

**MINUTES OF MEETING
MONTECITO
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Montecito Community Development District was held on **Monday, June 27, 2022** at 10:30 a.m. at the Montecito Beach Club, 208 Montecito Drive, Satellite Beach, Florida.

Present and constituting a quorum:

Catherine LeCesne	Chair
Ed Henson	Vice Chair
Tanja Glynn	Assistant Secretary
Eric Smith	Supervisor-Appoint
Joline Nivert	Supervisor-Appoint

Also present were:

Jason Showe	District Manager
Andy Hatton	GMS
Jeremy LeBrun	GMS
Ginger Wald	District Counsel
Randy McGrath	Amenities Manager
Residents	

The following is a summary of the discussions and actions taken at the June 27, 2022 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

Mr. Showe opened the public comment period. Resident Betsy Vincent of Redondo Drive asked if the dog signs arrived and if the CDD could reconsider the \$300 charge for damages. Mr. Hatton confirmed that the signs arrived. Ms. Glynn would meet with Ms. Vincent regarding the locations. There being no further comments, Mr. Showe closed the public comment period.

THIRD ORDER OF BUSINESS

Approval of Minutes of the May 4, 2022 Board of Supervisors Meeting

Ms. Glynn provided corrections to the May 4, 2022 minutes, which were incorporated.

On MOTION by Ms. Glynn seconded by Ms. LeCesne with all in favor the Minutes of the May 4, 2022 Board of Supervisors Meeting were approved as amended.

FOURTH ORDER OF BUSINESS

New Business Items

A. Consideration of Agreement with Evergreen for Amenity and Field Services

Mr. Showe presented a draft agreement from Evergreen Lifestyles Management, LLC. (Evergreen), which was drafted by District Counsel, job description and proposal, which were included in the agenda package. Representatives of Evergreen introduced themselves to the Board. The start date was September 1st. Discussion ensued regarding parking enforcement, the District’s rules and regulations, emergencies, potential candidates, evaluations, and salaries. Evergreen would advise the Board if any amendments to the rules and regulations were needed and work with GMS on providing the documentation. There was a customer service number for residents to call and an after-hours hotline for emergencies.

Ms. LeCesne moved to engage the services of Evergreen Lifestyles Management, LLC. pursuant to the draft agreement for Amenity and Field Services with a start date of September 1, 2022 and Ms. Glynn seconded the motion.

Mr. Henson questioned the holidays that Evergreen followed. It was noted that Evergreen followed eight holidays: New Year’s Day, Presidents Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, day after Thanksgiving and Christmas.

On VOICE VOTE with all in favor engaging the services of Evergreen Lifestyles Management, LLC. pursuant to the draft agreement for Amenity and Field Services with a start date of September 1, 2022 was approved.

On MOTION by Ms. LeCesne seconded by Ms. Glynn with all in favor amending the agreement with GMS to remove Field Manager Services effective August 31, 2022 was approved.

On MOTION by Ms. LeCesne seconded by Ms. Glynn with all in favor terminating the Facility Supervisor contract effective August 31, 2022 was approved.

B. Review and Acceptance of the Fiscal Year 2021 Annual Audit Report

Mr. Showe reported that the Fiscal Year 2021 audit was clean, with the exception of the finding for the debt service not being paid; however, subsequent to Fiscal Year 2021 ending, the District cleared out the delinquent bonds and refinanced.

On MOTION by Ms. Glynn seconded by Mr. Henson with all in favor acceptance of the Fiscal Year 2021 Annual Audit Report was approved.

C. Consideration of Stormwater Agreement

Mr. Showe presented the Stormwater Acknowledge and Agreement with Woodshire-Brevard, LLC. and Satellite Beach I, II and III, LLC., which was included in the agenda package. It formalized the Settlement Agreement entered into by the District with the Parcel 3 (Vue) owners, due to their stormwater flowing into the District's lakes. Ms. Wald noted if they did pay within 30 days, they would be assessed 10% per month. Discussion ensued.

On MOTION by Ms. Glynn seconded by Ms. LeCesne with all in favor the Stormwater Acknowledge and Agreement was approved.

D. Discussion of Pool Improvements and CDD Irrigation

Mr. Showe reported that Paradise Lawns & Landscaping (Paradise) and Insight Irrigation (Insight) was resolving some underlying issues with the mainline irrigation on the single-family side, caused by a pool under construction at a property on Montecito Drive. There were some complications when the line was recharged on Thursday. Ms. LeCesne apologized to residents for the lack of irrigation and suggested breaking the issue down into three different scenarios; 1) Fixing the existing problem, 2) Creating a system to prevent future incidents and 3) Recouping the costs from repairs.

The majority of residents in attendance were single-family owners concerned about the disruption in the mainline. A resident reported a major pipe burst on Palos Verde Drive last night,

which Mr. Showe would forward to the vendor. Mr. Henson voiced concern about Paradise not having enough staff and using professional irrigation techs to dig holes. A lengthy discussion ensued regarding the current easement approval process and residents paying for any expenses resulting from damage to the mainline caused by the installation of a pool. Resident Richard Wellman of Ventura Drive, an ARB Committee member, noted that for any improvements to a backyard, the homeowner must provide an irrigation survey and pay for any remediation. Mr. Roger Battles, President of the Townhome Association voiced concern about the approval process, as the pool in question was approved by the CDD, and suggested that the Master HOA look at the process for the single-family homes. Mr. Showe explained that the CDD does not approve anything on private property.

Ms. LeCesne felt that the ARB application process of finding lines before performing any pool installations worked well; however, it was only exclusive to the townhomes and not the single-family homes, and proposed that the CDD not be involved in the approval process. She reviewed the proposals from Paradise, which were included in the agenda package; one for \$4,150 for irrigation improvements, one for \$1,396 to separate the lines for four homes in order to move the mainline to recharge the rest of the system and one for \$2,102.50 to reconnect the mainline after the pool installation was complete. Mr. Henson recalled that the District was only going to pay \$2,000 to move the mainline. Mr. Showe stated that the District must pay the \$4,150 and seek reimbursement. Mr. Henson questioned the chance of the District recouping any costs. Ms. Wald stated that additional facts were needed as the understanding was that the damage was not on the easement but on the CDD's irrigation equipment. An investigation was ongoing and Ms. Wald recommended if a determination was made based on the facts available, after full investigation, that other parties were responsible, a demand letter should be sent. Ms. LeCesne felt that it was necessary to approve the three Paradise proposals in the total amount of \$7,000 to restore the irrigation mainline. Mr. Showe noted that the proposals did not include sod, replacement of turf or plantings, which would be addressed once the system was charged.

On MOTION by Ms. LeCesne seconded by Ms. Glynn with all in favor the proposals from Paradise Lawns & Landscaping for irrigation improvements in the single-family homes in the amount of \$7,700 as stated above were approved.

Mr. Showe presented the easement process for pool installations, as recommended by staff, which was included in the agenda package:

1. After the resident submits for HOA approval and the HOA approved it, the CDD would issue a Pool Irrigation Agreement for the homeowner to sign, agreeing that all movements of the mainline would be funded by the homeowner.
2. Paradise and the homeowner would sign the form after the inspection.
3. The CDD would not move forward with an Easement Agreement until all work was completed, prior to the installation of the pool.
4. After the irrigation work was completed, the CDD would initiate the Easement Agreement and charge the resident \$300.

Ms. LeCesne was in favor of implementing this process as it would remove the responsibility of the District funding \$2,000 for mainline irrigation movements and the District's liability. Ms. Wald suggested that along with the \$300 for the preparation of the Easement Agreement, the resident post a refundable cash bond to cover any damages. Mr. Showe recommended that the cash bond be in the amount of the improvement. Mr. Henson requested further discussion at the workshop. Ms. Wald recommended that the Board stop the approval of pool installations until the workshop and evaluation from the District Engineer.

On MOTION by Ms. LeCesne seconded by Ms. Glynn with all in favor direction for District Staff to no longer approve CDD easement access for pool installations until the CDD Board refined the process was approved.

Ms. Glynn encouraged single-family homeowners to review their ARB process and consider the process that the townhomes follow. Mr. Wellman requested a copy of as-builts showing where the mainlines were located. Mr. Showe would provide. A quote to replace the modems on two irrigation clocks in order for Insight to communicate with the clocks in a not-to-exceed amount of \$4,400, was presented to the Board.

Ms. LeCesne moved to replace the modems on two irrigation clocks in a not-to-exceed amount of \$4,400 and Ms. Glynn seconded the motion.

Ms. Glynn asked whether the clocks were for the townhomes or single-family homes. Mr. Showe confirmed there was one in each area, which operated the Clubhouse and east zone. Ultimately, new clocks would be necessary at some point because cellphone companies were phasing out old cellular technology but approving the modems would allow for communication until new clocks could be installed in December of 2022. Ms. Wald suggested having additional modems on reserve in case parts break. Discussion ensued.

On VOICE VOTE with all in favor replacing the modems on two irrigation clocks in a not-to-exceed amount of \$4,400 was approved.

Ms. LeCesne proposed meeting with Insight, Paradise and anyone involved with the irrigation to discuss the process and areas of responsibility. Mr. Showe suggested focusing the next workshop on irrigation issues. Ms. LeCesne wanted to include this item and other items at the workshop.

E. Discussion of Amenity Center Rental Rules

There was Board consensus to table this item until Evergreen could evaluate them. Mr. Showe would place on the Action Items List.

F. Discussion of CDD Website and Resident Notifications

Ms. LeCesne requested that this item be discussed at the workshop. Ms. Vincent questioned when the pool would be opened. Mr. Showe reported that repairs were made so the pool could be opened for the weekend, but it would be closed until Thursday to repair the motor, clear the water, and balance the chemicals.

FIFTH ORDER OF BUSINESS

Proposals

A. Paradise Lawns Clubhouse Landscape Beautification

Ms. LeCesne requested that this item be placed on hold until the Board discussed the current situation with the landscaping. The Board agreed.

B. Superior Fence

Ms. LeCesne reviewed the proposal from Superior Fence for an aluminum fence with a gate around the pool equipment in the amount of \$4,079.87, which was recommended in the

insurance appraisal. Mr. Showe recommended that the Board approve a not-to-exceed amount of \$5,000 to cover any additional material expenses. Ms. Glynn requested that it match the existing pool fence. Discussion ensued.

Ms. LeCesne moved to approve the proposal from Superior Fence for a fence around the pool equipment in an amount not-to-exceed \$5,000 and Ms. Glynn seconded the motion.

Mr. Henson asked if Mr. Hatton recommended a 4.5 foot or 6-foot fence. Mr. Hatton preferred a 4.5-foot fence. Mr. Henson asked who would oversee the project if Mr. Hatton was not onsite. Mr. Showe offered to oversee the project in Mr. Hatton’s absence.

On VOICE VOTE with all in favor the proposal from Superior Fence for a fence around the pool equipment in an amount not-to-exceed \$5,000 was approved.

Ms. LeCesne asked if staff could obtain additional options for replacing the wooden pedestrian gates as the proposal from Superior Fence in the amount of \$15,000 was high. Mr. Hatton did request additional quotes but did not receive any. Ms. Glynn suggested looking at the capital projects for next fiscal year and ranking them.

C. Sonitrol Access Point

Ms. LeCesne requested that this item be tabled since there would staff onsite to provide access.

SIXTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

There being none, the next item followed.

B. District Engineer

Mr. Showe noted that the District Engineer was not present as there was a charge for him to attend the meeting and would have him evaluate the easement access process and provide recommendations at the workshop. Ms. LeCesne questioned the status of the 20-year Stormwater Needs Analysis. Mr. Showe stated that it was completed.

C. District Manager

Mr. Showe presented the mailed notice for the assessment increase, which was their standard notice. Ms. Glynn questioned the total amount to be assessed. Mr. Showe noted separate amounts for operation & maintenance (O&M) and debt, but no total amount. Ms. Glynn requested that the net amounts be included. Mr. Showe would provide a presentation for residents at the public hearing, which would be circulated in advance.

i. Consideration of Check Register

Mr. Showe presented the April Check Register in the amount of \$68,733.43 and May Check Register in the amount of \$48,636.59.

On MOTION by Ms. Glynn seconded by Ms. LeCesne with all in favor the Check Registers for April 1, 2022 to April 30, 2022 in the amount of \$68,733.43 and May 1, 2022 to May 31, 2022 in the amount of \$48,636.59 were approved.

ii. Balance Sheet and Income Statement

Mr. Showe presented the May 31, 2022 Balance Sheet and Income Statement.

iii. Presentation of Number of Registered Voters – 705

Mr. Showe reported in accordance with Florida Statutes, as of April 15, according to the Supervisor of Elections, there were 705 registered voters.

D. Facility Manager

Mr. McGrath reported that the air conditioner that cooled the room was not functioning and air conditioner was cooling the room, which was currently 72 degrees. The Lake Pacifica Fountain was out of order but was under warranty. As soon as the new motor arrived, it would be replaced. A light fixture was replaced on the patio. The front end of the maintenance golf cart collapsed. It was repaired for \$500 and was now functional. This was necessary as the golf cart was an important tool for maintenance staff. Mr. Henson questioned the status of the playground. Mr. McGrath reported that two swings were removed for safety concerns.

E. Field Manager

Mr. Hatten reported that the slats for the benches out front were ordered and would ship with the bench, which was expected to take 20 weeks. There would be some extras. Fausnight Stripe & Line (Fausnight) asked if they could start the parking lot striping this afternoon, but since the parking lot was full, Mr. Hatten asked them to start early tomorrow morning. He was marking the steps behind the pool deck going to the lake with reflective tape at the Board's request.

Mr. Henson noticed pavers in a rear yard at 674 Ventura Drive was placed over irrigation. Mr. Hatten would check it. Mr. Wellman confirmed that the owners did not have an easement. Mr. Henson questioned what the District could do. Ms. Wald stated the CDD could remove the pavers. Ms. Vincent asked what the \$300 was being used for as it was a bone of contention to residents. Ms. Wald explained that the purpose of the easement was to access CDD property and have something on the public record so the District could go after the resident for damages. The \$300 was for the preparation and recording of documents. Mr. Showe asked Mr. Wellman to direct residents to contact him if they had any questions. If they were able to get their supplies to the site without using the CDD, they did not have to pay the \$300. Mr. Wellman questioned in what case residents did not have to get an easement. Mr. Showe stated if residents were accessing their property without going onto CDD property, such as putting up shutters, no easement was necessary. Discussion ensued.

SEVENTH ORDER OF BUSINESS**Organizational Matters****A. Appointment of Individuals to Fulfill the Board Vacancies with Terms Ending November 2022 and November 2024**

Ms. LeCesne stated that Seat 5 expires in November of 2024 and Seat 3 expires in November of 2022. She thanked the candidates for attending the May 25, 2022 workshop, introducing themselves and answering questions. Ms. Wald explained the nomination process, noting that Ms. Joline Nivert, Mr. Eric Smith and Mr. Richard Wellman qualified. Mr. Henson nominated Ms. Joline Nivert to Seat 3, who he has known since 2010. Ms. Wald explained that someone could not run for one seat and win another seat and would verify if the individual appointed to the seat was someone who qualified. Ms. Glynn nominated Mr. Doug Glass who attended every meeting since she has been on the Board and made recommendations to the community.

Mr. Henson MOVED to appoint Ms. Joline Nivert to Seat 3 to fill the unexpired term ending November of 2024. There being no second to the motion, the motion failed.

Ms. Glynn MOVED to appoint Mr. Doug Glass to Seat 3 to fill the unexpired term ending November of 2024. There being no second to the motion, the motion failed.

On MOTION by Ms. Glynn seconded by Ms. LeCesne with all in favor appointing Mr. Eric Smith to Seat 3 to fill the unexpired term ending November of 2024 was approved.

Mr. Showe, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Eric Smith.

On MOTION by Ms. LeCesne seconded by Ms. Glynn with all in favor appointing Ms. Joline Nivert to Seat 5 to fill the unexpired term ending November of 2022 was approved.

B. Administration of Oath to Newly Appointed Supervisors

Mr. Showe, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Joline Nivert.

Mr. Showe provided an information sheet, W-4, and I-9 forms if the new Board Members wanted to receive the \$200 in compensation for attending meetings, Florida Commission on Ethics and Guide to the Sunshine and Public Records Laws. He reminded them not to speak to other Board Members about items coming up for a vote outside of a publicly advertised meeting, not to reply to emails, have a separate CDD email address, keep separate files, and use caution on social media. Ms. Wald encouraged the Board Members to stay off of social media.

C. Consideration of Resolution 2022-08 Electing Officers

Mr. Showe noted that the current officers were Ms. Catherine LeCesne as Chair; Mr. Ed Henson as Vice Chair; Mr. Jason Showe as Treasurer; Ms. Katie Costa as Assistant Treasurer; Mr. George Flint as Secretary; Ms. Glynn and Ms. Showe as Assistant Secretaries. Mr. Showe recommended adding Ms. Nivert and Mr. Smith as Assistant Secretaries.

On MOTION by Ms. Glynn seconded by Ms. LeCesne with all in favor electing Ms. Nivert and Mr. Smith as Assistant Secretaries as evidenced by Resolution 2022-08 was adopted.

EIGHTH ORDER OF BUSINESS

Supervisor’s Requests

Ms. LeCesne thanked Mr. Showe for refinancing the bonds, reiterated the items that the Board discussed and took action on at this meeting and congratulated Mr. Smith and Ms. Nivert on their appointments to the Board. Ms. Glynn asked why the signage into the amenity parking area for the 72-hour limit was not at the entrances. Mr. Showe stated the signs should be at each entrance and would take a look at them. Ms. Wald recommended placing the signs at the entrance to the parking lot. Ms. Glynn and Mr. Henson welcomed the new Board Members. Mr. Henson appreciated everything Mr. Hatton and Mr. McGrath has done for Montecito. Mr. McGrath expressed his love for this community and how sad he was to move on, but understood the Board wanting to move on and wished the best for the community. The Board thanked Mr. McGrath for his service. Mr. Smith thanked the Board Members for the opportunity and looked forward to serving the community. Ms. Nivert was honored to serve on the Board.

NINTH ORDER OF BUSINESS

Adjournment

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

Secretary/Assistant Secretary

Chairman/Vice Chairman