a few of them.

Mr. Eksten: I was told that there were 20 fish in two different sewers.

Mr. Hatton: What's the location?

Mr. Mills: Southpointe, probably towards the end, I would imagine. Andy, the magnet on the pool gate closest to the parking lot, acts like the gate is sprung, because when it shuts, the magnet doesn't engage. Are you aware of that?

Mr. Hatton: Yeah.

Mr. Mills: Okay.

Mr. Hatton: I think we're just going to add two layers to that with a magnet on it.  
*(Unintelligible)*

Mr. Mills: Okay. Very good. I'm sure residents have noted that we have some landscape lighting out and Andy's taking care of getting that fixed. I want to remind everyone, especially for your letters that go out, Sandy, the event for May 4<sup>th</sup>, is from 1:00 p.m. to 3:00 p.m.

Resident (Sandy Schoonmaker, Berwick Way): Yes.

Mr. Mills: Next are the transponders for golf carts. If you have a golf cart, we would prefer that you get a transponder for on your golf cart, instead of running up over the sidewalk, because that is happening right now. Someone mentioned the fact about closing off the sidewalks. We can't do that, because we're a public entity and we have to comply with the handicap rules.

Resident (Sandy Schoonmaker, Berwick Way): What is the cost of the transponders?

Mr. Mills: \$25.

Resident (Sandy Schoonmaker, Berwick Way): What time can we get them, 10:00 a.m. on Mondays?

Mr. Hatton: Correct. It is \$25 in cash or check made out to the Baytree CDD.

Resident (Not Identified): If you're not a resident of Baytree and you have a golf cart and come and play here, can they get a transponder?

Mr. Mills: No. You must be a resident.

Resident (Not Identified): There's always some non-residents coming in.

Mr. Mills: I know.

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Mr. Hatton: I would need a proof of residency when they bring their golf cart. There's no registration fee.

Resident (Sandy Schoonmaker, Berwick Way): The only other thing you could do, is I know you have to leave the sidewalk open, but if there were posts, they couldn't get the golf carts onto the sidewalks.

Mr. Mills: Yeah, we can't.

Mr. Eksten: We could have a manned gate on either side.

**NINTH ORDER OF BUSINESS**

**Public Comment Period**

Mr. Mills: Alright, I'll open up to the floor for any questions or comments. You sat through this whole meeting. Bless you.

Mr. LeBrun: If you could just say your name and address for the record.

Resident (Glenda Martin, Kingswood Way): Okay. I'm Ms. Glenda Martin and I live at 8026 Kingswood Way. I know you guys have addressed the speeding on Kingswood Way. I know you try, but I am requesting a speed hump or bump, whatever it's called, in front of my house. A lot of people are from IOB. So, I talked to Joanne about it. We have more children in the neighborhood and I have seen some of the commercial trucks, landscapers, whatever they are, veering off into the other lane towards the children and then they happened to see them. Someone is going to get hurt. We witnessed people, after a little bit too much alcohol, driving into the grass. If you have to hit the brake before you take the turn to go to the other speed bump, you're going too fast. It's 20 miles-per-hour (mph) and I called them and told them about their big trucks.

Mr. Brown: I'm sorry, what was your address again?

Resident (Glenda Martin, Kingswood Way): 8026 Kingswood Way.

Mr. Brown: Is that after your house?

Mr. Bosseler: After mine, Bob, about five homes on the right. They're requesting a speed hump between the two speed humps that we already have. One is in front of my house.

Mr. Brown: Right.

Mr. Bosseler: And the other one is further down.

Mr. Brown: By yours.

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Resident (Glenda Martin, Kingswood Way): By the time they come out of IOB, they rev up their engines and are just flying by. One was a golf cart.

Mr. Mills: That brings up a good point.

Resident (Not Identified): I can explain that.

Resident (Glenda Martin, Kingswood Way): He parks his agency car here.

Resident (Joe Martin, Kingswood Way): I was asked to speak. I'm here as a resident, but I'm also a deputy. I've been in law enforcement for 44 years. So, to give you an example, on Kingwood Way, you have the one speed hump where you're at and then you have the one at the entrance. The problem is, I'm not sure who engineered it, to put one in front of IOB. Alright. It's really not doing anything, because once you come over that hump, it's a straightaway. There are two S-Turns that you have to get to before you get to the next one, so they fly through there. Okay? So, let's say people park on the side. Alright? My wife has MS, so I park my car out on the road right against the curb and we have another car that's in the driveway, so she can walk on the driveway and not in the grass. Alright? So, if cars come out, I've seen them and cars where the neighbors live. If there are two cars coming, instead of one waiting for the other, they'll go around the parked car and I'm just waiting and saying, "*Here it comes, here it comes. You're going to get hit.*" Now, like the one that my wife said, there was a truck that came through there, that didn't make the right turn, the S-Turn, ran off the road toward the house, got stuck and he gets out and he's carrying his 12 pack back towards IOB. He still lives there. Alright? The other one was, we had a Mercedes flying through the neighborhood, hit a tree and flipped on Kingswood Way. The speed limit is 20 miles-per-hour (mph). The kinetic energy for a vehicle to flip is not 20 mph. Okay? Then unfortunately, golf carts, we all know about what happened on IOB. A lady was killed walking by a golf cart. Okay? That's horrific. So, now we have little ones. If you look, there's probably four or five families, easily. On one side, the speed limit was 20 mph and the other was 20 mph. There is a sign that says, "*Slow Children at Play,*" plus a 20-mph sign. Okay? So, yeah, it is frustrating. I have stopped people. I know Joanne has seen me. I think Mel has seen me stop people. You know what's happening? People go by my house honking their horn late at night. I have neighbors that witnessed that. I have people come by and throw trash in my yard. I've got video. Alright? In fact, I sent Glen back the other day to tell people, "*Hey, tell the guy to stop.*" I got his tag for my video and it falls into stalking, okay? So, I try not to enforce anything in my neighborhood because that's where I live and I have to think

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about that. Okay? I was in homicide for 12 years, so I already got enough stuff that I'm worried about. So, I don't need someone harassing my wife or anything like that, because I'm going up and down the street. But in Baytree itself, we've all probably experienced this. If you look at the stop signs, people are exceeding the speed limit and that's why they can't stop at a stop sign and they go past the stop sign in the roadway. The reason why the stop sign is prior to the sidewalk, is for pedestrians, because you stop if there's a pedestrian coming. What they're doing, is they are looking to the left or looking to the right, see that there's no car coming, so they go right through it. Well, if a pedestrian is there, you can hit them. I road cycle all the time. You probably see me. I'm the one with the visor all the way across my helmet. I ride almost anywhere between 20 and 22 mph, past golf carts. Okay. So, I get it that they don't realize that they are going that fast. I cannot tell you how many cars in Baytree, have almost hit me, because they are not stopping at the stop sign or they're coming so fast that I have got to veer off. So, I get it. I have a flashlight in front and I usually have one or two in the back. Alright, so I get it. I think it's sad that our own community can't take care of each other. That's what I think.

Mr. Mills: I agree.

Resident (Joe Martin, Kingswood Way): It doesn't matter how many deputies you call out here, how many traffic stops they're going to do, unfortunately, people are going to do it. People that come, the kids that come from Viera High School that drop off the kids, will fly through Kingswood. There's a Toyota SUV and a Toyota Camry that come through there all of the time. Okay? So, that is the unfortunate thing when it comes to our own neighborhood, because people are not stopping.

Mr. Mills: Right.

Resident (Joe Martin, Kingswood Way): Okay. So, it's not that you have too many stop signs. It's no one is stopping for them. If have a 3,500- or 5,000-pound car and you're not stopping it...

Mr. Brown: You're 100% right and I can't tell you how many times we've had these meetings and residents of the community have come in and berated us for all of the stop signs, because I live in the back in Balmoral or Southpointe and I have to go through five or six stop signs before I can even get to Wickham Road and they blow right through them. The second speed hump that's on Kingswood, as I remember, that placement was recommended by our

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engineer. Now, I don't have a problem by going back and saying to the engineer, *"Maybe we put it in the wrong spot, based upon feedback that we're getting from residents of Kingswood."*

Resident (Joe Martin, Kingswood Way): Have them put a radar sign to count how many cars are coming through and the speed that they're coming through.

Mr. Brown: Good point.

Resident (Joe Martin, Kingswood Way): So, what I'm just saying is, good point. But also, if you go out there and just look, if you take a car and drive 20 mph and then you take someone that drives 30 mph, you will tell the difference easily.

Mr. Brown: You're preaching to the choir. I live on Old Tramway Drive.

Resident (Joe Martin, Kingswood Way): On Old Tramway, the stop signs are not there because the community of Baytree said, *"Hey, you need to have stop signs."* That's an engineering issue that traffic puts out, saying that you have to have it. The problem is everybody is in a hurry, don't know why and we all experience things outside of this area. If you go out to Wickham Road, it's like, *"Okay, you pass me at 50 mph and hey, we're at the light, how are you doing?"* You know, that's what goes on. Okay. So those are the type of things. That's why sometimes I send an email. I send it to different people because of things like car burglaries. What kids are doing, they come out of Baytree and into Baytree and all they're doing is looking for unlocked cars. They're pulling doors open and ransacking it.

Resident (Jackie Curly, Kingswood Way): I'm just going to make one comment because the second one is by my house. If you take that one out, I think what Joe is saying, is correct. I think there needs to be one probably in the middle. If you take the one out in front of my house, they're just going to speed even more.

Resident (Joe Martin, Kingswood Way): Right.

Mr. Mills: I don't think so.

Mr. Brown: You're saying add another speed bump.

Resident (Joe Martin, Kingswood Way): Let's say, for instance, because when you come out of IOB, where that speed bump is, they just come out. So, when they go over, guess what? They go.

Resident (Jackie Curly, Kingswood Way): Yeah.

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Resident (Joe Martin, Kingswood Way): So, when they're coming to IOB, they have to slow down anyway, because they have that little S-Turn to come in and if you don't, you're going to hit the monument.

Mr. Brown: So, are you recommending that we remove the one by IOB?

Mr. Mills: No.

Mr. Brown: You're saying to add a third one.

Mr. Bosseler: I have a suggestion. Could you send a note to your residents and say that you were at our meeting and we are strongly suggesting another speed hump on Kingswood?

Resident (Jackie Curly, Kingswood Way): I will tell you, Joe, over 50% of the people on Kingswood Way said that they did not want a speed hump. So, at this point, I think if indeed you to make these people satisfy what they need, you're not going to go asking my residents. You're just going to have to bite the bullet and put the speed hump in, even though 50% of my people said no. I guarantee it.

Mr. Mills: I would like to make a suggestion that we not put in a speed hump and that we put in a speed bump, a more severe one.

Resident (Jackie Curly, Kingswood Way): I don't think they slow down enough.

Mr. Mills: No, exactly.

Resident (Jackie Curly, Kingswood Way): They don't.

Mr. Mills: Like the one at the Post Office. That one will slow them down.

Resident (Joe Martin, Kingswood Way): You have residents throughout Baytree, especially in Kingswood. You see people walking all the time, people running all the time. You have people, kids riding bikes, little ones now riding bikes. You have handicap people. I see a guy in his wheelchair without the motor and I see another one with a motor, riding. They won't be on the sidewalk because of trees and roots. So, they will be on the road and not on the sidewalk and that's an accident waiting to happen. So usually when I see cars, I kid you not, I tell them, "*Hey, can you slow down?*" They know I'm a cop, but yet I get the finger. There's someone down the road, a kid that's around the corner and if you don't pay attention, I don't want you to hit them. If I wanted to be bad, I'd stop and give them a ticket, but I'm not doing that.

Mr. Brown: I think fire rescue will have a problem with a speed hump.

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Resident (Jerry Darby, Baytree Drive): I think I remember when we did the 48-hour speed test on Kingswood Way, over 90% exceeded 21 mph, even with speed humps. Did any of your residents give you a hard time?

Mr. Mills: It is a national problem. Look at I-95. If you're doing 75 mph and they're passing you at 90 mph, it is an issue. And you know what? We had one guy that came from Southpointe, sat right where you're sitting and said, *"I am not stopping at any of your stop signs."*

Ms. Simmons: And he told his children that.

Mr. Mills: He told his son that.

Ms. Simmons: That's why I feel for you. I really think that it should be whatever the community wants in your whole area, because that's why I joined the CDD. Because I remember one person wanted a speed hump and the Board was going to vote on it and I said to my friend who lives there, *"Oh, I heard you're getting a speed hump"* and she's like, *"What?"* Then she took a poll of her neighborhood and nobody wanted it, so they all showed up here and said, *"No, we don't want that."* So, I'm feeling like the CDD can't say yes for one person when there's, I don't know how many houses there.

Resident (Jackie Curly, Kingswood Way): 49% that were not opposed.

Ms. Simmons: I know. Have them come to the meeting. The ones who are passionate about it will come to the meeting.

Resident (Jackie Curly, Kingswood Way): People on Kingswood Way are okay with it. I'm okay with it. I just don't want you to put something in that people don't want. Just one other comment...

Ms. Simmons: Yeah, 50% of them were in here.

Resident (Jackie Curly, Kingswood Way): In Kingswood, our houses are closer to the road and most of our driveways are shorter than most communities. You can look at it, you can check. Therefore, a lot of people park on the road. What Joe is saying is correct. So, now you're speeding and you're dodging these cars. You go down Kingswood any day and there will be 10 to 15 cars.

Mr. Mills: Well, plus the street is narrower and you have more houses per square foot than we do in the rest of the community.

Resident (Joe Martin, Kingswood Way): And we have two S-Turns.

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Mr. Mills: Yup. That's why it's 20 mph.

Resident (Joe Martin, Kingswood Way): Correct. Because if you come out of the one that you're leaving, before you get to the last one, there's a community mailbox there. If cars are parked there, they're coming around that corner and some of them will fly over that. But also, they have to break hard, because someone's parked there getting the mail out of the box. Again, I look at it as a safety issue. There are little kids that moved in there that I don't want to get hit.

Mr. Mills: Hey, I'm on your side. I make a suggestion that we discuss this at the workshop coming up in March.

Ms. Hill: Okay.

Mr. Brown: Well, I think there's one other thing that we could do. Maybe we can have Andy drive down by your house, identify where the house is located, send that to Peter, because he has a map of all the roads. Have him look at where that speed hump would go, what it would approximately cost. But now there are Department of Transportation (DOT) issues, as I remember when we wanted to do the ones on Old Tramway, Balmoral and everything else, we had to go through DOT. So, will they allow us to put a third speed hump in that, for lack of a better definition, in that short a space of road? I don't know.

Resident (Jackie Curly, Kingswood Way): I want to understand why DOT would have a problem.

Mr. Brown: I have no idea either.

Mr. Pawelczyk: It's not DOT. It's the signage required by the Manual of Uniform Traffic Control that is put out by DOT.

Mr. Mills: Right.

Mr. Brown: Okay, and I'm wrong.

Mr. Pawelczyk: But I think it's the county that issues the permit for the speed bump, which requires that a sign be installed pursuant to that manual.

Mr. Brown: Because then we've had other complaints from other residents that we have too many signs.

Resident (Jackie Curly, Kingswood Way): I'm sorry.

Mr. Mills: You don't have to apologize.

Mr. Brown: You're talking to the choir.



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Resident (Joe Martin, Kingswood Way): We've been here for 18 years and this is the first time that I attended a meeting. My wife was coming and I'm like, "*I just don't want to get into the bickering.*" I don't want to bicker. I just want to say, "*Hey, this is what goes on.*" I love this community. We've been here for so long and from what I've seen, I just don't want a little one or someone to get hurt.

Resident (Jackie Curly, Kingswood Way): And he is correct. We have attracted children.

Mr. Mills: Well, it's not just Kingswood. We're getting a lot of young people throughout the entire community. The community is shifting in age. We're getting younger people in here with children.

Resident (Joe Martin, Kingswood Way): But that's a good thing for the revival.

Mr. Mills: Exactly. Revitalization.

Resident (Joe Martin, Kingswood Way): Thank you. What you've been doing over the years, is to make this community still look like a new community. So, people are attracted to come here, because we're five minutes from anything that we want to do.

Mr. Mills: Right.

Resident (Joe Martin, Kingswood Way): And that's what I like. Okay. So those are the things and again, I've had many discussions with Joanne and so on. She'll call me up and say, "*Hey, what about this? Hey, think about the security or whatever. Help them out.*" Because that's what I think we should do. Alright. But one other thing, just a thought and this may be the wrong venue. You know, we talk about the sidewalks. Is this the right place?

Mr. Mills: Yeah.

Resident (Joe Martin, Kingswood Way): Okay, well, real quick, the sidewalks. We had our tree taken out years ago because it ripped over sidewalks. Remember when you were planting a bank? I said, "*Just take my two trees, instead of putting them in here, put it over there.*" Okay? Obviously, we're still spending money for the sidewalks because the Oak trees tear them up. It was a great concept when they built Baytree on having the trees there, but it was the wrong tree, though, because of the rooting system. Okay. So, is there a point in time that if we say, "*Hey, we'll repair that sidewalk, but, man, that tree is going to have to go,*" so we don't keep paying for the sidewalk? I'm just saying.

Mr. Mills: We're working on that now.

Mr. Brown: We do that every year.

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Mr. Mills: Yeah.

Mr. Brown: In fact, last year we spent \$82,000 redoing sidewalks throughout the community.

Mr. Pawelczyk: And removing trees.

Mr. Brown: Removing trees. We are only allowed once per year per the county, to remove trees that may be impacting the sidewalks. So, we try, over the course of 12 months, identifying which sidewalks where the Oak trees were raising the sidewalks. We then have to submit an application to the county to remove those five trees or how many trees.

Mr. Mills: Five.

Mr. Brown: Then we have to tell the county where we're going to replace them, Somewhere within the community. Then we pull the tree out and put the sidewalk down.

Resident (Joe Martin, Kingswood Way): Let me ask you this, I'm sorry, because I know it's got to be painful for you. So, I definitely apologize.

Mr. Mills: Don't.

Resident (Joe Martin, Kingswood Way): To rip off the scab, the Crate Myrtles were really the plant that would be somewhere where those Oak trees were, because it is not an invasive root system. You see up in the North, like DC or Virginia, where they have Crepe Myrtles. They grow nice. Something like that. If you replace them, can you replace them with that?

Mr. Mills: You can't.

Mr. Brown: You can't. I happen to be the Chairman of the ARC committee. So, when a homeowner comes and says that they want to remove a hardwood, nine times out of ten it's an Oak. Then we look at their property. The county has regulations as to how many hardwoods you have to have on your property, given the size of your property. We are now telling people, if you're going to replace the Oak tree that's in your front yard with a hardwood, find a place in the backyard to put it, because the front yard has the sidewalks and all of the utilities coming in.

Resident (Joe Martin, Kingswood Way): Correct.

Mr. Brown: So, that's what we're doing now.

Ms. Wagner: Years ago, he sent me a suggestion that I really like, but you guys won't go for it. What he was suggesting was to take out the Oak trees and put in the Crepe Myrtles. Can you see how beautiful that would be, in the Spring and Summer? It would be on CDD property,

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but in the meantime, you guys went ahead and said that you didn't want any more trees on your property, between the sidewalk and the road.

Mr. Brown: Well, we recommend that.

Resident (Joe Martin, Kingswood Way): I'm thinking when they created Baytree with those trees, that was the concept.

Mr. Brown: They did, but the county wanted Oak trees. That's why all the developers put Oak trees all over the property.

Mr. Mills: Okay, let's try to wind this up. I have one question to ask you, which I can discuss it at the workshop.

Resident (Joe Martin, Kingswood Way): Yes sir.

Mr. Mills: Are we throwing our money away when we hire the Sheriff's Department to come in here and police it?

Resident (Joe Martin, Kingswood Way): I can't say that. All I can say, because I don't know what the Verdict 50 is, if you hire anybody, you're getting them for two to three hours, whatever it is.

Mr. Mills: Three hours.

Resident (Joe Martin, Kingswood Way): Three hours. Okay. So, you get maybe six hours a month. If you put in a speed hump, that's 24/7 and it's a one-time cost. So, yeah, you can put in the request.

Mr. Mills: We asked for them to make sure that they didn't give warnings, that they only gave tickets. That was on the request. We did request them to police Kingswood Way, Baytree Drive and Old Tramway Drive. We found them most of all on Baytree Drive, very little on Kingswood Way and very little on Old Tramway Drive. I've talked to the commander about that and he said, *"I can't tell them what to do."*

Resident (Joe Martin, Kingswood Way): Right. He's way over my pay grade.

Mr. Mills: Yeah. So, let's put on the agenda to discuss at the workshop hiring the Sheriff to come back in again.

Mr. LeBrun: Okay. Just so make sure I have the direction of the Board for researching the speeding issue, because there might be some costs involved for the engineer to look into adding an additional speed hump, I just want to make sure that the Board wants me to have Peter look into that. There might be a cost of doing that.

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Mr. Mills: For the workshop, give us the cost of the last time we had a speed hump put in, so we know what we're talking about, before we get Peter involved.

Mr. Brown: Let's just ask Peter. He has all of the maps. He can come up with an estimate.

Mr. LeBrun: He would be able to tell us what type of speed humps could be used. There might be some regulations about what types can be used. So, I just want to make sure that you guys are okay with me doing that, as there might be a cost involved for him to do that.

Mr. Brown: That's fine.

Mr. Mills: I just wouldn't have him spend a lot of time.

Mr. LeBrun: Okay.

Mr. Brown: They have a budget.

Resident (Jerry Darby, Baytree Drive): Jeremy, I just want to point out that for 20 mph, it requires a different size hump.

Mr. Mills: Right.

Resident (Jackie Curly, Kingswood Way): Ours does 15 mph.

Mr. Mills: Okay. Does anybody have anything else?

Mr. Brown: I don't think the Fire Department would welcome a bump.

Mr. LeBrun: That may be something that the engineer could tell us.

Mr. Mills: Well, you have speed bumps at the Post Office.

Mr. Brown: How many times does the Fire Department go to the Post Office?

Mr. Pawelczyk: The other thing is if you put a bump in, you probably have to replace the other two bumps. I would think.

Mr. Mills: Anything else from the community? Okay, then I will hear a motion to adjourn the meeting.

**TENTH ORDER OF BUSINESS**

**Adjournment**

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

DocuSigned by:

*Jeremy LeBrun*

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Secretary / Assistant Secretary

DocuSigned by:

*Melvin Mills*

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Chairman / Vice Chairman