

# 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, March 15, 2012, at 6:00 p.m. at the Brighton Lakes Clubhouse, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present were:

|                 |               |
|-----------------|---------------|
| Tom Mihalic     | Vice Chairman |
| John McGrath    | 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                  |
| Brian Smith                         | Severn Trent Services                |
| Residents and members of the public |                                      |

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

### FIRST ORDER OF BUSINESS

#### Call to Order and Roll Call

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

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

### SECOND ORDER OF BUSINESS

#### Pledge of Allegiance

Mr. McGrath led the *Pledge of Allegiance*.

### THIRD ORDER OF BUSINESS

#### Audience Comments

Mr. McGrath asked has everyone heard about the problem with people stealing air conditioners? We received an alert from the sheriff that people are stealing them at night. We need to find some way to communicate that information, either through the sign out front or some other means.

Mr. Gerry Frawley stated Brighton Lakes Boulevard has a lot of fire ants, and the mounds are getting knee high in places.

Mr. Hirschfelder stated we spray every time we are on site, and I sprayed again today along Brighton Lakes Boulevard. I can treat them in one location, and they simply move to another one.

Mr. Frawley stated last summer, there were a lot of non-residents here enjoying our pool and facilities, getting in here through any means they could. I expect this summer will be no different. That is just something for you to think about.

Mr. Nestor Olmo stated I wanted to find out about the assessment that we received for the roadways.

Mr. McGrath stated those funds are collected and put into a roadway reserve.

Mr. Olmo asked is that money being put into a savings account or a certificate of deposit?

Mr. Moyer stated yes.

Mr. Mihalic stated that is an ongoing issue every year.

#### **FOURTH ORDER OF BUSINESS**

#### **Approval of Minutes of the January 19, 2012, Regular Meeting**

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

|   |
|---|
| On MOTION by Mr. McGrath, seconded by Ms. Pieters, with all in favor, unanimous approval was given to the minutes of the January 19, 2012, regular meeting. |
|---|

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

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

##### **A. Landscaping**

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

Mr. Hirschfelder stated we treat for fire ants each time we are here. The mowing crew members each have a five-pound bag of Amdro with them, and they treat the mounds as they see them. I went out today and saw a lot of mounds on Brighton Lakes Boulevard. I was here on Monday and treated some at that time, and I saw new mounds today that I treated. Irrigation inspections were done throughout the month, and one additional inspection was completed at the beginning of this week that is not included on my report. Horticultural services were provided. Turf fertilization was completed today. On Monday and Tuesday next week, we will be doing the shrub fertilization. We have retreated all the shrubs for fungus and insect control. There are some areas that have had some insect damage, not indigenous to Florida and are very hard to get rid of. We treated the shrubs three times over the course of three weeks, and we are hoping that will eradicate them. The drainage swale south of Chapala Drive has been bushhogged and cleaned up. All the

declining landscape material at the front entrance has been removed and the sod and new landscaping was installed prior to the January meeting. Mulching beds throughout the community have been completed. Oak trees have been lifted, which we perform every time we are on site. Oleanders are in process for some hard pruning, and we have a little more to go with those. One of the issues we had with crepe myrtles is taking off the seed pods, which Mr. Smith and I discussed previously. Some of our trimming crews got a little over zealous and when they got to a certain point, they stopped. There are three crepe myrtles that we have not gotten to yet, but I believe a home owner did because they are butchered beyond belief. I would never trim a tree like that. They took off about an inch to an inch-and-a-half of wood, so they are in pretty bad shape. Two weeks ago, I overseeded some of the areas on the berms with Bahia and raked it in. I reapplied some today and re-raked the areas. I have not seen much of it coming in yet, but hopefully when we get some rain, it will start growing in. We are doing a lot better seasonally this year than we were last year.

Mr. McGrath stated related to the butchering of the crepe myrtles, in the event those trees do not make it, please let us know.

Mr. Smith stated they will be fine, but they will look a lot different from the rest of the trees for quite some time. I will talk to that home owner to see what they know. I drove by there and it looks like they may have a service perform some of their work. I am wondering if their service came in and decided to prune the trees since they are next to the house. I will contact them to let them know they cannot prune those trees. Some people do cut them down that far, and that is the normal practice to cut them way back like that.

Mr. McGrath stated there is a location on Brighton Lakes Boulevard on the other side of the guardhouse that when the irrigation system comes on about 10:30 p.m., there is quite a bit going on the concrete road instead of on the grass.

Mr. Hirschfelder stated I know the location you are referring to, and it is perimeter rotors. We are trying to water a circle since it is on a corner and it has to overlap to get all the areas. Otherwise, there is not enough pressure to add any more heads in that area.

Mr. McGrath stated then that is fine.

## **B. Security**

Mr. Smith stated Mr. Paul McCartan was not able to attend tonight's meeting.

Mr. McGrath stated I saw the information he provided to hand out to people. I do not see any way we can improve on it.

Mr. Smith stated we received a call from the sheriff's department to check the cameras, so Ms. Maria Fuentes is going to be here in the morning to download that information to see what we can find. They think they know what the vehicle looks like.

Mr. McGrath stated it is a light blue SUV of something similar.

Mr. Mihalic asked is that regarding the air conditioners?

Mr. Smith stated yes.

## **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 January 31, 2012, we have collected 88% of our non-ad valorem assessment levy.

Mr. Mihalic asked is that normal for this time of year?

Mr. Moyer stated last year at this time, we were 83% collected, so we are a little ahead. In terms of budget itself, we are under budget on all of our operating categories. Related to Mr. Olmo's question on the reserves, page 1 of the report shows a list of the reserves that the Board established and the dollar amounts. Unassigned has a balance of \$722,000, which is not really a reserve since it includes all of the revenues we collected that we will use for operations for the rest of the fiscal year. That is not a fund that will sit unused but is a discretionary fund for the Board to spend as they choose.

Mr. McGrath stated I want to say thank you to staff. We had over \$500,000 in the checking account, and in February, Severn Trent started moving much of that into interest-bearing accounts. So the money we are collecting is starting to earn money for us, which is still within a safe range.

Mr. Moyer stated the gentleman at Severn Trent who oversees this does a really good job at shopping these rates.

Mr. Mihalic stated right now, there is not a lot of shopping that can be done. These rates are just so low.

#### **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.

On MOTION by Mr. Mihalic, seconded by Mr. McGrath, with all in favor, unanimous approval was given to the check register, as presented.

**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 am still surprised there are so many people using Windows ME.

Mr. McGrath stated with all that we have for residents, the single greatest inquiry we had was for the tennis courts. I would not have thought that they wanted to know about tennis more than anything else we had. It is interesting information.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being nothing to report, the next item followed.

**B. Engineer**

Mr. Smith stated the placement of the speed hump at the guardhouse is still pending. We expect to receive County approval this week. As soon as we receive it, I will call the engineer and determine the best location on where to place it that will stage the cars the best. This is the only project where we will be using the engineer for now.

**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.

Mr. McGrath stated servicing the air conditioners was shown on this list. Has that been taken care of?

Mr. Smith stated yes, and it has been included in the budget for annual service.

Mr. McGrath stated KUA has a list of their preferred providers that I will provide to you. If it has already been accomplished, that is fine. It may be that these providers offer a certain percentage discount if you are a member.

**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.

**v. ADA Compliance Report**

Mr. Smith stated we have completed all of the items that we are able to do, including installing the handicapped ramp to the play area, removing the spring-loaded equipment from this area, installing a strip of concrete to the basketball court that needs to be repaired since someone stepped on it, and grinding the appropriate sidewalk areas. We are waiting for the drinking fountain to come in. We were looking everywhere for accessible drinking fountains, but the problem is, they are so expensive, \$2,500 for a drinking fountain. What I want to do is find a compliant bowl and lever for the drinking fountain and then build our own so that you can get a wheelchair under it. We will have galvanized pipe and will put it on 4 x 4 boards so that it is compliant. I understand that we can do that, as long as it measures properly and the lever is easily operated.

Mr. McGrath asked that will be a rot-resistant design?

Mr. Smith stated yes. Once we complete that one item, then we are complete. The only other item we have is the lift for the pool, which I am researching. We received a proposal from RGA for the installation of the lift, but what he sent was a proposal to oversee it. He will send out the proposals and oversee the project for \$3,500. This is pretty easy, so I am talking to some people in Celebration and other places. There are HOAs that are moving toward compliance since they think this will soon be applicable to them, as well. There is one person I have contacted who is attending these ADA classes and specialty classes. I am going to get information from him on what we actually need. We are researching pieces of equipment. I do have some information that I will distribute. We do not know if this will work, but it is a transfer system. In reading Section 1009.5, Florida Statutes, it is our understanding of ADA compliance that we can do a transfer system, which is not a lift. It is a set of modular steps and you install them on concrete. You just select the one that fits your pool. They are easily designed and easily installed, so it would be a fairly inexpensive option. I talked with this gentleman today, and he said it looks like they are leaning toward an actual lift. We can purchase a lift and run all the power ourselves. The only thing that will be a cost to the District is the equipment. We are getting prices and researching this a little further to see if we can do the transfer system

Mr. Mihalic stated we understood the deadline for compliance was March 31, 2012, and at the January meeting, you said it should not be a problem. Is it still looking like that?

Mr. Smith stated it does not seem to be a problem. Osceola County is not enforcing these ADA compliant issues. If the Health Department came out, it would be a problem and we would probably have to close the pool. Right now, that does not look like it is the case. If ADA or DEP or whoever else shows up here, we can explain we are researching the equipment and we are not getting clear information on this transfer system that matches the Statute. We still need to do more research to see if we can use the transfer system.

Mr. McGrath stated my great concern with the transfer system is that anything we install will be a toy for kids, and it will get beat up. It will be hard to beat up something like this. Kids are kids. I appreciate you finding this information, and it would be great if we can use this.

Mr. Mihalic stated it looks like it would not take up nearly the room as some other options would.

Mr. Smith stated it would not be an obstacle like some other options. The other options include electricity in the pool, and I do not think we want to do that. Regarding the playground equipment, I distributed some material with pictures and prices. Perhaps you can review this for the next meeting, look at other pieces of equipment and see what we want to budget for this. What we need is a transfer system from a wheelchair to this piece of equipment that makes it ADA compliant. In looking at this equipment, it does not appear that ours is that far out of compliance. We will research this to see what we can do to make our equipment compliant until we need to start replacing it. In the meantime, I will build a landing area for the equipment that we have. We did remove one piece of equipment on Chapala that was rotten at the bottom.

#### **vi. Security Report**

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

#### **vii. Gates**

Mr. McGrath stated I noticed last night about 10:30 that the gate at Volta Circle was up. I did not see if Kariba was up, as well.

Mr. Smith stated they are all up. I received a call on Saturday that they were not working. ACT has been here looking at them and it looks like there is something they

need to replace on the board. They indicated that they would have that complete by the end of the week. All those arms are up and will stay up until they are fixed.

**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. McGrath stated I called about the green scum in the first pond, which was forwarded to the aquatic contractor.

Mr. McGrath stated ten years ago, the builder built this community with the mindset of selling houses. That is why things were done. I think if the CDD and the home owners were building it ourselves, we might not have things exactly the way they are today. What we are doing now is working fine. If we were to have someone from Severn Trent have an office here instead of 20 miles away, would that be worth something to us? Severn Trent will need to figure out problems and what will work to do that. Today's crowd at the meeting is not too large and we fit in this room just fine. I wonder about trying to put offices here, which would be nice for new residents to have everything taken care of at the community center. That might be a good idea. We would need another building program and we would need to decide how to do that, which will cost a lot of money. Then I got to thinking that the fitness room is three or four times bigger than this room. What if we were to downgrade the number of exercise equipment, put it in this room, and turn the fitness center into a bigger meeting room with some offices? There are other things that would need to be figured out. If we were to do something like that, we may get more people to attend the meeting because they would not have to stand if it was a popular issue. My goal was to bring up this idea and see if it has merit and ask the Board to ponder pros and cons and come up with good reasons why it is a good or a bad idea. At our next meeting, we can discuss it.

Mr. Moyer stated we will make a note to send this to Ms. Incandela and Ms. Palmer in advance since they are not at the meeting.

Ms. Pieters stated about six weeks ago, I sent an email to Ms. Fuentes about others going out into the community, between 10:00 and 11:00. It was a flatbed truck that carries cars standing across from the empty lot and there were four or five cars parked in that empty lot. I wondered what that was about and if the cameras picked up anything. I

did not see any reason why a flatbed truck carrying cars would be there with cars parked in that lot.

Mr. Smith stated she was not able to see anything on the camera. We thought it was probably from someone's car that broke down and pulled over there, then other people came to help and had to call a tow truck.

Ms. Pieters stated it was not a tow truck; it was a truck that carries cars behind a semi.

Mr. Mihalic asked who owns that property?

Mr. Smith stated I believe it is the developer.

Mr. Mihalic asked are they still in business?

Mr. Smith stated if not, then they may have gone bankrupt.

Mr. Mihalic stated a year ago we discussed doing something with that field. We should discuss that again because then we could chain it off.

Mr. McGrath stated Ms. Brenda Burgess is helping me with that lot. Just like the HOA calls the County about mowing, that is definitely a place that needs to be mowed. Ms. Burgess is trying to contact the County about requiring the owners of that property to mow it. So far, we have had no success, but she continues to get that accomplished so that the first place you see when you enter the community does not look like a mess.

Mr. Frawley stated related to Ms. Pieters's comment, I do not know these people, but twice in the last year, I have seen one of those vehicles come in here. The last time I saw it was less than a year ago. They come in on Brighton Lakes Boulevard and turn around in front of Volta and just sit there. Twice I saw a car come out of Volta and a motorcycle came out of Kariba, and this truck picked them up and transported them somewhere. Why they are doing that, I do not know. Perhaps that is what happened with this truck and they needed to unload them in order to add another car. They may not be related at all, but I stopped to talk to the driver once. Then someone showed up in a car and the driver walked over to talk with them. I realized whatever they were doing was their business so I left.

A Resident stated there may be someone here that fixes cars in his garage and then calls the transporter out here to pick it up.

Mr. McGrath stated that is an educated guess.

Mr. Frawley stated my brother lives in New York and bought a car from Texas. He drove out there to look at it and then made arrangements for it to be transported, which is what it sounds like was happening here. When it arrived, they had to unload about eight

cars to get to his, which was an older antique car. I do not know if that is what happened when Ms. Pieters saw it, but I have seen that happen at least twice.

Mr. Mihalic stated the flag pole looks very good.

Mr. McGrath stated thank you very much for that. We had a vision of a little more of a flag pole, but the County did not approve it. I am very pleased with it and I appreciate the efforts of everyone.

Mr. Smith stated I have not seen it at night. Do the lights look good?

Mr. McGrath stated yes, they look very good.

Mr. McGrath asked does Ms. Fuentes read the minutes after our meetings?

Mr. Smith stated yes.

**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, May 17, 2012, at 6:00 p.m.

|   |
|---|
| On MOTION by Mr. Mihalic, seconded by Ms. Pieters,<br>with all in favor, the meeting adjourned at 6:30 p.m. |
|---|

---

Gary L. Moyer, Secretary

---

Tom Mihalic, Vice Chairman