

# 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 20, 2011, 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
Jennifer O'Brian	Attorney: Hopping Green & Sams
Brenda Burgess	Moyer Management Group
Joseph Craig	American Ecosystems
Gerry Frawley	District Staff
Maria Fuentes	Severn Trent Services
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. Samuel Maldonado asked is there a particular time of the year when those lakes are cleaned? There seems to be a lot of trash in them.

Mr. Smith stated Mr. Frawley will notify us when it gets bad, and then one member of my staff comes out and reviews it. Our aquatic contractor will remove some things when they are on site, but it is really not in their contract to do that work, and they will also notify us. When you put out your trash the night before trash pickup and there is a storm that blows through, it will blow into the storm drains and then it will get into the ponds. When you notice that, let us know and I will send one of my staff to remove trash.

Mr. Maldonado stated it is more noticeable on Baykal by the bridge because there has been less rain.

Mr. Frawley stated all the ponds are bad. Some people do not put out their trash in cans but in plastic bags. Birds will come and tear it apart and leave trash all over.

Mr. Smith stated I will have my staff do a trash run the first of next week.

Mr. Nestor Olmo stated we want to thank the CDD for your contribution to the celebration we had over the holidays. I wanted to let you know we have not received anything from the District

Ms. Fuentes stated we issued that check prior to the event so I will check on that. I will check with Ms. Alba Sanchez or Ms. Valerie Golden to be sure they do not already have it.

A Resident stated I do not have any complaints; I think you are doing a great job. One night when I was coming in, I noticed deer coming in by the basketball court and ran across the street right in front of my car. It has only happened one night around 10:30 or 11:00 and they ran back into the woods behind here. Perhaps we could have a deer crossing sign or some sort of warning. This is not a major request, but if it happened to me, it might happen to someone else. We should let people know to slow down in that area.

Mr. McGrath stated this is the first I have heard about deer.

Ms. Palmer stated you will see that happening more and more with the construction pushing them farther away from where they normally are. I used to see them frequently on Poinciana Boulevard. It might be something to include in the next newsletter. There are some places where they cross in Brighton Lakes, but we should let people know there have been sightings and to please be careful when driving, especially at night.

Mr. McGrath asked are you requesting a posted sign? If so, where should it be installed?

Mr. Frawley stated in other States, they go by deer-related accidents as far as locations for signs. I have not seen any deer. If we are only seeing them once in a while, and my sense is we are not seeing them often, then we will not know where to put up signs.

Mr. Mihalic stated another item for the newsletter is speeding. It is getting ridiculous. I have seen people driving 40 to 45 mph over the speed hump. They bounce their car and

refuse to slow down. I walk my dog every day about a mile around the loop, and from the speed hump to the end, it is a race track.

Mr. Olmo stated it seems to work a little, but when I notice people driving 70 mph, I call the non-emergency number. They normally come here within a matter of minutes and people will slow down if they see an officer.

Mr. Mihalic stated that is one time and then they go back to speeding again.

Mr. Olmo stated the only time they slow down is when they receive a ticket.

Mr. Mihalic stated we had another incident where a car was speeding into the median.

Ms. Palmer stated the officer said at the last crime watch meeting that he will report the speeding problem again because there had been a shift change. He will request to get more officers out here on a regular basis.

A Resident stated last week my grandchildren were here over the weekend and I had to rush one of them in the hospital due to the chemicals that were sprayed to kill the grass around the ponds. I called the CDD and they sent me the list of what is sprayed. The label says it is harmful and can cause nausea, vomiting, abdominal pain, increased blood pressure, muscle weakness, muscle spasms, and migraines. My grandson had a swollen tongue. I think we should find some other chemicals.

Ms. Palmer asked did he put something in his mouth?

The Resident stated they were fishing, catch and release. He is nine years old and wiped his face and then broke out in hives.

Ms. Palmer asked what day was this? I am interested in the day it happened in relation to when the lakes were sprayed.

The Resident stated it was five to seven days after the spray.

Ms. Palmer asked did the doctor say it was from the chemicals? Could it have been from the algae in the pond? Lake water sometimes has bacteria, which can also cause a similar reaction.

The Resident stated they are testing him now. He is fine now. The label also says this product may be toxic to fish, and we have fish in these ponds.

Mr. Moyer stated any of the herbicides that are used for aquatic control are toxic in one way or another. If you want the ponds looking nice, it is the price you have to pay.

The Resident asked what does this spray do?

Mr. Moyer stated it kills grass and weeds in the ponds.

Mr. Craig stated everything we use is regulated for aquatic use by the EPA, and it is the same product that is used in Lake Toho, where people go swimming and fishing constantly.

Mr. Moyer stated it is the same chemical we use in Celebration.

Mr. Smith stated the contractor follows all the label rates. To see something like that, it sounds like lake bacteria, which is more harmful than the chemical they are using. It could be several things causing that kind of reaction. If you read the label rating for table salt, it says that it is harmful. The residual from the chemical does not last five to seven days because the label rate would not allow it to last that long.

Ms. Palmer stated I am interested to see what the doctor says once their testing is done to see if it is the chemical or bacteria in the lake. It is the same chemical used in Lake Toho, and people swim in that lake constantly.

Ms. Incandela asked is the warning labels for contact with the product generally for direct contact with the product? My understanding is that once the chemicals are dispersed into the area, they are diluted by virtue of the fact that they are in the water.

Mr. Craig stated that is correct.

Ms. Incandela stated these warnings are for direct contact with the chemical, such as if you would be administering it.

Mr. Smith stated the label rate is for the concentrate if you get it on your skin or swallow it. We dilute it before it is sprayed into the lake, and once it hits the water, it is further diluted.

Ms. Palmer stated the contact sheet is geared to the people handling the chemical who may spill it or get it on their hands and near their face. Is there a separate label rate for when it is diluted?

Mr. Craig stated I do not know but I will check. This is the label rating that is provided by the company who manufactures the chemical.

Mr. McGrath stated it is certainly possible that the medical experts will not be able to find with certainty what caused the reaction. If you receive a report, would you call Mr. Smith so that we can follow up? Just because it is the first time does not mean we might not have a problem.

Ms. Palmer stated please do not think we are saying that we are not interested in looking at the chemical. As Mr. Moyer said, no matter what chemical we use in the ponds, there will be a label similar to this for any chemical we use. I do not know of any

organic chemical. In order to kill the weeds, there has to be some toxin in it, just like what you apply to your lawn. That is why landscape companies put signs on your yard not to come in contact with the grass for a period of time, to allow it to dry.

Mr. Smith stated if her grandson is allergic to certain chemicals and he lives here, we can put you on a list for a “no spray” zone, just like we do for people who are allergic to mosquito control chemicals in other CDDs, and we will not spray that chemical in that area but will find something else to use. If the doctor tells you that he is allergic to that chemical, we will put you on a list and we will notify our aquatic contractor not to spray that chemical near your house.

Ms. Stud stated also having him tested for different kinds of grasses and checking to make sure he did not have any bug bites of any kind.

Mr. Smith stated let us know what you find out. He very well could have been stung by something.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the November 18, 2010, Regular Meeting**

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

On MOTION Mr. McGrath, seconded by Mr. Mihalic, with all in favor, approval was given to the minutes of the November 18, 2010, regular meeting.
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**FIFTH ORDER OF BUSINESS**

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

Mr. Craig stated we provided our first aquatic treatment last month. We have a hydrilla problem and it will take a couple months of treatments since it sat so long without any service, but we will take care of it in the first couple treatments. We are here once a month and we provide an algae call-back service, so please let us know what is going on and we will take care of it.

Mr. Smith stated we discussed the issue of moving the boat from pond to pond, and they do remove any loose growth and throw it back in the pond since it has already been treated for it. But they would have to do a really good pressure washing in order to remove everything down to every seed.

Mr. McCartan stated we have rectified all issues that we have been made aware of.

Mr. McGrath asked does management check in at various hours?

Mr. McCartan stated we were doing it more frequently and I will get that started again. The previous manager has taken a job at the Department of Corrections at Orange County.

Ms. Palmer stated it happens a lot more frequently now that the gate just automatically opens. There is a younger guy and I know he recognizes some people and he will wave to you when you go through. I am fine with that because he sees you five days a week and I know he is paying attention. But some guards will open the gate as soon as the vehicle turns into the lane or they will stop the first car and then let every other car behind through the gate without stopping each car.

Mr. McCartan stated based on the instruction I gave them, this was a compromise with the gate fully coming down but if you want us to do it that way, we will. It is supposed to come down after every vehicle. You do have the scenario where the guard recognizes a resident and where there is a queue and they can see the decal. I still told them that they need to stop every vehicle so that everyone knows we are looking and checking every vehicle.

Ms. Palmer stated I was your biggest defender before but not anymore because it is not happening.

Mr. McCartan asked is it a specific officer?

Ms. Palmer stated one is not there as much anymore. I do not see the younger person doing it as much and he is very attentive.

Ms. Incandela stated he makes eye contact with everyone.

Mr. Mihalic stated he always has a smile and he is very pleasant.

Mr. McGrath stated yes, he is.

Ms. Palmer stated he looks to make sure you have your decal but he also looks behind to be sure you have a license plate.

Ms. Incandela stated he may be the least intimidating, but he is the most attentive.

Mr. Mihalic stated he opens the screen door and looks out, whereas the rest stay behind the door.

Mr. McCartan stated we put in the screen for the high bug season, and there is no reason for it be closed at this time. Until the bugs become an issue, I prefer they keep it open.

Ms. Palmer stated I do not mind for a safety issue but they should be visible during peak hours.

Mr. McCartan stated the new guard is Gary. There is also a new one who started this week.

Ms. Palmer stated he just lets it go up.

Mr. Mihalic asked have we addressed the cleaning situation in the guardhouse?

Mr. McCartan stated yes, there should not be a food waste issue because there are plenty of trash receptacles. There should not be anyone smoking in there, either, and if there is, I would like to know so that I can address it.

Mr. Smith stated my staff will repaint it, redo the cabinets and make some changes to computers to lock them down. I would like to get a larger screen monitor and box it behind Plexiglas. As there is employee turnover, some will pull out cords or use the keyboard. They do not need to get on the computer at all but just look at the screen. We will set it up to view from our office and we can check from our computer to know that it is operating. Sometimes they may come in and the computer is not working but we are not notified, so we want to be able to check it every day. We want to rehab the inside because it is looking tired, and we will freshen up the outside as well over the next few weeks.

Mr. Smith stated Mr. Keith Carrarini from Weber is not available for tonight's meeting. Two trees were installed from the accidents but they are too small, which they acknowledged. They have been removed and we will have sizes that are a little closer to what we have out there. I do not want them too large because they do not establish as well and they can tip over because of the narrow space where they are planted. I did not check the trees today, but all the cedars were installed this week on Patrician Circle. We will wait until spring to prune the dead plant material, in case we get another freeze, and at that time, we will also start sod replacement.

Ms. Palmer stated on Brighton Lakes Boulevard, it seems like there is more moss on the trees and it seems to be choking the life out. Can they pull the moss off? Is it my imagination or is the moss having an unhealthy effect on them?

Mr. Smith stated generally moss is not detrimental to the trees. Aesthetically, it does not look as nice as having a clean tree. That is not part of their scope, but I can ask them for a proposal or see if we can work something out.

Mr. McGrath asked are you satisfied with where they are as far as keeping current?

Mr. Smith stated I think they are doing a pretty good job. They are keeping the weeds down on the berms behind Patrician and Kariba, which have notoriously been problem

areas. They are doing a good job mowing and edging. Soon they will have fertilization for sod, trees and shrubs and pest control to accomplish in February and March.

Mr. Mihalic asked what about trash pickup? I saw emails on this issue last week, whether it is daily or weekly. Is that back to a daily schedule?

Mr. Smith stated they are supposed to be inspecting it daily and doing trash pickup. It has always been a burden.

Mr. Mihalic stated this community is crazy with trash.

Ms. Palmer stated it is everywhere.

## **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 we have collected 81% of the non-ad valorem assessments through December 31, 2010, which is admirable. On the operation and maintenance expenses, we are at budget or under budget.

Mr. McGrath stated on page 7, the notes to financial statement, November electricity was 10% higher.

Ms. Fuentes stated I spoke to accounts payable, and they emailed this issue to KUA to give us an explanation for the variances for those months. When they respond, we will forward it to all of you.

Mr. Mihalic stated water was high, too, but that is because we were using so much that we could not get water out of the ponds. The next time that happens, we need to react faster because we spent a lot of money on water that we should not have spent.

Mr. Smith stated it is a matter of getting the pump repaired because we are at the mercy of the person fixing it. Mr. Russ Simmons comes out here immediately, but trying to get all the repair people to do what we want them to efficiently can be difficult.

Ms. Palmer asked is it an irrigation meter when we go to City water?

Mr. Smith stated yes.

Mr. Mihalic stated I also realize coincidentally it happened to be at the same time as when we just installed the new sod

Mr. Frawley stated there was a change in some of the plumbing for some of those pumps. The pipe where we get the water from out of the pond was not very far in, and

so they pushed it out farther and made a T across it to sink it in, so that might help with the water draw.

**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 were 55 pages of bills just for Century Link for telephone, wires and computers, which is for two months.

Mr. Mihalic stated all the charges for Century Link, they all seem to be within pennies of each other, but we have four accounts--\$87, \$174, \$174, and \$189. Why are those four higher? I thought all our services were the same.

Ms. Fuentes stated we have not changed anything.

Mr. Mihalic stated then look into it because those four should not be that far out of line with the others. Did you ever get a response from Embarq?

Ms. Fuentes stated we called them, and they are willing to pay for half of the cost for the repairs.

Mr. Mihalic stated they should not be charging us for the service for the time it was down because it was their problem.

Ms. Fuentes stated they are looking into it. Once they made the repair and whatever ACT charges us, Embarq will pay half and they will not charge us for the week the computer was down.

Ms. Palmer stated Mr. Olmo, the check for the HOA was cut December 16, 2010, check #4119, so it probably went to Ms. Sanchez.

Mr. Mihalic stated there are three FedEx charges where you are sending things back and forth to Coral Springs. Is that something that can be sent electronically rather than FedEx? It is not a lot of money but it adds up over the course of a year.

Ms. Burgess stated one is to send the meeting file back and forth.

Ms. Fuentes stated I will look into the other two and let you know.

Mr. Mihalic stated I notice that you are buying supplies for the recreation center. Do your other Districts need these items, as well? Is that something you can buy a large quantity at one time or bid it so we can get better prices?

Mr. Moyer stated we do not have a place to store it.

Ms. Incandela stated for the items we need, such as toilet paper, you can buy them in bulk at BJ's, and they probably are buying them in larger quantities.

Ms. Fuentes stated we purchase large cases from Staples and we get a big discount.

Mr. Mihalic stated you can also check BJ's and Sam's Club.

Mr. Smith stated when I buy something in bulk, it has a tendency to disappear, especially if I store it on site. This way we can manage the quantities that we are buying.

Ms. Fuentes stated we also have an account at Staples for the District to avoid paying sales tax. If we purchase supplies elsewhere, we will have to pay sales tax.

Mr. McGrath stated there was an invoice for Febreze.

Mr. Smith stated that is for the plug ins that we buy for the fitness room. Home Depot's price is \$.50 more than Walmart but we do not have an account at Walmart.

Mr. McGrath stated I thought it was the spray. That is fine then.

Mr. Frawley stated pages 75 and 77, there is an invoice for quarterly preventive maintenance of \$200 for the exercise equipment but we also have a bi-monthly preventive maintenance invoice one month later for \$198. If we are paying bi-monthly for preventive maintenance, why are we also paying for it quarterly?

Ms. Fuentes stated we have a quarterly maintenance agreement with them, but if the equipment breaks down, we have to call them in. That is the additional invoice.

Mr. Frawley stated that is not what the invoice says. It says bi-monthly service on one and quarterly service on the other.

Mr. Smith stated we used to pay on a quarterly basis but we moved it to bi-monthly preventive service because we were having too many issues with the equipment.

Ms. Fuentes stated we will now get monthly invoices instead of quarterly.

Mr. McGrath asked what about the ball hitch?

Mr. Smith stated that was for a trailer hitch. My staff removes all the trash that is left from people's homes. When they came out with the trailer, they needed to purchase a ball for the trailer. We do not bill for our time to haul all the trash away so I told them to purchase the ball on the CDD's account at Home Depot. We are doing that on a weekly basis and it takes the better part of a day.

Mr. McGrath stated it is a great thing for the community.

Ms. Palmer stated we appreciate it.

Ms. Pieters stated we voted \$500 for the HOA holiday party but when we met with them at the meeting, we discussed that we were going to pay \$275 because their expenses were not that high since they received a lot of donations.

Ms. Palmer stated Mr. Olmo had the impression that we were donating \$500 and he would get whatever was left from the decorations, but we donated \$500 just for the Christmas party. If they did not use all of it, we still donated \$500. It is a commitment we made and I think we stay with \$500.

Mr. McGrath stated I thought Ms. Pieters volunteered to be part of the working group and to determine how much to donate, up to \$500.

Ms. Incandela stated the Board approved \$500 and my recollection was that Ms. Pieters was going to participate to see what events the money was geared toward. I want to remind everyone that an issue that the Board has ruled on, there can be no communication to other Board members following the meeting by telephone, electronically or otherwise.

Mr. McGrath stated I apologize for that.

Ms. Incandela stated we cannot address these things until a subsequent meeting. Regarding the \$500, with the relationship we have with HOA, the full amount should go as a contribution for their event. There will be other things in the community that they will be doing to better this community, and I do not want to hinder that relationship in anyway over \$100. I think we were very conservative in the amount we donated, and I am proud of them for making those outreaches for the community and for holding events to foster relationships in this community. I think we leave it as is and avoid any confusion as to the specific amounts and what they were for.

Mr. Moyer stated the minutes from the November meeting state “Ms. Incandela asked are we going to give Ms. Pieters the authority to oversee the \$500 at the workshop? Mr. Mihalic stated I propose that we donate \$500 and let them spend it as they see fit. On motion by Ms. Incandela, seconded by Ms. Palmer, with all in favor except Mr. McGrath, approval was given to donate \$500 to the HOA for the community holiday party.”

Mr. Mihalic stated there were no contingencies on it.

Mr. Olmo stated I am doing a small presentation on where and how the money was spent at the next HOA meeting and I can provide my expense report so you know where that money went.

Mr. Moyer stated that would be good for our records for an audit trail.

Ms. Palmer stated I was not at the event but from what I understand, it was a huge success. Perhaps if we can have events and community gatherings, maybe we will have less trash on the road and people will have more pride in the community. It makes you

feel like you are a bigger part of something important. The events cost money but they are important. Perhaps sometime we can have a block party at the community center where we all go out and pick up trash in the community and then return for a potluck at the community center. A lot of communities do things like that and it does not cost anything except for what each person brings as their food contribution. It builds pride in the community. The more of that we can do with the HOA, the better it is for our community.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, approval was given to the check register.

### **C. Discussion of Action Item List**

Mr. Moyer 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.

Mr. Smith stated we distributed a revised action item list and filled it in, and everything on there is complete.

Mr. Mihalic stated I know we purchased some new Christmas decorations this year, but it seems like last year we had a lot of icicle lights. What happened to those because they were not out this year?

Mr. Smith stated they are in a container where we are storing them in Celebration.

Mr. Mihalic asked why did we not use them this year?

Mr. Smith stated my electrician got creative and wanted to do something different. Some of them were broken and we still have the ones that are not working. Rather than replacing them with new lights, we went a different route. Some were still usable and we used some on the clubhouse, where we did not have any here last year.

Ms. Incandela stated the icicle lights look like a lot up front, but they notoriously go out in sections.

Ms. Palmer stated the lights looked beautiful.

Mr. Mihalic stated it looked very good

Mr. Smith stated that is one of the reasons we went with different lights. Every time a string of lights goes out, Mr. Frawley calls us, so I have to send the electrician out to fix a string of Christmas lights.

Ms. Palmer stated they looked better this year than any other year, very classy.

Mr. Smith stated we have them all boxed and sealed and stored in a container specifically for Brighton Lakes.

Ms. Palmer stated I would like to do the clubhouse earlier. It looked nice to have it done along with the front lights because it adds something inside the neighborhood.

Mr. Smith stated we will have the attendant do the clubhouse.

Ms. Fuentes stated we received requests from neighboring communities to do their lights because these looked so good.

A Resident asked since you have extra lights, could you put them on the bridge? It is something to think about.

Mr. McGrath asked do we have electrical outlets in that area?

Mr. Smith stated I take three guys and send them here for one day to do the lights. If anything else needs to get done, I am more than happy to do it, but I cannot have them working on it for four days, which is what they did this year. I told them going forward that they will have only one day and they will do their best in that one day. If you want more, then I need to be reimbursed because I have other communities to take care of, and these guys are busy.

Mr. Smith stated the attendant can start earlier on the clubhouse, and if there are extra lights, he can look for places to put them.

Mr. McGrath stated the dates on the action item list should not be January 10, 2011; they should be dated November 18, 2010. That is when the action was supposed to be started with these items.

Mr. Mihalic stated one of the items was the air conditioner filter was very dirty and did not allow air to move through. Is that something that should be checked on a regular basis?

Mr. Smith stated Joey used to do that, and I forgot to tell Geinor to do that on a regular basis.

Ms. Palmer asked how is it going with the new staff member?

Mr. Smith stated it is going very well.

Ms. Fuentes stated the part-time employee is also very nice and he is working out.

Ms. Palmer stated I have noticed a big difference in that, the former employee was in and out of this room constantly during all of our meetings, but that is not happening with our new attendant. He is out and working around the site, and it is nice to see.

Mr. McGrath stated I noticed we had drug testing for the new employees, which is a good idea.

Ms. Fuentes stated we split the cost between VillaSol CDD and Brighton Lakes CDD.

## **SEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Ms. O'Brian stated at the last meeting, the Board asked about the liability if employees are certified in CPR whether they have to administer CPR or if they can opt out. Under case law, people who are certified in CPR do have the option not to administer CPR within their discretion, so there should not be any liability. To the extent they do administer CPR, they are expected to perform CPR in accordance with normal standard of reasonable care. With respect to liability on the basketball court where someone is on the basketball court without permission, under typical State tort law, that person is considered a trespasser, and the District is liable only if there was a defect on the court about which they did not know. If the District knows about a defect, you are liable to a trespasser for that. The situation will vary on a case-by-case basis so I do not want to say this will be the case in all instances, but that is the standard level of care that is expected. I want to bring to the Board's attention new developments in the Americans with Disabilities Act (ADA). The ADA recently made some changes and as a result, the Department of Justice adopted standards for acceptable design. Most of these new standards do not apply to existing facilities. However, because the District has a pool and exercise equipment, those are two items that must be brought into compliance with the new standards by March 2012. I do not have all the information in front of me, but for example, the pool will need at least two entrances that are handicapped accessible, either by virtue of having a lift or a sloped entry. We are reviewing the specifications and we will send a memo to Mr. Moyer as soon as we can. That will be something we need to consider in the very near future.

Mr. Mihalic asked is that into the physical pool or the pool area?

Ms. O'Brian stated my understanding is that it is into the physical pool, but we are still reviewing the specifications at this point and I do not want to give you any wrong information.

#### **B. Engineer**

Mr. Smith stated for budgeting and reserve fund purposes, I did a drive through on the roads in the community. The roads are in excellent condition overall, and I think we

are in good shape for a while. I received some quantities from the engineer to give you a general idea what it will cost to pave the roads. I think we have another five years where we can do minor repairs where we are losing some asphalt. We have some rippling, which is not unusual or abnormal; it is when water gets between the base and the asphalt.

Mr. Mihalic asked with the rippling, is there a sealer or something we can lay on that so we do not get water under the asphalt?

Mr. Smith stated no, you would have to mill and overlay, but we can do just one section, and that will not cost very much. We do not need to address this right now. The County considers that an acceptable condition of the road because asphalt does that, and it is not that bad. It needs to be quite a bit worse before we need to mill and overlay. Where the asphalt actually pops up, then you need to address it.

Ms. Palmer asked what will our reserve balance be at the end of this year?

Mr. Moyer stated last year it was \$87,000, and we will add \$75,000 plus the contingency of about \$12,000, so it will be close to \$180,000. In five years, you will be pretty close to the proposal number for the older roads.

Ms. Palmer asked in your opinion, will the roads need a complete milling or will they need an overlay? Sometimes you can fill the cracks and just do a new overlay.

Mr. Smith stated you are talking about a sealant. We would need to mill and overlay to do it right. We do not need to seal these roads. The roads in the back will last 10 years. The only place we need to address within five years is Brighton Lakes Boulevard from the bridge to the front and maybe a couple locations back here.

Mr. Moyer stated I think you are in good shape. I do not think anyone wants to do a seal coating.

Mr. Mihalic stated in Colorado, they had machines that heated it, melted it and laid it back down so they basically used the same asphalt that was there, just regenerated it, and it looked beautiful.

Ms. Palmer stated that is what they just did on Palm Parkway. For the benefit of the public, to do the whole community in today's dollars, it will cost \$823,000. It is a lot of money, but if we are considering doing only some of the roadways in five years, then we need about \$500,000.

Ms. Incandela stated what concerns me is if the cost now is \$823,000, the cost will increase over five years. I know it does not all need to be done at the same time, but I am

uncomfortable with how far off we are from the reserves. If we allocate all the reserves to the roads, then we have no reserves left for anything else.

Ms. Palmer stated if we add \$85,000 each year for the next five years, we will have \$595,000.

Mr. McGrath asked would you venture a guess what the annual increase would be?

Mr. Smith stated it depends on oil prices.

Mr. Moyer stated usually when you get back into an inflation environment, the interest on the monies that are invested will similarly increase. These are raw numbers, not considering interest or inflation.

Mr. McGrath stated there is no expectation that we will do everything all at one time. I think it is manageable.

Mr. Smith stated the drainage on the roadways is very good. You will not see a lot of puddling which really deteriorates the roads.

### **C. Field Operations**

#### **i. Monthly Highlight 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.

#### **D. Community Report – Gerry Frawley**

Mr. Smith stated we emailed an updated action list on Mr. Frawley's items, and they have all been completed.

Mr. Frawley stated I appreciated receiving a response to my action list, so please continue to do that. I asked a different question than was answered. I asked about trees getting run over and requested an update. I knew we were putting them up, so that issue was answered. I wanted to know how we were doing getting the money back. All this says is that you put in a claim. That does not mean we get the money.

Ms. Fuentes stated once we submit a claim, then we create an invoice and send it to the insurance company, and then we will be reimbursed.

Mr. Frawley asked have there been any claims that we did not get reimbursed?

Ms. Fuentes stated there was one that we mailed to the resident three times and we never collected it, but we did collect money from the insurance company a while back. We will pursue the two that we have. We have the driver's information on the car that flipped over that the sheriff provided to us.

Mr. Smith stated we will begin to provide incident report in the agenda package. Ms. Maegan Powers will track these incidents, and she has it under control.

Mr. Frawley stated my position has been that I do not care how big of a tree they knock down, I want that same size put back. I know bigger trees cost more money. If we are not getting the money back, then we should not get as big of a tree if we have to pay for it.

Ms. Palmer stated insurance companies are pretty good about doing that if there is a police report on the accident.

Mr. Smith stated sometimes the insurance company will give you a push back on the size of the trees, and they will go by your original drawings. I try to follow that and get a similar size tree that was damaged, but it goes to the health of the tree and whether or not it will survive. A smaller tree will become a better tree.

Mr. Frawley stated that is why I try to give you pictures.

Ms. Fuentes stated those pictures are very helpful because we attach them to our invoice that we send to the insurance company.

Mr. Frawley stated I check in at the clubhouse a lot, usually it is when the attendant is not here. I have never seen the new person, and I do not know who he is or his name. I would like to introduce myself to him.

Ms. Fuentes stated Mr. Hector Coloma and he covers the clubhouse every other weekend and on Mondays.

Mr. Frawley stated there is an item listed as crime watch/HOA issue. It is no more an HOA issue than it is for the CDD; it is really both relative to posting signs for the crime watch meetings.

Mr. Mihalic stated Mr. Frawley went to some expense making some wood signs to go over our current one, and I guess one has still not been returned to him. Now you are going to start doing the signs again. Since he started putting out big, wood signs with big letters, we have had more people at our meetings than before he did that. I would like to see the big signs continue.

Ms. Palmer asked who said they are taking down the big signs?

Mr. Frawley stated I did. Two months ago, the sign disappeared. It took me hours and many phone calls to find out it was in the recreation center, so I had to make a trip up here to get the signs. For this past crime watch meeting, your staff took my sign down, which is taped with duct tape, to fix the Plexiglas that is underneath. The meeting had not occurred but they decided on their own to take it down. I do not know why they did not just put it back. I was in Punta Gorda and I was getting calls from residents that the sign

was missing and the meeting has not yet occurred and there is something going on. I finally got in contact with Ms. Fuentes, who explained they took the sign down to fix the Plexiglas. They just needed to put the sign back and to date, I still do not have the sign. It takes me an hour to prepare the signs, and they may not look good, but they are big. We should figure out the size that fits in there and go to a print shop to have some signs printed to put on the inside of the reader boards.

Ms. Palmer stated it costs \$35 for that size sign. I have them made for the hotel all the time. We just need to do a flier on the computer, email it to the company and have them make the sign. Perhaps the attendant can put it up a week before the meeting.

Ms. Fuentes stated I already talked to him, and he is willing to do that.

Mr. Frawley stated or we can get larger letters and skip this altogether.

Ms. Fuentes stated as I explained to you in my email, 4-inch letters are a great idea but they will not fit the board we have.

Ms. Palmer stated we can do a two-sided sign, one for HOA and one for CDD. All it needs to say is "CDD meeting this Thursday" and you put it up a week before. You can do the same for HOA meeting or crime watch meetings.

Mr. Mihalic stated a year and a half ago, we asked Mr. Frawley to do the signs because Severn Trent was not doing them in a timely manner. They would put it up the morning of the meeting, so we asked Mr. Frawley to do it, which he did well in advance. Why is it being switched back to Severn Trent? Will you do it a week ahead of time?

Mr. Smith stated we had a full-time attendant back when we were doing it. We will do whatever it takes to make it work.

Mr. Frawley stated I do not mind doing the larger sign. That is not the issue. Rather than taking it out all the time, just store it until it needs to be put out again.

Ms. Palmer stated then you cannot put anything on the other side.

Mr. Frawley stated the other side has the two-inch letters that will not even stay up because all the letters fall off.

Ms. Palmer stated Mr. Frawley is fed up doing the signs and I understand that. I appreciate him doing it because it worked. Let us get a sign done for \$35 and have the attendant put it up six days before the meeting. Mr. Olmo may want a similar one for the HOA meetings with the same generic wording. Then the attendant will put it up about a week in advance, take the sign down after the meeting, and Mr. Frawley does not have to worry about it. The attendant has a calendar for these meetings.

Mr. Frawley stated Weber's contract requires them to pick up trash on a daily basis. This time of the year, they are not here that often, and I can see that. He has communicated to me that they are doing it weekly, and that is not acceptable to me. We have too much trash here, and that is why the community chose to pay someone to pick it up, but they are not doing it. I am not happy with the status quo.

Mr. Smith stated that is not the status quo. Mr. Carrarini is new and the previous supervisor was an area manager who oversees dozens of projects and was just filling in. Mr. Carrarini is trying and he is responsive. He understands the contract. I think that will get better. I am giving him some time to learn the community, but we will be fine.

#### **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. Mihalic stated I have the impression, after reading emails over the past few days, that we are now on a track of some things get done over the course of two months but there is a mad rush right before the meeting to get everything done and tidied up, just like it was every four weeks when we had monthly meetings but now it is every two months. Can we spread things out so that they are done constantly throughout the whole period, rather than a mad rush right before our meeting? It does not look like we are paying attention.

Mr. Smith stated that is completely incorrect.

Mr. Mihalic stated but that is how it appears. Mr. Frawley copies us all on his questions that he sends to your office.

Mr. Smith stated before Christmas, my staff was putting up Christmas decorations and then they had to take them down again.

Mr. Mihalic stated I am not talking just this time; it has been this way for quite a while.

Mr. Smith stated I will make a list of all the things we do and all the things we do not bill for. My staff is here constantly, even to just pick up trash. I do not bill labor for everything we do in Brighton Lakes.

Mr. Mihalic stated I am talking about just responding to Mr. Frawley's emails asking questions about things that are not getting done.

Mr. Smith stated we receive them before the Board meeting, so we answer them before the Board meeting.

Ms. Fuentes stated I respond to all his emails. If I do not know the answer at the time, I say we will look into it. We have been very responsive to Mr. Frawley's emails.

Ms. Incandela stated I see a lot of communication going back and forth. I would be concerned if there was a lack of communication or response on their part. It may look as though they are getting done last minute, but I have not seen that. I have seen more communication and it may look as though things are getting done last minute. If we have meetings every eight weeks, and I am sitting here eight weeks later and know that everything that was supposed to get done within that eight weeks is done, I do not care if it was done two weeks ago or four weeks ago as long as we are maintaining that standard. I think they are. I do not think the complaint is that you wanted it done at the beginning of the first of the month but it is not done until the end of the second month. I do not see a lot of specific issues being problematic doing it in that timeframe.

Ms. Palmer stated I call Ms. Fuentes at least once a week and let her know things I see, like a broken sprinkler head, and they are resolved very quickly, often the next day. From my personal experience, I get a response on it and it gets taken care of right away. None of the rest of you sees it because I cannot copy you on the emails that I send.

Mr. Smith stated you might get that perception because right now, because my staff is scheduled out a month and a half in advance. I have everything written out that they are supposed to do every day. Any work efforts I get from this meeting go to the end of that schedule. Granted, there are some things that are scheduled out a ways, but there are things already on their schedule to do. In fact, they will be out here tomorrow to perform work that has been scheduled that has nothing to do with anyone's list but are things that my staff and I have seen. Every time the irrigation pumps go down, Mr. Simmons is out here. Things are getting done that the Board has no idea what we are doing unless we write a list of everything we do and provide it to the Board on a daily basis.

Ms. Palmer stated that is your job. I do not need to know about the daily details. That is why we have a management company. That stuff gets taken care of, and I do not have to worry about it unless there is a problem.

Mr. Mihalic stated I agree

Mr. Smith stated the idea that everything is getting done right before the meeting is not correct.

Ms. Incandela stated it appears that way because of when the responses are coming in closer to the meeting date. You might not respond to it until right before the meeting because you are waiting to be sure that is the most current response.

Ms. Fuentes stated I send emails all the times. Our attendant sends and receives faxes on a daily basis. He is reporting every issue that he sees. Communication has been outstanding with everyone: the Board members, the attendants and our vendors.

Ms. Incandela stated I recognize that we are a demanding Board when it comes to updates and communications and being involved in terms of operations, perhaps more than we should. It is good to have that level of interest in the community, and we realize it takes a lot of time to prepare the responses, as well. I am glad you are doing what needs to be done instead of making sure you have a report done. I recognize—as does the rest of the Board—that there is a lot you do that is above and beyond that you do not list, and we appreciate it I also know it takes a lot of time to take care of everything and respond to us and, we are very happy with the level of communication and what you do.

Mr. McGrath stated a lot of it is image. The bumpers by the guardhouse were knocked over at the time of the last meeting, and they are all up today.

Mr. Moyer stated someone took three of them out already, three in a row.

Ms. Palmer stated Ms. Powers has caught on very well. She is very responsive whenever I call. She is very pleasant to deal with on the phone. She will joke around with me, just like the repaire I have with everyone, and she does not miss a beat. She is a good fit in that office and I enjoy my interactions with her.

**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 17, 2011, at 6:00 p.m.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, 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