

**MINUTES OF MEETING
BAYTREE
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Baytree Community Development District was held on Wednesday, **May 1, 2024** at 1:30 p.m. at Baytree National Golf Links, 8207 National Drive, Melbourne, Florida.

Present and constituting a quorum:

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| Melvin Mills | Chairman |
| Richard Bosseler | Assistant Secretary |
| Janice Hill | Assistant Secretary |
| Jerry Darby | Incoming Supervisor |

Also present were:

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| Jeremy LeBrun | District Manager |
| Rob Szozda | GMS |
| Michael Pawelczyk | District Counsel |
| Andy Hatton | Field Manager |
| Josh Speers | US Lawns |
| Meredith Divita | US Lawns |
| Jacqueline Rincon (<i>via phone</i>) | Bank United |
| Jackie Curley | BCA President |
| 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 with the exception of Mr. Brown.

- **Landscape Report** (*Item 3*)

Mr. Mills: Josh and Meredith, our landscaping people are here.

Ms. Divita: Yeah, we drove the property this past Monday, checking out what's been going on. Our crew is onsite today pulling up all of the old annuals. We are getting a new round coming in tomorrow for a fresh start for the Summer. We took some good notes between Rob and Josh and I; we took photos of some areas of concern. They are being addressed now, today,

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tomorrow and over the next week or two. Hopefully we'll get some rain here in the next week or so. It keeps teasing us. We got some sprinkles here and there on the way over today, but we're looking for that rain. Our techs are onsite. Our crews are onsite, to try to get everything under control. If there are any questions, you can always reach out to us.

Ms. Hill: I live on Balmoral, way in the back and I've noticed that your crew doesn't always get back to us. They're getting part of the way and then they never make the turn and that whole section back there gets ignored.

Mr. Speers: So, some of the issues that we've been having coming into the community was the previous vendor was scalping the grass. They were cutting it too short for it to be healthy. So, we were trying to let some of the areas grow for the health to come back. The taller the grass, the deeper the roots. If the grass is 3 to 4 inches tall, the roots would be 3 to 4 inches tall. So, what is happening now, is because we weren't mowing it, the weeds are growing faster than the turf.

Ms. Hill: Oh, yeah.

Mr. Speers: So, that's where it looks all crappy over there. We did have a note to knock it down. Pro Tech was here yesterday onsite, so he can get it all treated. So, the other reason why we run into an issue, is because I thought in this area, you cannot spray between 10 and 12 feet of a water's edge, but he said, "*No, this area is 20 feet of the water's edge.*" So, I'm just going have to communicate with the crew, to just keep mowing back over there. A lot of it is weeds, but I'm not going to be able to treat any of this. That's why it's super invaded for weeds. So, that's one of the areas that we are going to have to learn as we go because there's nothing I can do about it as far as the weed control. I'm just going to have to stay on top of it. But there were other areas in the community that, there's no reason why there should be weeds in the turf. So, that's also being communicated with them and he came out yesterday and treated everything. So, when he puts down *Celsius* for herbicide treatment, it will take about 14 days for it to die. We will be doing a re-treatment after the 14 days to make sure we get a handle of that. Then there will be some areas here and there. So, we'll have to put a couple pieces aside here and there, but we'll take care of that on our part.

Mr. Mills: Yeah. We rode around with Josh and Meredith on Monday and made them aware of our concerns. I know where they're coming from. The grass has been scalped. If you

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come in on Baytree Drive, you can see where it was almost right down to the dirt. So, I think you keep it now down to 3 to 4 inches.

Mr. Speers: It depends. All places have different areas. For St. Augustine, we want to stay 4.5 to 5 inches. But yes, for the Bahia, it's going to be 3 to 3.5 inches.

Ms. Hill: In the back part, are the monuments going to get the same plantings as the front?

Mr. Speers: Yes.

Ms. Hill: The front looks beautiful.

Mr. Speers: Yup.

Ms. Hill: And then you get to us back there.

Resident (Not Identified): I have pictures just on that. I'm worried when you re-plant the annuals, because I'm sure that you guys have taken a look at this and have seen how bad Southpointe looks.

Mr. Mills: Yeah, we saw that on Monday.

Resident (Not Identified): I'm just worried that some of this looks like they are not getting enough water. So, I'm worried when you plant the annuals, it could die.

Mr. Speers: So, today all of the old ones are getting removed and then tomorrow before the install, our technician is going around to all 19 sites, to confirm that all of them are well irrigated.

Ms. Hill: Okay. We talked about analyzing the soil. Has that been done?

Mr. Speers: Yes, with all of the monument signs, their soil is fine. Everything came back good. I was letting Mel know as well, when they show up to install the annuals tomorrow, they actually bring their own topsoil, as well, that we will put down to help.

Ms. Hill: Okay.

Mr. Mills: It has fertilizer in it.

Resident (Not Identified): We are getting a lot of comments on the annuals that were put in here. I think one of the main issues, this was our first installation and there were irrigation issues.

Mr. Speers: Yeah. There were some issues for sure in the back. There were definitely some issues on our end.

Resident (Not Identified): It doesn't even look like the flowers are the same.

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Mr. Speers: No, they're different.

Resident (Not Identified): Yeah. I mean, the petunias are what we see up front. They look great and the ones planted in Southpointe and Balmoral, don't.

Ms. Divita: I believe the count we got from Andy, when we first started going with the contract, there were not as many as we would like to see in the beds. So, we had to improvise this first installation with some different flowers and we didn't have as many. I think we were quite a few hundred off from what we felt comfortable with what it should look like, compared to what the number was prior, with the previous vendor.

Mr. Speers: With it being a partnership, we didn't ask for any additional money to get it in there. We didn't want to do that and we're going to continue to do that. So, the number we have built to the contract for the annuals is, I believe, 600 more annuals that we're just taking care of on our end of the partnership. But yes, she had instructed that 2,900 annuals be installed tomorrow and she's going to do all the signs the same. It is a Spring mix.

Ms. Divita: The number we started with was 1,700 or 1,900. So, there is a pretty big difference. We learned that right away when we did the install last time.

Mr. Mills: Yeah. The new flowers that they are going to be planting are absolutely fantastic.

Mr. Speers: Yeah, it's a really nice Spring mix.

Resident (Not Identified): I'm really glad to hear that you're going to be checking to make sure that the irrigation systems are working correctly. In addition to the plants being different, to recap, you're going to be changing the annuals and prior to changing the annuals, you're going to be checking to make sure that all the monuments are getting proper water and you're also going to be adding soil to include fertilizer. Right?

Mr. Speers: Yes ma'am.

Resident (Maureen Ksiez, Balmoral Way): Who deadheads them?

Mr. Speers: We do.

Resident (Maureen Ksiez, Balmoral Way): Because you can tell they're being deadheaded.

Mr. Speers: Yep, we are. Our crew comes onsite. Everardo, the Onsite Manager, who is on the property, has been going around. He is in the hospital right now.

Resident (Maureen Ksiez, Balmoral Way): That part looks good.

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Mr. Mills: We really have to understand or try to understand, for an organization who was here for 25 years and then you have someone new come in, there are going to be some hiccups. We could expect it. I, too, was concerned about the variety of flowers, not like the front, but when I thought about it, I'm thinking, "*Well, no wonder they didn't hit the proper number.*"

Resident (Maureen Ksiez, Balmoral Way): That makes sense.

Ms. Divita: I will make sure going forward that we have it under control.

Mr. Mills: They got it under control.

Ms. Divita: The first couple of weeks, we monitor it, but you guys see more than we do, so if you see anything come up, just let them know or email Josh or myself right away and we'll get the tech out here, to make sure that we're addressing it sooner than later, so we don't lose a lot of plants.

Mr. Mills: And don't forget, Saturday, they will be here. I do not want any discussion with regard to Baytree property. It is strictly for you, the residents, about what flowers to plant, how to fertilize and do all of that stuff.

Mr. Darby: What's the time again?

Mr. Mills: 1:00 p.m. to 2:00 p.m.

Resident (Maureen Ksiez, Balmoral Way): Would you phrase what you want me to put in the resident newsletter? How do I say that they can't talk about Baytree?

Ms. Hill: Just say, "*Questions about residents' personal property only.*"

Mr. Mills: It is for residents' property and not CDD property. I'll make that announcement on Saturday.

Resident (Maureen Ksiez, Balmoral Way): One last question. The blocks look beautiful. Will that continue on down Kingswood eventually?

Mr. Mills: Yes.

Resident (Maureen Ksiez, Balmoral Way): I'm just checking. They look great.

Mr. Mills: My next move is to get the back gate done, because I've been holding off on the back gate, due to the previous landscaper. So now he's getting me a proposal to completely do the back gate. Is there anything else for Josh?

Mr. Speers: Just going back to the fertilization, when we came out here yesterday, he sprayed all of the weeds and put down *Lesco 24-0-11*. For this contract, the application is six times a year, every other month. We are approaching June 1st, which is a blackout date for us and

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we can't put down any more nitrogen for a few months, but he will be coming at the end of this month again. There will be signs out, just like he did yesterday. They are double treating this month, because we want to capture that time before we enter the blackout.

Resident (Maureen Ksiez, Balmoral Way): One more thing for you guys. Unfortunately, I'm going to be in Minnesota this weekend, so I can't go to the event. But I would like some information that what is discussed at the event, so that I can put into the newsletter for those residents that aren't able to make it. I'm sure you guys are going to get some very good information. So, if there's any way that you could send me something, that would be awesome. Just some of the highlights.

Mr. Mills: That's a good idea. Yeah, we'll do that. I'm really glad that we hired US Lawns, because they really are trying very hard. In fact, when he told me yesterday that the lady that puts the flowers in will not do that for anybody else, that really thrills me, because it sets us apart from everybody else.

Mr. Seers: Yeah, we posted it on LinkedIn and they went crazy. There are a few other vendors in the area that use her as well. They knew it was her product and they called her and she said, *"No, sir, because Shawn, has a really good relationship with her."*

Mr. Mills: We're special and so are US Lawns. Okay, guys, thank you so much.

Ms. Divita: Thank you.

SECOND ORDER OF BUSINESS

Bank United Representative

Mr. LeBrun: We have Jacqueline from Bank United.

Ms. Rincon: Hi everyone.

Mr. Mills: Hello. I am the Chairman. I'm going to turn this over to Jan, who is very knowledgeable in finance, to take the lead in this discussion.

Ms. Hill: So, what are you proposing?

Mr. Rincon: Thank you for inviting me to your meeting. Like I said, my name is Jackie and I'm from Bank United. I know you guys were concerned about FDIC as well as the rates with the bank. That's what I'm here for.

Ms. Hill: Okay.

Ms. Rincon: Do you want me to go over the rates or go over the FDIC information? Which one you want to go with?

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Ms. Hill: Well, what we received before was information about Money Market Funds and Florida Prime.

Ms. Rincon: Okay.

Ms. Hill: Of course, your presentation says right up front, that it's not guaranteed by the FDIC and even though most people believe that it will stay at \$1 a share, it has broken \$1 a share in the past, as many banks did in 2008 and again just recently in 2020. So, I was more interested in something that was more secure and I wanted to know what you had in terms of CDs.

Ms. Rincon: Okay, so really quick, let me just tell you, and I'm sure you guys received my email about FDIC insurance, when it comes to CDDs and private funds, yes, FDIC insurance still applies up to \$250,000. That is correct.

Ms. Hill: Right.

Ms. Rincon: However, remember different banks have different amounts to pledge for funds that are not insured. So, for Bank United, we are required to pledge 50% of uninsured products. Let's say that you opened a Money Market Account or Checking Account, it doesn't matter which product it is, if you're going to deposit \$1 million, we know \$250,000 of that is insured by FDIC. The next \$750,000 is uninsured; however, as long as Bank United posts a collateral of \$375,000, we require 50%, but every fund is different. Then the whole capacity is fully insured. So, when it comes to FDIC insurance for public funds, that is not an issue with our bank.

Ms. Hill: Okay, so you're saying you're well enough capitalized that you will pick up the other 50%.

Mr. Darby: 75%?

Ms. Rincon: Definitely, yes.

Ms. Hill: Okay.

Ms. Rincon: As a matter of fact, I do have the most recent Finance and Earning Report, that will show you we're fully capitalized on that, so we have FDIC insurance.

Ms. Hill: Okay.

Ms. Rincon: Now as far as the rate is concerned, we do offer special rates, especially for those CDD and public funds managed by GMS, which is your management company that handles your finances. So, for GMS, we do have CDs, we have Money Market Accounts and

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Checking Accounts. Now for Money Market Accounts, right now we're offering 5.15% annual percentage yield (APY).

Mr. Darby: Can I ask a question quickly?

Ms. Rincon: Sure.

Mr. Darby: Just to clarify, you said 5.15%.

Ms. Rincon: Correct.

Mr. Darby: Is that net of fees?

Ms. Rincon: Our products do not charge a fee. However, if you go below the required balance, which is \$2,500, then yes, we charge a monthly fee for the account. But as far as the maintenance of the account or purchasing a CD account, there is no fee.

Mr. Darby: There is no management fee, no custodial fee, none of the other buried fees that you sometimes find in these funds.

Ms. Hill: Okay.

Ms. Rincon: We don't charge any other fee. Now if you want the extra services, such as our treasury management services, which includes ACH, wire transfers, things like that, we do have a fee for those.

Mr. Darby: Okay. Thank you.

Ms. Hill: We don't have any need for that, but you're saying as long as we have \$2,500 in the account, then we're good to go.

Ms. Rincon: Yeah. The rate is 5.03% but the APY is 5.15%. Once again, this is just for Money Market Accounts managed by GMS.

Ms. Hill: Okay. And what are your CD rates?

Ms. Rincon: For CDs, we also have a nine-month CD at 4.75% and a 12-month at 4.50%, which is lower than the Money Market Accounts. But once again, that's a special rate that we have with GMS.

Ms. Hill: Okay. But the CDs are backed by the United States government.

Ms. Rincon: Same thing. They fall under FDIC insurance as well.

Ms. Hill: Yes.

Mr. Mills: If you wanted to withdraw, for an example, we take out a nine-month and we wanted to withdraw that, if an emergency comes up, what's the penalty?

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Ms. Rincon: It will be three months of interest on the nine-month CD. If you do a 12-month CD, it would be six months of interest.

Ms. Hill: So, you're talking half.

Mr. Mills: Not quite half.

Ms. Rincon: Three months of interest and six months of interest, whether you earn the interest or not. Let's say you do the nine-month CD and two months from now, you take money out, it might go into your principal of your CD, if you don't have enough interest yet. You only get charged the penalty on the amount that you take out. You don't get charged the penalty on the whole CD.

Mr. Mills: Right. Is there a negotiated fee with the amount of money, for example, let's say we want to put \$500,000 into a CD, is there a negotiable rate above the 4.75%?

Ms. Rincon: No, because actually this rate is negotiated already for GMS clients. The regular rate for the nine months right now, is 4.5% and for the 12 months, it's 4.25%. So, you guys get a quarter percent more on the CDs.

Mr. Mills: Okay.

Mr. Darby: Jeremy, do we have a Checking Account at this bank?

Mr. LeBrun: I have to double check which one you guys are in.

Mr. Mills: I think we do, yeah.

Mr. LeBrun: Jackie, I believe Baytree does their normal monthly checking through your office. Is that correct?

Mr. Mills: Yeah, I'm pretty sure.

Ms. Rincon: Let me double check. Actually, I don't have an account for you guys.

Mr. Darby: No, I'm talking about if we open up a Checking Account with your bank and also have funds in a Money Market Fund, what is the time to transfer from one to the other?

Ms. Rincon: Oh, right away, the same day, because we're the same bank.

Mr. Darby: So, it is the same day. Okay. Thank you.

Mr. Mills: No hold. That's good.

Ms. Rincon: Are there any other questions?

Mr. Mills: You okay, Jan?

Ms. Hill: They've got rates and I've got rates here.

Mr. Mills: But you don't want to talk about that now.

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Ms. Hill: Not with them. I just wanted to make sure what was FDIC insured and we know that a Money Market is not, but the CDs are.

Ms. Rincon: A Money Market is also insured.

Mr. Darby: Yeah, she said the Money Market was insured.

Ms. Hill: Up to \$250,000.

Mr. Darby: No, I don't think so.

Ms. Rincon: No.

Mr. Darby: Jackie, explain the insurance again on the Money Market Fund, please?

Ms. Rincon: Yes. FDIC applies to all of these accounts, that includes Money Market, Checking Accounts and CDs.

Ms. Hill: Okay.

Ms. Rincon: Now, let's say that we open, for Baytree, a Money Market, a Checking Account and a CD. Altogether, if you guys open \$1 million between all the three accounts, FDIC will cover \$250,000. The rest of that balance, \$750,000, Bank United will hold a collateral for \$375,000. That right there gives you full insurance on all of your money, the whole amount of the \$1 million, as long as Bank United has enough to cover half of your deposit. There is a form that I'm sure you guys are familiar with, called the Public Deposit Identification and Acknowledgement Form. We fill this the form every time we open a new account for public funds. So, that gives you the protection to ensure your money. We do this for all of our accounts.

Mr. Darby: So, Jackie, my math is not working very well, so I need you to explain something. I understand the \$250,000 FDIC coverage and I understand \$375,000 as collateral. I'm not sure what form the collateral is in, but I assume it's the same form. How do you then claim to insure the entire \$1 million. That only adds up to \$625,000.

Ms. Rincon: The rest of the money is insured by the government.

Mr. Darby: On what program?

Ms. Rincon: Every bank has different rates. Every bank has different balances. At Bank United, we are required by the government, to pledge 50% of uninsured money for public funding.

Ms. Hill: Okay, so how well is your bank capitalized? Let's go there.

Ms. Rincon: 65% of our deposits are collateralized as of March 31, 2024. So, we are fully protected. Once again, these are public funds. 65% of our client funds, are totally 100% insured.

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Now, why 65% and not 100%, because we do have customers that are not concerned with FDIC insurance and they keep way more money than what FDIC will cover for them.

Mr. Mills: Jackie, is that \$250,000 on each account?

Ms. Rincon: No, its \$250,000 per Tax ID number or EIN number.

Mr. Mills: Gotcha.

Ms. Rincon: Each account has one EIN number and its \$250,000 per tax ID number.

Mr. Mills: Got it.

Ms. Hill: Okay. Are there any other questions?

Mr. Mills: No.

Ms. Hill: Okay. Thank you, Jackie.

Ms. Rincon: You're very welcome. If you need a copy of anything, let me know.

Mr. Darby: Okay. Thank you.

Mr. Mills: Thank you, Jackie.

Ms. Rincon: You're welcome.

Mr. Mills: I remember we pulled our Checking Account away from Wells Fargo and put it with another bank. I thought it was with the Bank United.

Mr. LeBrun: I just sent an email to our accountant to see what the current Checking Account information is. I'll check.

Mr. Mills: Okay.

Ms. Hill: Just for your information, I did go to Seacoast Bank and talked with Darrell. Their Money Market won't work for us, because you have to keep a Checking Account and make at least four transactions.

Mr. Mills: Oh.

Ms. Hill: So, we're not managing our own money. But as far as their CDs, they have a three-month CD for 5.05%, with an annual yield of 4.937%, but annually it's 5.05%. A seven-month CD is 4.889%, with an annual yield of 5%. Then an eleven-month CD is 4.65%, which has an annual yield of 4.75%. So, their 12-month CD was 4.50% and his was 4.75%. Their nine-month CD was 4.75% and his was 5% for a seven-month CD. Okay? That way you can ladder your CDs, which is what I do personally and have done for clients for years. You ladder your CDs, so you don't have to worry about breaking a CD to have cash available. You can have

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three-month, seven-month and eleven-month CDs, to have a better return and the safety that you need.

Mr. Mills: I would like to lay out a proposal to the Board that we allow Jan to work with staff and come back to the Board for a recommendation on what she recommends for the Board to do, and then we'll take action from there. Are you okay with that, Jan?

Ms. Hill: Sure.

Mr. Mills: Okay, let's do that.

Mr. Bosseler: Okay.

On MOTION by Mr. Mills seconded by Mr. Darby with all in favor authorization for Ms. Hill to work with staff for investment options.

SECOND ORDER OF BUSINESS

Engineer's Report

Mr. Mills: Is Peter on the phone?

Mr. LeBrun: No.

THIRD ORDER OF BUSINESS

Landscape Report

This item was discussed.

FOURTH ORDER OF BUSINESS

Community Updates

A. Security

Mr. Mills: Rick isn't here, but I want to talk about a situation that we had. Remember, we had a gentleman in here that sat back here that had retired. He was very good in computers and we asked him to work with Frank to get audio to the pool and the tennis court and all of that. Well, unfortunately, the gentleman has come down with cancer and also was offered a job. We can't get a hold of him at all. So, I was with Frank on Monday and asked Frank to text him, because he has his phone number. He texted him to see if he would leave the equipment on his front door and Frank would pick it up. I haven't heard back from Frank, but we've got nothing from them. Then I recommended to Frank, that maybe we could get a hold of one of the computer science professors at either Eastern Florida State College or Florida Tech, to maybe work with Frank, to show him how we can get the audio synced with the video for the pool,

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tennis courts and pavilion. So, that's where that stands right now. As far as cameras by the pool, tennis courts and pavilion, they are in the back room of the pool and the humidity is really playing havoc with the equipment. We just put new equipment back there and Frank told me, "*Mel, it's gone again.*" So, I suggested to Frank that we put it in some kind of a cabinet where it could stay fairly warm. The warmth will take the humidity out and then have a small exhaust fan in this cabinet that would pump continued flow of air through it.

Ms. Hill: They make those.

Mr. Mills: Yes. So, Frank is looking into that as well.

Ms. Hill: Those are pretty common.

Mr. Mills: Yeah. So, we're working on that. I didn't want the Board to think that we aren't working on that, but we are. Okay? That's all for security.

B. BCA

Mr. Mills: We'll go with the BCA.

Ms. Curley: We don't really have too much going on. I have worked fairly closely with Joanne. Joanne was not voted back in on the Board.

Ms. Hill: Really?

Ms. Curley: Yeah. So, there are a lot of issues that their management company are directing towards me and I'm directing them right back. I said, "*I can't help you.*" Nell helped me with a couple of the questions that were coming through like, where do we get our irrigation and who fixes the wells? I'm just turning it back right around to them. They said that they contacted their Board, but their Board doesn't have the answers. I said, "*I'm sorry. You elected them. I'm sorry.*"

Mr. Mills: Who took Joanne's place?

Ms. Hill: Some gentleman that doesn't know anything. The Board said she was voted off the island.

Mr. Mills: Unbelievable.

Mr. Pawelczyk: Years of experience and information gone. They might have to hire her now.

Ms. Curley: I said, "*Go to your management company. Well, we have and I'm sorry.*"

Mr. Mills: Wow.

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Mr. Pawelczyk: If that's the case, we have that Cost Share Agreement with them. Jackie, you might want to send that reminder to their management company, since I don't know when we send that invoice.

Mr. LeBrun: I think the most recent one was already sent out in January.

Mr. Pawelczyk: Okay. I think we should send a reminder saying, "*We understand that there is a new Board. Just a reminder this agreement is in place and make sure you budget accordingly.*" Something like that. Otherwise, I don't want to be in a position where we are chasing this in January.

Mr. Mills: Exactly.

Mr. Darby: Good point.

Ms. Curley: The only thing that I would request and I don't know if you can help me, is I know Leland Management is who they had. I don't even know who to contact.

Mr. Mills: Never heard of them.

Ms. Curley: They were in competition with Fairway Management. Two companies came in and they chose Fairway. I just tell them to contact their management company. I don't even know who is on the Board. I have no contact.

Mr. Mills: Well, you know, they did this to Joanne once before and then six months went by and they voted her back in. I hope she doesn't go back in this time, for her benefit.

Ms. Curley: Yeah. So that's all we have. I think, you know, we have a new Board Member. I think I told you last month. So, we're staying on top of things.

Mr. Mills: Good.

Resident (Jeff Finn, Saddleworth): There was one thing that came to my attention. I don't know if it's a good time to bring it up, but a resident complained that someone was painting the bridge on Hole 8 and traffic was sent over down through their yard while it was being painted. I looked at the out of bounds stakes along the pond there and it's really questionable, but people should not be driving on these. These people feel that their backyard goes right up to the pond and I'm not sure if there's a right-of-way.

Mr. Mills: Are you talking about the Suntree bank?

Resident (Jeff Finn, Saddleworth): Yeah, the one right on Hole 8, where you cross the bridge.

Mr. Mills: We own 20 feet beyond the lake's edge.

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Resident (Jeff Finn, Saddleworth): 20 feet beyond?

Mr. Mills: Roughly 20 feet.

Resident (Jeff Finn, Saddleworth): So that's not their property.

Mr. Mills: That is not their property. We had a come to Jesus meeting with them over the phone, back during COVID, with the big manager of all of Suntree, on the phone with all of the residents that lived on that bank. I said, *"It's time the Hatfields and McCoys made peace with each other. You need to understand that that lake belongs to the CDD and we own approximately 20 feet from the bank's edge up towards your property. You do not have lakefront property."*

Resident (Jeff Finn, Saddleworth): Wow. I'm sure there's some owners that have no idea about that.

Mr. Mills: Yes.

Resident (Jeff Finn, Saddleworth): What does it have to do with Suntree? It is the big fairway where there's a bridge that you come to.

Mr. Mills: Oh, down here. Okay.

Resident (Jeff Finn, Saddleworth): The golf course was painting that bridge and the golf cart traffic was directed across somebody's yard to get to the street, to go back to where you go to the next hole and go to the green from there. But it's really questionable. That's out of bounds. People shouldn't even be driving over there to begin with. Does the CDD own the right-of-way or no?

Mr. Darby: I wouldn't think so.

Resident (Jeff Finn, Saddleworth): That property goes right up to the pond.

Mr. Mills: Right.

Resident (Jeff Finn, Saddleworth): Their issue was no notice was given by the club that they were going to be directing traffic across to get back on the street to go around to the green down the street, I guess. But when I started looking at where the out of bounds stakes were, for instance, when golf balls go over there, people go over and get their ball. They shouldn't be driving their cart over there along people's backyards.

Mr. Mills: No.

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Resident (Jeff Finn, Saddleworth): When the out of bounds stakes end, it's kind of wishy washy, because it's private property or whatever. I don't know what the solution might be there, but it was that one-day situation where they were painting the bridge.

Ms. Hill: People are in our backyards all the time and we have a white sign that says, "*This is out of bounds,*" but nobody pays any attention to it and periodically we'll say, "*Hey, guys, move on.*"

Resident (Jeff Finn, Saddleworth): Well, it's one thing, I think, as a golfer, to walk on somebody's property and when you see the ball and pick it up, but it's another thing to drive on the property.

Mr. Mills: But it only happened that one day.

Resident (Jeff Finn, Saddleworth): Well, as far as I know, sometimes people come over there and bring a club with them. They might walk, they might not be driving, but they will bring a club. They're not supposed to hit from there to the green.

Mr. Mills: You know, the unfortunate part of it is, we don't have a good working relationship with the golf course.

Resident (Jeff Finn, Saddleworth): I know.

Mr. Mills: They don't do anything. We've been as much as told, "*Don't step on our property or we're going to have you locked up.*" I mean, that's what we've been told.

Resident (Jeff Finn, Saddleworth): The golfer shouldn't be driving on our property.

Mr. Mills: Exactly. After the meeting's over, I'll go and see if I can get a hold of the manager and talk to him.

Resident (Jeff Finn, Saddleworth): Yeah, it's just one of those things. It would've been nice to at least have a notice or specific sign saying, "*Golf carts this way.*"

Mr. Bosseler: But did anybody think to call the golf cars and complain about what was happening?

Resident (Jeff Finn, Saddleworth): As far as I know, they sent me a message, because I was the Voting Member for Saddleworth. I'm a vice president. But I went up to the residence and talked to them and walked around their backyard, just because I don't play that course that much. So, I was a little unfamiliar about what the heck he's talking about. But as far as I know, they did not call the golf course directly. I don't know for sure.

Mr. Mills: Okay. I'll talk to the manager.

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Resident (Jeff Finn, Saddleworth): I just wanted to bring it to your attention, because I don't know if that's come up before or something like that.

Mr. Mills: No.

Resident (Jeff Finn, Saddleworth): Okay.

Mr. Mills: Thanks.

Mr. Darby: It does raise an interesting issue, because those bridges on the golf course are worn and there is going to be additional maintenance in future years. I think the golf course has to be put on notice, that in doing repairs, they cannot divert golfers through private property.

Resident (Jeff Finn, Saddleworth): That's right.

Mr. Darby: So, I mean, it's worth putting them on notice.

Mr. Pawelczyk: You should look at the global golf course easement that dealt with the path issues?

Mr. Darby: Oh, yeah.

Mr. Pawelczyk: They have certain easement rights. You should have your counsel look at that just to see if there's anything or look at it yourself. But there are easements that are out there, that address balls in the yard or the golf course's ability to consider the railway bridge.

Mr. Mills: Do you want to check on that before I talk to management?

Mr. Pawelczyk: Well, I just don't really know what you're exactly looking at.

Mr. Darby: Yeah, I mean, honestly, I don't think it's a CDD issue.

Mr. Pawelczyk: I don't think it's a CDD issue either.

Mr. Darby: Yeah, I mean, because it wasn't our property.

Mr. Mills: Right.

Mr. Pawelczyk: I'm just letting all of you know, the BCA know, that there was an easement out there and you should look at it first.

Mr. Darby: Yeah, I agree.

Mr. Pawelczyk: To see what the golf courses rights are.

Resident (Jeff Finn, Saddleworth): There may be four along that pond that are on your property.

Mr. Mills: Jackie, maybe you and I both can figure it out.

Ms. Curley: Yeah, we'll figure it out.

Mr. Mills: Okay.

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C. Isles of Baytree

Mr. Mills: All right let's move along. Isles of Baytree. No one's here.

SIXTH ORDER OF BUSINESS

Consent Agenda

A. Approval of Minutes of the April 3, 2024 Board of Supervisors Meeting

Mr. Mills: You have the minutes from the last meeting. Were there any additions or corrections that anyone had?

Mr. Bosseler: No.

Mr. LeBrun: We received comments up until this morning.

Ms. Hill: I gave him a couple.

Mr. Mill: Okay, I need a motion to approve the minutes.

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor the Minutes of the February 7, 2024 Meeting were approved as amended.

SEVENTH ORDER OF BUSINESS

Agenda

A. Consideration of Resolution 2024-07 Approving the Proposed Fiscal Year 2025 Budget and Setting a Public Hearing

Mr. Mills: Alright, let's go into the resolution for the budget.

Mr. LeBrun: So, the Board for the last several months, has been looking at some draft budgets to get ready for this Fiscal Year 2025 Proposed Budget. In your agenda books, you have Resolution 2024-07. This sets a date for the public hearing for the Fiscal Year 2025 budget. The current date is scheduled for your August meeting, which is August 7, 2024, at 1:30 p.m., here at Baytree. So, what the resolution is proposing, is to set that date as the public hearing. We still have up through that date to work through the budget and make any changes. The Board also has a July workshop schedule, where historically, you work through the budget at that workshop as well, to finalize it for that August public hearing. So, that's what that resolution is contemplating, setting that date. Then if the Board approves that, we'll advertise it per Statute. Then behind that resolution, you have Exhibit A, which is the Fiscal Year 2025 Proposed Budget. It's taken all of the considerations up until this point. What this Proposed Budget sets is kind of the ceiling for your assessment. You can go below what's set in this budget, but you can't go above it. Per the

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Board's direction, we recommended setting \$300 increase as the ceiling. So that's what you'll see reflected there within the budget. The changes that the Board had made are also included in there. For example, we added a Disaster Emergency Reserve line that's in there, adjusted things based on the contracts, all of the things we've discussed up to this point. So, there you'll see that Fiscal Year 2025 Proposed Budget. Like I said, we've set that hearing date, and then we'll work up to that hearing to make any changes that the Board wishes.

Mr. Mills: I think we hashed this out pretty well at the last one, so I think we can just let it rest until the workshop in July.

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| On MOTION by Ms. Hill seconded by Mr. Bosseler with all in favor Resolution 2024-07 Approving the Proposed Fiscal Year 2025 Budget and Setting a Public Hearing for August 7, 2024 at 1:30 p.m. at this location was adopted. |
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B. Discussion of Interest-Bearing Account Options for Excess Pavement Management Funds

Mr. Mills: Alright. Moving along into the discussion of interest-bearing account options for the Pavement Management Funds.

Mr. Darby: We did that already.

Mr. Mills: Never mind. Sorry. This is for the paving.

Mr. LeBrun: So, what started the discussion of investing the excess funds, was our Pavement Management Reserve.

Mr. Mills: Right.

Mr. LeBrun: That's what started that conversation and then the Board delegated authority to Jan to investigate a little more and then bring back some recommendations to invest those excess Pavement Management Funds. Another Supervisor also referenced using Unassigned Funds or investing funds above a three-month reserve. So those are all things that we will work through.

Ms. Hill: How much are we talking about overall?

Mr. LeBrun: Well, it is whatever the Board feels comfortable with but, for example, your Pavement Management Funds, which we're not expecting to need anytime soon, through March 31st, there was \$356,000 in the Pavement Management Fund. So, that could be an option. Then also, if the Board wants to do anything with the excessive three month operating, it's really up to

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the Board. We recommend three month operating, as the bare minimum and not go below that. But a lot of Boards I've seen, will invest their reserve accounts because they're not being accessed.

Mr. Mills: We can hammer that out at the workshop.

Mr. LeBrun: Sure.

Ms. Hill: Yeah.

C. General Election Qualifying Period and Procedure

Mr. Mills: Yeah. Jeremy, do you want to go over the General Election qualifying period and procedure?

Mr. LeBrun: Sure. So, we're just going to publicly announce the 2024 Special District qualifying procedure. The qualifying period starts on Noon on Monday, June 10, 2024 through Noon, Friday, June 14, 2024. This is the qualification period for open seats on the Baytree CDD Board. Just to refresh the Board's memory, there are two seats up for election this year in November. The first seat is Seat 1, which is held by Supervisor Mills and Seat 2, which is held by Supervisor Bosseler. So, those two seats are on the ballot for the General Election in November. You have to qualify through the Supervisor of Elections. It's nothing that the CDD does or the management company does. We can certainly help you in any way you need, but that's through the Supervisor of Elections. So, that qualifying period is just noted there in your agenda booklets. It describes what you need to qualify for any interested members, as well as those that live in the community that meet the criteria. So, we just want to publicly announce that to the Board and to the public that the qualifying period is June 10th at Noon through June 14th at Noon.

Ms. Hill: Could you confirm how we qualify?

Mr. Mills: Sure.

Mr. LeBrun: The qualification is through the Supervisor of Elections.

Ms. Hill: Okay.

Mr. LeBrun: So, if you go to their website and the agenda book, there is some information on the qualifying procedure. There are a couple different ways that you can do it, but it's all through the Supervisor of Elections. They handle the process for qualifying and also running the election for the open seats.

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Resident (Not Identified): Do we call the Brevard County Supervisor of Elections?

Mr. LeBrun: Yes.

Resident (Not Identified): Thank you.

Mr. LeBrun: Feel free to email me.

Mr. Pawelczyk: I think the best thing to do, there's a page in the agenda package and you could send that, if you're interested.

Resident (Not Identified): No, I just wanted to write it down.

Mr. LeBrun: It's in the agenda and on the CDD website.

Mr. Mills: I have a question with the new Form 1 that's required. Is this the paper Form 1 that they're asking for?

Mr. Pawelczyk: No. Nothing that will be filed by paper is my understanding. Everything is electronic filing. For instance, if you fill out your Form 1 now, you don't have to fill out another one, because they will be able to pull it up and say, *"Oh, no, it's already complied."*

Mr. Mills: Okay.

Mr. Pawelczyk: I delved into my report a little bit. The struggle with this new electronic filing, is there are no comparative thresholds anymore. So, everything has dollar thresholds. So, what that means, is for a majority of the people that would serve on this Board and myself, it makes it real difficult, because any intangible asset that you own, that's worth over \$10,000, you have to report. Okay? So, we all have been saving for years. Right? Like, if you own, as part of your portfolio, more than \$10,000 of Coca Cola stock, you have to put Coca Cola stock.

Mr. Mills: But not the amount.

Mr. LeBrun: Not the amount.

Mr. Pawelczyk: Yeah. So, the only reason that it's hard, is think of like a 401K, where you have multiple funds.

Mr. Mills: Yup.

Mr. Pawelczyk: I think what you need to do in that instance, is report the fund, such as T. Rowe Price®. You don't have to report everything that's in T. Rowe Price®, because that's a public record, but you have to report the T. Rowe Price®, rather than just put 401K, whereas before in the comparative method, it's kind of easy. You didn't have to report all of those individual ones that you have in your 401K. So, that makes it a little difficult. I don't know if I

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told this Board, but that's all I have to do. I filled out everything on there and I have to pull all of that information and I just need to do it, but I keep putting it off until next week.

Mr. Mills: I keep putting that off too.

Mr. Pawelczyk: If you ever want to go look at it, you're afraid what you're going to find.

Mr. Mills: Suppose your 401K has many stocks in it. Can I just put down, "*Stocks,*" and then put who it's with, like Jenny Montgomery Stock?

Mr. Pawelczyk: I don't know enough about how that works.

Ms. Hill: It wouldn't let me do it.

Mr. Pawelczyk: Yeah, I don't know if that works.

Ms. Hill: When I tried to do that, it wouldn't let me do it.

Mr. Mills: So, you have to list individual ones.

Ms. Hill: It needed more specificity. Now you can put a mutual fund and tell them what mutual fund.

Mr. Pawelczyk: Right. But it's not just T. Rowe Price®, it's T. Rowe Price® equity income or whatever. It has to be more specific.

Mr. Pawelczyk: Right. I don't know if we talked about this in this meeting, but there's a lot of people, like City Commissions, that have to fill out a Form 6 now, which is awful.

Mr. Darby: That's terrible.

Mr. Pawelczyk: You almost need an accountant to fill it out. So, a lot of people like you guys, might say, "*I want to be a great commissioner, but I don't want to do that, so I'm not going to run.*"

Ms. Hill: Well, *Florida Today* took those Form 6s and did a spreadsheet and put everybody's net worth that was on the council.

Mr. Mills: You're kidding!

Ms. Hills: Then they ran this article. The reason that your council isn't doing a better job for you, is because they're all rich and they don't understand what you're up against.

Mr. Mills: Is a car an intangible item?

Ms. Hill: A car is tangible, but if it's a lease car, it's intangible.

Mr. Pawelczyk: Right.

Mr. Darby: Reserve a day to do this. It takes a while.

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Ms. Hill: All I want to know is if they change that to a Form 6, I want to know about it before the end of the year.

Mr. Pawelczyk: Well, so far they have. That would have to be through a legislative act, and it wasn't. There's nothing in this year's session, which has concluded or almost concluded. There's nothing in there for this year. So, we're watching that, too, because we'll obviously inform you of that anytime there's a change. I don't think they will be able to do it, because no one will run. No one will serve, because you're paid a minimal amount of money, but you're really not paid.

Mr. Mills: Right.

Mr. Pawelczyk: And all these other Special Districts that are out there, not the larger ones, but some of the Water Control Districts, people aren't paid. They're just volunteers doing it for their community, which is really what you're doing. So, I don't know if they'll be able to do it, because there's thousands of Special Districts throughout the State that rely on people like you to keep them private. So, we'll see. State Commissioners are a little bit different. They have larger amounts of money that they're dealing with and also they're more prone to political influence, than obviously we are.

Ms. Hill: Well, they're letting bigger contracts for the city.

Mr. Pawelczyk: Right. There's more chance to exchange favors when you're a municipal government buyer, whereas here, there just really isn't. The landscaper never even comes and says, *"Oh, let me come and buy you lunch."* That's good, because then you don't have to deal with any of that, whereas that happens all the time. You have stacks of recording information, not gifts they receive, but, if they go out to lunch and it's more than \$25, you have to make a report.

Mr. Mills: Okay, let's move on.

EIGHTH ORDER OF BUSINESS

CDD Action Items/Staff Reports

A. CDD Action Items

Mr. Mills: CDD action items. Jeremy, do you want to introduce Rob?

Mr. LeBrun: Yeah. So, the Board hopefully saw my email talking about our new Field Manager. Rob is here with us today. I sent his bio and contact information. I don't know if Rob wants to introduce himself or say anything.

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Mr. Szozda: I'm Mr. Rob Szozda. I spent 30 years largely working different projects for the Federal Government. I'm very happy to be here. I think it's a wonderful community. I met a few of you the other day, when we were driving around. So, I'm looking forward to helping anyway that I can.

Ms. Hill: I have a question. How much did it cost to finish the second half of the Balmoral pipe repair.

Mr. LeBrun: I'll get to that. Alright, so the first thing on the Action Item List that was in your agenda, is the lake bank restoration. That's been ongoing. We should be finishing up here this week. We should be the final stages of that. I talked to Bill the other day, who is the lake bank restoration company owner. He said it all went very well. We came in about \$1,000 under budget, which is good. So, we have an extra little bit of cushion there on that side.

Mr. Mills: Great.

Mr. LeBrun: I believe the sod was being laid on the areas that were restored and then those drains were cleared. So, the project went well. There was minimal disruption to the areas and they were restored back to their original condition. Then we'll get that final information from him and finish that up. The pool deck and resurfacing, I know Rob has jumped in with Richard to kind of get this going. There's a notice that went out through the HOA about the pool closure. We received a start date. The pool is going to be closed from May 13th through May 22nd. They say it should only take seven days. That's the last I heard. I put 10 days on there just to give a little cushion. Richard, feel free if you want to add anything, but that was the latest. I know Rob's been in contact with them as well, but that's the current estimated start date. I think we're just waiting on the final color selection.

Mr. Bosseler: Right. We're going to work on the final color, which will be orange and pink. But when the gentleman came out and made his pitch, he said that a project our size is probably only going to be five to six days maximum. So, it will take two days to put the surface down and a couple days to cure. Once again, this product is very good, very simple to work with. No pressure cleaning on the deck, just hose it off and if we do get scrapes or chips, you just take a Q-Tip and take the material and you can patch it yourself.

Mr. Mills: Wow.

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Mr. Bosseler: So, we're very hopeful that this is going to do the trick. He said for most homes, it lasts 10 to 15 years. We have a one-year guarantee, but he said, "*I don't know how often your pool is used, so I can't really say.*"

Mr. Bosseler: Other than that, can we get it on the marquee as soon as we have space on both marquees to say that the pool is closed.?

Ms. Hill: I didn't even see our meeting on it.

Mr. Darby: It was on it. It was on the front.

Ms. Hill: It wasn't on the back.

Mr. Darby: We probably should put something on the pool gate itself, I would think.

Mr. Mills: Yes.

Mr. Darby: Saying that the pool is closed.

Mr. Mills: Rob, the letters for that back sign, is in the guard shack in the back.

Mr. Szozda: Okay.

Mr. Bosseler: Rob, on both pool doors, there's that revolving block about 6 feet high. The guard has the key. So, when they come in, we'll have to get a key for the vendor and then we'll lock it. The card will work, but it will be blocked, so nobody goes in there.

Mr. Mills: Cool.

Mr. Bosseler: This is about the time that school's going to be out, so they will be jumping the walls and trying to get in anyhow. So, feel free to drive around the pool and tennis court and if you see anything going on, call the police and not Mel.

Mr. Mills: Okay, let's move along to the Attorney's Report.

Mr. LeBrun: I just wanted to finish up the last action item, which was the stormwater pipe and repair. One of the Supervisors asked for some numbers on the first pipe repair that we had on Balmoral. So, I had the them pull all of the invoices for that first repair. So that first repair, that was the part that was the collapsed pipe in the easement area where all of the cables came together, electric, fiber, it was a tough area to work in. So, all of the invoices received up to this point, that we anticipate, was \$36,325. That was for that repair.

Ms. Hill: But that didn't count what we paid to determine what needed to be done.

Mr. LeBrun: No, these are all of the payments to that vendor for the work in that area.

Ms. Hill: But we paid another \$14,000.

Mr. Mills: Yeah, there was more. It's up close to \$60,000.

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Mr. LeBrun: I want to say that I asked inclusive of all of those, I know that they knocked their price down a little bit to get to the lowest. We got three bids on the area and they brought it down. Andy worked with them to bring it down to the lower bid. These are all of the invoices for that vendor that was received for that repair. But I'll make a note to double check.

Ms. Hill: It wasn't for the repair.

Mr. LeBrun: Yeah. The investigation.

Ms. Hill: Yeah. The first bill was \$14,000 and then we came back with \$36,000 to do the repair.

Mr. LeBrun: I had to run the Check Register for the vendor. That's the information that they sent me, but I'll double check and make sure that they included that earlier part.

Ms. Hill: Was it the same vendor?

Mr. LeBrun: It was all the same vendor.

Mr. Mills: Now, what about the part that hasn't been finished yet?

Mr. LeBrun: So, the second pipe that has some issues, you all saw the road section of it. We haven't received the final invoice for that yet, but the proposal that we received was for \$18,000. Everything went perfectly to plan. There were no unforeseen issues that would cost extra. Then they sent us a quote for between \$6,000 to \$8,000 for the asphalt. I went and obtained a quote from our asphalt company that did the road repair when the BMW caught on fire. So, I went back to them and that was approximately \$2,500. So, they're going to do the asphalt for \$2,500.

Mr. Mills: Wow.

Mr. LeBrun: So, that's the final amount. We haven't received any information from them yet. We started the process and have the proposal. I said, *"Yes, we need this repaired."* I'm trying to work quickly, because there's a vehicle rated plate that's on top of the repair that costs approximately \$600 to \$700 per week to rent it. Brownie said that they can get it done, within, hopefully seven to ten days, they can take it up and not have to continue to pay for that. So, I'm trying to ask Asphalt 365 to get out there as soon as possible to get that repaired so you can save that \$800 cost for that.

Ms. Hill: The gentleman that was doing the work, told me, *"Oh, this is a bigger job than I anticipated."* So that's why I was concerned, because when they got down to the concrete pipe, they had not anticipated there were going to be some challenges.

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Mr. LeBrun: I know I didn't receive any change orders, but there is still time. So, we're making sure we're getting everything together. But that's the current status. They said, they prepared it well and were just waiting on the asphalt. They would get in there soon, and then that would be the end of that.

Ms. Hill: Good.

Mr. Mills: Hopefully, they compacted that soil. I would hope.

Mr. LeBrun: They said that it was completely flat. When the asphalt company gets out there, they of course will do their analysis.

Mr. Mills: Very good.

Mr. Darby: So, Jeremy, if you were to include the additional \$14,000, which we think is out there, it comes up to around \$70,000 for total repairs for this thing. Where is this money coming from?

Mr. LeBrun: So, that would need to be a Board decision of where you guys would like to pull that money. I don't anticipate we're going to have \$70,000 in carryforward surplus, just based on historical trends at Baytree. So, that would be a decision for the Board, if they wanted to use reserves. The good news is that some of the line items in your capital reserve, there is a line item for sidewalk gutter repair. There's \$14,500 that we have not had any expenditures yet this fiscal year. There's a drainage maintenance line item of \$10,000. We have not had any expenses in that line item. So, that might help absorb some of the costs there. But going forward, the Board may want to establish a Disaster Reserve Fund in the future.

Mr. Darby: I guess my personal opinion is, I don't want to pull the monies from funds that aren't designated for that specific repair, because if you look at it historically, we're going to say, *"Okay, why did we have road sidewalk repair two years ago for \$14,000, when it should have went to the roads?"* That is my personal opinion.

Mr. Mills: Right. I agree.

Mr. Darby: Do we need to make a decision now as to allocate it to which accounts?

Mr. LeBrun: Not at this time. At the end of each fiscal year, we do an amending budget, where we balance those line items that we underspent and overspent on and we can also recategorize expenses. There are a variety of ways that the Board can address that and attack that.

Mr. Mills: Okay.

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Resident (Not Identified): For the Balmoral issue, is the timeline soon?

Mr. LeBrun: For the asphalt, I was sent the signed proposal and I'm waiting to hear back for a start date. Their operations team is on it.

Resident (Not Identified): I still don't know what that means.

Mr. LeBrun: I don't have a date yet, but they were made aware that we will save \$800 a week, the faster that they do it and we want to continue working with them going forward. So, I'm hoping that they will get with us as soon as possible. I don't have a date.

Resident (Not Identified): Okay. The \$800 per week for the rental, is that included in the \$18,000?

Mr. LeBrun: That was included in the proposal.

Resident (Not Identified): Okay.

Mr. LeBrun: I don't know how long it is going to take for the asphalt people to come out.

Mr. Mills: I don't think you need to get that specific.

Resident (Not Identified): I was just curious.

Mr. Mills: Oh, yeah. Okay, if it's for your personal information, the overall number is fine. I don't think you need to break it down for the residents.

Resident (Not Identified): Someone asked me.

B. Additional Staff Reports

i. Attorney

Mr. Pawelczyk: I don't have anything really specific to report. Per the Board's directions at the last meeting, I sent a letter to the resident, with regard to the no fishing issue. I have not heard anything back, but I didn't expect to. Hopefully that works out for everyone. The only item was, we prepared the Facility Use Agreement for water aerobics. Jeremy got with me last week and I wanted to include that on the agenda with our new provider. So, we put that together. I was very glad to hear at the beginning of the meeting, that many of you have started your ethics training and were working on your Form 1 Financial Disclosure Form. Unless there are any questions, I have nothing further to report.

Resident (Not Identified): Just from my own curiosity, what does the CDD pay to the provider, if she collects \$100.

Ms. Hill: 10%.

Mr. Pawelczyk: I use the same agreement for every provider.

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Resident (Not Identified): We have someone who is giving tennis lessons.

Mr. Pawelczyk: There's no agreement.

Resident (Not Identified): So, no one is giving tennis lessons at the tennis court officially.

Mr. Pawelczyk: No.

ii. District Manager

1. Consideration of Facility Use Agreement for Water Aerobics at the Baytree CDD Swimming Pool - ADDED

Mr. Mills: Okay. District Manager Report.

Mr. LeBrun: Sure. I just have a couple of items. We were made aware that the previous water aerobics instructor was not going to be teaching anymore and the person filling in for them, is now going to take over full-time. So, as soon as you found that out, we obtained their certificate of insurance. The person that's going to be doing that wants to do the training, if they get Board approval. Baytree is named as an insured on their insurance, so they have the required insurance. I have proof of that. We use the same agreement that's been in place for the previous instructor, that lays out protections for the District that was drafted by counsel. So, I just brought this to the Board since it's a new person. I spoke with Richard and he said that he received good feedback. But I just wanted to bring it to the Board formally for your comment and if you're okay with it, just approve that and get this one into place.

On MOTION by Mr. Bosseler seconded by Mr. Darby with all in favor the Facility Use Agreement for the new water aerobics instructor at the Baytree CDD swimming pool was approved.

Mr. LeBrun: We'll get that executed for the Board.

2. Presentation of Registered Voters - 999

Mr. LeBrun: The other item that I have, is the presentation of the number of registered voters. Each year, the District is required to present the number of registered voters. This is not residents. This is registered voters. The current number of registered voters as of April 15th is 999. So, that's just there for the Board's information and to publicly announce the number of registered voters for the District.

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Mr. Mills: Okay, very good. Are there any questions for Jeremy? Hearing no questions, the next item followed.

iii. Field Manager

Mr. Mills: Alright. Field Manager's Report.

Mr. Szozda: There is nothing special. I'm getting the list of things that need to be done and I'm tracking them. If you ever want an update on anything, feel free to contact me.

Mr. Mills: Regarding Andy, Andy's mother lives with him and he is taking care of her. Andy also has some health issues that he's dealing with. Along with and the job, that just can't work. The mother will not go in a nursing home. So, Andy is going to be stuck taking care of her. So, he can't do his job and take care of his mom.

Ms. Curley: Give him my best, please.

Mr. Mills: I definitely will.

Ms. Hill: His mother is in her 90s.

Mr. Mills: Yup. I think she's 93, is what he told me.

Mr. Darby: Rob, one thing I noticed when I came over, one of the awnings over by the tennis court, seems to have come unattached. It's kind of flogging around.

Mr. Szozda: I saw that the first time we came out there. I will put this one on my list.

Mr. Darby: Okay. Thanks.

Mr. Mills: Okay. Anything else, Rob?

Mr. Szozda: Not unless you have any questions.

NINTH ORDER OF BUSINESS

Treasurer's Report

A. Consideration of Check Register

B. Balance Sheet and Income Statement

Mr. LeBrun: Under Item A, is the consideration of the Check Register.

Mr. Mills: They didn't do what we asked.

Mr. LeBrun: I just followed up again. This is done in the South Florida office and I guess they are not used to doing it that way. But I sent another reminder that the Board really wants to see how it used to be done, how the Central Florida office did it. So, I put another reminder for them.

Mr. Mills: Okay, good.

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Mr. LeBrun: You have Checks #773 through #800, in the total amount of \$70,997.88. Behind that, you'll see the line-by-line register for your review. I'm happy to take any questions. If not, I'll just look for a motion to approve the Check Register.

On MOTION by Mr. Darby seconded by Mr. Bosseler with all in favor the Check Register for March 1, 2024 through March 31, 2024 in the amount of \$70,997.88 was approved.

TENTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Mills: Supervisor's Requests, Richard?

Mr. Bosseler: Nothing.

Mr. Mills: Jan?

Ms. Hill: Nothing.

Mr. Mills: Jerry?

Mr. Darby: At the last meeting we were talking about the no fishing signs. Did we verify that they also said, "*No Trespassing?*"

Mr. Mills: Yes, they all do. Every one of them.

Mr. Darby: I just wanted to make sure that we did that. The other is, I'm not going to be available for the June 5th meeting. I think other Supervisors might have a conflict that day, too. So, perhaps we may want to cancel that meeting.

Mr. Mills: I think that's a good idea. I talked to Jeremy about this previously and if it's okay with the Board, we'll keep it listed and if there are no business items, we'll cancel it, but if any business comes up, then we'll have to have another date, if that's okay with the Board.

Mr. Darby: It's fine by me.

Mr. Mills: Okay. Very good.

Ms. Hill: Do you need a motion to do that?

Mr. LeBrun: No, we'll just keep it on there. If it gets canceled, we'll send out the proper notice.

Mr. Mills: Okay. Anything else, Jerry?

Mr. Darby: Nope, that's it?

Mr. Mills: No. I guess I basically don't have anything either. Oh, yes, I do. I would like to take just one moment to read the letter that Mike wrote to the resident. I think it's a great letter. It

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says: *“The firm serves as District Counsel to the Baytree Community Development District. As such, it has been requested by the District Board of Supervisors, that we send this correspondence to you, which correspondence is necessitated, by one or more of your children continuing to fish in District owned lakes and from District owned property. As you are well aware from previous correspondence that you received from the District Manager of the District, a copy of which is attached, and a telephone conversation that the District Manager had with Mr. Trinkas on January 9, 2024, regarding this issue. Fishing is strictly prohibited in all District owned lakes and from any property owned by the District. This policy is applicable to everyone and serves the purposes outlined by the District Manager in the attached correspondence. There are NO exceptions. Despite such prior notice and reminders, the District Board of Supervisors was recently informed, at its regular meeting earlier this month, that one or more of your children were yet again traversing the rear yards of District residents and fishing in the District lakes. I have been informed that an altercation with one of the District residents arose out of this incident. While it might be trivial to you, please understand that the District and its Board of Supervisors, intends to enforce its rules and policies prohibiting fishing, in order to best protect the District and its residents. I have been informed that the District staff has discussed these reoccurring violations with the Brevard County Sheriff's office, who will be increasing patrols in the District. On behalf of the District, I appreciate your anticipated cooperation and compliance with the no fishing policies of the District.”*

Ms. Hill: That's a very nice letter.

ELEVENTH ORDER OF BUSINESS

Public Comment Period

Mr. Mills: We'll open the floor to residence comments.

Resident (Rich Mercarante, 8017 Kingswood Way): I was a pilot and what you consider paramedic for the NEST team for a lot of years. One of the things, I think that from a community standpoint, that would be good to have, would be to host a CPR/AED course and this room is perfect for it. I've been involved in those and of course having somebody on the scene who does something, makes a difference.

Mr. Mills: That's probably a BCA issue.

Resident (Rich Mercarante, 8017 Kingswood Way): Okay. The other thing, and I know you've talked about this opportunity here, is the speeding on Kingswood Way. I'm a 27-year

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resident and before I moved here, when we had an issue, we got the “*Slow Children at Play*” signs posted and so forth and that worked for a while. However, we're going through another incident where I saw a couple of kids, the week that school was closed, riding along Kingswood Way with their fishing poles and completely oblivious to the threat to them. I also saw another resident who was riding his bike, turning into his driveway and somebody went to pass him and almost got him, but they stopped in time. I saw a couple people last night doing 40 miles-per-hour (MPH). We have a number of repeated offenders and it's just a matter of time, until someone gets hit. So, I think we need an additional speed hump on Kingswood Way, to slow things down. I've been trimming the grass between my sidewalk and road and on more than one occasion, I felt a breeze from somebody rushing past me. Like I said, I saw last night, one person actually passing me doing about 40 MPH down the street. So, we need to do something physically and also signage. I continually see speeding and people texting and on their phone, coming around the bend at 40 MPH. I request that the Board seriously consider putting something there in the middle of the street to slow people down. (*Portions of this was unintelligible, due to background noise.*)

Mr. Mills: If I remember correctly, we've asked Peter to look at that area and come up with a recommendation of where to put that in the next meeting.

Mr. LeBrun: We did the additional mailing for the cul-de-sac, that drive down there. We received more no's than yeses. The feedback in that area, was that they did not want a speed hump in that area.

Resident (Rich Mercarante, 8017 Kingswood Way): With all due respect to the residents who live there, they don't have to deal with the kids.

Resident (Maureen Ksiez, Balmoral Way): You don't have a speed bump in front of your house.

Resident (Rich Mercarante, 8017 Kingswood Way): I do, but people coming outbound, don't slow down.

Mr. LeBrun: We can bring it back to the Board.

Mr. Mills: Yeah. We'll discuss it. Put it on the agenda for the workshop in July.

Mr. Bosseler: Yeah.

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Resident (Maureen Ksiez, Balmoral Way): One thing that I was thinking maybe for the newsletter. I know it's not addressing your concern, but when the newsletter comes out, we'll include a quick blurb.

Mr. Darby: I think it's a good idea.

Mr. Mills: I'll address that in my section of the newsletter. It needs to be addressed in the entire community.

Resident (Maureen Ksiez, Balmoral Way): But we did stop having the Sheriff come in. Am I correct?

Mr. Mills: Yes.

Ms. Hill: We were paying for a Sheriff to come in.

Mr. Darby: Were we paying \$10,000 a year?

Mr. Mills: No, it was down less than that. I think we were paying around \$4,000 or \$5,000.

Mr. Darby: But if they're not going to write tickets, what's the point?

Ms. Hill: We weren't getting anything for our money.

Mr. Mills: We even said to them, no warnings, tickets only.

Ms. Hill: Yeah.

Resident (Maureen Ksiez, Balmoral Way): The only thing I would say to that effect, because people that knew that we had a Sheriff in here, that kind of is a thought in your mind, whereas Donald told me about it.

Ms. Hill: We don't have to tell them that.

Resident (Maureen Ksiez, Balmoral Way): Well, I haven't told anyone. He didn't know. It provided a deterrent. I know that the feedback was no, but having them at random in the neighborhood, was a deterrent.

Mr. Mills: We had even talked about putting in a temporary speed hump that is screwed into the macadam, like we have at the front gate. We should one of those in temporarily, before we spend \$10,000 with another speed hump, to see if it does help some. I went over that one today at 30 MPH, and I want to tell you what, it jars the heck out of you.

Resident (Maureen Ksiez, Balmoral Way): Yeah. The issue is the people in the Isles of Baytree. We just lost any clout that we would have had.

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Mr. Bosseler: So, Mel, to that point, why don't we put the temporary one in and give it a try?

Mr. Mills: Let's discuss that at the July workshop.

Mr. Bosseler: But that's July. We need something now. It's the end of the school year.

Mr. LeBrun: We need to consult with the engineer, because I'm sure there are signage and things that they would have to put in place.

Mr. Mills: Yeah, there would be signage.

Mr. LeBrun: The Board can do what they want, but we can't just throw a temporary speed hump out there. There's a lot of behind-the-scenes kind of work.

Ms. Hill: We can't write S under the other signs for speedhumps ?

Resident (Maureen Ksiez, Balmoral Way): Actually, what I think slows people down, is the golf cart crossings, because they don't know that there's a speed hump there.

Mr. Mills: What's the Board thinking?

Mr. Darby: You know, this has been a debated issue so often. To Jeremy's point, you just can't put a speed hump down. You need to have a sign 100 feet in front and 100 feet back. You need to put the sign at the stripe and the pavement too, as a warning. So, if you're going to do that, you're going to come close to spending \$10,000 anyway. The real question is, is it going to be effective? Even if you use a temporary speed hump, you really need to get the data before that goes in and then see what happens afterwards. If you're going to remove it, then remove the signs, remove the hump and then, you know, seal the pavement again.

Resident (Rich Mercarante, 8017 Kingswood Way): What is the cost?

Mr. Darby: But to your point, sir, Baytree has a speeding problem throughout. We put in stop signs, we put in humps, in some cases, it may have helped the situation, but in some cases, it has not. There are individuals who just don't care and they will come flying out. The other problem is, part of those individuals, in your particular neighborhood, don't belong to Baytree. They belong to somebody else, but we have no influence on them whatsoever, particularly since their advocate through us is not available.

Mr. Mills: That's exactly right.

Ms. Hill: Delivery people, you know, the UPS and Amazon drivers, it doesn't matter if you have a speed bump, they fly over them.

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Mr. Mills: Not to discourage what you said, but I'm almost at the point, of letting somebody get hurt and then maybe things will calm down.

Resident (Rich Mercarante, 8017 Kingswood Way): No, you don't want to do that.

Mr. Mills: I know.

Mr. LeBrun: I've also seen some other Districts have success, the more residents that call the enforcement agency, which is Brevard County Sheriff, to report the speeding, sometimes that can have a positive influence of them doing more enforcement in that area. The more vocal the residents are in what they are seeing, sometimes we've seen that spurs them to get out there.

Resident (Maureen Ksiez, Balmoral Way): Okay, Jeremy, but if we were to call and say that this particular truck with this license plate has been speeding by my house, as you know, three or four of them are consistently breaking the rules, that has no legal enforcement.

Mr. LeBrun: Usually it puts it on their radar that there is an issue in this area. And they sometimes will send more enforcement to those hot spots if they are needed.

Mr. Pawelczyk: That's their job.

Resident (Rich Mercarante, 8017 Kingswood Way): If you call the license plate, vehicle description and so forth, they are supposed to contact them. I've had some deputies call me back and say, "*What's a good time for us to be there?*" I had another deputy tell me, "*Well, I'll make the note of it,*" and I see the car. I've made calls.

Ms. Hill: We could put it in the newsletter and suggest people, when they recognize that there's a speeding vehicle consistently causing the problem, to take down their license plate and call the Sheriff.

Resident (Maureen Ksiez, Balmoral Way): I'll put in whatever you feel is best.

Ms. Hill: You can even put the Sheriff's number in there.

Resident (Maureen Ksiez, Balmoral Way): They have a non-emergency number and that's the one we call.

Mr. Pawelczyk: That's the information you would send to law enforcement, because they're the only ones that can enforce it.

Mr. Mills: Right.

Mr. Pawelczyk: There's nothing that I'm aware of that indicates that our roads are unsafe. We don't have any power to enforce speeding. We have zero police authority. So, we need to

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work with the law enforcement agencies to address those issues. This is in every single community that I handle. I drove up here going 77 MPH and I was passed by 40 cars going 90.

Ms. Hill: Yeah.

Mr. Pawelczyk: Because people speed everywhere. You can go to other parts of the country and it seems like I'm going too fast because, I'm the one passing everybody. Here, people just fly. In my neighborhood, which is not a planned community, I'm sure wherever you came from, people are speeding there. There's only so much the District can do. Even if the District wanted to, you could put speed humps every hundred feet, if the permitting agency will let you. But I don't know if that's a practical solution to your issue.

Mr. Mills: Maureen, I will address that in my article for the newspaper.

Mr. Pawelczyk: That's not to say that you should continue to take this on a case-by-case basis, as you have been over the last seven or eight years.

Mr. Mills: Right. And the old story is, we can't please everybody all the time.

Mr. Pawelczyk: That's correct.

Mr. Mills: But we've had this room almost filled with people, saying not to have a speed hump, none. Who violates it? The people in Southpointe. I followed a car the other day that came in on Old Tramway. They never stopped at the golf course stop sign or at the one on Chatsworth. They went all the way down and turned right into Southpointe.

Resident (Not Identified): The Captain wasn't there.

Mr. Mills: Yesterday, some woman in a white SUV, never stopped. They went straight through.

Resident (Not Identified): The people that live at the corner down here, will tell you that stop sign is run all the time.

Mr. Mills: Oh, yeah.

Resident (Not Identified): Is it like this every time I walk?

Mr. Mills: You hadn't been at one of the meetings. We had a guy sat right back there saying, "*I am not going to stop at any of the stop signs.*" Is there anything else from the audience?

Resident (Maureen Ksiez, Balmoral Way): There's a broken cap on the common area between the Balmoral corner and Old Tramway. It's in that park like area.

Ms. Hill: I thought you provided a picture.

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Resident (Maureen Ksiez, Balmoral Way): I did send one. I just wanted to know what was going on with that.

Mr. Mills: A broken cap?

Resident (Maureen Ksiez, Balmoral Way): Yeah, it's like one of the things that comes out.

Mr. Darby: Oh, it's like the telephone thing?

Resident (Maureen Ksiez, Balmoral Way): Maybe a vent or some type. I have a picture.

Mr. Mills: It has to do with maybe the cable company.

Resident (Maureen Ksiez, Balmoral Way): I don't think so.

Ms. Hill: I forwarded it.

Mr. Darby: I would send it to Rob or Jeremy

Ms. Hill: Yeah, send it directly to them.

Resident (Maureen Ksiez, Balmoral Way): I don't have your email.

Mr. LeBrun: We can get with you after the meeting.

Resident (Maureen Ksiez, Balmoral Way): Alright. I would also like to put in the newsletter about the new water aerobics instructor. Do you have any information on them?

Mr. LeBrun: I can give you the name after the meeting.

Resident (Maureen Ksiez, Balmoral Way): Great. Just for everybody, we're going to try to get the newsletter out the first week of June. So, if you have something that you want to put in there, send it to me by May 20th. That's it.

Mr. Mills: Anything else? Thank you, Jackie, for coming and representing the BCA.

TWELFTH ORDER OF BUSINESS

Adjournment

Mr. Mills adjourned the meeting.

Signed by:

Jeremy LeBrun

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Secretary / Assistant Secretary

DocuSigned by:

Melvin Mills

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Chairman / Vice Chairman