

## MINUTES OF MEETING BRIGHTON LAKES COMMUNITY DEVELOPMENT DISTRICT

A special meeting of the Board of Supervisors of the Brighton Lakes Community Development District was held Monday July 2, 2020 at 6:00 p.m. via teleconference pursuant to Executive Order 20-69 and Section 120.54(5)(b)2, Florida Statutes.

Present and constituting a quorum were:

Marcial Rodriguez, Jr	Chairman
Brenda Jennings	Vice-Chair
Michelle Incandela	Assistant Secretary
John Crary	Assistant Secretary
Mark Peters	Assistant Secretary

Also present were:

Kristen Suit	District Manager
Tucker Mackie	District Attorney
Emma Gregory	District Attorney
Peter Glasscock	District Engineer
Ariel Medina	Field Supervisor, Inframark
Gerry Frawley	Landscape & Maintenance CDD Liaison
Brian Fackler	Sitex
Heather Lyons	Envera

*The following is a summary of the minutes and actions taken at the July 2, 2020 meeting of the Brighton Lakes CDD.*

### FIRST ORDER OF BUSINESS

#### Pledge Allegiance

- The pledge of allegiance was recited

### SECOND ORDER OF BUSINESS

#### Call to Order/Roll Call

- Ms. Suit called the meeting to order and called the roll. A quorum was established.

### THIRD ORDER OF BUSINESS

#### Public Comment

- Public comments were received regarding:
  - Easement issues
  - Graffiti

### FOURTH ORDER OF BUSINESS

#### Public Hearing to Consider the Adoption of the Budget for Fiscal Year 2021

##### A. Public Comment

On MOTION by Ms. Incandela seconded by Ms. Jennings with all in favor the public hearing was opened.

- Ms. Incandela explained how residents can access to view the budget and asked Ms. Suit to explain how to access the budget which she did.
- Ms. Incandela asked if Ms. Mackie can provide a brief introduction to the residents on the purpose of today's meeting and what the Board is looking to do and why they are looking for feedback from the residents. Ms. Mackie explained the purpose of today's meeting.
- Discussion was had regarding the concerns about the CDD versus the HOA. Ms. Incandela explained the differences between the two and indicated there is no overlap of budgets between these two groups.
- Further discussion ensued on this matter.
- Ms. Harris, a resident expressed concern regarding the increase during these unprecedented times and feels this will place a burden on the homeowners especially with the overall jobless rate in Florida being 14.5%. The four top Counties in Central Florida in which Osceola is the top has an unemployment rate of 31.1% followed by Orange County which is 23.2% and Lake and Polk County. She would not be in favor of an increase as it would put an undue financial burden upon the homeowners.
- Ms. Jennings stated she has spoken with several homeowners in her neighborhood who feel, at this time with things what they are, it would be a tremendous burden to increase the assessment amount at this time. Though they do realize there are issues within the community which need to be addressed, they feel this year is really a trying time since some are still unemployed and do not know if they will be able to keep their home. Further comments were made and further discussion ensued.

On MOTION by Mr. Cray seconded by Ms. Incandela with all in favor the public hearing was closed.

**B. Consideration of Resolution 2020-07, Adopting the Fiscal Year 2021 Budget**

- Mr. Peters reiterated the same concerns as Ms. Jennings and stated he has spoken with a few residents on his street who have expressed the same concerns. He voted originally for the increase, but at this time keeping neighbors in their homes is more important than fixing something that is necessary in the community.
- The concerns expressed by Ms. Incandela are balancing the issues which homeowners have with the fact these massive looming debts ahead which are going to be crushing and it seems like a good idea to delay, but at this time she is not so sure she is opposed to that.
- She asked Ms. Mackie if they have the option of doing half now and reassessing the last year so instead of it being \$298 it would be \$150. She asked if they still had the option to do this. Ms. Mackie stated the only thing the Board is prohibited from doing is increasing, but must make the decision to direct staff where in the budget they would make changes to lower the assessment.
- Ms. Incandela said the longer they do nothing the more chance they have of harming themselves along the road and they will end up right where they started this year. She is concerned where things are headed for all of them, the unemployment rate being what it is and she does not know who will be back to work next year either, as no one can predict that. However, what they can predict are roads failing, millions of dollars of expense coming their way and that is not going to stop. What Ms. Incandela will suggest is instead of doing a full assessment of the \$300, to consider doing a partial assessment of just \$150 which would hopefully alleviate some of the pressure on the homeowners but still have responsibility of paying down these massive debts. Next year they can reassess what they need to do at that time depending on the situation. She is concerned the reserve study was an eye opener for all of them and so in order to alleviate the homeowner's burden and also protect the community they could consider doing a hybrid and do half at this point to try address all the needs at once. She asked for input from the other Board members.
- Mr. Crary stated it sounds like they are going to kick the can down the road. However, when you see the reserve study it is pretty clear about the money they

need to raise and set aside to maintain what is in this community and the CDD is required to maintain. The reserve study was indeed an eye opener pretty soon they will not be able to maintain what is in this community.

- A resident had a question regarding refinancing. Ms. Suit informed him the bond was purchased in 2004 and refinanced in 2015 and matures in 2035 and the 2007 bond was refinanced in 2017 and it matures in 2031. The debt services eventually get paid off, but the operation and maintenance expenditures are for perpetuity.
- Mr. Rodriguez, Jr stated he agrees with both Ms. Jennings and Mr. Peters on this. He asked if they have a safe clause for foreclosures. Since they cannot predict the future as it comes to someone's job or if the economy takes a nosedive, but they need to put something to cover as the current money they have is not adequate.
- Ms. Incandela stated the concern they have are these tough decisions and it is painful sometimes and it hurts to put anyone in a position to pay out these funds as it is difficult when facing the unknown. They have a responsibility as members of this Board to ensure this community is fiscally sound for all the homeowners and to make sure they are protected. When communities go South is when communities did not plan or handle their budgets properly and did not plan for the future and let things go. From experience on being on this Board, there is almost never a good time to do this, there are recessions, unemployment and we did not see a pandemic coming, but states they have had hardships and economy does go up and down. It is going to hurt some of the people all of the time because everyone in the community has different circumstances so while she is sympathetic to that, she does not think they can do nothing in good conscious after seeing that reserve study and how much they are on the hook for in order to keep this community well maintained. The residents do want fiscal responsibility, but they also want a well-maintained operational community which is financially sound and healthy, and she thinks in order to do so, the Board needs to act. Her thought on the process is to be able to accommodate both purposes by saying they will not do as much as they originally planned due



to the situation. However, she thinks to be fiscally responsible to these residents and to uphold their oath they need to do something.

- Mr. Peters agreed with Ms. Incandela and he would support what she is stating by going half on the proposed assessment. He indicated reducing it half this year and maybe they will deal with it next year or may need to double it next year, but by next year they will have a better understanding of where the economy is and where our neighbors are financially, so he is in agreement with half.
- Mr. Rodriguez, Jr. asked Ms. Jennings how she feels about going half now and readdressing this later. Ms. Jennings stated she knows they will have to readdress later. Her heart goes out to those families who have approached her and other families she knows in the community who are really hurting at this time and even if she voted against it, the majority of the Board are considering half.
- Discussion ensued regarding what line items would have to be moved to come up with the suggested amount of \$150.
- Further discussion ensued on this matter.
- Ms. Suit stated they currently have \$250,000 in there and they want to do a 12% increase or 11.5%. After calculation, it will be \$155,000 from \$250,000 in the capital reserve which is lower than the reserve study amount.
- Mr. Crary stated they are currently arguing about kicking the can down the road. Ms. Incandela stated they are not avoiding the responsibility, they are just putting it off a while. Ms. Mackie stated if the Board does choose to reduce the initially suggested assessment then what she would suggest is a letter of explanation to the residents indicating the Board has chosen to do this due to the unusual and uncertain times we are currently facing. However, the residents need to be aware they still have the reserve study and future raises in assessments will likely occur next year, but it will not be a question whether the assessments will increase, but how much.
- Further discussion ensued on this matter
- Ms. Suit indicated they want the budget to go from the current 23.3% to roughly 12% and taking the money from the capital reserves.

Mr. Rodriguez, Jr. MOVED seconded by Mr. Peters to adopt resolution 2020-07, adopting the Fiscal Year 2021 budget with a total increase in the O & M assessment of 12% using the budgeted capital reserve to reduce the total increase from 23.3% to 12%.

On VOICE vote with Mr. Rodriguez, Jr, Mr. Peters, Mr. Cray and Ms. Incandela voted Aye and Ms. Jennings voting Nay Resolution 2020-07 adopting the Fiscal Year 2021 budget with a total increase in the O & M assessment of 12% using the budgeted capital reserve to reduce the total increase from 23.3% to 12% was adopted. 4/1

- Mr. Cray stated it is his understanding two letters will be sent to the homeowners. One explaining the difference between the HOA and CDD and the other regarding the budget. Ms. Mackie confirmed this and indicated two separate sheets will be provided to avoid confusion. Mr. Cray is concerned about the content of the letter as it relates to the budget and asked if the Board could have an opportunity to review. Ms. Suit indicated the Board would have to select a liaison to review the letter in conjunction with the attorney, but not each Board member weighing in. Ms. Incandela provided a brief overview of the content of the letters to Mr. Cray and asked him to be liaison to review the letter. Further discussion ensued on this matter.

#### **FIFTH ORDER OF BUSINESS**

#### **Public Hearing to Consider the Levy Operations and Maintenance Assessments for Fiscal Year 2021**

On MOTION by Mr. Incandela seconded by Mr. Peters with all in favor the public hearing was opened. 5-0

- Ms. Mackie provided the purpose of Resolution 2020-08. Included in the Boards package was the expected annual assessment for O & M but given the changes the Board just made to the proposed budget those assessments will be reduced, but the subsequent language will remain unchanged.

**A. Public Comments**

- No public comments were received.

On MOTION by Mr. Rodriguez, Jr. seconded by Ms. Incandela with all in favor the public hearing was closed. 5-0

**B. Consideration of Resolution 2020-08, Levying the Assessments**

On MOTION by Mr. Crary seconded by Ms. Incandela with all in favor resolution 2020-08 levying the assessments was adopted.  
4-0

**SIXTH ORDER OF BUSINESS**

**CDD Landscape and Maintenance Liaison Report**

- Mr. Frawley presented the following.
  - The brush hogging is incomplete as there are still a few homes they are unable to determine property lines for.
  - Request for Mr. Medina to provide where the property line is for a number of homes. Ms. Incandela asked this be completed within the next 10 days.
  - Stargrass has a pond behind it. There is a berm which goes up and down and there is 50-60-foot area when the brush hog was done a section was not mowed and needs to be done.
  - In previous years, the landscape contract included the brush hog work and is currently not in the current contract. For this work it costs \$25,000. Bladerunners provided an estimate of \$25,000 to do the one-time brush hogging and \$6,000 thereafter.
  - Discussion ensued regarding the encroachment spreadsheet.
  - Emergency exit concerns.
  - The no trespassing sign.
  - The loose camera brackets.
- Mr. Frawley stated Denny would be his choice to replace him and he would be happy to train him in all he has been doing for the community over the years.

- Ms. Incandela thanked Mr. Frawley for all he has done for the community over the years. She stated he has put his heart and soul, countless hours and lots of effort and energy to making the community a better place and the Board thanks him for this and hopes to continue to see him at their meetings.
- This being the case, she does feel Denny would be a wonderful replacement for Mr. Frawley though these will be big shoes for him to fill but she does appreciate Denny wanting to undertake this effort. She would make a motion to accept Mr. Frawley's resignation and appoint Denny as the new community liaison.
- Mr. Crary stated he did not want to make a decision based on what is going on right now until they have a chance to give thought on whether they wanted to replace Mr. Frawley.
- Mr. Peters agreed with Mr. Crary and thinks we should not be considering a vote right now. He feels it is important to inform the community of Mr. Frawley's departure from his liaison role and allowing the rest of the community be aware of this available position and giving others an opportunity to put their names in for consideration.
- Further discussion ensued on this matter.

#### **SEVENTH ORDER OF BUSINESS**

#### **Vendors Report**

##### **A. Bladerunner**

- None.

##### **B. Magnosec**

- None.

##### **C. Sitex**

- Mr. Fackler provided an overview to the Board. All the hydrilla and grass have been treated. Mr. Frawley stated they were making progress and indicated Sitex has been extremely responsive whenever there have been issues.

##### **D. Envera**

- Ms. Lyon stated at the last meeting they discussed a sign be reattached to the Volta gate and it was done with stronger bolts. All the cameras were serviced. Looking over the service report they have had minimal issues, in analyzing most of the issues have occurred at the main gate and they had one at the Volta and



two at Kariba and the barrier arm issues and had the service teams out there. There was damage to the main gate kiosk which was serviced immediately.

- She shared the new process for service requests. She indicated instead of sending an email they will be switching over to a portal system for which she has sent an email to everyone on her list on how to access and use this system. Mr. Frawley provided some feedback to Ms. Lyon regarding his inability to reach anyone regarding the gate arm when there was an issue.

#### **EIGHTH ORDER OF BUSINESS**

#### **Field Management Report**

##### **A. Camera Proposal**

- Mr. Medina has two items to present to the Board. He has a proposal from Servusat. This is a maintenance service plan for the cameras and he was providing this proposal to the Board to see if they are interested in having this maintenance service. This service plan inspects the entire system in terms of security and communications. Mr. Medina reviewed and discussed the three options provided as well as cost.
- Mr. Crary stated he has had no issues with the camera and looking and reviewing items on the camera. He stated looking at the budget constraints, he is not going vote on this.
- Ms. Suit asked for a motion to accept this proposal. There being none, Mr. Medina discussed the next item.
- Mr. Medina stated there was discussion with Mr. Frawley and Mr. Crary regarding the pavers which were installed at the guardhouse. There is some water accumulation at one of the sites near the island. The water from the roof of the guardhouse is falling where it is washing out the bricks where the pavers were installed. A proposal was provided from O & M Gutters for the amount of \$1,034.

On MOTION by Mr. Crary seconded by Mr. Rodriguez with all in favor for the proposal for O & M Gutters in the amount of \$1,034 was approved. 5-0

#### **NINTH ORDER OF BUSINESS**

#### **Business Administration**

##### **A. Consideration of Minutes of the Board of Supervisors Meeting Held on**

**May 7, 2020**

On MOTION by Ms. Incandela seconded by Mr. Crary with all in favor the minutes of the May 7, 2020 meeting were approved. 5-0

**B. Consideration of Financial Statement for April 2020**

On MOTION by Mr. Rodriguez, Crary seconded by Ms. Jennings with all in favor of the financial statement for April 2020 were approved. 5-0

**C. Consideration of Check Register and Invoices for March 2020**

On MOTION by Mr. Rodriguez, Jr seconded by Ms. Jennings with all in favor check register and invoices for March 2020 were approved. 5-0

**TENTH ORDER OF BUSINESS**

**Business Items**

**A. Update on the Inspection of Road Asphalt Damage from Fire and Status of Insurance Claim**

- Ms. Suit indicated those repairs have been made and the insurance claim has been filed and paid.

**B. Discussion and Consideration of (4) Lots Encroachment Letter and Kariba Court Buffer Easement and Maintenance Guidelines**

- Ms. Suit indicated the letters were provided to the Board. Ms. Mackie stated within the agenda package are the maintenance guidelines which the Board approved at the last meeting. They had deferred action if you are looking on the chart circulated separately from the agenda. There are four parcels within Kariba Court which had improvements on the berm or to the north and the south of the berm. As a reminder, the Board adopted a guideline for which all improvements on the berm must be removed and at the Board's discretion those improvement either north or south of the berm may be requested to be removed in the instance where they interfere with drainage. In the chart is Mr. Medinas suggestion with respect to first three improvement located north and south of the berm and the Board wanted an opportunity to review those locations themselves to make the determination at this meeting.

- Ms. Mackie deferred to the Board for comment and asked if there was any additional information needed for discussion on this matter.
- Ms. Incandela stated she would be happy to review Mr. Medina's suggestions if that would be helpful to the Board. Mr. Peters stated it would be helpful.
- Ms. Mackie stated the encroachment table was sent separately along with the check register and invoices and with respect to:
  - 3613 Kariba Court, Mr. Medina indicates the trees north of berm should be removed pursuant to policy as they interfere with drainage and maintenance.
  - 3165 Kariba Court, Mr. Medina indicated the materials north of the berm does not interfere with drainage and maintenance and do not need to be removed.
  - 3617 Kariba Court, Mr. Medina indicated the material north of berm does not interfere with drainage and do not need to be removed as there are no improvement on the berm associated with this property.
  - 3641 Kariba Court, all of the improvements were identified as located on the berm and must be removed pursuant to the guidelines.
- Mr. Crary stated they should implement their policy and he moves to accept Mr. Medina's recommendation.
- Ms. Incandela stated the woman who spoke at the beginning of the meeting seemed assured by conversation she had with Mr. Medina that there was no interference with drainage. She asked Mr. Medina if he explained to them what the Board was looking at, and whether or not it was located in the berm or posed a drainage issue.
- Mr. Medina stated it is correct he did have a discussion but was not related. There were some trees which were north of the berm which are no longer there, so he is uncertain if they removed it or someone else did.
- Ms. Suit indicated this was a discussion the Board had in detail back in February.



Mr. Crary MOVED seconded by Mr. Rodriguez, Jr. to approve the recommendation of Mr. Medina as it relates to the encroachments of the four homes on Kariba Court based on the buffer easement guidelines.

ON VOICE vote with Mr. Rodriguez, Jr, Mr. Crary, Mr. Peters and Ms. Jennings voted Aye and Ms. Incandela voted Nay the recommendation made above by Mr. Medina was approved.  
4-1

- Discussion was had about the due date in which homeowner after receiving notice must have the items removed. Ms. Mackie stated the letters instructed the homeowners that any property within the berm needed to be removed by July 6<sup>th</sup>. If the date comes and passes, she thinks the District will follow-up and obtain one or multiple proposals for removal charging these costs back to the homeowners.
  - Ms. Suit indicated to the Board she forwarded an email received from Mr. Martinez regarding the vegetation which had been removed behind his property and he stated he purchased the property last year. She informed him she will let the Board know and she will be sending him another email stating no actions will be taken but inform him no vegetation can be planted in this area.
  - Ms. Mackie stated in the encroachment chart which was recirculated to the Board indicated there were encroachments elsewhere besides the one Ms. Suit mentioned remaining on the chart. An additional letter was sent to those property owners on June 20, 2020 at the direction of the Board, so those homeowners were aware after July 6, 2020.
  - On July 6<sup>th</sup> someone will have to go out and see if the property has been removed as indicated in the demand letter. Further discussion ensued on this matter.
- C. Discussion of Amenity Reopening Plan**
- Ms. Suit indicated she does not know where the Board is with this item. She asked if they are going to hold off deciding to open until the September



meeting? Mr. Medina stated there has not been a lot of people using the facilities since the pandemic.

- Board discussion ensued regarding the opening of amenities and Ms. Suit asked if any of the Board members was in favor of opening any of the amenities. No discussion was had on this matter.

**D. Discussion of Special Meeting on Security Services**

**i. Consideration of Magnosec Contract**

- This item was tabled.

**E. Discussion of Email Database**

- The Board had asked Ms. Suit to investigate how they could set up an email database for residents. Ms. Suit sent an email to the Board as she had contacted a couple of District's which are very large communities and the HOA handles it through their website. She looked to see if our website could do it and they did not have the capability to do so plus it could get costly. She went back and spoke with the HOA management and asked what the cost would be if they sent out the occasional email blast for the District. They told her no problem they can do it as they have all the addresses all she had to do is send her an email and there is no cost. She thinks this will be the way to go and the Board agreed.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Engineer**

- Mr. Glasscock was in place of Mr. Vincutonis at today's meeting and answered questions presented to him as it relates to the Pleasant Hill road. The questions Mr. Crary has he will forward an email to Ms. Suit to add the items to the next agenda.

**B. District Counsel**

- Ms. Mackie indicated the majority of her items were discussed earlier in the meeting.
- She responded to questions presented by Mr. Crary as they related to responsibility of maintaining specific infrastructure, wetlands and conservation areas. Mr. Crary provided comments on this discussion.
- Ms. Mackie stated cease and desist letters are sent to those found to be cutting in to District owned property and conservation property. Letting them

*MR*

know they will be liable in the event the Water Management District were to file any sort of infraction against the District who are the property owner in this case.

- Further discussion ensued regarding the wetland.

**C. District Manager**

- i. Ratification of Chair Authorizing Expenditures between Meetings
- Ms. Suit indicated there were two Bladerunner invoices one in the amount of \$750 and the other in the amount of \$500 which the Chair authorized between meetings for removal of Pine trees and stumps which needed to be ratified.

On MOTION by Mr. Peters seconded by Mr. Crary with all in favor authorizing expenditure between meetings for Bladerunner invoices in the amounts of \$750 and \$500 for removal of Pine trees and stumps were ratified. 5-0

- Ms. Suit discussed the legislation recently passed which states all agenda package material can be removed from the website and just post the agenda page. As well the audit reports will now be posted on the auditor general website and just the auditor generals' link posted on the District website.
- The agenda packages are so large, and they are going over the number of pages and are currently over 600 pages plus.
- After further discussion, Mr. Crary suggested having the agenda page and the minutes posted to the website.

On MOTION by Mr. Crary seconded by Mr. Peter with all in favor to post the agenda page and the meeting minutes to the website was approved.

**TWELFTH ORDER OF BUSINESS**

**Supervisor Requests**

**A. Critique of CDD website**

- Mr. Crary provided a handout and indicated at some point maybe they would like to bring up some points on his critique.

**B. Solicitor's in the community**

- Mr. Crary's only point on this is as he took a picture of the sign which states no solicitors allowed at some point they need to say out loud to themselves exactly what that means and who they can and cannot stop in the community.

**C. Graffiti in the community**

- Mr. Crary believes this is under control.

**D. 6-12-2020 Use of Emergency Exit (Car accident closed BLB for three hours)**

- Mr. Crary stated after tonight's budget restrictions he will defer this to the next meeting to see where they are at that point.

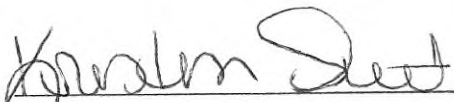
**E. Access to Pond Margins at night**

- Mr. Crary stated he sees a lot of traffic on Nextdoor about access to ponds margins at night, but he thinks this is something they may want to discuss but can be deferred for a later discussion.
- Mr. Peters stated they do need to address the soliciting and the emergency exit. It was brought to his attention when entering and looking at the guardhouse it looks trashy. Mr. Frawley provided his input on the guardhouse.
- Mr. Peters asked if drivers licenses could be used to access the community as done in another community. Ms. Mackie provided her input on this matter.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Rodriguez, Jr. seconded by Mr. Crary with all in favor the meeting adjourned. 5-0

  
Secretary

  
Chairman/Vice-Chair