

# 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 17, 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
Brian Crumbaker ( <i>by phone</i> )	Attorney: Hopping Green & Sams
Brenda Burgess ( <i>by phone</i> )	Moyer Management Group
Keith Carrarini	Weber Environmental
Gerry Frawley	District Staff
Paul McCartan	Keep Safe Security
Maegen Powers	Severn Trent Services
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

A Resident stated there is a hole at the corner of Sweetspire and Holly Park. As you turn left onto Sweetspire from Brighton Lakes Boulevard, you are past that corner. The hole is where the sidewalk is and it looks like it is getting pretty deep.

Mr. Moyer stated our staff will check on that.

### FOURTH ORDER OF BUSINESS

### Approval of Minutes of the January 20, 2011, Regular Meeting

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

Mr. McGrath stated I have been calling in the corrections that I see after reading them when we first receive them shortly after the meeting. Those changes are made to the version that is distributed with the agenda package.

Mr. Mihalic stated I usually read them with the agenda package, knowing that there might have been some corrections to the first version.

On MOTION Mr. Mihalic, seconded by Ms. Pieters, with all in favor, approval was given to the minutes of the January 20, 2011, regular meeting.
--

**FIFTH ORDER OF BUSINESS**

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

Mr. McCartan stated I addressed the issues raised by the Board at the January meeting with regard to the operation of the gate. We immediately implemented the procedure, regardless of whether or not the person is a resident and regardless of them having a decal or not, that the gate will come down after every single vehicle. We may not be 100% perfect but I have addressed this with every guard. No one has challenged the guards and I have not been made aware of any issues with this procedure.

Mr. Carrarini stated this is the time of year when we are applying fertilizer. We will also be herbiciding the St. Augustine in certain areas where we are not trying to promote growth since the herbicide will stunt new growth and stress it a little. We will be applying insecticide in April as well as a systemic chemical to treat chinch bugs.

Mr. Smith stated we have had a couple good meetings with Weber. They did a full coverage of fertilizer and they will come back and do another full coverage. We do have a lot of spots where the St. Augustine needs to be replaced, but we are going to try to limit that. Then they will apply a weed control to try to get the turf to fill in those spots so they will not need to replace as much. He wants to wait until the end of March for the application of fertilizer and then the weed control in April. By the end of April, we will know how much sod will need to be replaced.

Ms. Incandela stated my understanding of the meetings you have had in the past week or two is that everything is back on track and on schedule. Is there anything that needs to be done sooner rather than later so that we do not miss a time window with respect to trimming trees or applying chemicals?

Mr. Smith stated no, I do not think they are that far off track. It was just the turf issues we had. The past couple winters have been very hard on the turf. Rather than going step-by-step by the book, they just really need to get out and manage the turf. That is what

they are trying to do in getting new people on site. I know they have gone through a couple supervisors and with Mr. Carrarini here, I have a greater level of confidence that will happen. As far as the scope of services, fertilization did not need to happen until February. These next few months are critical to get the turf to come in and look good.

Mr. Mihalic stated when the crews are mowing and trimming on Brighton Lakes Boulevard, I would suggest you put up a Men Working sign or something that alerts people to your presence in the roadways. Cars tend to travel too fast on that road and I would hate to see one of your crew members get hit.

Mr. Carrarini stated I have distributed orange vests to my crews to start wearing. The sign is also a very good idea.

Mr. McGrath asked does Mr. Frawley agree with how things are progressing?

Mr. Frawley stated yes, that is why I wrote my recent update, partly to inform the Board what is going on and partly to comment on their plan. The bottom line is if we notice in a few months it does not work, we know what they should have been doing.

Mr. Smith stated Mr. Frawley attended our recent meeting with the owner of Weber, and he is committed to putting some people on site and getting it right. We are comfortable with that.

Mr. Moyer stated I was going to include in your agenda package excerpts of minutes from meetings of other CDDs. It is not just Brighton Lakes CDD having turf management issues. Winter has been very difficult on turf, and Harmony CDD is very upset at their landscape company for that. We are struggling in Celebration with the same thing. It is just difficult.

A Resident asked are they going to do anything about filling in the landscape on Sweetspire? It is pretty bare. I am referring to the park as well as across from the park where the pump station is.

Mr. Smith stated we are going to cut all those back and fill them in. I have a list of plant replacements that I want to do, but I am not going to do them until Weber gets the turf under control. Once the turf is under control, then we can start authorizing additional work because that is an additional cost. There is some responsibility of the CDD for turf replacement, so we will have some costs associated with that, which is normal. Weber also has responsibility for some turf replacement. We will see what it costs for the turf and then we will see how much money is left for additional plantings.

**SIXTH ORDER OF BUSINESS**

**Discussion of Additional Cameras at the  
Recreation Center**

Mr. McGrath stated there has been some questionable activity at the recreation center. This is not necessarily a conversation to say we need cameras. Since I requested this be added to the agenda, I talked with Mr. Frawley. I understand that we have room for one more camera.

Mr. Smith stated that is correct; otherwise, we need to get another DVR.

Mr. McGrath asked if we get another camera, does it, in fact, give us what we want, which is a record of what happened? I do not want us to just spend money. How much would another camera cost?

Ms. Incandela asked what location are we considering for the camera and what were the issues prompting this request?

Mr. McGrath stated one of the Board members commented at the HOA meeting that he saw a couple people doing drug business in this end of the parking lot. That prompted me to request this be added to the agenda. If we get another camera, will someone be watching it all the time? It is not practical, but I thought I should still raise the issue with the CDD Board.

Mr. Smith stated the camera would be for identification purposes. Is that admissible as evidence to prosecute?

Mr. McGrath stated I would hope so. Perhaps we get a camera that rotates and moves around. Maybe its greatest value is someone sees the camera and then moves their activities somewhere else.

Mr. Smith stated we can look into it and bring something to the next Board meeting. We could put it in the front with a wide angle with a sign that says we are monitoring that area.

Ms. Incandela stated part of the problem I see with the use of the camera is what we currently encounter, where an accident occurs and then we have to go back and look through footage to identify a specific time or place. In terms of being a deterrent in having a camera visible, do we have older or broken cameras that we can install that might make it look like it is real, without having to deal with the electronics cost of replacing it.

Mr. Smith stated I can add some lighting to the area as well as a sign.

Mr. Mihalic stated if we are going to install a real camera, then we will want one that has infrared capabilities so that we can see in the dark.

A Resident stated I have one with LED lighting, and it has a night lens and a separate day lens. Both will record.

## **SEVENTH 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 86% of our non-ad valorem assessments. The footnotes in the financial statements indicate that last year at this time, we collected 88%, so we are on schedule. We should receive the rest this month and perhaps into next month.

Mr. Mihalic asked for homes in foreclosure, are banks paying those assessments?

Mr. Moyer stated yes. As you recall, last year we received 100% of our assessments, and I expect the same to happen this year.

Mr. McGrath stated page 2 of the financial statements has a category called Other Revenues where we budgeted \$1,500 and received \$625. Is that for when people purchase access cards and things of that sort?

Mr. Moyer stated yes. There is a line item for access cards where we did not budget anything but have received \$298. Generally if you roll all of those things together, it falls in miscellaneous revenue.

Mr. McGrath stated on page 7 for engineering and legal fees, I presume those contracts begin at the same time as our fiscal year.

Mr. Moyer stated those are continuing contracts. Those professionals serve at the discretion of the Board. There is usually a lag in the billing when we receive their invoices, and I think that is all they are pointing out in the notes.

Mr. McGrath stated page 10 on the cash and investment report, there is \$100 in a checking account with Bank United. Is that because we have a money market account there and we have a requirement to have that amount of money in a checking account?

Mr. Moyer stated I will check on that. It might be a sweep account or a clearing account.

#### **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 kudos to staff for finding out why we were spending an extra 10% on KUA bills.

Mr. Mihalic stated there was something included from the State regarding unemployment for Mr. Joey Ortiz and another person, for \$1,800 and about \$3,300. Is that a one-time payment or a quarterly payment? It struck me as being kind of high since I knew they would not be in that higher bracket.

Mr. Moyer stated we do not pay unemployment insurance; we pay actual unemployment costs since we are a government. It may be based on a one-time payment, but I am not sure what it is based on.

Mr. McGrath stated page 7 of the financials shows that to be \$4,938 from October 1, 2010, through December 31, 2010, and if it is that amount every quarter, then it will add up to \$20,000 annually.

Mr. Moyer stated I will check on that for you.

On MOTION by Mr. Mihalic, seconded by Mr. McGrath, 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.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Crumbaker stated the Board briefly discussed the new ADA requirements at your last meeting, and I would like to discuss this further with Mr. Moyer and Mr. Smith. At the last meeting, Ms. O'Brian indicated there are new 2010 standards that relate to ADA compliance. There are certain safe harbor provisions, but unfortunately, based upon our review of the legislation, the improvements within Brighton Lakes are not subject to that safe harbor. Those improvements include exercise equipment and machines, swimming pools, spas, and sports facilities. My recommendation is to seek proposals from ADA consultants between now and the next meeting, for them to come and review the facilities of the District. Given the fact that it appears that none of our facilities will be subject to the safe harbor provision, the ADA consultant will review whether or not we have to comply or to what extent we have to comply. I think that we definitely have to comply with those requirements, but the consultant may view one of the playgrounds, for

instance, as not meeting a threshold as to having to meet the 2010 ADA standards. Between now and the next meeting, I would like to work with Mr. Moyer and Mr. Smith on those proposals. Perhaps Mr. Moyer has retained some ADA consultants on some of your other District projects, and our firm certainly has. I would like us to get proposals from some of them to bring to the next meeting. To the extent there are improvements that are not subject to the safe harbor provision, we are required to have those improvements compliant with the new 2010 ADA standards by March 15, 2012. Depending on the need to bid out the work, now is a good time to start that process.

Mr. Moyer stated I agree. We will discuss the District hiring an ADA consultant. I am familiar with a large project that has a lot of exposure in this regard, and I know they hired an ADA consultant. I want to receive that report to see if we can coordinate with them without having to spend a lot of money on our own consultant.

Ms. Incandela stated I know ADA consultants are very expensive. Would you send a copy to us of what the new requirements are? I would like to understand them myself. If we choose a consultant, are we getting a consultant who will bill us just to review the property? Or are we going to use one person to do a review to see if we are compliant, and if there are areas where we do not have to be compliant with, is that the purpose of the consultant?

Mr. Crumbaker stated we prepared a memorandum for all our District clients, and I did not meet the agenda deadline for your agenda package this month. I have a memorandum update along with the standards themselves. Unfortunately, the problem we have run into is when we request three proposals, such as we did for an Orlando client, those three proposals ranged from \$1,500 to \$15,000. The pricing has been very erratic, so this is certainly one of those times when I will recommend that we get three or four proposals and look at their qualifications. The other issue we have run into is that architectural firms or engineering firms say they can do this work, but when they come out and start looking at it, they identify issues that are not relevant to the ADA requirements, so we end up with something we really do not want.

Ms. Incandela stated I have encountered more of them on the ridiculously high end than the lower end, as well as the problem with architects and engineers, as well. What puts us in the ADA category? What are we classified for in our clubhouse that makes us subject to the rules to begin with?

Mr. Crumbaker stated governmental entities, including Cities and Counties, have to meet the 2010 standards.

Ms. Incandela asked so it is a matter that we are a government, as opposed to the use of the clubhouse?

Mr. Crumbaker stated it depends on the use. Whether you are public or private, our entity itself is not the issue. There are safe harbor provisions with respect to certain types of improvements. This project has improvements that are not subject to those safe harbor provisions. Those include the pool, the playgrounds, and the basketball and tennis courts. Those kinds of improvements are not subject to the safe harbor provision. If you or your improvements are subject to the safe harbor provisions, then they only have to meet the 1991 standards. If you are not subject to the safe harbor provisions, then you have to meet the new 2010 standards. The improvements I listed have to meet the 2010 requirements, no matter what kind of entity you are.

Mr. Moyer stated for pools, at the very least, you will need to put in a lift to access the pool, and that will not be an inexpensive thing to do, either.

Mr. McGrath stated in the event we have to choose between a mechanical lift mechanism and a simple ramp, the kids are not going to wreck a ramp whereas they will be constantly using and abusing any kind of a lift. You will have to tell us if a ramp is even acceptable.

Mr. Crumbaker stated the standards refer to a zero entry, which means there is no ledge or step; you literally glide into the pool as you walk. The problem with a zero entry is because of the slope requirements, it will take a lot of space. It takes a lot of space and a large pool area to have those zero entry access. The pool at Brighton Lakes is a very nice pool, but it is not a large pool as far as having a zero entry slope requirement. You would have to open up the pool area in order to meet that slope requirement, which can be very expensive, especially when you are reconstructing the pool for a zero entry. As Mr. Moyer indicated on the cost impacts and feasibility, you will probably be looking at a lift.

Ms. Pieters stated this could be very expensive.

Mr. Moyer stated that is correct. I will work with Mr. Crumbaker and Mr. Smith in the meantime and for the next meeting, we will either have some other report from another District to discuss, or we will have some proposals for consideration.

Mr. Crumbaker stated I will forward to Mr. Moyer and Mr. Smith the proposals we have received on other projects for you to compare what you have received on other projects to see if we can find some ADA consultants to consider for this project.

Ms. Incandela stated once you have that information, please forward it to me with the firms you like so that I can make sure they are not names of firms that I already know I do not want.

Mr. Crumbaker stated I will do that. I will also email all of you the memorandum that I prepared, rather than waiting for the next meeting agenda. That will give you time to review it before the next meeting.

**B. Engineer**

There being no report, the next item followed.

**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.

**ii. To Do List**

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

**iii. Landscape 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. 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.

**vi. Incident Report**

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

Mr. Mihalic stated these are very thorough reports.

Mr. McGrath stated I agree; these are great reports. I see you changed out four lamps. Every time you do that, are you going to energy-efficient types of bulbs where we can?

Mr. Smith stated yes, where we can. We are somewhat limited because of the type of fixture and it will take only certain kinds of bulbs.

Ms. Palmer stated the signs look great. It is easy to read and it looks like it is all one piece.

Mr. McGrath stated your report shows that you picked up old tires at an abandoned home. Is that taking more and more of your time? Or is it manageable?

Mr. Smith stated it takes one of my staff a full day every time he comes out here, and he is here two or three times a month. We communicate everything to Ms. Alba Sanchez when we are here.

#### **vii. Fitness Room Equipment**

Mr. Smith stated the fitness equipment is getting old and the bench press machine has welded points that have broken. They can be repaired but our recommendation is not to continue doing that, and we requested a proposal from the service company to replace the bench press at a cost of \$2,645.

Mr. Mihalic asked are these problems because of misuse of the equipment or just age?

Mr. Smith stated it is age, and this equipment gets a lot of use.

Ms. Palmer stated they are about seven years old.

Mr. Mihalic stated as you drive around the community and see the trash all over, it appears that people are not taking care of anything anymore. I wonder if that is how they are treating the machines here, too. It amounts to a lot of money that we do not have right now to replace this kind of equipment. If it is from misuse, then I would be very concerned about spending the money on it.

Mr. McGrath stated I agree.

Mr. Smith stated I do not think the majority of it is misuse; I think it is just overuse. This fitness room is very busy, which is a good thing. A lot of people use the fitness room.

Ms. Palmer stated I think the people who use the fitness room keep an eye on the equipment. They seem to treat it like their own private equipment, so they take care of it, whereas things are mistreated out in the open areas, like people throwing their trash out the car windows.

Mr. Smith stated I think a lot of the trash on the road is from workers who come in to do work in the community, whether it is a private landscape company or air conditioning repair company. I agree with Ms. Palmer that most of the people who use this equipment care about it.

Ms. Incandela asked what other equipment is in need of repair?

Mr. Smith stated three bicycles. These are more designed for home use, not commercial use. The three bicycles need to be replaced as well as the bench press. The bicycles will cost \$2,000 for a commercial-grade bicycle.

Ms. Incandela stated we budgeted something for the replacement of fitness room equipment.

Mr. Mihalic stated we did, but not to replace all of the equipment at one time.

Ms. Palmer stated I thought we were discussing setting aside some for next year.

Mr. Mihalic asked out of the whole community, what percentage of residents is using these facilities? Is it only 1% or 2% or a larger portion? If we are dealing with only 2% of the residents, is it worth spending \$2,000 to \$5,000 just for a couple families? Everyone is paying for the replacements when only a few use it.

Ms. Incandela stated everyone has access to the community, and there is a large percentage of people who use the facilities on a regular basis. These machines are failing from overuse, which is a good thing because that means the residents are using them. I think the numbers support keeping the facility updated.

Ms. Palmer stated I never see it empty.

Mr. Smith stated it is a well-used facility in Brighton Lakes.

Ms. Incandela stated sometimes the first thing people do when considering a community is to go to the recreation center. If you see a sparse, unrepaired facility, that is an indication of how the community is kept overall. I would like to know how much we have budgeted this year for machine replacements.

Mr. Moyer stated \$7,307 for equipment.

Ms. Palmer asked for comparison sake, how much is it to repair one of those bicycles?

Ms. Powers stated the vendor said the parts are really hard to get for the current model we have and they are very expensive to get. He does not recommend repairing them.

Ms. Palmer stated it will cost \$2,000 to purchase a commercial-grade bicycle and it will cost \$400 or \$500 for a residential-grade bicycle. I think spending the additional money is warranted on a commercial bicycle and purchasing a new one rather than doing repairs every couple months on one that is not made for this type of heavy use.

Mr. McGrath stated this is truly a commercial setting.

Ms. Palmer stated perhaps we can purchase two bicycles instead of three.

Ms. Incandela stated if we purchase a residential piece of equipment for this fitness room, the warranty that accompanies a residential piece of equipment will be void because this is for commercial use. What was the original warranty on the current bicycles?

Mr. Smith stated one year since it is a residential grade bicycle.

Ms. Incandela stated my understanding is that the warranty is different for commercial equipment. We will have a better warranty for a longer period of time because they are anticipating the excessive use that you do not get with residential use. That should save money in terms of initial repairs during the first few years. Once we are past the warranty period, we will deal with repairs. The issue of residential versus commercial is not as much the equipment as it is the warranty. If we have a residential piece of equipment in there, the first time we call for a repair, they will see this is a commercial facility and they will void the warranty, so then we will pay cash for all the repairs.

Ms. Palmer stated I agree.

Mr. Smith stated it is \$354 to repair the bicycles, but they still do not recommend performing repairs because the cost of the repairs is more than the bicycle is worth.

Ms. Powers stated that is the cost for one bicycle, and all three need to be repaired.

Ms. Palmer asked does the budget amount of \$7,000 include maintenance on the bicycles or is that for capital expenditures of exercise equipment?

Mr. Moyer stated we listed it as contingency repair to equipment. There are monies budgeted for contract equipment systems to maintain the fitness equipment in the amount of \$1,400. The \$7,307 was specifically allocated for equipment.

Mr. Mihalic stated we can use that for the equipment and the warranty.

Ms. Palmer asked what is the warranty for the \$2,000 commercial bicycle?

Mr. Smith stated I am not sure but I expect it is one year.

Ms. Powers stated I spoke with the vendor and he has a lot of information saying these are made for high-volume use and have quality parts. I do not have the information on the warranty period, but I will find out and email the Board in the morning.

Ms. Incandela stated I would like to know the warranty period and also if we can purchase an extended warranty on the commercial equipment. Is the bench press out of service?

Mr. Smith stated yes.

Ms. Palmer stated if we have \$7,000 to use toward the purchase of equipment for this year, my recommendation is to purchase the bench press and two bicycles, with the understanding that while we are reducing the number of bicycles, they are better quality. Perhaps we can add another bicycle to next year's budget. If we can purchase an extended warranty, then we should also consider budgeting that each year to keep the bicycles operational. I would rather spend money on a warranty to keep good equipment going but now spend money on equipment that we know is going to last.

Mr. Mihalic stated there is no sense in buying something cheap and then having to keep replacing it. Let us get something that is going to last.

Mr. Frawley stated not all three bicycles are out of service. I suggest leaving the one in the best shape for now and use parts from the other two to repair that one. Then get two new bicycles, which will still leave you with three bicycles.

Ms. Incandela stated by the time the third bicycle becomes unusable, we will have money in the next budget year to purchase a new commercial-grade bicycle.

Mr. McGrath asked will we be purchasing the equipment from the company that is maintaining the equipment now?

Mr. Smith stated yes.

Mr. McGrath stated if they are going to be selling us expensive equipment, I am sure they will give us a longer warranty period.

Mr. Smith stated we will see what they can do for us.

Mr. Mihalic asked will you also get prices from a couple other companies?

Mr. Smith stated yes, we will shop the price. This company gives us discounts and they are very good at working with us, which is why we kept them. They seem to care, versus being out here just to make money. They seem to enjoy their business and they seem to care about your fitness room, which is a positive thing.

Mr. McGrath asked would they buy back the two bicycles we are getting rid of?

Ms. Palmer stated I would prefer to keep them for parts for the third bicycle since the two new ones will be completely different than the ones we currently have.

Ms. Incandela stated I do not want to wait until the next meeting to approve this.

Ms. Palmer stated neither do I.

Mr. Smith stated Ms. Powers will provide you with a report showing the prices and the equipment we will purchase prior to the next meeting.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, approval was given to authorize staff to purchase two commercial-grade bicycles and a commercial-grade bench press, not to exceed \$7,307, subject to extended warranties able to be purchased.

**viii. Miscellaneous**

Ms. Powers stated there is a new facsimile machine at the guardhouse because we were not receiving reports from the security guards. The new one I purchased did not have a telephone, which turned out to be an issue because the Volta Circle gate was not able to communicate with the guardhouse. We got an AB switch for the telephone so he is able to receive telephone calls from Volta Circle as well as determine if there is an incoming facsimile message. There is also a new printer for the guardhouse. One of the computer service technicians will be coming out to check the computer in our office so that we can see all of the cameras from our office. The day after your last meeting, I was directed to check the cameras every day. It turns out that I can only see the ones at the guardhouse and for the lanes when vehicles are coming through. Now we are working on interfacing the computer in our office to see everything that the guards can see.

Mr. McGrath stated that is great.

Mr. Mihalic stated at the last meeting I asked Ms. Maria Fuentes to check with Embarq about not paying for the period of time when service was down because it was an Embarq problem. I did not see anything in the agenda package about that.

Ms. Power stated for the invoice that we received from ACT and the invoice from the computer service company who performed the work, Embarq said they would pay for half of those costs and reduce that amount from our next bill. I do not know if we have received those invoices yet, but I will forward them to Embarq so they can credit the account.

**D. Community Report – Gerry Frawley**

Mr. Frawley stated Severn Trent has stepped up to the plate in recent weeks. I have always had an issue of not knowing all the things that they got done during the day, which is why my lists were so long. They covered everything that I would have thought of.

Ms. Palmer stated I think that negates the thinking from the last meeting that they do not do anything until the last minute.

Mr. Frawley stated I am sure that is part of the reason that their response last month was along those lines. Obviously from these reports, you can see that is not the case.

Mr. Mihalic stated as I mentioned earlier in the meeting, the reports they provided this time were very thorough.

Mr. Smith stated Ms. Powers is helping us out since Ms. Fuentes is extremely busy.

Mr. McGrath stated regarding weed control, the report indicates they sprayed February 22, 2011, and I think they also sprayed in March as well. Is the hydrilla still a problem?

Mr. Smith stated it will always be a problem here, but because of the construction of these ponds, hydrilla is fairly easy to control.

Mr. McGrath stated on the incident reports, they indicate you are waiting for an invoice. Who do we receive the invoice from?

Mr. Smith stated Weber.

Mr. McGrath asked they are slow to provide the invoice?

Mr. Smith stated they were slow to install the tree. They provided a proposal to remove the existing tree and install larger trees, but their billing is not the same as the trees that were installed. I do not think they provided the correct proposal for the size tree they installed.

Ms. Powers stated normally I submit the proposal with an estimate to the insurance company, but this proposal had three different options, and I did not want to confuse the insurance company. I will wait for the actual invoice once the tree is installed.

## **NINTH ORDER OF BUSINESS**

### **Submitted Resident Questions and Audience Comments**

A resident stated when we receive new decals for the cars, they still say 2010.

Mr. Mihalic stated I do not think we need to go through the expense of replacing all of them. We have some we can still use and we do not have a lot of people who are moving.

The Resident stated perhaps next time you can have the dates be 2012-2013.

Mr. McGrath stated there does not need to be a date at all.

The Resident stated the Board has discussed previously how much it costs for the street lights. Is there a chance they would ever come out and clean them? Can you ask KUA to clean them?

Ms. Palmer stated it would mean more if the home owners called them versus the Board members.

Mr. Mihalic stated I called them on a light on Brighton Lakes Boulevard that was out, and finally after the third phone call, they came out. But they kept calling me to confirm the pole number because they could not locate the pole. At the same time, I called them about lights on U.S. 192 and Poinciana Boulevard, and those were repaired within two days.

Mr. Frawley stated since we pay for them whether or not they are lit, I prefer they all be lit. When I contact KUA through their website, they are usually repaired within two or three days. Anyone can access their website at [www.KUA.com](http://www.KUA.com) and report the street light with the number on the pole. I usually include the address so they can find it.

Ms. Incandela asked can we include that information on our website? If we have a FAQ page or tell people where to report problems, we should include a link to their website where they can go to report a street light problem. We should also include other helpful numbers, such as the sheriff's department. On the next newsletter that goes out, please include a reminder to residents about our website.

Ms. Palmer asked did we do the other sign for the HOA?

Ms. Powers stated yes, we ordered it and I have it. They are stored in the same place as the CDD sign.

Ms. Incandela asked has anyone checked to see how many views we have had on the website on average per day?

Ms. Power stated I can find out.

Ms. Incandela stated I am interested in knowing how many residents are actively using it.

Mr. McGrath stated regarding the lights, perhaps the FAQ page should include what residents should do if their street light is out.

Ms. Palmer stated they take care of any issues related to the street lights, so we should note that information.

Mr. McGrath stated I am so surprised that residents who live next to that street light do not call or perhaps they do not know who to call.

Ms. Burgess stated I have taken note of your comments. Much of this information is already on the website, but I can make it more user friendly and easier to find.

Residents discussed the issue of cars parked on the street, which is not a CDD issue, and were directed to the sheriff's office to report, since that is a Code Enforcement issue. Parking issues involving commercial vehicles are an HOA issue and should be referred to Ms. Sanchez.

Residents discussed the issue of foreclosed homes having thistles and generally unkempt yards, which is not a CDD issue, and were directed to County Code Enforcement to report, or Ms. Sanchez on behalf of the HOA. Some of the common areas have thistles because the CDD is fertilizing the turf, which can promote their growth. Winter did a lot of damage to the St. Augustine turf, and thistles have a tendency to thrive in those conditions. There are a lot of them on foreclosed properties, and the seeds will travel to neighboring turf. Some areas that may look unmaintained are actually conservation areas within the CDD's area of jurisdiction and cannot be mowed or maintained.

A Resident stated I saw where someone was accused with trespassing on his neighbor's lawn because he was trying to water it, which I would think is a positive thing.

Ms. Palmer stated this Board has jurisdiction over common areas, including the recreation center, playgrounds, the center medians, and the roadways. Anything that happens on an individual property is the HOA's jurisdiction. A trespass incident becomes a civil issue, and neither the CDD nor the HOA has jurisdiction over that. If someone is not mowing their lawn, the HOA has jurisdiction over that because they can enforce that or get it mowed and then fine that property. If someone is parking on the grass at the recreation center, then the CDD Board has authority over that issue.

A Resident asked why is the roof of the recreation center so filthy? If this was a home owner's house, we would have to clean it.

Mr. Smith stated I have been discussing this with Mr. Frawley and you are correct that it needs to be done.

Mr. Frawley stated I have a chemical that works really well on the black dirt on home roofs, but it did not work on the recreation center roof. It must be a different type of material or it is not the same black stuff that is on our homes.

#### **TENTH ORDER OF BUSINESS**

#### **Supervisor Requests and Comments**

There being none, the next order of business followed.

**ELEVENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next order of business followed.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

The next meeting will be Thursday, May 19, 2011, at 6:00 p.m.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, the meeting adjourned at 7:05 p.m.
--

---

Gary L. Moyer, Secretary

---

Michelle Incandela, Chairman