

Baytree Community Association Inc.C/o Fairway Management,
1331 Bedford Dr., Suite 103
Melbourne, FL 32940
(321)777-7575

Board of Directors Meeting Minutes
September 28, 2018
Baytree National Golf Course

1. **Called to Order-** Meeting was called to order by the President, Wayne Wilkerson, at 1:04pm.
2. **Pledge-** The Chair led the group in the Pledge of Allegiance to the United States of America.
3. **Roll Call-** Quorum of Directors Present: Wayne Wilkerson, Janice Hill, Richard Mather and Phil Ruhlman. Susan Hodgers absent. Jim Kenney present from Fairway Management.
4. **Proof of Meeting Notice** -Was posted at Community gate 48 hours in advance of the meeting.
5. **Approval of Minutes-** Jan motioned to approve the minutes from the January 12, 2018 Board Meeting. Second by Phil, motion carried unanimously. Richard motioned to approve the minutes from the April 13, 2018 Organizational Meeting. Second by Phil, motion carried unanimously.
6. **Reports of Officers:**
 - a. President- None
 - b. Vice President- None
 - c. Treasurer- Jan reviewed the financial report. Taxes have been filed. The Association is working within budget for the year.
 - d. Director-Richard thanked the ARC for all their hard work. He reviewed the BPARC proposal coming up. Discussed due process and tree guidelines. Mentioned the inspection in fall will bring a lot of sidewalk and roof issues.
7. **CDD Update** – Rick Brown reported the items discussed at the September 26th CDD meeting. The new visitor management system will be up and running on October 1. Not all owners are signed up for the new system. Go to the Baytree CDD website to sign up. Owners should have transponders, contact the CDD if you do not. Paving to be done on Old Tramway, National and the pool/pavilion parking lot. Redoing the main entrance by the end of November. Two (2) speed humps will be installed on Baytree Drive, getting quotes to review at December's meeting. CDD is providing \$3,800 for Holiday lights, BCA to offer \$3,000. Motion by Phil to allocate \$3,000 to increase the holiday lighting. Second by Richard, motion carried unanimously.
8. **VM Reports** –
 - a. Arundel – Not present
 - b. Balmoral – Not present
 - c. Chatsworth – Not present
 - d. Hamlet – Sidney Crouch/VM asked about speed humps on Old Tramway. Mel Mills advised that the CDD is going to see how the ones on Baytree Drive work out first. Old Tramway would be next. AVM, Gene List was also present.
 - e. Kingswood – Sandy Schoonmaker had nothing to report.
 - f. Saddleworth – Tom Dwyer commented that speed humps will damage vehicles and cause problems. Asked the board to consider holding meetings in the evening. Tom also participated in the Pavilion discussions.

- g. Turnberry – Carol Gabica/AVM commented that they are in favor of slowing down traffic on Baytree Drive, as they have 2 exits onto Baytree.
 - h. Windsor – Mike Sherbin commented that Windsor does not want speed humps in their neighborhood.
- 9. ARC Report** – Rick Brown stated that the ARC meets every other Monday at 8:30am, even on holidays to not delay homeowners’ requests. He wants to remind homeowners that the contractors license and insurance are required and important to protect the homeowner. Tree guidelines are passed on from the County, not a BCA rule. Landscape debris is an issue and was added to the proposed BPARC changes. Richard motioned to accept the changes, as attached. Second by Jan. Motion carried unanimously.
- 10. Isles of Baytree** – Joann Wagner commented that speeding is an issue all the way down Kingswood as well. She mentioned that they rent out their clubhouse, which holds 65-70 people, for \$20/hour.
- 11. Baytree Living** – Francesca Mariani asked for ideas and suggestions for upcoming issues. Advertisers are needs as well.
- 12. Unfinished Business** – Pavilion. Jan reviewed the fact that the money to fund the pavilion came from excessive funds accumulated from original builders and unknown original homeowners. Three (3) bids were received and one chosen. Work has started, and they estimate it to be completed by October 31st. Discussions were had with comments and questions from several present including, but not limited to; H.D. Bowman, Gene List, Tom Dwyer, Marcus Seaton, Mike Sherbin, Rudy Salvaggio, and Jeff Studds.
- 13. New Business -**
- a. Due Process:
 - Four (4) properties were sent to the board to vote on fining those who have not come into compliance:
 - 270 Baytree – Submit ARC for tree removed and plan to come into compliance. Richard motioned to fine \$50/day. Second by Phil, motion carried unanimously.
 - 407 Berwick – Clean sidewalk, Clean driveway. Richard motioned to fine \$50/day per violation. Second by Jan, motion carried unanimously.
 - 8031 Bradwick – Clean sidewalk. Richard motioned to fine \$50/day. Second by Phil, motion carried unanimously.
 - 325 Sandhurst – Properly store trash bin. Richard motioned to fine \$25/day. Second by Wayne, motion carried unanimously.
- 14. Items from the Floor-** None.
- 15. Adjournment-** Being no other business before the Board, meeting was adjourned at 3:23pm.

Minutes Prepared by:
Paula Matthes, LCAM
Fairway Management

**BAYTREE COMMUNITY ASSOCIATION
ARCHITECTURAL REVIEW COMMITTEE**

**PROPOSED CHANGES TO B-PARCS
SEPTEMBER 28, 2018**

Section 2.23: Exterior Colors Must be Approved by the ARC Prior to being Painted on Home.

Add a NEW subparagraph C: Any homeowner that desires to repaint their home the same colors that presently exist on the home, trim and doors must submit an ARC-15 form to the ARC via the Management Company. No \$25 fee is required for this application. This requirement is so that the ARC records can be updated and to ensure contractors are licensed and insured before work commences.

Section 2.23

Change the present subparagraph C to D

Section 2.22: Driveways

Add a NEW subparagraph C: As of July 28, 2018 NO Driveways may be painted, re-painted, stained or re-stained without pre-approval of the ARC. Submission requests MUST include a sample (picture will suffice) of the proposed color or pattern for the driveway. Applications for re-painting or re-staining the same color that exists presently on the driveway do NOT require a \$25 Application fee.

Section 4.6.2 Roof Structure

Add a new Paragraph D:

Metal Roofs are NOT allowed on homes within the Baytree Community.

BAYTREE COMMUNITY ASSOCIATION
ARCHITECTURAL REVIEW COMMITTEE

PROPOSED CHANGES TO B-PARCS
OCTOBER, 2018

SECTION 4.6 HOUSING

SUBSECTION 4.6.7.7 LANDSCAPE MATERIAL AND PRACTICES

ADD A NEW PARAGRAPH: PARAGRAPH G: LANDSCAPE
DEBRIS REMOVAL

Remove Item #3 under Paragraph F and make it item #1 under NEW
Paragraph G to wit:

1. All lawn and tree contractors are required by Brevard County
Ordinance 94-49 to remove yard trash generated from their operations

ADD a NEW item #2 to wit:

2. Homeowners doing their own landscape maintenance must adhere to
the following:

Branches, Limbs and Trunks can be no longer than 4 feet in length,
must weigh less than 50 pounds and must be uniformly stacked at the
curbside for pickup.

Landscape debris cannot be placed at the curbside BEFORE the
Sunday evening PRIOR to the collection day.

ALL landscape debris containers MUST be removed from the curb
within 24 hours after collection and placed in an area so that they
cannot be seen from the street.

The present SUBSECTION 4.6.7.7: IRRIGATION BECOMES SUBSECTION
4.6.7.8

24-Aug-18

Mr. Wayne Wilkerson, President ✓
Baytree Community Homeowners Association
C/O Fairway Management
1331 Bedford Dr., Suite 103
Melbourne, FL 32940

Ms. Carolyn Witcher, Chairman
Baytree Community District
C/O Governmental Management Services, Central Florida
135 W. Central Blvd., Suite 320
Orlando, FL 32801

RE: Baytree Pavilion

Dear Mr. Wilkerson and Ms. Witcher,

You are hereby requested to cease and desist all further actions and expenditures relative to the proposed Baytree pavilion, not limited to its construction, materials or furnishings.

The BCA and CDD Boards have entered into a unilateral agreement to construct a new structure with funds that belong to the Baytree lot owners, without their concurrence.

The SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BAYTREE GOLF & COUNTRY CLUB, ARTICLE V, MEMBERSHIP AND VOTING RIGHTS, Section 5.2 Voting states: " Members shall be all Owners of Lots and shall be entitled to one (1) equal vote for each Lot in which they hold the interest required for membership."

The BCA and CDD should not make material alterations to common areas without a vote of the membership. The pavilion is new construction; it does not exist. Therefore, the BCA needs to ask the members to vote in favor of the expenditure. Do they want it? Will they use it?

If built, post construction, the pavilion will levy additional annual expenditures upon all lot owners. For example, as applicable: potable water, insurance, janitorial services, electrical service, facility scheduling, reserves, maintenance and repair. These costs are not delineated in the CDD's 2019 Fiscal Budget. The BCA and CDD are imposing a "pig in a poke" upon Baytree homeowners, with unknown future costs that will become a continuing liability.

The CDD, in 2019, must fund a \$160, 022 shortfall by increasing each Baytree lot owner's Non-Ad Valorem Assessments by \$347.12; a 22 percent increase over a year's time.

The undersigned have polled the Saddleworth neighborhood re the BCA/CDD Pavilion. Not one of the 32 lot owners contacted is in favor of the pavilion. A total of 22, who signed the attached petition, Attach A, are against its construction. (Of the balance: Two lots are renters; two wanted to pass; three are out of town, and the last could not be reached.)

The undersigned believes that the BCA has an obligation to do the same for all the remaining neighborhoods. And, should two-thirds of the lot owners not approve the use of the BCA funds to be spent on the pavilion; it should not be constructed.

Should the BCA Board not agree, then, please explain its right to spend the funds and unilaterally proceed without membership concurrence, under Florida Statute Chapter 720 and the Baytree Covenants.

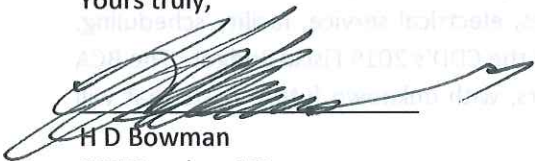
Similarly, the CDD Board should fully explain its rights, under Florida Statute Chapter 190, to impose new-undefined annual costs, that have not been specifically addressed in its 2019 Fiscal Budget, upon Baytree lot owners. And in addition, define those costs and adjust its fiscal 2019, and future, homeowner assessments accordingly.

Furthermore, please answer the following:

1. What are the total available funds in the BCA accounts?
2. From which account are the funds committed to the construction of the pavilion?
3. Have bids been solicited and received? How many? What is the range of the bids?
4. Which bid was selected by the Board? How much is the pavilion projected to cost?
5. Are potable water and electrical services included?
6. Are there reserves should/when the project overruns its projected cost? If so, how much?
7. Should there be an unanticipated-significant overrun, which organization will pay for it: The BCA or CDD, and by what means?
8. How many people can the proposed 20 x 25-foot pavilion accommodate?
9. How many vehicles will the new \$40,000 parking lot accommodate?
10. How many residents and guests are projected to use the pavilion annually? How was this estimate obtained?
11. For example, on a weekend, if the pool, playground, bocce court, tennis court and pavilion are all in use:
 - a. Are there enough parking places for all participants?
 - b. Are there adequate restroom accommodations per Florida code?
12. Will the BCA or CDD install BBQ pits? If not, may individuals bring their own?
13. Should BBQs be allowed, which organization purchases and maintains the fire extinguishers?
14. How much has the BCA spent on this project to date and what for? Please be specific and provide the relevant documentation, including the Board's authorization(s) for such expenditures.

Your written response is requested within 15 work days.

Yours truly,



H D Bowman
605 Deerhurst Dr
Baytree, FL 32940



Wally Sims
630 Deerhurst Dr
Baytree, FL 32940

Attachment: BAYTREE PETITION LOT OWNERS VOTE "FOR" OR "AGAINST" THE CONSTRUCTION OF A NEW PAVILION AND ITS FUTURE UPKEEP. Dated 23 Aug 18. *original*

BAYTREE PETITION

LOT OWNERS VOTE "FOR" OR "AGAINST" THE CONSTRUCTION OF A NEW PAVILION AND ITS FUTURE UPKEEP.

WHERE AS: Members shall be all Owners of Lots and shall be entitled to one (1) equal vote for each Lot in which they hold the interest required for membership. (Section 5.2 Voting. Baytree Covenants, 29 Dec 2008.)

Baytree Address	Lot Owner		Dated	Vote by Initialing	
	Print Name	Signature		For	Against
606 Deerhurst Dr	MARCUS & VERONICA SEATON		14 Aug-18		
612 Deerhurst Dr	Linda Decker		14 Aug-18		
663 Deerhurst Dr	Joy Morgan		14 Aug-18		
675 Deerhurst Dr	Marci Schmitt		14 Aug-18		
486 Deerhurst Dr	Kristina Varady		14 Aug-18		
680 Deerhurst Dr	Pam Rowlings		15 Aug-18		
674 Deerhurst Dr	Jim Pinkerton	JAMES L. PINKERTON	15 Aug-18		
622 Deerhurst Dr	Fred Krivic	FRED KRIVIC	15 Aug-18		
656 Deerhurst Dr	JAMES Wagle		15 Aug-18		
624 Deerhurst Dr	Seanna Adler		15 Aug-18		
600 Deerhurst Dr	Jennifer Godby		15 Aug-18		
605 Deerhurst Dr	HP Bouman		15 Aug-18		
630 Deerhurst Dr	Wally Sims		21 Aug-18		
681 Deerhurst Dr	BELA GANDHI		21 Aug-18		
648 Deerhurst Dr	Rhonda Watkins		21 Aug-18		
636 Deerhurst Dr	Tom Dwyer		21 Aug-18		
Deerhurst Dr			Aug-18		
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Baytree Address	Lot Owner		Dated	Vote by Initialing	
	Print Name	Signature		For	Against
Deerhurst Dr			Aug-18		
Deerhurst Dr			Aug-18		
Deerhurst Dr			Aug-18		
Deerhurst Dr			Aug-18		
Deerhurst Dr			Aug-18		
Deerhurst Dr			Aug-18		
7972 Chatham Court	R. SALVAGGIO	<i>R. Salvaggio</i>	14 Aug-18		XB
7971 Chatham Court	S. Studds	<i>Sybil E. Studds</i>	14 Aug-18		SSD
7970 Chatham Court	BRAD CHAN MCKEAGE	<i>[Signature]</i>	15 Aug-18		<i>[Signature]</i>
Chatham Court			Aug-18		
Chatham Court			Aug-18		
Chatham Court			Aug-18		
7982 Kessington Court	HAI KENNEY	<i>[Signature]</i>	14 Aug-18		HK
7980 Kessington Court	Kathleen Westrip	<i>[Signature]</i>	17 Aug-18		K.W.
7984 Kessington Court	DUANE L. TUCKER	<i>[Signature]</i>	21 Aug-18		DT
Kessington Court			Aug-18		
Kessington Court			Aug-18		
Kessington Court			Aug-18		

Saddleworth
Baytree Neighborhood

Surveyed by: *H. D. Bowman*
[Signature]
Print Name and Sign

23 Aug-18