

# 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 19, 2012, at 6:00 p.m. at the Brighton Lakes Clubhouse, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present were:

Michelle Incandela	Chairman
Tom Mihalic	Vice Chairman
John McGrath	Supervisor
Jennifer Palmer	Supervisor
Dolores Pieters	Supervisor

Also present were:

Gary Moyer	District Manager
Brian Crumbaker ( <i>by phone</i> )	Attorney: Hopping Green & Sams
Mark Vincutonis	Engineer: Hanson Walter & Associates
Alan Hirschfelder	Weber Environmental
Paul McCartan	Keep Safe Security
Brian Smith	Severn Trent Services
Residents and members of the public	

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

### **FIRST ORDER OF BUSINESS**                      **Pledge of Allegiance**

Mr. McGrath led the *Pledge of Allegiance*.

### **SECOND 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.

### **THIRD ORDER OF BUSINESS**                      **Audience Comments**

Mr. Nestor Olmo stated several residents told me they were happy to see the landscaping enhancements taking place.

Mr. McGrath stated I received several emails regarding the way it had been looking. This issue was also discussed at our November meeting, so it was not something that had not been considered and planned. It is pretty good timing, and things are looking good. Thank you for the compliment.

Ms. Incandela asked are most of the residents and the HOA Board aware that the CDD Board members are not copied if they send emails to the contractor directly? My concern is that I saw a couple emails that wanted to know why the Board had not

followed up on issues that they notified the contractor about. I am not sure if they understand the CDD Board would not necessarily know about them unless it goes through the management company or to someone on the CDD Board.

Mr. Olmo asked are you referring specifically to the HOA Board or the home owners themselves?

Ms. Incandela stated the HOA Board and the home owners who are bringing the complaints that you said are now satisfied with the changes and the repairs. Do you think it is clear to everyone that the CDD Board members are not always copied on emails? From the emails I read, it is hard for me to backtrack when they reply to a lot of people to determine where the email originated. It seemed there was some confusion, and at least one person commented that they did not know why the Board did not follow up on their complaint to the contractor. Do the HOA Board members and home owners you are talking to understand that the CDD Board does not follow up on an issue unless it comes directly to us or goes through the management company and they forward it to us?

Mr. Olmo stated I will make that clarification at our next meeting.

Mr. Mihalic stated we would prefer residents come to us so that we know what is going on.

A Resident stated I am new to the area, and we closed on our home on Patrician Circle on October 30, 2011. I have been moving in since that time and moved in completely by December 4, 2011. I have been very unhappy on the stretch that I am living. There are kids running up and down the street. I do not think this is the correct forum for me to air my complaint, but maybe you can tell me what to do or where to go. On my street and block, kids run up and down all evening. They make noise and they scream. We setup flower pots after we moved in, and they run over them. They try to tear them up, they run on them, and they throw stones. The last incident was Sunday evening. The kids had moved all the flower pots beside the house onto the lawn. They picked up one of the pots and threw it against the garage door. There was dirt all over and the plant was broken up. This is what is happening, and I am being terrorized.

Ms. Palmer asked have you contacted the authorities?

The Resident stated no, I have not. I wanted to come to this meeting tonight to say something. There is a house across the street, I think it is 2721 Patrician Circle, where I understand there are 12 kids living there since they have foster kids. There are also other kids on the block participating in this. We have seen that we are being targeted. They are

all over the backyard. I am going to purchase a security system so that I can see who is doing these activities. It will cost \$700 for the system, and then I have to pay for someone to install it, and I do not know how much that will be. I do not think that should be happening. I should be at peace.

Mr. McGrath stated no, it should not be happening.

Ms. Palmer stated you are correct. I apologize for people's rude behavior. There are two Boards within the community, and I am not sure this problem falls under either Board, but perhaps a little under the HOA. We are the CDD Board, and we handle anything that is on common property, including the roadways, the recreation center, security, landscaping, and so forth. The HOA deals with things on people's individual personal property. If there are 12 kids living in a house and issues arising from that, the HOA Board may be able to handle a little of that. If I was in that situation, I would be calling the authorities and letting them know.

The Resident stated before we moved into our house, the kids were throwing stones up and down the street. I drive a BMW and it was parked on the driveway. I had to talk to them so they would not throw stones and break the glass on my car. A lady farther up the street called the police that night on their behavior.

Ms. Incandela stated we also have an excellent crime watch program in our community. Mr. Olmo represents the HOA and he can also explain more to you about those meetings. At the crime watch meetings, Deputy Beltran is fantastic about responding to the extent that they can about the needs of the community. That would be a good opportunity for you if you are able to attend the crime watch meetings to let them know what is happening in a particular area. They will also provide you with the phone numbers to reach the authorities. Unfortunately, the CDD does not have any jurisdiction over residents or kids who are committing unlawful acts. That is solely under law enforcement authorities, and they can set you up with the people you need to contact as well as tips on preventing future activities. They may also step in or start watching that particular area.

The Resident stated I moved into a gated community, and I thought it was nice here, but it is becoming like a ghetto.

Mr. Mihalic stated in the meantime, you should call the sheriff's department. Do not hesitate to call them.

Mr. McGrath stated one positive note is that we are very fortunate in Osceola County. I have never received a report from someone who said they contacted the sheriff but the sheriff said they could not do anything or they could not come out here now. They are very responsive.

Mr. Mihalic stated to be clear, we call the sheriff, not the police.

Ms. Palmer stated within the City limits, you would call the police, but elsewhere in the County, you call the sheriff's department. We fall under the jurisdiction of Osceola County, and it is the Osceola County sheriff who responds to issues in Brighton Lakes. I know it is annoying, and I apologize for their behavior. No one should be doing that, and parents should have control over their children. The Golden Rule always works, but unfortunately, not everyone follows those principles in life. If I were you, I would be calling the sheriff nonstop.

The Resident stated I work at night, so I come home in the mornings to sleep. Today I am off, but I am always in the house all day. I do not come out, and I am not bothering anyone. So why should they be terrorizing us?

Ms. Palmer stated we do not have any bylaws against having foster children.

Ms. Incandela asked is there any limit on the number of residents per household?

Ms. Palmer stated there may be a County Ordinance for the number of residents per single-family home.

A Resident stated there is a house on the corner by where I am, and the kids are breaking the windows on vacant homes. Last night, they were making noise in the house.

Ms. Palmer stated you should provide that address to Mr. Olmo so that someone can contact that home owner.

The Resident stated the house is on the corner of Holly Park Court and Sweetspire Circle.

Mr. Olmo stated that house has been trouble, and the authorities have been notified, as well as the realtor.

Ms. Incandela stated unfortunately, the vacant houses attract unwanted elements. The more aware we are and the more we call the sheriff's office to let them know, then the more these people will see the sheriff's office responding and at some point, it will be a deterrent.

Ms. Palmer stated if you know kids are in the house, call the sheriff immediately because it is better for the sheriff to catch them when they are actually inside.

Ms. Incandela stated we encourage our residents to contact the sheriff's department. They have been wonderful and extremely responsive. Contacting them does a lot more good than people realize. Doing that in combination with getting involved with the crime watch program are things that I think will help the situation. Unfortunately, we cannot control kids, but at least there are resources here to support us when these issues do come up. Hopefully they will be able to resolve it for you.

A Resident stated we are working people, so we cannot stay home and watch the house all day.

Mr. Mihalic stated the sheriff is your best answer right now.

Ms. Tracy Lanier stated it has been about 60 days since your last meeting. I hope everyone had a wonderful holiday season, and at least we had good weather. We are about 120 days from hurricane season, and I am still concerned about what the weather and the water are going to continue to do to my property. I did not know if you had a chance to get more information or have any conversations regarding this issue.

Ms. Palmer stated because this is a governmental Board, we Board members cannot speak about District issues outside of public meetings. The last time this Board discussed anything related to the business of the District was the last meeting that you attended. Our attorneys may have had some conversations, but as far as the Board members discussing this issue, we cannot do that outside of a meeting because then we would be in violation of the Florida Sunshine Laws.

Ms. Lanier stated I have not had any contact with anyone or received any information.

Ms. Incandela asked has Mr. Crumbaker been in contact with Ms. Lanier's attorney? I was under the impression that we were waiting for documentation and information from them.

Mr. Crumbaker stated that is correct. We reached out to him, and he will be out until Monday. We did not see anything that demonstrated that the District has any liability with respect to the condition on the adjacent property. We requested something to show that there was a condition prior to construction of any improvements, that post-construction of the improvement would demonstrate any liability. From what we have seen so far, the improvements were designed, permitted and constructed pursuant to those permits. We have not seen anything that would demonstrate that it is otherwise or that it created any condition that was not pre-existing prior to construction of the project.

Ms. Incandela asked was that conveyed to her attorney through a conversation, or was there a letter written to him?

Mr. Crumbaker stated I believe it was both, and I will defer to Ms. Tucker Mackie. My recollection was that we had several conversations with her attorney but we also transmitted to him a letter via email, advising that nothing has demonstrated that we have any liability. We are not just going to assume it because someone says so.

Mr. McGrath stated it sounds like Ms. Lanier's attorney needs to provide further information to our attorney.

Ms. Palmer stated he needs to respond to what Mr. Crumbaker is requesting.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the November 17, 2011, Regular Meeting**

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

On MOTION by Mr. McGrath, seconded by Mr. Mihalic, with all in favor, unanimous approval was given to the minutes of the November 17, 2011, regular meeting.
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**FIFTH ORDER OF BUSINESS**

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

**A. Security**

Mr. McCartan provided an update on security services related to gate activities and personnel at the guardhouse, and responded to questions and comments from the Board.

Mr. McCartan stated I am not aware of any issues that have been received recently. I met with ACT to ensure that the gate barriers are working properly. I know it was replaced after the last meeting in November over Thanksgiving weekend. In speaking with ACT yesterday, what we discussed with people rushing through the lane and the gate not coming down between each vehicle, the gate starts to move and will then stop before it travels down all the way. The ACT technician said the whole motor system had been replaced toward the end of November, and it is now functioning like it should. I was not aware of how it worked, but it starts slowly and then speeds up and then slows down again. When the guards press the button to drop the gate, it does not come straight down. I know there has been discussion about putting in a speed hump, and if you go ahead with that, I would request that it is installed closer to the gate barrier. I think what happens is because there is some movement, it fools the eye, and some people who are in the queue start to go forward. My staff and I appreciate the offer from members of the Board to speak to them related to lowering the gate between each vehicle. But there is still that

human nature element. If you are looking at something that is going to hit someone's car, no matter what someone had told you, you will want to stop it. I think very few people could actually just stand there and watch the gate hit a car. Because of the position that the guards are in, they do not want to hit someone's \$45,000 Mercedes. The process seems to be going very smoothly. Hopefully with the addition of the speed hump, that will also help. I keep reiterating to the guards that the gate needs to come down between every car. The movement of the gate does fool the eye when you watch it. You know that it moves, but it does not go as fast as you think it is going to, and then it speeds up.

Ms. Incandela stated I only come and go through the gatehouse when Gary is working. He is practically halfway out of the gatehouse, and he is watching every car that goes through. I see him raise the gate before it goes fully down, but he is halfway outside and is almost right in front of me. I did not see any issues with him, and I do not think we have any complaints from any of the others.

Mr. McCartan stated I have discussed with them what to do when there is a stream of cars coming through.

Ms. Incandela stated we are trying to determine if the complaints stem from one particular guard or across the board.

Mr. McCartan stated I think it is random. The hours of gate operation are 6:00 p.m. to 5:00 a.m. I addressed the issue where the gate was open at 4:45 a.m. and that is partly due to some of the functions the guards have to perform, including using the restroom. The gates will be open at various times for that reason, so what I asked them to do is remain there and keep the barrier physically operating as well as fax the reports at 4:45 a.m. at the earliest. They clock in and out, and they do not leave at 4:57 a.m. but 5:00 a.m. or later. I have firmly requested that the last thing they do is move the cones and the signs. At some point, the barrier has to come up so they can leave the gatehouse to move the signs. I am trying to have them do that as close to 5:00 a.m. as possible.

Mr. Mihalic stated I have been the one complaining about them being gone at 4:35 a.m. since I leave for work at that time, and I see it consistently. I have sent numerous emails to Mr. Smith and Ms. Fuentes, and I received a response from Ms. Fuentes just a little bit ago, which I will explain shortly. Apparently the Kariba gate is still going up early. Is it on a timer? The Volta gate is still down but the Kariba gate is up, no matter if it is 4:30 a.m. or later.

Mr. McCartan stated I talked with the technician yesterday, and I met him at the gatehouse at 9:00 a.m. The technician was reviewing the gates at Volta and Kariba, which are on an automatic timer. The only interaction we have with those gates is the remote access for people who call to get in as well as monitoring them.

Mr. Mihalic stated the day I called at 4:37 a.m., the gates were up and the cones were moved already. However, every morning when I leave, Kariba is up and Volta is down, and the Brighton Lakes Boulevard gates are down. There is something wrong with the timer for the Kariba gate. I have come back in the evening after we have been out for dinner, at about 5:30 p.m., and the Kariba gates are down already. It seems like the clock is off.

Mr. Smith stated they came out and adjusted all the timers.

Ms. Palmer stated they may be checking the timers, which might be right, but the clock is probably off.

Mr. Smith stated we sent them out to check the timer and the clock.

Mr. McCartan stated the gates have a battery backup, as well.

Mr. Mihalic stated to be 25 to 35 minutes off is an extenuating circumstance.

Mr. Smith stated before the guards leave, they will check the Kariba and Volta gates to make sure they are operating properly.

Mr. Mihalic stated but the Volta gate is still down, so it is defeating the purpose anyway. They should both be up or both be down.

Mr. Smith stated if they are not working properly, the guards have to report that to us.

Mr. Mihalic stated I understand that happens near 5:00 a.m., but when it happens at 4:30 a.m., then there is something wrong. The gate should not be up that early.

Mr. Smith stated we did open it 30 minutes early.

Mr. Mihalic stated Ms. Fuentes sent me an email to that effect yesterday, and I was shocked. She said the guards need time to clean up the guardhouse and to send the daily fax. Unless the guardhouse has been expanded 100 times since I drove by there a couple hours ago, it takes two seconds to start a fax, and it should not take more than two minutes to clean the guardhouse.

Mr. Smith stated the guard drives down to the gates about 4:50 a.m. to check them and then goes back to the guardhouse. At that point, he needs to put it on his report if the gates are not operating properly.

Mr. Mihalic stated it takes only a couple minutes to drive to the front to check those gates, so they should not be leaving at 4:30 a.m.

Ms. Palmer stated if they leave at 4:45 a.m., that is fine.

Mr. McGrath stated I think we all can agree that whatever is happening, it is occurring at the same time.

Mr. Mihalic stated from what Ms. Fuentes is saying, them leaving at 4:30 a.m. is too early. We are paying for services until 5:00 a.m. If there are things they have to do, fine. But if the gates are already up at 4:30 a.m. according to Ms. Fuentes, then we are wasting our money for 30 minutes because they are not really doing anything that last 30 minutes.

Mr. Smith stated the guards are there until 5:00 a.m. and have various duties.

Mr. Mihalic asked if the gates are up at 4:30 a.m., what are they doing for 30 minutes? It takes them two minutes to drive up and back to Kariba, and it takes one minute to start a fax.

Mr. Smith stated he is still operating the gate from the guardhouse.

Mr. Mihalic stated no he is not because the gates have been up at that time of the morning. I have sent emails to Ms. Fuentes at that hour when the gates have been open.

Mr. Smith stated I thought you were referring only to Kariba and Volta.

Mr. Mihalic stated it happens more at those locations, especially Kariba. Volta is down but Kariba is up and the guardhouse gate is up. The guards do not need 30 minutes.

Mr. McCartan stated I addressed that with them, and I had this conversation with Ms. Fuentes about keeping the guardhouse neat and tidy. This is not a gray area. At the end of the day, they are doing all the things they need to be doing, such as writing reports and faxing them. Sometimes the issue is the fax does not send right away because of the connection. However, what I accepted with Ms. Fuentes and what I accept with the Board is that at 4:37 a.m., I do not expect them to be doing anything other than monitoring traffic at the guardhouse. I accept that. What I am also saying, however, is sometimes they need a little leeway at some point.

Ms. Palmer stated in my opinion, it should be 4:45 a.m.

Mr. McCartan stated they do nothing else except operate the gate functions, watching and monitoring the cameras, and keeping control of the access of the gate until at least 4:45 a.m. There have been cases when the gate is open prior to that because they had to use the restroom.

Mr. Mihalic stated that is understandable.

Mr. McCartan stated I explained that 4:37 a.m. is too early to physically check the remote gates to make sure they are functioning.

Mr. Smith stated I think they attended a meeting where we discussed opening Kariba and Volta 30 minutes early.

Mr. Mihalic stated I do not ever recall that in a meeting.

Ms. Incandela stated I do not remember discussing opening the remote gates at 4:30 a.m., but when the issue came up, I thought we were talking about the main gate.

Mr. Smith stated no, just Volta and Kariba. The main gate stays down until 5:00 a.m.

Ms. Incandela stated I do remember a discussion in a meeting when the two remote gates were to be opened earlier, but I do not remember the time, whether it was 4:30 a.m. or 4:45 a.m. or a different time.

Mr. McCartan stated what used to happen is, the guards were leaving at 5:00 a.m. and someone would call the District office to say the gates were still down at 5:30 a.m. or 5:45 a.m.

Ms. Incandela stated I know we discussed that when the guards left, they had to make absolute sure that the gates were operating properly.

Mr. Smith stated that is where we came up with the idea of having the gates open 30 minutes early. The guards have to drive to the front gates and check to make sure they are up, then go back to the guardhouse to finish up their duties, write their report and fax the report and leave at 5:00 a.m. They will then raise the gates at the guardhouse at 5:00 a.m. That seemed like a fairly good procedure.

Mr. Gerry Frawley stated I raised this issue regarding 30 minutes, and I thought 4:45 a.m. was adequate time to perform those functions. The issue is, they do not drive out and leave the community with the gates down. When that happens, the residents are stuck. We also talked about the fact that from the Kariba cameras, you could see Volta, and vice versa. So why is anyone driving anywhere?

Mr. Smith stated it is hard to see in the dark and get a really good view of the gates. But we can move the time closer to 5:00 a.m.

Ms. Incandela stated rather than the front gates opening at 4:30 a.m., they will open at 4:45 a.m. or as close to 5:00 a.m. as possible.

Mr. McGrath stated Mr. McCartan was working on a document or brochure to hand out at the guardhouse.

Mr. McCartan stated I have a first draft. The intent is to have it available when the guards are challenged on their procedures. To be fair, none of them have said there is an irate person questioning the procedure, but we do have it available.

A Resident stated there is only one guard at night. What happens if he leaves to use the restroom and someone drives up and the gate is down?

Ms. Palmer stated the gate is up.

Mr. Mihalic stated the reason is, we cannot prevent anyone from entering the community.

### **B. Landscaping**

Mr. Hirschfelder provided an update on landscaping services related to maintenance of the District's common areas, irrigation reviews, crepe myrtle pruning, and turf replacement, and responded to questions and comments from the Board.

Mr. Hirschfelder stated there are some knockout roses near the front that had a fungus, so we sprayed them. We will be pruning all the roses back to about 12 inches next week, but I want the application to soak into the root system before we did the pruning. The large drainage swale south of Chapala Drive has been completely bushhogged. There is one corner where we could not get in with a bushhog, so we will do that manually. Mulching of the property has been completed. Next week we will start trimming the oleanders along Brighton Lakes Boulevard. We will not be taking off quite half, but four to five feet to get them to a consistent height. It will also promote better growth.

Ms. Palmer stated the report shows you will be hard pruning the crepe myrtles in February. Are you really just pruning them back a little?

Mr. Hirschfelder stated that is correct. I mentioned hard pruning in the report, but I discussed it with Mr. Smith, and it will not be a harsh, hard pruning.

Ms. Palmer stated I just want to be sure, because this was a big issue we discussed last year. You were of the same mind as I am and the landscapers I use for my hotel, that hard pruning is bad for the trees and we will lose life on them a lot faster.

Mr. Hirschfelder stated I have been doing these for 20 years, and they all respond essentially the same, so we leave it up to the client and your preferences. I will prune them way back, and they will bloom and grow well. There are some high-end hotels with crepe myrtles that I have never pruned in 10 years, and they are 40 feet tall and gorgeous. Personally, I would leave them alone.

Mr. McGrath asked does lifting oak trees mean they will be pruned?

Mr. Hirschfelder stated yes, to clear them up to a certain height.

Ms. Palmer stated that is so the branches are not hanging down too low.

Mr. Hirschfelder stated as we get closer to spring, I will oversee the mounds on Brighton Lakes Boulevard with Bahia and probably put down some fertilizer soon to try to get it to grow in. Mr. Smith and I were looking at having St. Augustine as the base, and over time it will fill in. We just need to keep it fertilized well and control the crab grass.

Ms. Incandela stated I mentioned earlier in the meeting that there were some emails back and forth about issues related to landscaping on Brighton Lakes Boulevard. If you receive any complaints or questions from residents, I would like you to let the Board know as well as the follow up. I got the impression from one of the emails that I read that someone complained about something, and you took care of it just fine. If she had asked me about it, I had no knowledge of it and could not follow up on it because I am not aware of it. Keep track of that and let the Board know that you received some issues from residents and you addressed them, either if you are addressing them directly or if you want the Board to follow up. I want to make sure residents know that we are responding and following up on these issues. I think they just assume that if they call you directly that we know about it.

Mr. Mihalic stated you can just forward the emails to Severn Trent and they can forward them to us.

Mr. Hirschfelder stated what normally happens is I receive an email from Ms. Fuentes or Ms. Powers, so I will meet with the resident if they are home, or else I will try to figure out what the problem is. I received an email today about a broken irrigation head, so I just fixed it and responded back to Ms. Fuentes.

Ms. Incandela stated if those emails come from Severn Trent, then they will address the issues and we can track them. But if anyone contacts you directly for some reason, then Severn Trent will not know, and we will not know.

Mr. Smith stated how it normally happens is a resident will stop the foreman on site and ask him to address something. The foreman takes care of it as part of his routine. Mr. Hirschfelder will not know about it, and I will not know about it. Only the foreman knows about it. Whenever you receive complaints or comments, let me know. In some cases, you will not be able to do the work they are requesting because I need to issue a work authorization.

Mr. Frawley stated they just installed some new plants and there is the potential for more cold weather. If we get a heavy frost, are there provisions in place to take care of that?

Mr. Smith stated if we get a heavy frost, we will address it at that time. The plants we chose can survive cold weather a lot better than the other plants.

Mr. Frawley stated but not freshly planted material.

Mr. Smith stated you are correct. If we get a heavy frost this winter, we will address it, but it does not look like we will. We might need to cover the new plants, but the flax lilies are pretty hardy.

Mr. Hirschfelder stated we also chose that particular plant because it takes root very quickly. We do not want to install something that has to be replaced each time it freezes.

Mr. Mihalic stated the two-week forecast has no cold weather predicted, so we are fine.

Mr. Smith stated we will try to get a more formalized look throughout the project rather than what we have done in the past. There will not be a lot of color because that is hard to do with the type of plant material we need to use. At the front wall, we had plumbago and we tried to install bougainvillea, but they die when it freezes, and then they look ratty after a while because it is so wet at the base of that wall. We will sod it and keep a mulch line and not put anything in its place at the knee wall at the very bottom. We will keep it formal without a lot of color other than the crepe myrtles in the summertime. Otherwise, the look will be very neat and formal.

Ms. Palmer stated we have had to do that in a lot of places at my hotel because it is so expensive to replace plant material. You can still do something very nice with different shades of green.

Mr. Hirschfelder stated on the left side at the entrance, you can see the irrigation heads, so I will submit a proposal to Mr. Smith to lower those. I left them up there for two reasons. One, we wanted to expedite the installation of the sod, and two, it will help water it in. Once it is watered in, we will lower them because now it is unsightly.

## **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 through December 31, 2011, we have collected 85% of the non-ad valorem assessments.

Mr. McGrath stated one-third of our assets are in a checking account, which is a lot of money. I wonder if instead of a checking account we could get a money market account that we can write checks from. We are earning 0.25% in our checking account, and the money market account is earning 0.85%, so we could make potentially three times more interest earnings. I am not sure what the interest rate is currently, but it might be a way for us to have our money work a little harder for us.

Mr. Mihalic stated I was looking into that for my own use, and a lot of the money market accounts limit the number of checks you can write or how many withdrawals you can have in a period of time. We write a large number of checks from this account.

Mr. McGrath stated in my mind, if we were able to put some money into that sort of a money market account, it would be reserved for some of the large expenses we have.

Mr. Moyer stated this might be an anomaly, too. The accounting staff is pretty good at trying to keep our money invested and not carrying that large amount of money in any account.

Ms. Palmer stated it could be the timing of when we received our assessments from the tax collector.

Mr. Moyer stated that is correct. That is what I believe happened.

Mr. McGrath stated for November, the balance was a little over half this amount, but that is still a large amount of money.

Mr. Moyer stated I will ask staff to look into that.

On MOTION by Mr. McGrath, seconded by Mr. Mihalic, with all in favor, unanimous approval was given to the financial statements.
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## **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 I have an observation about our holiday lighting. We approved \$500 to be spent, and we actually spent \$690. I do not mind because they are LED lights, and they will end up costing us less money by using less electricity. The year before, we spent \$345 on Christmas lights. Over the past two years, we have spent \$1,035. I think we should stop purchasing holiday lights for the next few years. Every year, my memory

is that it is beautiful the very first night because it is all lit. The next night and beyond, part of it is out because it is too much for the circuits and they pop, or whatever happens. My thought for next year is to use just the LED lights and have it so that Mr. Smith's staff does not have to keep coming out to fix the lights.

Mr. Smith stated I think going forward, we should contract that work out. My staff is swamped doing Christmas lights for all our communities, installing them and fixing them. It becomes a real burden for us, so I would like to stop doing that in-house altogether.

Ms. Incandela stated we can look at that this coming year. I did not notice a lot of lights that were out.

Ms. Palmer stated the only thing that did not work—it worked the first night but not after that—was at the base of the palm trees. But it looked fine without them.

Mr. Smith stated it is because there was too much of a load on the breakers.

Ms. Palmer stated it looked fine, though. It was not like I noticed that we were missing them.

Ms. Incandela stated I thought your staff did an excellent job. I know there is always a problem with the icicle lights having one section going out, but this year they did not use them. I thought it looked great.

Mr. Smith stated it did look good. Mr. Stuart takes pride in it, and he puts a lot of effort into it. But it seems all he does around Christmas is chasing lights that are out and repairing them. I will prepare a proposal for hiring out that work.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, unanimous approval was given to the check register as presented.
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### **C. Website Statistics**

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

Mr. Mihalic stated I think these are very interesting. It is great information to have.

Ms. Palmer stated I agree.

### **D. Discussion of ADA Assessment Report**

Mr. Smith stated everything except for the pool, my staff can do in-house. I am getting a proposal regarding the pool. I think we can complete it prior to the deadline, but I would like to see what the final cost is to put in a lift and how much effort it will take,

what the specifications are, the work that has to be done to prepare it. Once I receive that proposal, we will review it and I will bring it to the next meeting.

Mr. Mihalic stated we will not have a meeting until March 15, 2012, and this work is supposed to be done by March 31, 2012.

Mr. Smith stated I was talking with him and there is a bigger window than that. There are so many communities that do not have the money to do this and are not doing it. They are giving us a bigger window. Everything else will be done by March 31, 2012, and we will have proposals in hand for the lift and can show we are moving ahead with it.

Mr. Mihalic stated I want us to be ready if anyone needs to swim using the lift after March 31, 2012.

Mr. Smith stated I agree. The only problem we had is that our tot lot equipment is getting old and it is not necessarily ADA compliant. To get some of this equipment, it will cost anywhere from \$8,000 to \$10,000 for a piece of equipment. We have two pieces of equipment, and 50% is ADA compliant. So one of them should be removed, but they are getting old, which is a conversation we should have during the budget process. At this point, rather than trying to change these to be ADA compliant, I think we need to remove one of them and replace it. We can try to put in landing areas. I do not want to do any repairs to them and I do not want to have any structural issues. We need to consider that. I have some proposals for that, which are about \$10,000 to replace what we have with a good piece of equipment.

Ms. Incandela asked is that for just one of the pieces?

Mr. Smith stated yes.

Mr. McGrath stated we are getting over eight years of life from the equipment that we have. If we pay more, will that give us a longer life?

Mr. Smith stated yes. This is metal equipment.

Ms. Incandela stated that was my question, if it was getting away from wood.

Mr. Smith stated I would not put more wood out there. It is too wet around the bases. We can fix some of the uprights.

Mr. McGrath asked is the ramp idea for the pool not going to work?

Mr. Smith stated I think you are better off with a lift.

Ms. Incandela stated I like the covers for the kids.

Ms. Palmer stated they are nice, and the price is pretty good.

Mr. Smith stated I will bring proposals for a couple similar pieces of equipment to the next meeting. We can take out the worse of the two and replace it. All of the other ADA compliant issues should be complete by March 31, 2012, except for that and the pool lift.

Mr. Mihalic asked how will these hold up in hurricanes?

Mr. Smith stated they will be fine up to 200 mph winds.

Ms. Incandela stated we will need to be ADA compliant in terms of an accessible path to the equipment.

Mr. Smith stated they are ADA compliant as long as the mulch is the proper thickness and as long as you can get onto the mulch easily. There is a three-inch lip out there that we will fix.

Ms. Incandela asked if we are replacing the equipment anyway, do we need to consider foam instead of mulch?

Mr. Smith stated it is expensive.

Ms. Incandela stated I just wondered if the cost of mulch is still much cheaper than foam.

Ms. Palmer stated it is very expensive. Regarding the equipment standing up to hurricanes, some of the equipment at our hotels have been there over 10 years and went through the 2004 hurricanes. The warranty just ended, and we had a panel that cracked which they replaced outright. We had them install replacement pieces for equipment that went out. One piece was not made anymore, so they sent out a whole new piece of equipment, and it was fully covered under the 10-year warranty.

Ms. Incandela stated we need to think about conditioning all of our equipment in the future.

Mr. Smith stated that is correct.

Mr. McGrath stated if we need to take it out, I think we should take it out even if we do not have something to replace it with before someone gets injured.

Ms. Palmer stated we could put a couple picnic tables or something there in the interim, something that a family could use.

Ms. Incandela asked how many tot lots do we have?

Mr. Smith stated there are six.

Ms. Incandela stated instead of replacing the equipment at a tot lot, perhaps we can make it a play area and get some industrial swing sets. They are drastically different in price, but perhaps we can have a swing set in a square along with an object to climb on.

Ms. Palmer stated we could make one a volleyball court.

Ms. Incandela stated we can offer different activities at the different tot lots. I want the areas designated as play areas, and I want the kids to get the most enjoyment out of them as possible. If they already have a tot lot that they have access to, I like the idea of giving them a variety of choices. One can have 10 swings so they can come with their friends and all swing at the same time and have a table in the middle so the parents can sit while they watch the kids.

Ms. Palmer stated the lot on Chapala is a pretty big area, so you could put up some soccer goals. There is basketball at the recreation center, and we could have that area for soccer.

Ms. Incandela stated we would have to maintain that field.

Mr. Smith stated I do not know how neighbors would feel about a soccer field.

Mr. Mihalic stated there are neighbors who have windows facing that area.

Ms. Palmer stated I am trying to think of something different.

Mr. Smith stated when we put the budget together, we will bring some ideas to you to consider.

Ms. Pieters asked what age group are we looking at for these lots? We have all ages of kids using the playgrounds from what I have seen.

Mr. Smith stated up to 10 years old.

Ms. Pieters stated the one on Chapala Drive had monkey bars, and they cut those bars down and put in steps. The kids really enjoyed the monkey bars.

Ms. Palmer stated when we convert one park to having metal swings, then we can consider putting in metal monkey bars, and then we can leave the bigger equipment in other areas.

Mr. Smith stated we can do just pieces in an area rather than a full-blown tot lot.

## **SEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Mr. Crumbaker stated I spoke with Ms. Mackie regarding the Lanier property. She said the last conversation they had was that her attorney would get back with the Laniers. There were some materials he admitted that were an exchange between the Laniers and the County that seemed to support our position, which is that the area was constructed per the plans and permits, and that there may well have been a pre-existing condition. In the last conversation Ms. Mackie had with Mr. Bonds asking what he is proposing, he

referenced a plan but never provided it. Unfortunately, I could not find anything in writing, but we will contact him again. He is out of the office until next week, but we will follow up with him in writing to let him know that we are waiting on information as to (1) something that demonstrates the CDD has liability and (2) what their plan or thought is as to remediation.

Ms. Palmer asked if we followed all the zoning plans and all the plans that were submitted to the County, could the County be liable at some point?

Mr. Crumbaker stated probably not. Based on correspondence with the County, it appears as though Ms. Lanier has gone to the County to get them to take responsibility. Now she comes to the CDD to try to get us to take responsibility. Without providing any support other than some pictures that were taken post development, there is nothing that demonstrates that prior to development that the conditions on their property were not exactly the same. I do not want to say that she is trying to “shop” liability, and I certainly feel for her position to the extent there is an issue, but there has to be some demonstration that she is going to the right entity, versus trying to remediate her position.

Ms. Incandela stated I have not felt comfortable with this claim from the beginning, based on what I saw that was provided. In the event that we are not able to reach an agreement or that they do not present a reasonable proposal, and this ends up where they proceed with litigation, do we have coverage for this? Have we confirmed whether or not this is an issue where the Board has insurance coverage?

Mr. Crumbaker stated yes, we have that coverage. Mr. Smith met with them on site. Was there anything insightful with respect to that meeting? Do you believe anything I am saying is inaccurate?

Mr. Smith stated you are very accurate. The only issue we have, which I told them, is the berm back there is not exactly to the elevation that it was originally because over time, a lot of water went over that berm and it has eroded slightly. It is just inches off. I told them that I am happy to redo the berm and resod it and get it to the exact elevation that it is supposed to be, but I will not do that if there are going to be a lot of changes to it. I will hold off on that, but at some point, we do need to do that. Other than that, you are absolutely correct. Most of the issues were prior to construction, and once we installed the berm, they had the issue of their back pasture being wet. From all the things that I have seen and in talking with Hanson Walter and looking at the old aerials they have, that area was where the water always went.

Ms. Palmer stated this was swampland before it was constructed.

Mr. Smith stated it was a wetland.

Ms. Palmer asked does Mr. Crumbaker need the exact difference in elevation from the original plans for your records?

Mr. Crumbaker stated no, I do not need those for the time being. We will follow up in writing to Mr. Bonds to confirm that we are in agreement as far as who is providing the next level of information. If they provide something that they feel shows that we have some sort of liability, I will follow up with Mr. Smith to obtain that information.

**B. Engineer**

There being nothing to report, the next item followed.

**C. Field Operations**

**i. Field Maintenance Report**

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

**ii. Action Item List**

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

Ms. Palmer asked what is the status on the speed hump? Are we going to do it?

Mr. Smith stated we received approval not to exceed \$2,300.

Ms. Palmer stated the list says you met with the engineer. What did he say?

Mr. Smith stated he gave us the dimensions of the hump itself, and that is what I obtained prices for. It is 10.5 feet from the beginning of the hump to the end of the hump. It is not a bump because those will do damage to vehicles, especially with the high traffic volume we have. If someone has to drive over that bump every single time they come into the community, over time they will have issues.

Mr. McGrath stated I thought someone had the brilliant idea of a speed gate rather than a speed hump. That was in an email from someone.

Mr. Mihalic stated I mentioned that where I work, we have a gate that operates very fast going into the employee lot.

Mr. Smith stated I think a speed hump will work. One car will be in the bay, and the next car will be going over the hump at a slower speed. By the time he gets to the bay, the first car will be through the gate and the arm will be down.

Mr. Mihalic stated I do not think it will do anything. When the cars are stacked up, they will be going slow enough anyway. This hump will do nothing except waste \$2,300.

The second car will just idle up on the hump and sit there until the first car goes through the gate. I seconded the motion at the last meeting, but I have been thinking about it for two months. Quite frankly, if you are trying to slow people down who are already stopped at the gate, it will not do anything.

Ms. Palmer stated I do not see it so much for when cars are stacked up as when someone is racing to the gate and the guard opening the gate before the car gets there because he thinks the car is going to go right through the gate.

Mr. Mihalic stated if the guard is standing at the guardhouse and a car comes racing at the gate, leave the gate down.

Ms. Palmer stated but they are not going to do that. We just listened to Mr. McCartan, and he said it is human nature if the guard thinks the gate will come down on someone, he will raise the gate. It is the same thing if he thinks a car will run into the gate. I think he will open the gate. I know he talked specifically about lowering it, but I think the same reasoning will apply when someone is racing toward the gate. The guard is going to open the gate.

Mr. Mihalic stated then that is the driver's fault. If he is going to crash into the gate and damage his car, then he will learn to drive slower next time.

Ms. Palmer stated that is not reality.

Ms. Incandela asked will the hump be going across just the one lane that goes by the guardhouse and not the other lane?

Mr. Smith stated yes.

Ms. Incandela stated during the day, the residents will not have to go over the hump.

Mr. Smith stated that is correct. It is just to slow them down as they approach the guardhouse. It will get them going slow enough that they almost have to stop once they come across the hump.

Mr. Mihalic stated based on what I see with the speed hump that we have now, the ones who go fast will continue to go fast whether or not there is a speed hump. I do not think a speed hump will do anything in that particular location.

Ms. Palmer stated it has stopped people from speeding in front of the basketball court. It has limited speeding in that area, and that was one of the purposes for putting it in that location because we were afraid of all the kids in that area and the potential for basketballs going into the roadway. It has served that purpose.

Mr. Mihalic stated some people slow down, but some do not.

Ms. Palmer stated there is always the person who just does not care, but the low-riding cars will slow down because otherwise they will bottom out their cars. It is a deterrent. I think the same thing applies at the guardhouse. I would like to hear from the other residents at the meeting.

A Resident stated I find it ridiculous in some aspects. At 6:00, there is no gate open and there is no gate closed. Everyone is worried about 6:00 p.m. when people are coming home from work, but at 6:00 a.m., there is no one monitoring the gate when everyone leaves for work. So we hired some kids to open and close the gates. What is the gate there for? To stop people and protect us? Cars are coming through the gates at all hours of the night.

Mr. Mihalic stated it is basically a deterrent for people who do not know the area.

The Resident stated we would have a better deterrent having them there 24/7. No one wants to raise our HOA fees, but for \$10 more a month could give us 24/7 coverage. That will be more of a deterrent. If you install the speed hump, put a sign that indicates there is a hump so people can see it. Personally, I hate the little cars that go whining down the road. I like peace and quiet, but yet people going to and from school come down my block and park on my grass, sometimes damaging my irrigation heads. Yesterday or the day before, I counted 27 cars coming down my block. They come partway into my driveway to turn around. I think the speed hump will be a deterrent to slow people down. The bottom line is, you will not be able to stop them all, but you will stop some. Eventually you will get to the point where everyone will slow down before getting to the gate. Maybe we can start asking to see identification to act as a further deterrent.

Mr. Olmo stated I think the speed hump will serve to slow people down. I would be in favor of it.

Mr. Frawley stated I think it will help slow people down. If I worked in that booth, I would be scared about cars hitting me. There was an incident where someone tried to drive outside the gate, and thank goodness we had palm trees there or else the car would have been inside that building.

Ms. Pieters stated at the crime watch meeting last week, the lieutenant said the speed hump is definitely a deterrent. He mentioned the speed humps at the courthouse have saved a lot of lives, and there were quite a few residents who agreed to have the speed hump.

Mr. McGrath stated I do not like the idea of a speed hump or speed bump personally because I have to drive my car over it. That is the only reason I do not like it. I do not need to have a speed bump, and I think a majority of the cars do not need a speed bump. We have a speed gate. We already have a gate. Disney has very large metal gates that come up and down slowly. People run through them, so now they have a much smaller, much faster gate.

Mr. Mihalic stated it looks like ours, but it comes down quickly.

Mr. McGrath stated it is designed so that between every car, that gate is up and down much faster.

Mr. Smith stated just know that you will be replacing that arm on a regular basis and paying a lot more money to operate the gate than to let people through.

Mr. Mihalic stated I disagree. Disney does not want to spend a penny.

Mr. Smith stated Disney has a lot of money.

Mr. Frawley stated the gate arm is not going to come down automatically in our situation.

Mr. Mihalic stated at Disney, as soon as you are past the gate, the arm drops down.

Mr. Frawley stated you are not going to do that here.

Ms. Incandela stated we cannot do that here.

Mr. Frawley stated so you are back to the situation of a guard operating the button to open it and another one to close it. He cannot push one faster than the one he uses now.

Mr. Mihalic stated we could make it so the gate comes down automatically. I would rather spend \$2,000 to put the loop in the ground to close the gate automatically. Then we cannot blame the guard.

A Resident stated I do not think we need a speed hump at the guardhouse.

Ms. Incandela stated I do not like them. My thought has always been that if the rest of the Board members and the community see that there is a need for them and it will do something to improve safety, I will not stand in the way of that. My personal opinion is that speeders will still speed.

Mr. McGrath stated mine, too.

Ms. Incandela stated if it is going to stop one person that might have caused a severe problem, I will not object to it.

Mr. Mihalic stated we have not had a severe problem there yet.

Ms. Palmer stated if we do it properly and put a sign to alert people to the speed hump, people will know it is coming. We had major issues with people speeding down long straightaways, and now we have deterred and diminished the problem.

Mr. Mihalic stated no, we did not; we simply moved the issue to Chapala.

Ms. Palmer stated we diminished an issue. The issue we had was twofold. One was speeding. We realized that we were never going to completely control speeding because there are maniac drivers. The second issue is we felt responsible, as a community, for all the people who are playing basketball at the recreation center and for the kids that are there. We decided to try it in this location. Did it work for that purpose? Yes, it certainly has eliminated a great deal of the problem. It has not eliminated it 100%, and it never will because people are people. Mr. Frawley is correct in his comment that sometimes it is unsafe at the guardhouse. I was not looking at it from the aspect of more cars being stacked up in the lane. I do not think we have a big problem there. I am looking at the person who comes racing up to the gate, and this speed hump might stop him from doing that. He will stop and the guard can wait to open the gate. I believe it is human nature that when the guard sees someone racing to open the gate. We can tell him not to do that. All we want is to let the driver run through it, but he is not going to. He is going to push the button and lift the gate, no matter how many times we tell him not to. If I was there, I would do the same thing because I would be afraid he is going to crash through the gate.

A Resident stated there is a four-way stop sign just after the bridge. Could we not put a sign for people to slow down?

Ms. Palmer stated the real reason people stop at that stop sign is because we all started calling the sheriff repeatedly telling them people are running through the stop sign. So the sheriff will sit there and write tickets. Once people got used to the fact that the stop sign was there and there was a chance the sheriff might be there, they stop. The sheriff might only be there now about once every two months, and there are people who still run the stop sign, but for the most part, most people stop at the stop sign or at least slow down.

Mr. Mihalic stated at 4:30 a.m., they do not stop at the stop sign.

Ms. Palmer stated I am not there at 4:30 a.m., but I am out at 6:00 a.m. and 9:00 or 10:00 p.m., and most people are respectful to each other. They actually even take turns and alternate on letting people through, and there is a lot of traffic there in the morning.

Mr. Mihalic stated on Monday morning, I was the fourth car in line. The first three cars never stopped at the stop sign. I slowed down and stopped, and the person behind me honked at me.

Ms. Palmer stated I have never had that experience.

Mr. Mihalic stated it is the middle of the night and they figure that since no one is around, a stop sign does not mean anything.

Ms. Incandela asked do we want to consider approving an additional \$300 for the speed hump?

Mr. Mihalic stated all that speed hump did was force the speeders to Chapala Drive.

Ms. Palmer stated they speed on Huron Circle, too, but they will speed no matter what because they do not want to wait for the school bus.

Mr. McGrath asked do we need to discuss the speed hump any further?

Ms. Palmer stated I believe in having the speed hump.

Ms. Palmer made a MOTION to authorize staff to proceed with installing a speed hump at the guardhouse, as discussed, in the amount of \$2,350.  
Ms. Pieters seconded the motion.

Ms. Incandela stated we authorized staff at our last meeting to proceed up to \$2,000.

Ms. Palmer stated I can just amend my motion.

Ms. Incandela stated we just need to authorize an additional \$350.

Ms. Palmer stated we need to vote again because not everyone is agreeing on it now.

Ms. Incandela stated we need to vote on whether or not to exceed the \$2,000 we previously approved, by \$350. We have already approved the speed hump up to \$2,000.

Ms. Palmer amended the motion to approve an additional \$350 for the speed hump at the guardhouse.  
Ms. Pieters seconded the amendment.

Upon VOICE VOTE, with all in favor except Mr. McGrath and Mr. Mihalic, approval was given to authorize the additional \$350 cost for the speed hump.

A Resident asked do you need to show that the CDD took some type of appropriate action to try to alleviate speeding and chaos when people are speeding and could hit the building? Would a speed bump have any benefit?

Ms. Palmer stated we just approved it.

The Resident stated I understand that. I am just curious if that will affect your insurance.

Mr. McGrath stated there is probably no payback for that, other than documenting what you are trying to do.

**iii. Landscaping Report**

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

**iv. Aquatic Weed Control Report**

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

Mr. Smith stated they have been spraying heavily, and one of the plants that we have looks like hydrilla, which is under control, but it is a plant called chara and it is off the bank a little and kind of stringy. We are going to leave that because it is beneficial for fish and for the water. It is a type of algae that looks like hydrilla but it is not. You will see that plant that we are trying to promote because of the interest in fishing. It might come to the surface occasionally and you might see it hanging over a mat on the surface because it grows up and mats on the surface.

Mr. Frawley stated it is about 20 feet from the pond edge, and you can see where he has been spraying, but you can also see mounds of something.

Mr. Smith stated that is chara, and it is good for the smaller fish to hide in, but it is also good for water quality. We will leave it. I think everything else is under control.

Mr. McGrath stated I was going to send pictures, but there is a carpet of green as far out as I can see.

Mr. Smith stated that is chara.

Mr. Mihalic stated if you think our ponds look bad, you should see the ones at Disney.

Mr. Smith stated I deal with them a lot, especially in Celebration, and they have the philosophy of not spraying unless they absolutely have to.

Mr. Mihalic stated they are paying the price, too, because the ponds and lakes look terrible.

Mr. Smith stated it is a green thing, and with the DEP regulations coming into effect, at some point we will not be able to spray anything.

Mr. McGrath stated we have discussed grass carp previously. We have armored catfish in there now.

Mr. Smith stated they are everywhere.

Ms. Palmer asked how soon do you think it will be before we cannot spray anything?

Mr. Smith stated I deal with governmental regulations on a daily basis. RCID at Disney is pushing back really hard because their water quality requirements are ridiculous. You cannot get to that water quality because it will be detrimental to the swamp areas and wetlands. We need that kind of brackish water for those areas to thrive. For areas that fall into a wetland, you have to have a certain water quality, so anywhere there is an outfall into a wetland, we have to test our water. If our water quality is too high, such as high phosphate levels, we have to do something in that pond to reduce the phosphate levels. That is generally with alum treatments, and for the big lake, it would be \$25,000 a year.

**v. Flag Pole**

Mr. Smith stated our contractor submitted the permit and talked with the County zoning department, who said the flag pole can be 25 feet high. We had everything we needed. The County asked us for a site drawing of the location from an aerial view, which we provided to them. We received comments from the County that they need an engineered drawing that showed the exact setbacks from the right-of-way.

Ms. Palmer stated I would call Channel 9 and let them know the trouble we are having with Osceola County in getting a flag pole.

Mr. Smith stated we are going back to the County tomorrow, and I have been battling with them for the past two days. Tomorrow we are walking out of there with a permit. Yesterday when I was there, I took the drawing showing the setbacks provided by Hanson Walter. During my meeting, she said it went from 25 feet down to 20 feet. I reminded her that is not what she originally told us, and we already purchased the flag pole and have been waiting for the flag pole. We received it and now we are being told it has to be five feet lower. She talked with her boss, and said all the documentation they have and regulations for Pleasant Hill Road are 20 feet. I said I would try to lower it five feet, probably burying it deeper, but I need to get this complete. They said we could have signs up to 20 feet, and I said I was going to put it on top of the hill, which is another 15 feet since I will put it only 5 feet above the top of the wall. There was more conversation on that, but I did get them to approve the 20-foot flag pole behind the wall. Because we

submitted a request with a 25-foot pole with a stamped certificate to them showing a 25-foot pole, I now have to go back and get a stamped engineer's certificate that shows a 20-foot pole.

Mr. Mihalic asked how much is this costing for engineering?

Mr. Smith stated it is not costing anything. Our contractor is also being very good about it and he is not charging us for the second stamped document we will get. Tomorrow I will go to the County with everything and I will stay there until I have a permit. They keep throwing these little comments, and it makes it almost impossible to do.

Mr. McGrath asked do we know anyone on the Board of County Commissioners?

Ms. Palmer stated yes, Commissioner Brandon Arrington. He is usually pretty accessible.

Ms. Incandela stated anyone who has had to build a house or do an extension or put up a sign and has had to deal with County permitting knows that you give them A, B, C and D, because that is what they asked for, and now they want F, G, H through Z. You come back with all that, and it is a constant game going back and forth like a yo-yo. Finally you pray they will approve it because you do not know what they will do.

Mr. Smith stated the problem is you talk to one person today and it is a different person tomorrow. That person is gone to lunch so you talk to yet a different person, and they are all telling you something different. I told them that I want to talk to the same person that I talked with yesterday, so I have those people identified. I let them know that I was coming back tomorrow and I want the same people. We bought a 25-foot pole and now it can be only 20 feet, so they know I am mad.

Ms. Palmer stated we appreciate all your work on this.

Ms. Incandela stated I agree. Dealing with the permitting department is the most frustrating exercise on the planet. I know Mr. McGrath really appreciates all your efforts.

Mr. Smith stated my staff is too nice on the phone. The only way to get it done is to go down to the County and get in their face. Hopefully that will be complete tomorrow.

Mr. McGrath asked what will the permit cost?

Mr. Smith stated they are minimal, under \$100.

**EIGHTH ORDER OF BUSINESS**

**Submitted Resident Questions and Audience Comments**

Mr. Frawley stated the fan switches are two-way switches in here. In the middle of meetings, we are always waving to get the fans turned on. If they are in the wrong position, they will not turn on. I have been walking down Brighton Lakes Boulevard, and I called Mr. Smith to let him know the garbage cans were full on Chapala since the landscaping company is not here as often to empty those. I noticed that they are full to the top of the opening with little bags that are tied on one end. My guess is it is people picking up after their dogs. We spent the money on them, and they are working.

**NINTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

Mr. McGrath stated there was a maintenance schedule set up for the air conditioning unit for the recreation center and the guardhouse on an annual basis.

Mr. Smith stated that is correct, and my staff is taking care of it.

Ms. Pieters stated one of the lights in the parking lot seems to go on and off.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next order of business followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

The next meeting will be Thursday, March 15, 2012, at 6:00 p.m.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, the meeting adjourned at 7:35 p.m.
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Gary L. Moyer, Secretary

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Michelle Incandela, Chairman