

MINUTES OF MEETING  
MONTECITO  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Montecito Community Development District was held on Wednesday, May 5, 2021 at 5:00 p.m. at the Montecito Beach Club, 208 Montecito Drive, Satellite Beach, Florida.

Present and constituting a quorum were:

Larry Bradshaw	Chairman
Catherine LeCesne	Vice Chair
Tanja Glynn	Assistant Secretary
Ed Henson	Assistant Secretary
Roger Weinreb	Assistant Secretary

Also present were:

Jason Showe	District Manager
Michael Pawelczyk	District Counsel
Ray Malavé ( <i>by phone</i> )	District Engineer
William Viasalyers	Field Manager
Randy McGrath	Amenities Manager
Residents	

*The following is a summary of the discussions and actions taken at the May 5, 2021 meeting. A copy of the proceedings can be obtained by contacting the District Manager.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Showe called the meeting to order and called the roll. A quorum was present.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the February 22,  
2021 Meeting and April 14, 2021  
Workshop Summary**

Mr. Showe received corrections to the minutes from Ms. Glynn, which would be incorporated. She was identified as Assistant Treasurer instead of Assistant Secretary.

On MOTION by Ms. Glynn seconded by Mr. Weinreb with all in favor the Minutes of the February 22, 2021 Meeting as amended and the April 14, 2021 Workshop Summary as presented were approved.

**FOURTH ORDER OF BUSINESS**

**New Business Items**

**A. Discussion of Proposals**

**1. Gym Flooring**

Mr. Showe would place this item on the agenda for a workshop meeting, since Mr. Viasalyers had no update.

**2. Resident Request for Gate Pavers**

Ms. Glynn requested pavers for her back gate, which did not open properly due to the grass. Her paver company recommended a 4' X 4' area of pavers and a cement border for durability. The color would match the existing pool pavers and go from the pool deck to the gate with enough room to open the gate. Mr. Henson asked if this was always an issue. Ms. Glynn replied it gradually worsened over the years and she wanted a long-term solution. She would pay for the pavers and maintain it at no cost to the CDD. Mr. Henson asked if the District needed an easement. Mr. Pawelczyk cautioned the Board about setting a precedent. Mr. Bradshaw suggested taking requests on a case-by-case basis. Discussion ensued.

Mr. Bradshaw moved to authorize Ms. Glynn to put pavers on her property to replace the grass and maintain it and Mr. Weinreb seconded the motion.

Mr. Henson was not in favor because there were encroachment violations around the community and did not want to set a precedent. Ms. Glynn respected Mr. Henson's opinion. Mr. Pawelczyk clarified he commented about the Board setting a precedent before he was aware of the size of the area and suggested that the Board consider an Encroachment Agreement.

On VOICE VOTE with Mr. Bradshaw and Mr. Weinreb in favor and Mr. Henson dissenting, authorizing Ms. Glynn to put pavers on her property to replace the grass and maintain it was approved. (Motion Passed 2-1)

Ms. Glynn thanked the Board and offered to work with District Counsel on an agreement.

**3. Landscape Installation at Gazebo - Added**

Mr. Showe received a revised proposal from Paradise Lawns & Landscaping (Paradise) yesterday in the amount of \$35,539.50. The original proposal approved by the Board was \$24,766 and the increase of \$17,354 was due to the cost of the gazebo and permitting.

*Ms. LeCesne joined the meeting.*

Mr. Bradshaw believed that the gazebo looked more like a pavilion, voiced concern about whether it was hurricane proof and suggested a pergola. Mr. Weinreb noted they were hurricane proof up to 140 miles-per-hour (mph). Mr. Bradshaw felt that \$17,000 was extremely high and wanted to shop around. Mr. Viasalyers stated there were increases across the State, due to supply and demand. Mr. Bradshaw asked if they could place the structure on hold and install the landscaping. Mr. Viasalyers suggested removing debris and adding new plant material and sod for \$8,500. Mr. Showe stated this was part of the proposal the Board approved at a prior meeting. Mr. Henson asked if there was sufficient irrigation. Mr. Viasalyers anticipated \$1,000 for irrigation. Ms. Glynn preferred placing this item on hold until they had the big picture.

Resident Betsy Vincent (Redondo Drive) voiced concern about the Board building a structure after the landscaping was installed and requested additional proposals. *After further discussion, there was Board consensus to place this item on hold to obtain additional proposals for the gazebo and discuss the plant material further with Paradise.*

#### **B. Consideration of Resolution 2021-04 Setting Rule Making Hearing for Proposed Changes to Amenity Rules**

Mr. Showe presented Resolution 2021-04 setting the time and place for a public hearing to consider changes to the Amenity Rules. There were changes in the hours for the pool and the facilities and posting requirements. Section 21 was added, which stated, *“The District Manager and Amenities Manager may promulgate supplemental or additional rules respecting the Amenities included but not limited to clubhouse meeting room, swimming pool area, game room, playground and the fitness training room from time to time. The District Manager and Amenities Manager shall have reasonable discretion to police the Amenities to maintain proper order and the safe and healthy use of the Amenities.”* Mr. Showe stated the changes were recommended by District Counsel. Ms. Glynn recalled in the section regarding facility access cards, they were transitioning to fobs. Mr. Showe recommended June 28, 2021 as the date of the public hearing.

On MOTION by Ms. Glynn seconded by Mr. Henson with all in favor Resolution 2021-04 Setting a Rule Making Hearing for Proposed Changes to Amenity Rules for June 28, 2021 at 10:30 a.m., at this location was adopted.

Discussion ensued. Mr. Bradshaw proposed 6:30 a.m. to 7:00 a.m. for the pool opening hours and having a set closing time. Mr. Henson agreed. Mr. Showe stated the hours were based on daylight savings time. Ms. Glynn suggested a set closing time from April until September and October to March. Mr. Henson recommended closing at 8:00 p.m. from August, September and October. Ms. LeCesne proposed a set opening time from May through October and set closing time of 8:00 p.m. November through April. Mr. Bradshaw stated the closing time should not be 8:00 p.m. in August, September and October. Mr. Pawelczyk suggested addressing the sunrise/sunset times by adding a disclaimer that the pool would be closed from sunset to sunrise. Mr. Bradshaw stated there was no setting on the computer for locking doors at sunset. Mr. Bradshaw proposed dividing the months into four quarters. *After further discussion, there was Board consensus to set the pool operating hours at 7:00 a.m. to 8:00 p.m. from May until October and 7:00 a.m. to 6:00 p.m. from November through April.*

**C. Consideration of Resolution 2021-05 Approving the Proposed Fiscal Year 2022 Budget and Setting a Public Hearing**

Mr. Showe presented Resolution 2021-05, approving the Proposed Budget for Fiscal Year 2022, which was attached as Exhibit A, setting the public hearing for August 4, 2021 at 5:00 p.m. at this location, transmitting the budget to Brevard County and posting on the website. Mr. Showe highlighted the following:

- There was an assessment increase of \$142.79 for a single-family home and \$107.09 for a townhome.
- Minimal changes in *Administrative Expenses*.
- *Operation and Maintenance (O&M) Expenses* were consistent with contracts and current operational expenses.
- The biggest changes were in *Reserves*. As in the prior year, \$25,000 was transferred into *Disaster Reverse*, \$50,000 was transferred into *Roadway Reserve* and a \$97,000 transfer to the *Capital Reserve*.

Mr. Bradshaw recalled no assessment increase for the last three years and wanted the Board to consider whether the increase was high enough for the next two to three years without coming back to residents. The increase was not a large amount, but enough to operate the District. Mr. Henson was not in favor of raising assessments this year and working within the budget. If it did not work, he was in favor of raising assessments next year. Ms. Glynn felt \$17,000 for *Irrigation Repairs* was unrealistic as \$3,400 was spent through March. Mr. Henson suggested reducing *Roadway Reserve* from \$50,000 to \$40,000. Ms. LeCesne voiced concern of the condition of the asphalt. There were damaged pavers and cracks in sidewalks. Ms. Glynn felt that additional parking of \$23,000 was not needed in the townhomes. By saving \$14,000 from irrigation repairs and \$23,000 from additional parking, they were close to meeting the budget. Mr. Showe noted many unknowns with the budget and staff would continue to refine the line items. There was \$125,000 in *Disaster Reserves* that could be used for other purposes. Mr. Weinreb asked if the District received monies from the developer for damage to their roads from construction vehicles. Mr. Bradshaw stated a damage letter was sent to the developer. Ms. LeCesne suggested looking at the survey to see what residents wanted.

On MOTION by Mr. Bradshaw seconded by Mr. Henson with all in favor Resolution 2021-05 Approving the Proposed Fiscal Year 2022 Budget without raising assessments and Setting the Public Hearing for August 4, 2021 at 5:00 p.m. at this location was adopted.

#### **D. Discussion of COVID-19 Rules**

Mr. Showe asked if the Board wanted to make any changes. Mr. Bradshaw stated Governor DeSantis made a ruling, but according to District Counsel, the Board regulates their own property. The standard safeguards were in place. Mr. Pawelczyk reported the Governor approved two Executive Orders. One suspending all COVID-19 emergency orders effective immediately and the other stating that any local government orders regarding COVID-19 were prohibitive effective July 1<sup>st</sup>. So, the CDD cannot require people to wear masks and enact social distancing, but it can regulate hours, capacity and when to open for rentals. Many local government lawyers were questioning whether or not what Governor DeSantis did was lawful or exceeded his authority.

Mr. Henson was fully vaccinated, but would wear a mask out of respect for other people. Ms. LeCesne would do the same. Mr. Bradshaw noted under the current guidelines, if residents did not follow the rules, they could lose access to the Amenity Center. Mr. Pawelczyk stated the

Board was only permitted to enforce rules if they were adopted pursuant to rulemaking. The Board approved a mask policy in March, but it did not go through the rulemaking process. They only followed the CDC guidelines. Mr. Bradshaw stated residents were required to sign a waiver and the Fitness Center and clubhouse were limited to 75% capacity or 15 people. Ms. Glynn felt this was fair and should remain in place.

**E. Discussion of Gate Repair Deposit**

Mr. Showe stated this was for the and was discussed at the workshop. The vendor required a 50% deposit for the Shearwater entrance gate repair. Staff has had discussions with the developer, Vintage Homes and cautioned that discussion on security matters must be limited, since it was on the record. Mr. Pawelczyk recalled the developer agreed to fix the gate. Mr. Bradshaw thought the vendor that worked for the developer would pay for it. Mr. Showe stated the developer agreed to pay the deposit to start the work and if additional work was needed, the CDD would submit an invoice to the developer. Due to the amount of time necessary to manufacture the gate, Mr. Showe recommended the Board proceed with the project.

Ms. LeCesne asked why the developer did not want to pay until they received an invoice if they agreed to be responsible and if staff had the invoice. Mr. Showe stated that staff had a proposal. The gate vendor believed all of the items were functioning; however, if a part needed to be repaired, there would be additional charges. Ms. LeCesne asked why the HOA could not pay 50%. Mr. Bradshaw explained the developer was writing a check to the CDD to pay the deposit and the CDD needed to write a check to the vendor. Mr. Pawelczyk noted the Board must approve the proposal before receiving a check from the developer and to contact Ms. Ginger Wald in his office if Board Members had questions.

Ms. Glynn moved to pay the 50% deposit for the Shearwater entrance gate repair and Ms. LeCesne seconded the motion.

Mr. Henson asked a question, which District Counsel did not want to answer, as it pertained to a security matter.

On VOICE VOTE with Mr. Bradshaw, Ms. Glynn and Ms. LeCesne in favor and Mr. Weinreb and Mr. Henson dissenting, the CDD

paying the 50% deposit for the Shearwater entrance gate repair was approved. (Motion Passed 3-2)

Mr. Showe stated he had not heard anything from the gate vendor. Ms. LeCesne asked what type of warranty was included. Mr. Bradshaw stated the District had a maintenance contract with the vendor. Ms. LeCesne asked if they could look at other vendors. Mr. Showe stated they could, but must rescind the prior motion to proceed with the deposit. Mr. Bradshaw favored moving forward because the gate was broken for a long time. A resident suggested waiting until after the last big construction truck comes through the development. Mr. Bradshaw anticipated construction being completed in the next few months. Signs were posted and the developer was warned. Once the deposit was paid, it could be two or three months before the gate was replaced. Ms. Betsy Vincent (Redondo Drive) noted Vintage sold their company.

**F. Consideration of Employment Agreement with Logan Hubmert - Added**

Mr. Showe presented the Employment Agreement for the Amenity Center Facilities Attendant. The District Manager, Facility Manager and the Chair, interviewed candidates and extended an offer to Ms. Logan Hubmert. She was invited to this meeting if she was available. District Counsel drafted the Employment Agreement and Scope of Work. It was the same form of agreement from when Mr. McGrath was hired. Discussion ensued and the Board addressed the following:

- Mr. Bradshaw stated at the top "*Humber*" should be "*Hubmert*."
- Mr. Weinreb questioned how the Board could discuss it without seeing Ms. Hubmert's resume as he wanted someone with aquatic experience. Mr. Bradshaw explained Ms. Hubmert was already offered the job.
- Mr. Henson asked if her resume was received late and what part of the resume resulted in an offer. Mr. Bradshaw explained that none of the resumes had anything to do with the hiring decision. They went through a series of interview questions with two candidates, including certain scenarios that occurred at the clubhouse. The third interview did not happen and a decision was made between two candidates. Ms. Hubmert was outgoing, used the pool all the time, knew many residents and the rules.

- Mr. Henson asked when Ms. Hubmert starts. Mr. Bradshaw stated on May 10<sup>th</sup>. Mr. Showe noted both candidates were fully capable of doing the job, but Ms. Hubmert was the best candidate.

On MOTION by Ms. Glynn seconded by Mr. Henson with all in favor the Employment Agreement with Ms. Logan Hubmert for Amenity Center Facilities Attendant was approved.

**G. Discussion of Installation of Stop Sign at Monterey and Montecito Drive-Added**

Mr. Bradshaw stated all three-way intersections were covered; however, a resident complained about speeders and why her street did not have a stop sign. Mr. Henson noted a missing stop sign at Clemente Drive and Simeon Drive. Ms. Glynn recalled this location was eliminated because it was close to the roundabout. Mr. Henson concurred. A resident suggested installing a speed bump instead of a stop sign. Mr. Bradshaw stated the Board was not in favor of speed humps. Mr. Bradshaw proposed tabling this item to the June meeting to monitor further. *There was Board consensus.*

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Pawelczyk announced around the end of the month/beginning of June, Board Members should receive their Form 1, Statement of Financial Interests, which must be filed by July 1<sup>st</sup>.

**1. Presentation of Chapter 2021-1, Laws of Florida**

Mr. Pawelczyk presented Chapter 2021-1, Laws of Florida, which was signed by the Governor before the Legislative Session ended on April 30<sup>th</sup>. It made it difficult for “Ambulance Chasers” to file lawsuits for COVID-19 related claims. The District would not be liable for damages. Mr. Pawelczyk felt it was good legislation and would provide a Legislative Report at the June or July meeting. Ms. LeCesne thanked Mr. Pawelczyk for the update.

**B. District Engineer**

Mr. Malavé reported an issue was brought to his attention yesterday regarding a noisy pump. Mr. McGrath requested an update on the broken meter for Pump Station #1. He was waiting for Paradise to provide a quote on repair or replacement or to install a new meter on Pump Station #1. Mr. Bradshaw noted they were still using water without a meter being attached to it.



Mr. Malavé reported the meter was running continuously, but the valve was not closing. He would have Paradise close it and ensure it was working. Ms. LeCesne asked whether there were fees or penalties if the meters were not repaired as soon as possible. Mr. Malavé noted no penalties and would get with the pump company to replace the meter. Ms. LeCesne asked if the CDD was responsible for replacing the meter. Mr. Malavé stated the District was required by permit to maintain the meters.

Mr. Malavé read the email for the entrance gate and offered his assistance. He was trying to get the paint color for the pedestrian gate. Ms. LeCesne thanked Mr. Malavé for addressing it.

*Mr. Malavé left the meeting.*

### **C. District Manager**

Mr. Showe received a request from a resident to install dog waste stations. This item was discussed in the past and the Board did not approve them. Mr. Bradshaw felt whether they had a dog waste station or not, people were still not going to pick up after their dogs. Ms. Glynn agreed. Ms. LeCesce would be in favor if it was 100% or 75% enforceable.

#### **1. Consideration of Check Register**

Mr. Showe presented the February check register in the amount of \$73,575.83 and the March check register in the amount of \$34,147.54.

On MOTION by Ms. Glynn seconded by Ms. LeCesne with all in favor the Check Registers for February and March were approved.

#### **2. Balance Sheet and Income Statement**

Mr. Showe presented the Balance Sheet and Income Statement as of March 31, 2021. The District was in good shape with assessment collections at 99%.

### **D. Facility Manager**

Mr. McGrath reported the outside emergency lights at the clubhouse were replaced, which were worn due to the salt air. Two lights that were purchased in February 2020 only lasted a year, which will be returned for a full credit. He will use the credit for extra lighting for future use. The bike paths will be cleaned with a stainless-steel cleaner. He had walk-in appointments for registration, but has been having trouble getting water to the fountains at South Patrick Drive.

There was a communication breakdown at Pump Station #1, so water cannot flow into the reservoirs. The pump by the South Patrick Drive entrance was shut off because no water was getting to it. Insight was supposed to come out to investigate and install a new antenna.

*Ms. Glynn left the meeting.*

Mr. Henson requested an update on the parking citations. Mr. McGrath stated there were no violations, but people requested permission to park on the street when they had major work done to their house. He suggested they park at the clubhouse, but they did not want to or could not walk that far, so he granted them special permission to use the street until they could access their driveways. Mr. Henson asked about the pool repairs. Mr. McGrath stated Brevard Pools repaired the concrete and were waiting for the concrete to cure around the wedge that holds the ladder in place. Tomorrow the barricades would be removed. Mr. Henson wondered about the ping pong and pool table. Mr. McGrath put a net assembly on the existing ping pong table along with some paddles and balls. The pool tables cost \$1,200, but the current one was still functional. Mr. Bradshaw requested Mr. McGrath try to salvage it. Ms. LeCesne complimented Mr. McGrath on all that he does around the community and asked if the tickets in the ticket system were updated. Mr. McGrath stated some were updated. They were still waiting to get proposals for the pedestrian gate repairs. Vendors promise to come out and then do not show. Mr. Henson asked if vendors check in with Mr. McGrath. Mr. McGrath replied no, but he stays in constant communication with some vendors. Two vendors were removed from their vendor list.

#### **E. Field Manager**

There being none, the next item followed.

### **SIXTH ORDER OF BUSINESS**

#### **Supervisor's Requests**

Mr. Weinreb asked if there were rules governing golf carts driving on sidewalks and illegally parking. Mr. Bradshaw stated the City of Satellite Beach had Ordinances for golf cart use on city streets, but no regulations for using golf carts on sidewalks. Only special types of golf carts with certain signage could be driven on the city roads. In their street rules, there were parking provisions. Mr. Pawelczyk advised golf carts on streets must be street legal because Montecito was not a golf course community. Mr. Weinreb reported a couple were coming from outside the community. Ms. LeCesne felt that vendors should confirm if they were coming and if Mr.

McGrath was not available, the Board member with that oversight would monitor the work, so GMS would not be tasked with additional duties. Mr. McGrath would get as much contact information as he could. Mr. Bradshaw recalled at the workshop, the Board discussed Mr. McGrath’s upcoming annual review. He will work with Mr. Showe on a survey that would be sent to all Board Members. This year, they would use all 26 items in Mr. McGrath’s contract, listing his strengths and weaknesses. Along with the Board, Mr. Viasalyers and Mr. Showe would be completing the survey.

- **Audience Comments**


Ms. Betsy Vincent (Redondo Drive) requested an update on the walkway. Mr. Bradshaw stated a quote was submitted from the District Engineer for over \$50,000. The Board wanted to wait until the building was completed to decide whether to leave the current walking path or fill in with mulch, pavers or concrete and install a gate. A resident asked about the extra parking spaces. Mr. Showe stated the plan was to use existing parallel parking spots and add some spaces.

**SEVENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Ms. LeCesne seconded by Mr. Henson with all in favor the meeting was adjourned.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman