

# MINUTES OF MEETING

## BRIGHTON LAKES COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Brighton Lakes Community Development District was held Thursday, January 9, 2014, at 6:00 p.m. at the Brighton Lakes Recreation Center, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present and constituting a quorum were:

Michelle Incandela	Chairman
John Mastromarino	Assistant Secretary
John McGrath	Assistant Secretary
Dolores Pieters	Assistant Secretary

Also present were:

Gary L. Moyer	District Manager
Tucker Mackie ( <i>by phone</i> )	Attorney
Paul McCartan	Keep Safe Security
Brian Smith	Severn Trent Services
Russ Simmons	Severn Trent Services
Carlos Sanchez	Girard Environmental
Don Simmons	Girard Environmental
Nathaniel White	Girard Environmental
Residents and members of the public	

*This represents the context and summary of the meeting.*

### FIRST ORDER OF BUSINESS

#### Call to Order and Roll Call

Mr. Moyer called the meeting to order at 6:00 p.m.

Mr. Moyer called the roll, indicating a quorum was present for the meeting.

### SECOND ORDER OF BUSINESS

#### Pledge of Allegiance

Mr. McGrath led the *Pledge of Allegiance*.

### THIRD ORDER OF BUSINESS

#### Approval of the Minutes of the November 26, 2013, Regular Meeting

Mr. Moyer reviewed the minutes and requested corrections, additions, or deletions.

On MOTION by Mr. McGrath, seconded by Ms. Incandela, with all in favor, unanimous approval was given to the minutes of the November 26, 2013, regular meeting.
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### FOURTH ORDER OF BUSINESS

#### Audience Comments

Ms. Incandela stated if anyone has any landscaping issues or anything that comes up, since we meet every other month, you can always email any member of the Board or Mr. Smith directly if you do not want to wait to come to the meeting. You can still come to the meetings and follow up. This way, at least by the meeting, the issue will be resolved

or you can get an answer faster. It does not matter if the issue is with a vendor or what it is. You can copy every member of the Board if you send it to Mr. Smith, and he will respond to your questions.

Mr. Joe Klusko stated regarding the right-of-way from the basketball courts on Brighton Lakes Boulevard down to Stargrass on the walkway, there is no light. Can you install a lamp post? This is on the corner of Sevan Way and Brighton Lakes Boulevard on the east side.

Mr. Smith stated we are installing a light by the lift station. It will help light up this area.

Mr. Klusko stated my concern is this is a main walkway. Perhaps you can change the light bulb with a higher intensity light bulb.

Mr. Smith stated I will take a look at it. I will install a flood light at the pump aimed toward the pond and one up the other way on the sidewalks.

Ms. Incandela asked for the next meeting, can you post a color copy of the landscaping map?

Mr. Smith stated I will email it to the Board.

Ms. Anna Valez stated I travel back and forth from New York. I put in a request a year ago for fencing and never received an answer.

Mr. McGrath stated you need to contact the HOA. Their website might be the fastest way for you to communicate with them. If you give me your name and address, I will contact the HOA and request they get in contact with you.

Ms. Incandela stated the CDD has jurisdiction only over the common areas, such as the clubhouse and guardhouse. Anything dealing with individual homes is under the jurisdiction of the HOA, which is a separate Board.

## **FIFTH ORDER OF BUSINESS**

### **Vendor/Contractor/Third-Party Items**

#### **A. Irrigation**

Mr. Smith stated at the last meeting, there were concerns about the irrigation system and having it run when it was raining, how it operates and the problems we were having at the guardhouse area. The Board wanted me to invite Mr. Simmons. He is my assistant as the Assistant Field Manager, but he has a background in irrigation. He runs our Maxicom system and is probably one of the best irrigation technicians in Central Florida. He oversees our contractors, like Girard who works with Celebration. I brought him here today in case you had any questions or address the concerns you had at the last meeting.

Mr. Pablo Rodriguez stated last meeting, I raised the issue that I have never seen running the irrigation along Brighton Lakes Boulevard. I do not know if the irrigation was repaired.

Mr. McGrath asked specifically what area?

Mr. Rodriguez stated before Stargrass Circle in that area.

Mr. Smith stated he is referring to both sides of Brighton Lakes Boulevard from Patrician Circle and Stargrass back to Sweetspire. Some of the irrigation runs earlier in the morning at 8:00 or 9:00, while some areas run in the middle of the night.

Mr. Simmons stated we had a broken breaker down by the Lift Station two weeks ago, which was repaired. A fuse on one of the clocks broke a month ago. Sometimes the contractors turn the irrigation off when they are applying pesticides. We are irrigating from the front all the way to the back on both sides of the road.

Mr. Rodriguez asked does it run once a week or twice a week?

Mr. Simmons stated I am not sure exactly what it was set for today. It has normally been set for twice a week and I think it has been cut back due to the wintertime. I believe all the clocks are set to irrigate once a week on Saturday.

Mr. Rodriguez stated I walk my dog in that area. Whether it is raining or not, it always looks wet.

Mr. Smith stated we also have different types of soils. Up front, we get a lot of hard pan soil, but towards the back, it is more of a sandy soil. With the hard soil, when water hits the ground, it runs off so it looks like it is wet. In some areas where there is sandy soil, the water will go down into the dirt rather than running off the sidewalk and into the streets.

Mr. McGrath asked are you satisfied with the answer to your question about irrigation?

Mr. Rodriguez stated I have not seen it working. I saw someone working on it in this area, but I did not see him working at the end.

Mr. McGrath stated we had a resident who complained when they walked at night; sometimes it was too wet for them. Perhaps for you it is the other side of the coin. There is definitely irrigation. The whole area was planned like this.

Mr. Rodriguez asked so it is working today?

Mr. Smith stated yes.

Ms. Incandela asked do you know of any major areas or expenses you foresee in the near future we should be aware of in terms of equipment that needs to be replaced? Or are we in fairly good shape and it is a matter of fixing broken sprinkler heads?

Mr. Simmons stated we could replace the four-inch sprinkler heads with six-inch ones. We have done some here and there. I do not know why it was installed that way. Other than that, everything is pretty good right now.

Mr. Smith stated as we go through, we are replacing them with six-inch sprinkler heads. We have been spending some money toward that, and we have some money to do this.

Mr. McGrath stated I think we need to continue doing this.

Mr. Rodriguez stated the previous landscaper was cutting the grass around the ponds, and grass was going into the pond and it contaminated the water.

Ms. Incandela stated we will discuss this when we get to our landscape contractor report. With respect to Mr. Gerry Frawley's comments when he sends emails, it does not matter however Mr. Smith wants to handle it. You might provide him with an email for Mr. Simmons and copy the Board, or everything can go through Mr. Smith. That way it is easier for me to follow up on these issues.

Mr. Smith stated since Mr. Frawley is not here tonight, and I know he had some concerns. Mr. Simmons and I will meet with Mr. Frawley to discuss his concerns. We will show him how it works and then he will understand where the problems are.

Ms. Incandela stated I understood after you explained about the sensors. I do not think any system is going to be perfect. You are going to have issues with broken heads and rainwater. I am comfortable with this, and if you can go over this with Mr. Frawley so he understands, that would be great. I do not think Mr. Simmons needs to attend future meetings.

Mr. McGrath stated the holiday decorations looked great. I think Mr. Simmons specializes in that activity.

Mr. Simmons stated I helped with them a little. I will pass on the message.

Mr. Mastromarino asked how often are the rain gauges checked and are they operational?

Mr. Simmons stated it is not technically in the contract for them to be checked. If they are close by, it is nice to check them because it is just a matter of pushing down and seeing if the valve shuts off. When I heard about these discussions, I did not know what

areas were of concern, so I came out and replaced all of the rain gauges myself. There was a problem with one module at the front clock, which was not actually working. Rather than replacing the module for \$107, I bypassed it and went to the common wire in the rain switch. Now it is working. I do not know where the irrigation was running or if it was a stuck valve. I did not get all of the details.

Mr. McGrath stated it was right next to the guardhouse.

Mr. Simmons stated I came out here after church last week because I heard it was on again for the second time. Unfortunately, when the valve was repaired, they put a DC solenoid on it, so when it took a jolt, it stayed on. This has now been taken care of.

Mr. McGrath stated this is all we have for Mr. Simmons.

### **B. Keep Safe Security – Guardhouse and Security Services**

Mr. McCartan provided an update on security services and responded to questions and comments from the Board.

Mr. McCartan stated we changed hours between Christmas and New Years for the security guard to work 2:00 p.m. to 10:00 p.m. It does not seem to have caused any disruption. I am not aware of any other concerns or issues.

### **C. Girard Environmental – Landscape Maintenance**

Mr. White stated I attended the last meeting. With me today are our account executives from the local branch. Mr. Carlos Sanchez is the account manager and he will handle the day-to-day operations, managing the crews and difference services we are providing here on the property. Mr. Don Simmons is the Branch Manager and he will oversee the onsite operations. We have been on the property a few times the end of last year to go over the property and show it to a few individuals. We are starting with our crews this week. Things are going well thus far. We anticipate a learning curve, but it will not be drastic. With every start-up, there is a learning curve to get familiar with the property. So far, all of us feel comfortable with how things are progressing. One of our initiatives will be the turf. We know that has been an ongoing issue. We met with our horticulture applicators who will be applying fertilizer and broadleaf control and asked them to provide multiple pH tests throughout the community. The most important thing is to make sure the pH is running right in these areas. If it is not right, the fertilizer and chemicals will not do what they are supposed to do. We should have this within the next few weeks. After that, we will start to make some adjustments based upon the needs and the pH. This is one focus. Another one is to come in here and thoroughly examine the irrigation system to make sure everything is set. Our irrigation manager will be here with

a technician next week. They will go through and evaluate the system to make sure everything is set correctly and adjust whatever needs to be adjusted. Can someone provide us with a map?

Mr. Smith stated we have one, which we can provide to you.

Mr. White asked do you have a zone map?

Mr. Smith stated yes.

Mr. White stated I will send you a reminder email. We will go through and provide an evaluation report of the system to Mr. Smith and we will monitor that on a regular basis. Part of our grounds care operation is to trim the crepe myrtles, as well as provide weed control.

Ms. Incandela asked did we decide to prune the trees or leave them alone?

Mr. Smith stated we are going to tip them to enhance growth. We will just take the seed heads off because that enhances their growth. That is normal and is the best thing to do.

Mr. White stated there are some massive ones here. Our philosophy is to treat crepe myrtles like trees. We are going to let the large ones go. The smaller ones can be tipped because that helps train them to be bigger plants. You will not see any aggressive pruning. We are going to perform bi-weekly visits to mow, skip a week and then we will be back again the next week to mow. On a weekly basis, Mr. Sanchez and his crew will be here to make sure we are picking up trash.

Mr. Mastromarino stated the area behind the Chapala fenced area was out of control. Are you going to do anything about this area?

Mr. Smith stated we went out there and looked at this area today. Girard will provide me with a bushhog proposal to bushhog what we can because the area is wet. Then I will have our aquatic weed contractor spray where he can. I discussed this with Austin Outdoor and I will give them the opportunity to bushhog where they can. I will let them know if Girard can do this for them because I am still holding their contract for three items, which are bushhogging, palm pruning and a problem we had with mowing at the entrance. Austin did come in to do quite a bit turf replacement and an additional fertilization. They went out very professionally. They wanted to do what was right.

Mr. White stated we spoke with them. Our normal procedure with any pond is to mow three or four passes away from the pond to keep the clippings out. Then they will do weeding along the edge of the ponds. We will be doing the entire pond.

Ms. Pieters stated the next problem is the fire ant hills.

Mr. Smith stated they treated the tot lots today. their goal is to address the ant hills and the weeds in the tot lots.

Mr. White stated our crew has a fire ant chemical in their truck, which they use to treat the fire ants each time they are here. Keep in mind, you will see a spike in the number of mounds when rains occur because ants are moving to the top of the soil.

Mr. Mastromarino stated that sounds good. Welcome aboard!

Mr. White stated we are excited to get started.

Mr. Mastromarino stated I received a call and a visit today, complimenting you already.

Mr. McGrath stated thank you very much for being here today.

A Resident stated when we moved here in early 2005, the area between the sidewalk and the woods was almost 10 feet wide and is now it is almost four feet wide, especially going toward Stargrass Circle, the area between Chapala and Stargrass.

Ms. Incandela stated it would be helpful to have a map showing the buffer zone and other areas.

Mr. Smith stated I had our engineer create a map of what we actually own. Everything in green is the landscaper's responsibility, as well as the bushhog areas. What the resident is talking about where it pinches down, which is a wetland buffer that they were mowing.

Mr. McGrath stated I understand. When you started, they were mowing it back and now they are not mowing this area.

Mr. White stated one way we can address this issue is if you will afford us the opportunity to get this area slowly back to its natural state, when we are out here servicing the community. Then it is much easier to maintain.

Mr. Smith stated this area is a wetland buffer, which we would normally mow once a year. We mowed it more often because it is adjacent to a sidewalk. The only place we mow once a year is behind people's homes. It is a wetland buffer and is part of the wetland system and is there to clean the water. We are not supposed to mow this area, but we will take a look at it and push it back slightly more so you can walk back there.

Mr. McGrath stated thank you for bringing this up.

**SIXTH ORDER OF BUSINESS**

**District Manager's Report**

**A. Financial Statements**

Mr. Moyer reviewed the financial statements as contained in the agenda package, which are available for public review at the District office during normal business hours.

Mr. Moyer stated there is not much to highlight on the financial side. We had a great deal of discussion at the last meeting regarding the fund balance and reserves. Through November 30, we collected \$68,000 of the non-ad valorem assessment, which is good because we did not expect to collect any monies in November. I am sure when we meet again in March, we will have collected all of our assessments. I am not too concerned about this. On the expenditure side, we are slightly under budget on all the major categories. We are doing fine.

**B. Check Register**

Mr. Moyer reviewed the check register as contained in the agenda package, which is available for public review at the District office during normal business hours.

Mr. McGrath stated there must be new staff helping us. At the November meeting, we never received a check register for the month of October. Perhaps this is something they can add for the next agenda package. On page 64, we received a credit of \$367 for the public hearing notice for the special assessments. Is this for a letter we never sent?

Mr. Moyer stated we sent the letters. They may have sent the letters by bulk instead of First Class.

Mr. McGrath stated saving money is a good thing.

On MOTION by Ms. Incandela, seconded by Ms. Pieters, with all in favor, unanimous approval was given to the check register and invoices, as presented.
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**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Mackie stated at the last meeting, it was brought up that a newspaper article reported a Charter School was going to be built in Brighton Lakes. The Board requested District Counsel research this matter to see what impact that would have on the District. In searching the property records, the parcel designated as a school, still seems to be related to the one acquired by tax deed. It was owned by Arucha, LLC and sold to Savi Investments, LLC. The principal partners seem to be one and the same. There has been no transfer to a not-for-profit Charter School for that property at this point in time. In looking into the case law, interestingly enough there is a case involving a CDD and a

Charter School within Osceola County wherein the court found the Charter School was not exempt from CDD assessments, unlike other public schools. This leaves open the question of the CDD being able to foreclose should there be a delinquency in the assessments. The only other item we were asked to follow up on was the issue of stormwater. We looked at the plat the stormwater pond surrounds the property. It looks like the property had been a fill site when the stormwater ponds were created if you look at Google maps. We would like to look further into the stormwater permit to see if this land is being served by the stormwater permit. Otherwise, we suggest that we continue to monitor the status of the Charter School, which may be just performing a Google search every month pertaining to Charter Schools in Osceola County and also review the property records so we can be aware of any transfer of property from the current landowner to potentially any not-for-profit organization. Certainly then, we would want to reach out to a representative of the LLC to discuss their intended plans for the property.

Ms. Incandela asked do we have any idea what the value of the property is? We discussed possibly purchasing it when it the developer still owned it before it went to tax sales.

Mr. Moyer stated at this time, we do not have any idea. If I recall, the land use is for a Charter School so this would be the highest and best use of the property. This is not commercial property. We have not had an appraisal done on it. We can certainly look at the property tax records to see what it was assessed at, but this does not necessarily equal the value of the property.

Mr. McGrath stated it seems to me, we were looking at a quarter of a million dollars if we were interested in purchasing it three to four years ago.

Ms. Mackie stated the assessable amount on this property is currently \$204,000, according to the Tax Collector.

Mr. McGrath stated I attempted to contact someone at the School District, but I ended up speaking to five or six individuals who could not provide any further details.

Mr. Moyer stated the person I contacted who works for the School Board did not have any information.

Ms. Incandela stated I saw someone out there doing surveying work. They may be getting ready to transfer it.

Mr. McGrath stated I saw someone taking core samples.

Mr. Smith asked did anyone from the church contact the Board?

Mr. McGrath stated no.

Mr. Smith stated someone contacted me and asked me about the Board. I gave them Ms. Maria Fuentes's number so she could give them the Board's email addresses. At some point, you may hear from them.

Mr. Mastromarino asked how long ago was this?

Mr. Smith stated probably about two months ago.

### **B. Engineer**

There being nothing to report, the next item followed.

### **C. Field Operations**

#### **i. Field Management Report**

Mr. Smith reviewed the field management report as contained in the agenda package, which is available for public review at the District office during normal business hours.

Mr. Mastromarino stated I noticed some fines for pool violations. I know we talked about resurfacing the pool as our top priority. There are no dates in terms of compliance.

Mr. Smith stated I did receive a letter from the County related to the pool being resurfaced, which needs to be done in the next few months. I will contact them and let them know we are working on these violations.

Mr. Mastromarino stated I would hate to see them come by every day to write us up.

Mr. Smith stated these are normal violations because of the size of our pool. If we get a heavy rain and they come the next day to test the water for chlorine, they will issue a violation. We will fix it and they will come the next day to re-test the water again. These are what those charges are for. With every pool I maintain, the County fines us. They are constantly trying to close down the Celebration fountain.

Mr. Mastromarino stated we have a separate bill from Brighthouse and a separate bill from Century Link. Did we ever look at bundling our services? I know Century Link has made a big push into the community.

Mr. Smith stated we looked at it several years ago but it might be time to look at it again.

Mr. McGrath stated we look at Brighthouse mostly for cable. Maybe it would be easy for Ms. Fuentes to contact Century Link and check. It is not a large item, but it does occur every month.

Mr. Mastromarino stated when I first moved here three years ago, Century Link did not offer the services they are offering today.

Mr. McGrath asked are you still looking at offering credit card services for access cards?

Mr. Smith stated yes.

Mr. McGrath stated I am happy to see the Resident Complaint Log.

**EIGHTH ORDER OF BUSINESS**

**Submitted Resident Questions and Audience Comments**

There being none, the next order of business followed.

**NINTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

Mr. Mastromarino asked may I obtain a set of keys to the clubhouse or any of the common properties? We had several holiday events this year and for one event, they were looking for someone with keys.

Mr. Smith stated Mr. Frawley has a set.

Mr. Mastromarino stated he was not around that day.

Mr. Smith stated yes.

Mr. McGrath stated the changing of our meeting schedule conflicted with the crime watch meeting. They are meeting tonight at 7:00 p.m. and their future meetings will be changed to the first Wednesday. I believe our July meeting was scheduled for July 2 instead of July 3. Perhaps we can look at our meeting schedule the next time we meet or try to accelerate our meeting to be done by 7:00 p.m.

Ms. Incandela stated I believe we can cut down on the time of our meetings by emailing our concerns to staff ahead of time so everyone is prepared.

Mr. McGrath stated that is a good idea. I informed Mr. Moyer about receiving my agenda package one week prior to the meeting instead of the day before.

Mr. Moyer stated I made a note that you need them a week in advance.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next order of business followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Ms. Pieters, seconded by Mr. McGrath, with all in favor, the meeting adjourned at 6:45 p.m.