

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, May 17, 2012, at 6:00 p.m. at the Brighton Lakes Clubhouse, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present were:

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

Also present were:

Gary Moyer	District Manager
Alan Hirschfelder	Weber Environmental
Paul McCartan	Keep Safe Security
Brian Smith	Severn Trent Services
Residents and members of the public	

This represents the context and summary of the meeting.

FIRST ORDER OF BUSINESS

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

A Resident stated if we can get someone at the guardhouse 24/7, it would be more of a deterrent. Most of the people who come here are friends, and in the afternoons and evenings, you will see about 25 cars. It is the same thing at the pool area and it is hard to use the pool right now.

Mr. Moyer stated we will discuss this in more detail later, but it is about \$80 per home to provide full-time security.

The Resident stated I have no problem with that.

Mr. Hirschfelder stated my landscape crews mention to me all the time that cars are speeding through here and running over their cones. The crews have their vests on, but some of the crew members are scared to death to do any edging along the roadway because the cars are driving at about 50 mph.

Mr. Mihalic stated that is why we have so many rollovers and wrecks here. People will not abide by the speed limit.

A Resident stated I have lived here since 2002, and an item that has been raised at HOA meetings and crime watch meetings is the school bus stop, which is having challenges. One gentleman at the crime watch meeting wants to put it back here at the clubhouse, which is not going to work at all. I think it is something we really need to look into. It has been in so many different locations. We are still having challenges of cars parking illegally on Brighton Lakes Boulevard and pulling out with children not watching at all. It continues to be a problem. I do not want to see a child hurt.

Mr. McGrath stated one of the things that was suggested was using some of the CDD property to make a parking lot off Brighton Lakes Boulevard and/or by the old school site. Our problem is that is still property that is dedicated to be a conservation area, if I am not mistaken, so we cannot blacktop or change any of that area.

Mr. Smith stated the front area is still CDD right-of-way and goes to the middle of the pond. A turnaround would be a little difficult in there.

The Resident stated one thing we are really having a challenge with right now is both mornings and afternoons where the bus stops on Pleasant Hill Road at Brighton Lakes Boulevard. Residents are parking on Brighton Lakes Boulevard, right where you turn in. I hate the fact that someone will end up getting hurt. I would also hate for there to be any litigation because we know of a problem.

Ms. Incandela stated I know HOAs work closely with the School District for bus stops. The School District has to determine where the bus stops will be, and we do not control where they are. Some of the volunteers, including Mr. Nestor Olmo from the HOA, have gone out of their way to try to make it safe for children to enter and exit. As far as the parking of the vehicles, I know the sheriff's office has attempted to try to regulate that somewhat, but I also see it happens wherever and whenever. They are not obeying the traffic laws, but that is not something the CDD would be able to control. The sheriff's office has to control the parking and road regulations.

Mr. McGrath stated we will not allow the bus stop to come to the recreation center because we know that does not work.

Mr. Mihalic stated there is another problem, too. The bus drivers do not know the laws. The other day, my wife was coming up Chapala and the bus was stopped. The bus

driver had his arm out the window, waving cars past him as kids were getting off the bus. That is absolutely ridiculous because the law says everyone has to stop.

The Resident stated on Pleasant Hill Road the other day, the bus was stopped in the right lane with the stop sign out and another bus went around it on the left.

FOURTH ORDER OF BUSINESS

**Approval of Minutes of the March 15, 2012,
Regular Meeting**

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

On MOTION by Mr. McGrath, seconded by Mr. Mihalic, with all in favor, unanimous approval was given to the minutes of the March 15, 2012, regular meeting.

FIFTH ORDER OF BUSINESS

Vendor/Contractor/Third-Party Items

A. Landscaping Highlight Report

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 Mr. Smith and I did a drive-through near Kariba and noticed some plants that were in a quick decline. There were some irrigation issues that we discovered on our last inspection where some zones may have had reduced pressure. My technician will be here tomorrow and I made a note of it. There is no noticeable insect activity, so we will refertilize the area and we will inspect the irrigation system tomorrow. We alternate our insect control between granular and liquid. Chinch bugs build up a resistance to it, so alternating products alleviates that problem.

Mr. McGrath stated the pump house beyond the basketball court, on the east side there are three crepe myrtles, and they appear to be dead. When you make your next review, that is something to look at.

B. Security Highlight Report

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

Mr. McCartan stated with the internet problem we have had with the cameras, it is not always possible for the guards to watch those on the television. I receive emails from the guards and they are physically checking them on their way home. The phone in the guardhouse cannot dial long-distance, so the guards cannot send me a copy of the fax

they send to the management company. I will get a phone card so they can fax a copy of their report to me every day, so that I can ensure things are going smoothly.

Ms. Incandela asked can the District office forward a copy to you in the meantime?

Mr. McCartan stated yes, that will work fine in the meantime. I specifically modified the report so they have to indicate what time they noticed the gates were open, such as 4:55 a.m.

Mr. McGrath stated in the past two months, we have spent \$4,500 to ACT and Century Link related to the gates. They are leaving them up because of repairs they have to make and so forth. On any given day, I noticed if the gate was still up and asked the guard about it, he said they were still having trouble with the gates.

Mr. Mihalic stated I sent emails for weeks, indicating that the gates were not opening and closing at the right times. They totally ignored it until a couple weeks ago when they noticed that the clocks were off by two hours. I stopped sending emails, but they have been off for a long time.

Ms. Incandela asked to whom have you been sending the emails?

Mr. Mihalic stated to Mr. Smith and to Ms. Maria Fuentes.

Mr. Smith stated the problem with ACT is they come out and fix something, but then they find something else. I had a conversation with the President of ACT about that, and even after they come out, they are still not working. I come out on weekends and evenings when people could not get in, and I have taken off the arm myself. I have been out here dealing with these gates, and there are several different issues. We are having trouble with the radio feed to the guardhouse because the growth of the trees is blocking the view. There are some boards in the panels that have gone bad. The motor mechanism in the arms went bad. It was problem after problem. That is the nature of gates. We are aware of the problems because we also receive calls from home owners and people who cannot get in, so we know there is a problem.

Ms. Incandela stated I am so unhappy with ACT. The fact that we have to use whatever company just irks me because it seems like those gates are constant money pits.

Mr. Smith stated I agree. I have found that other gates companies are not much better. We are dealing with a technology. You may buy something that is inexpensive because it suits that situation, so we are dealing with an inexpensive product that continually breaks down. The gates get a lot of use because there is a lot of traffic that goes through those entrances.

Mr. Mihalic stated something to think about when we discuss additional security at the guardhouse, not only are we paying the security company but your maintenance will also increase significantly. Right now, we have 11 hours of security per day, and we will discuss extending it to 24 hours per day. Maintenance will increase considerably because it will wear out faster and break down more often.

Mr. McCartan stated we are trying to match human kind with a mechanical problem, and Mr. Smith is observing it as often as we are. The guards have gone down and looked at the gates and then come back to the guardhouse. If the gates go up at 4:30 a.m., if there is a little bit of a time difference, the guards can see that. If the guards clock out at 5:00 a.m. at the guardhouse and drive down and see they are not open, they have to drive all the way back to the guardhouse, fill out a report and fax it to the District office. We are trying to get a solution where they will observe the gate, add it to their report, and provide the report to the District office and to me so we can act on it appropriately.

Mr. Smith stated the guards constantly notify us that there is a problem with these gates, but the reports are not always consistent. Mr. McCartan is working with the guard to be sure they make those reports daily for all the gates. There are some residents on Volta Circle who just push them up if the gates are not working, and then we have a problem.

Mr. McGrath asked is the phone system with BrightHouse?

Mr. Smith stated I believe it is Century Link.

Mr. McGrath stated I have telephone service with BrightHouse, and I saved money by switching from Century Link, and nothing is long distance.

Mr. Smith stated all we are paying is \$10 per month for the gates. We are also looking at the radio feed back to the guardhouse by having four additional IP addresses, which are \$15 per month, versus having that radio. Over the period of time when we have repaired the radio, either the transmitter or the receiver, you would have paid for the IP addresses. In the long run, it does not pay back as much, but it is a better product and gives you more consistency.

C. Extending the Landscaping Agreement with Weber Environmental

Mr. Smith stated Weber Environmental's contract expires in December. We have the option to renew the contract for one year, since it is under the bidding threshold, and they have agreed to keep the price at the existing annual dollar amount of \$153,400 if we do not go out for bid.

Mr. McGrath asked are the services the same?

Mr. Smith stated yes. The contract references the scope of services, and we will continue with the same scope of service.

Ms. Incandela stated they seem to be responsive and they seem to be working very well.

Mr. Mihalic stated I agree.

Ms. Incandela asked do you have any concerns about renewal?

Mr. Smith stated no. It is nice to have Mr. Hirschfelder on site. I worked with him years ago, and he is consistent, he knows what he is doing, and he knows how to maintain the community consistently. Other project managers have not done as well, but he is consistent and he responds quickly.

Mr. Moyer asked are you requesting a motion to approve the contract extension?

Mr. Smith stated we can discuss that as part of the budget workshop.

Mr. Moyer stated last year, we did not have a workshop. If we are in the same position with the budget this year, there may not be a need to schedule a workshop, depending on what the Board elects to do with additional security. At this point, the budget is exactly the same as the budget for last year.

Mr. Smith stated their contract expires in December, so we have plenty of time to decide on the extension. It is for the Board's information to review and consider, and we will put it on the next agenda for the Board to act. By then we will have the dollar amount to include for the budget hearing.

D. Additional Security at the Guardhouse

This item will be discussed in further detail at the Board's budget workshop on June 21, 2012, at 6:00 p.m.

E. Pool Lift

Mr. Smith stated the moratorium to be ADA compliant is May 21, 2012, but we have to be moving in the direction of getting it completed. I received two proposals, one from Osborn Pools and one from a company where we would just purchase the lift. I do not want to do the installation, because it will need to go through permitting, you need a contractor's license, and it is inspected. The stipulation is that if there is more than 300 linear feet of pool edge, then you need two lifts. Fortunately, we have only 284 linear feet, so we will need only one lift. The price from Osborn Pools is \$5,775 for one lift, installed. That does not include some additional electrical work we may have to do, as well, to provide power to the lift. To purchase a similar piece of equipment is \$4,220.

Mr. Mihalic asked what would it cost to install it?

Mr. Smith stated I was going to try to install it myself, and I can probably do that on behalf of the owner since we have a licensed electrician and I should be able to get the permit. You might save some money, but I would feel more comfortable having Osborn Pools do the installation.

Mr. Moyer stated after our recent flag pole experience, I think it would save a lot of money by having someone else install it.

Mr. McGrath stated there is also potential liability dealing with electricity and water. I really like the idea of having someone do this who is a professional, under their own insurance.

Mr. Smith stated Osborn Pools has installed a lot of pool lifts. He understands the permitting process.

Mr. McGrath asked did you see any differences in the two products themselves?

Mr. Smith stated they are very similar pieces of equipment.

Mr. Mihalic asked how are we going to keep kids from playing on them?

Mr. Smith stated we are not going to be able to do that, and I made that clear to everyone I contacted. It might be a matter of going back to these Federal departments and tell them they are creating a liability for us, and there are a lot of people pushing back on this, some larger groups such as the hotel associations. That will not help us at this point.

Mr. Mihalic asked is there a way it can be locked until someone needs to use it?

Mr. Smith stated no, it has to be open and available for the same period of time that the pool is open. We will be using the guards to help us with this. The battery has to be removed at night and charged, and then it has to be put back in the morning. At night, the attendant can pull the battery out and charge it, and in the morning when the security guard comes in, he can put the battery back in. We are covered from that aspect. We just need to show that we are moving in this direction. There is discussion that they might move this out until September, so we will wait and see but as long as we are in the process, we are fine. If someone comes out here May 21 and it is not there, at least we can say we are moving in that direction to the Federal agencies. If there is a handicapped person who wants to use it, that will be a problem, so we want to move fairly quickly.

Mr. Moyer asked as long as the attendant is on duty, does the lift still need to be operational?

Mr. Smith stated yes.

Mr. Moyer stated the attendant can put the battery in. It would only be when there is no attendant on duty that it would need to be operational.

Mr. Smith stated we can probably get away with doing it that way.

Mr. Moyer stated if someone has to ask the pool attendant to put the battery in, that should not be a problem. The law says “reasonable accommodation,” and waiting two minutes is a reasonable accommodation while the attendant puts the battery in.

Mr. Mihalic stated that is why I suggested a lock so that it would remain locked until someone needs to use it.

Mr. Smith stated during the day, it has to be functional when the attendant is not here.

Mr. Moyer stated that is correct; I agree with that.

Mr. Gerry Frawley stated then when the attendant does come in, you can put the lock on it.

Mr. Smith stated he can simply remove the battery.

Mr. McGrath asked are we getting too fancy if we decide that our version of “reasonable accommodation” is, because we are worried about children, when there is no attendant, we choose not to put the battery in until the attendant is on duty?

Mr. Smith stated that will not work.

Mr. Mihalic stated they have to be able to swim when they want to swim.

Mr. McGrath asked the ramp would not work?

Mr. Smith stated I was hoping to find a modular ramp that we could just install, but they do not make those. It would be major construction to put in a ramp. It would also be more expensive, when the lift is easier.

Ms. Incandela stated it seems to me that we do not have much choice. There are not many options available to us. Unless someone has a reason why we should wait, I do not think we should. It does not make sense to me to purchase just the equipment and then have to install it because I would be worried about warranties and the inspection.

Mr. Smith stated I agree, which is why I do not want to install it.

Mr. McGrath asked is your recommendation to accept the proposal from Osborn Pools?

Mr. Smith stated yes. I do want to research it further, as time goes on, and continue to look at this. There is a lot of information coming in, and this is a big issue. I am requesting authorization to spend up to \$6,000, not all of it necessarily with Osborn Pools, but to have that money available to use for the pool lift.

On MOTION by Mr. McGrath, seconded by Mr. Mihalic, with all in favor, unanimous approval was given to authorize up to \$6,000 for the pool lift, including accepting the proposal from Osborn Pools to install the lift in the amount of \$5,775, as discussed.

SIXTH ORDER OF BUSINESS

Acceptance of the Audited Financial Statements for Fiscal Year 2011

Mr. Moyer stated on page 1, the auditors state “In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities of each major fund of the District as of September 30, 2011, the respective changes in financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.” In the industry, that is referred to as a clean audit opinion, which means there were no qualifications to their opinion. In its simplest form, it means that the financial statements that the District, through Severn Trent accounting, provided to the auditor did fairly reflect our financial position as of September 30, 2011. Page 23 is a report on internal control and compliance. Related to internal control over financial reporting, they state that “We did not identify any deficiencies in internal control that we consider to be material weaknesses as defined above.” Related to compliance and other matters dealing with compliance to laws, Statutes, ordinances, contracts, bond covenants and so forth, they state “The results of our tests disclosed no instances of non-compliance or other matters that are required to be reported under *Government Auditing Standards*.” Page 25 is the management letter. Certain findings are required by rules of the Auditor General or Florida Law, but the management letter is also the opportunity for the auditor to bring things to management’s attention that do not rise to the level of being a material weakness but yet would help us in doing a better job in financial reporting. They state “There are no recommendations made in the preceding annual audit report.” Page 26 lists a number of findings the auditor has to make and the second one deals with Section 218.503(1), Florida Statutes, and they state that the District did not meet any of the conditions described in that section. The way it is stated is a little confusing because normally you would think you want to meet conditions. Section 218.503, F.S., list the conditions of what is a financial emergency, so you do not want to meet those conditions or else you would be in a state of financial emergency. To say it in a more positive fashion, we are not in a state of financial emergency.

On MOTION by Mr. Mihalic, seconded by Mr. McGrath, with all in favor, unanimous approval was given to accept the audited financial statements for fiscal year 2011 and to authorize staff to file it with the appropriate State agencies.

SEVENTH ORDER OF BUSINESS

Presentation of the Fiscal Year 2013 Budget

A. Fiscal Year 2013 Budget

Mr. Moyer stated this starts the budget process. I will ask the Board to adopt a Resolution that will approve the budget for the purpose of setting the public hearing. I differentiate “approve” from “adopt.” You are not adopting the budget today; that will happen when we have the public hearing, which we are proposing be held July 19, 2012, at 6:00 p.m. at this location. Setting the hearing for that date gives us some time that if we need to address something in this budget, the Board can convene in August and still be able to meet the timeframe in order to certify the roll to the property appraiser. There are no changes to the assessments that are proposed by staff in this budget. If the Board chooses to change security, that will change the budget and will increase it about 8% for operations and maintenance.

Mr. Mihalic stated that is just for the additional cost of security and does not include additional maintenance or anything else.

Mr. Moyer stated that is correct; it is just to implement Mr. McCartan’s proposal. If we increase the assessment, we need to notify everyone in the District by letter that their assessments will increase. We may need to have a meeting at the library like we did before because we would anticipate more people showing up for that meeting. Those are the things you need to take into consideration.

Ms. Incandela asked if the increase to each home is \$80 for additional security, would we need to increase the assessment by approximately \$100 to cover the foreseeable maintenance expenses for the additional use of the equipment?

Mr. Moyer stated that sounds reasonable. There is \$10,000 in the security line item for other items related to security. The Keep Safe contract is about \$68,000 annually, and we have an additional \$10,000 for miscellaneous.

Mr. Mihalic stated that is not going to be enough.

Mr. Moyer stated that is the issue. How much will be sufficient?

Mr. Mihalic stated if you add \$20 to the proposed \$80 per household to bring it to \$100, that equates to \$15,000. We can go through that pretty quickly, as Mr. McGrath pointed out earlier spending just \$4,500 in one month.

Mr. Smith stated the \$15,000 would be added to the existing \$10,000 already in the budget.

Mr. Mihalic stated I think you will need to go higher than that, even.

B. Consideration of Resolution 2012-01 Approving the Budget and Setting a Public Hearing

Mr. Moyer read Resolution 2012-01 by title into the record.

Mr. Moyer asked does the Board want to add another \$100 per unit for additional security?

Ms. Incandela stated I think we need to. Do we have to allocate it necessarily toward security for the purpose of the budget? I think we have to. If not the security issue, it will be something else that will come up at the budget workshop that will warrant a \$100 increase.

Mr. McGrath stated I am not prepared to say we should completely change and start providing guard service 24 hours per day because I think it is something that is a major decision. We have gone a couple different ways about it to try to figure out what works best for all the home owners. I am not prepared to commit to that, but I certainly think we should indicate we will have a budget workshop. We can have a discussion at that time, whether or not we increase it \$100. We had no increase last year.

Mr. Moyer stated an additional \$100 per unit will generate \$75,100.

Mr. Mihalic stated I question whether or not \$100 is enough to include the additional maintenance of the gates.

Mr. McGrath stated I agree.

Mr. Mihalic stated that is based on what we have seen. If we double the time security is here, the costs for maintenance will be considerably higher. I do not think \$15,000 more will be enough.

Mr. McGrath stated we can discuss that further at the budget workshop.

<p>On MOTION by Ms. Incandela, seconded by Mr. McGrath, with all in favor except Mr. Mihalic, approval was given to Resolution 2012-01 approving the budget for fiscal year 2013 with an additional \$75,100 for security, and setting a public hearing for Thursday, July 19, 2012, at 6:00 p.m.</p>

C. Discussion Regarding Scheduling a Budget Workshop

Mr. McGrath asked do we need to consider a budget workshop to discuss additional security?

Ms. Pieters stated I think we need a workshop so we can look into this further.

Mr. McGrath stated I suggest next month.

Ms. Incandela stated that works for my schedule. How much time do we need to notify the residents?

Mr. Moyer stated 30 days. If the hearing is going to be July 19, then the workshop should be in mid-June. The third Thursday would be June 21.

Mr. Frawley stated that is not 30 days before the hearing.

Mr. Moyer stated the notice period is 21 days, but we need to produce the letters and get them mailed, so there is some preliminary work to be done. I will have that meeting advertised separately. If we need more time, I will want to move the meeting a week earlier.

EIGHTH 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. McGrath stated I sent Mr. Moyer an email that the postage and freight line item and the printing and binding line item seemed too high. In both months, we spent about \$2,700 in postage. For last month, we spent \$302 for printing and binding, and \$2,456 in postage. The month before, it was \$127 in printing and binding and \$2,375 in postage. The difference is several hundred dollars.

Mr. Moyer stated the January agenda packages were 258 pages, and there were five books, for a total of 1,290 pages, or 560 double-sided copies at \$.20, which is \$129. The books and bindings are \$5.50 each, which is \$27.50 for five. Additional copies made to produce the final documents, accounting had 130 copies, the Celebration office had 300 copies, recording had 430 copies, the bound books were 650 that I just mentioned, so the total copies were 1,510. I want you all to be able to review the invoices, but when we are looking at this number of invoices, what some Boards have done is appoint one person to be the person who, on behalf of the Board, reviews them in great detail. Then we would not need to copy all of them for everyone.

Mr. McGrath stated Mr. Crumbaker receives this agenda package, and I am not sure he needs all of the invoices, which is more than half of the book.

Mr. Moyer stated he probably does not need the invoices.

Mr. Mihalic stated three of us receive the invoices electronically. There is no reason he cannot have an electronic version.

Mr. McGrath stated I agree. I recommend that the invoices go on the website and we can refer to that.

Mr. Mihalic stated the entire agenda package is online and you can see everything on line.

Ms. Incandela asked how much is the cost of binding for the one book for Mr. McGrath and Ms. Pieters?

Mr. McGrath stated Ms. Fuentes and Mr. Crumbaker also get an agenda book.

Ms. Incandela asked are you suggesting to leave the invoices out of the agenda book?

Mr. McGrath stated yes, as far as including them in the hard copies. As Mr. Mihalic mentioned, it is not like the information is not available. We are just getting it in the most expensive manner. Can we do it that way?

Mr. Mihalic stated I do not see why we do not use the whole agenda package online.

Mr. McGrath stated my preference is to have a hard copy because I keep them. It might be that we will never need it, but that is my preference.

Mr. Mihalic stated you can store a copy on your hard drive, and then you will have it.

Mr. McGrath stated I prefer hard copies.

Ms. Pieters stated I also prefer a hard copy because I cannot sit and look at the computer to read all of this.

Ms. Incandela stated I do not think it saves us very much to eliminate hard copies for Ms. Pieters and Mr. McGrath. With respect to copying the invoices, I like the idea of making one copy. Would Mr. McGrath be comfortable reviewing all the invoices?

Mr. McGrath stated I am comfortable reviewing them on the computer instead of a hard copy. Mr. Crumbaker should not need hard copies of the invoices, nor does Ms. Fuentes.

Mr. Smith stated she does not get an agenda book.

Mr. Moyer stated we list everything that we pay on a two-page check register, which shows who we pay. Does Ms. Pieters care to also look at the invoices themselves?

Ms. Pieters stated no.

Mr. Moyer stated if we can eliminate more of the hard copy invoices, that will reduce the copying fees. I think that is a good suggestion.

Mr. McGrath stated we are spending money for Supervisors who attend meetings, which is mailed to me. Is direct deposit an option? Is that something we can do for any of our repeat vendors?

Mr. Moyer stated I will find out.

Mr. Mihalic stated as well as the attendants.

Mr. McGrath stated it will reduce postage.

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 Ms. Pieters, with all in favor, unanimous approval was given to the financial statements and 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.

D. Discussion of the General Election and Consideration of Resolution 2012-02 Requesting the Osceola County Supervisor of Elections Conduct the District's Election of Supervisors

Mr. Moyer read Resolution 2012-02 by title into the record.

Mr. Moyer stated we will send this Resolution to the Supervisor of Elections for Osceola County and ask that she conduct the election on our behalf.

Mr. Mihalic asked is this the same thing we do every two years?

Mr. Moyer stated that is correct. The qualification period is noon, June 4 to noon, June 8. If anyone is interested in running for an open seat, you need to go to the office of the Supervisor of Elections during that time period to qualify, just as if you were running for a City Commission or County Commission. There are two positions that will expire this year.

On MOTION by Mr. Mihalic, seconded by Mr. McGrath, with all in favor, unanimous approval was given to Resolution 2012-02 requesting the Osceola County Supervisor of Elections conduct the District's election of Supervisors.

E. Number of Registered Voters – 1,122

Mr. Moyer stated there are 1,122 registered voters in the District. We are required to track that by law. Once we met the thresholds of being six years old and having 250 registered voters, we converted to a general election format rather than a landowner format in how we elect Supervisors.

F. Public Facilities Report

Mr. Moyer stated this is something that was requested by legal counsel. There is a requirement that we update the public facilities report and file it with the County, who then can rely on it. We provided it to them initially when we had our infrastructure program. Counsel was a little concerned that it had not been recently updated, so we had the engineer update the report.

Mr. McGrath stated it cost \$510 to prepare this report. For the section on proposed expansion in the next five years, it says there is no current plan. The District is almost 10 years old, and one of the things we should look at is not just what we do over the preceding months but have a plan for some things that are going to be happening so that they are not a surprise. We should have a section where we think about what we will need in the long term, and I will ask Mr. Moyer for his assistance in that regard.

Mr. Mihalic stated we have started doing that in some respects in collecting the additional \$100 in assessments for the roads.

Mr. McGrath stated that is correct.

Mr. Moyer stated to the degree that we come up with a plan, we will just supplement this report.

On MOTION by Mr. Mihalic, seconded by Ms. Pieters, with all in favor, unanimous approval was given to accept the public facilities report.
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NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being nothing to report, the next item followed.

B. Engineer

There being nothing to report, the next item followed.

C. Field Operations

i. Field Maintenance Report

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

Mr. Smith stated we have completed all the ADA-compliant items, including the drinking fountain, with the exception of the pool lift that we discussed. We finally got the speed hump installed. The delay was that it took some time to get a meeting scheduled with Mr. McCartan, the engineer and myself regarding the exact location. I scheduled my staff to install it a couple weeks ago, but I discovered we had no signs. So I ordered the signs. Staff is here today working on the speed hump and I picked up the signs this morning.

Ms. Incandela stated based on the ADA report from the consultant, it looked like there was a significant amount we saved for the installation of all the other ADA-compliant facilities. Do you know how much that was?

Mr. Smith stated I did not calculate dollar amounts for the work we did. The ADA consultant did not even price the installation of the facilities; he was just going to oversee the work for \$22,000. I thought that price was ridiculous.

Ms. Incandela stated we appreciate those savings.

Mr. Smith stated some things were a bit time consuming, but everything came out pretty good. At the budget workshop, I will bring more information on the security proposal as well as a capital improvement plan and a five-year plan.

ii. 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.

iii. 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.

iv. Fitness Center Report

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

Mr. McGrath stated the report indicates that three exercise machines were to be taken out of operation.

Mr. Smith stated at the workshop, I will provide dollar amounts for those. We will need to look at replacing some of the equipment that is getting old. We are repairing them and everything is working pretty well now.

Mr. Mihalic stated we are spending a lot of money for very few people to be using the equipment. Those few people can go join a gym. We are putting a lot of money into the

facilities, and there is a very select few who are using it. Yet all the residents are paying for a few people to use the equipment.

Mr. Smith stated every time I am here during the day, there are people in the fitness room. I do not know if it is a small group of people, but the equipment is used a lot.

Ms. Incandela stated we pay for the option of having it, and we have a good number of residents who do not have other options. It is one of the things that I think people look at when they come into the community, to consider if the facility has a fitness room. It is a selling point for the community. They also look to see if it is well maintained or if the equipment is old and outdated. I think there are a lot of reasons for keeping our fitness room in good shape. It is well used. I have not heard much about people being abusive on the machines. We have really limited the problems by not having kids on the machines. I have not heard complaints from anyone in a long time about kids in that room. I think the fitness room is an important part of our community as a whole.

Mr. Moyer stated the Board does have some money in reserves that the Board was smart enough to setup for the recreational facility. To the degree that we go over budget, there are monies available we can use.

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. Action Item List

Mr. McGrath stated it seems there was no action item list in the agenda package. I presume that was an oversight that will be rectified at the next meeting.

TENTH ORDER OF BUSINESS

Submitted Resident Questions and Audience Comments

Mr. Frawley asked regarding the pool lift, does the person actually sit in the lift actually operate it, or does someone else operate it for them?

Mr. Smith stated it can be operated either by the person attending the handicapped person, or the handicapped person himself.

Mr. Frawley asked will there be some sort of signage placed on it indicating it is not a toy? Is there an age restriction to operate it? Can young kids operate it? We already have an age limit to be able to use the pool. If you are under a certain age, then you have to be supervised by someone who is over a certain age.

Mr. Smith stated there is signage available indicating it is only for handicapped people. If you are not handicapped, then you should not be on it at all. It is not for anyone to play on. We will put signage on it.

Mr. Frawley asked if the person in the lift is under the required age, can we require the person supervising them to be the one who operates it? I can see kids just going and playing on it.

Ms. Incandela stated I think the kids who are playing on it who are not handicapped should not be on there anyway.

Mr. Frawley stated a resident or the attendant could interpret that a 9-year-old kid is not supposed to be operating the lift.

Ms. Incandela stated if the 9-year-old child is handicapped and he is able to operate the lift to get himself in and out of the pool, I do not know if we can restrict that.

Mr. Mihalic stated if he is 9 years old, then he needs someone here supervising him anyway.

Ms. Incandela stated just because he has someone here supervising him does not mean that they can help him get in and out of the pool. I do not know if we can require having a supervising adult to assist a child with the lift.

Mr. Moyer stated if it becomes an issue and requires rules, then we will go through the process of adopting rules, which we have done for a variety of things. Between now and the time the lift is operational, we will need to think about those kinds of things.

Ms. Incandela stated I just want to keep kids from hanging on it and using it as a play toy. I think we can put up all the signs we want, but we are still going to have that issue. It is something we will need to deal with.

Mr. Frawley stated signage will tell the person using it and their attendant what the rules and restrictions are, and it also tells everyone else here that if they see any abuse occurring that does not fit with what the signage indicates, they need to say something to the attendant or call or email someone to relay what you are seeing. Without knowing the rules, we will not know it is wrong for a 2-year-old kid to be on it with a 6-year-old kid operating it. We need some clear signage that stipulates the rules, not only for the person who is using it, but for the community. Then we can read about the correct procedure and know whether or not it is being followed.

Mr. Mihalic stated I think one of the concerns is some kid is going to use it, and they are not truly handicapped.

Mr. Frawley asked how are you going to separate those issues? What if a 10-year-old kid wants to use it and claims to be handicapped today.

Ms. Incandela stated there is a definition of what is legally handicapped.

Mr. McGrath stated just like obtaining a handicapped permit for your vehicle to park in a handicapped parking space.

Mr. Smith stated there are a lot of people with the same thoughts and questions. There will probably be rules and regulations on the proper operation of this equipment. This is a big deal because a lot of people are pushing back on this requirement.

Mr. Mihalic stated it sounds like it was something that was passed but not quite thought out.

Mr. Smith stated I agree.

Mr. Frawley stated we have plenty of signage displaying the rules, and they are not followed, even when the attendant is here. There is a stream of people who come in when someone opens the gate to enter. I watched one girl open the gate and let six people come in, which is more than the number of guests she can have. I can see the card in her hand, and she turns around and goes out. I asked if the people she just let in were with her, and she responded uncertainly that they were. I indicated that she needed to be here with them, that she could not leave while they are here since they are under her supervision. She did go back in at that time.

Ms. Incandela asked are you referring to kids who are under age and need an adult supervisor? Or are you referring to kids who are not from the community who are being let in and are not authorized to be here because they are not residents?

Mr. Frawley stated it is hard for me to determine a person's age, so I do not have a good feel for that. They appeared much younger than should be using the equipment. The girl who let them in certainly was not old enough to be a parent. She was probably not of age to be a legal supervisor for these people.

Ms. Incandela asked was there an attendant working here at the time?

Mr. Frawley stated it was 7:00 p.m. on Wednesday. I was here another day at 2:00 p.m. for another home owner-related meeting we had. At 2:20 p.m., the attendant arrived and went to the back room. I just remember the fact that he came in and was sitting here for a while. We stayed here until 4:30 p.m. and about 90 minutes after the attendant arrived, there are two kids in the pool. One of the kids was at the entrance when I came in and I would not let him enter because he did not have a card but said he was waiting for

someone else. There are now two kids in the pool with no adults or anyone else here. So I knocked on the door for the pool attendant to let him know there were two kids in the pool, he looked up and said they appeared to be 19 to him, then he left to do his rounds. When he came back, I asked what the kids said. The attendant indicated the kids were 12, but the parents were supposedly at the tennis courts. I told the kids they needed to get out of the pool since their parent needed to be here. A week later, I am here again to put up signs, and there is no attendant at 4:30 p.m. I can tell the attendant had been here if the deadbolt is on and the door knob is unlocked. I opened the door, the area was beat up, he had a game controller in his hand, and the lead cord for the game controller was heading in this direction. I asked him what he was doing and told him there were people in the pool area, which is where he is supposed to be, not in the office. He said he cleaned the bathrooms and other things. I told him belonged out of the office the rest of the time.

Mr. Smith stated he was the relief person for Geinor and is from VillaSol. We have had some issues with him.

Mr. Mihalic stated but we are paying for him to be here, no matter who it is.

Mr. Smith stated I understand that, but unfortunately, the level of pay we can offer, it is difficult to find people to do the work. Since I am not here 24 hours a day watching over them, it is very difficult to hire good staff. We are paying \$12 an hour. I can make every issue that Mr. Frawley mentioned go away if you give me a manager here and give me someone we can pay properly, someone who has some talent and ability, but at \$12 an hour, I can barely get landscape personnel for that price. That is our problem. Without being here to supervise him, there is not much I can do. Mr. Frawley checking on him is great. For the same dollar amount, Geinor does a pretty good job and he is our main attendant.

A Resident stated Mr. Frawley is not the only one looking out. We live across the street, and we call the sheriff's office because the security guards are not doing what they are supposed to be doing.

Mr. Smith stated the staff here are not security guards; they are attendants. If you are here by yourself and there are teenage kids playing basketball and then they come in here, it is not a completely safe atmosphere. I have told all the attendants not to get into any conflict with any home owner or any person here. If there is a problem, call us. The idea for the attendants is to maintain it and keep it from getting abused. They are not enforcing policies. When they were doing that, they were being threatened. We cannot have that.

For the amount we are paying the attendants, they are keeping the facilities clean. The fill-in person generally does not do as much as we would like him to do because it is not his primary responsibility, but Geinor does a good job for us. Once again, he tries as hard as he can, but he does get abuse and that is not fair. We want to solve these problems, but we cannot do that without having a manager here. You cannot leave one person here by himself because as soon as he makes people mad, they will want to get back at him. That means you need a manager here and an assistant the whole time the pool is open. If we do that, we can make all of these problems go away. Right now, with the staff we have, it is very difficult to do what Mr. Frawley is requesting. I did have a different fill-in person, who was doing a good job for us. He worked when he was here, but he left because he was not going to put up with the abuse. I am trying to fill the position. The person we brought from VillaSol is working extra hours to come here, so he comes here on his day off. Geinor is on vacation, which is difficult to fill when he is gone, and the VillaSol attendant agreed to fill in here. Those are the issues we have. If anyone knows of a way to get a high-quality person to manage the facility, I would like to hear it.

Mr. Frawley stated I know of a way to slow it down. Get a tall chair and plant it out here. When he is not doing his cleanings, that is where he belongs, on the chair.

Mr. Smith stated Geinor will do that, but the fill-in attendant is here on his day off.

Mr. Frawley stated he thinks it is fine for him to be in there with his Gameboy playing in the office.

Mr. Smith stated that is not appropriate, and we are dealing with other issues we have with him, but he is here on his day off.

Ms. Incandela stated this particular person seems to be a bad fit for our facility with respect to what is going on, so I do not expect that it will continue. I have never been comfortable with an attendant here because we have so many needs that fall more under security than just a basic attendant. I think we are asking for an attendant, but our expectations are different on what the attendant should do. These issues are beyond the scope of an attendant's duties. I think we need to figure out a better way to resolve some of these. I do like the idea of him sitting outside, but I do not want to expect him to do that in the hot summer months. Those things I think we should deal with on an employee-by-employee basis because I do not want someone else to be put in that kind of position. We will be discussing changes in security at the workshop. Prior to the workshop, I would like to hear some different ideas in trying to resolve some of the issues we have

discussed and the costs of those suggestions. Then at the budget workshop when we are discussing security, there might be another direction we consider if we do not increase security 24 per day by increasing the security at this facility. We have always had a problem with respect to non-residents using these facilities and people doing things they are not supposed to do. If we do not add security 24 hours per day, we might be able to increase it at this facility.

Mr. McGrath stated it is easy enough to terminate an employee. We spent \$7,000 in unemployment compensation for employees who are no longer working for us. Even when we terminate employees, it continues to cost us money. Perhaps we consider something just for the summer.

Mr. Smith stated I am very pleased with the regular staff we have now.

Mr. McGrath stated Geinor does a great job, he is consistent, he is smart, and he shows up on time.

Mr. Smith stated I have problems with the fill-in person showing up on time and his work ethic, but at least he is here. We are trying to find better staff, but it is difficult.

ELEVENTH ORDER OF BUSINESS Supervisor Requests and Comments

Mr. Mihalic stated after tonight's meeting, I will be resigning my position as Supervisor. As most of you know, I am moving to South Carolina. It has been a pleasure working with the whole Board and an honor serving all the residents of Brighton Lakes.

Mr. McGrath stated thank you.

Mr. Moyer stated thank you for your service. Now that we have a vacancy, the Board appoints a replacement for the unexpired term of office, which is November 2014 for Mr. Mihalic's seat. At the July meeting, the Board should be in a position to make that appointment. How you want to go about making the general public aware of this vacancy is up to the Board. We can put it on the bulletin board. We can utilize the website.

Ms. Incandela asked what did we do the last time there was a vacancy? I think we put it on the website and we posted signs.

Mr. McGrath asked we can use the sign board at the front where everyone comes in and out, and perhaps everyone will see it.

Mr. Mihalic stated you should put something there to refer to the website.

Mr. Smith stated we can have a simple sign saying "for CDD election information, go to the website."

Mr. McGrath stated we spent \$2,800 in legal fees related to the Lanier property. Is there anything further we need to do?

Ms. Incandela stated I spoke with Mr. Crumbaker about that prior to the meeting. Mrs. Lanier attended our meeting a few months ago and was inquiring as to what the Board planned to do. Our attorney put the onus on the Laniers. They did not present very much in terms of the validity of their claim, so we requested more information. When Mrs. Lanier was at the meeting, Mr. Crumbaker indicated he was waiting to hear from her attorney, and there has been nothing else sent. No letters have been responded to and no phone calls have been made. They have not presented anything or come forward with anything.

Mr. McGrath asked so we do not need to respond to them at this time?

Mr. Moyer stated that is correct.

Ms. Incandela stated they have the next step.

Mr. McGrath stated everyone loves the new basketball court and are having a great time. Perhaps a sign up high on the tennis court fence could be installed to indicate this area is for their enjoyment and being loud or vulgar reduces the enjoyment of our neighbors. Perhaps 1% will tell their friends to quiet down and use appropriate language.

Ms. Incandela stated sadly, that is how teenagers act.

Mr. Mihalic stated I think we have enough signs.

TWELFTH ORDER OF BUSINESS

Other Business

There being none, the next order of business followed.

THIRTEENTH ORDER OF BUSINESS

Adjournment

The next workshop will be Thursday, June 21, 2012, at 6:00 p.m.

The next meeting will be Thursday, July 19, 2012, at 6:00 p.m. at the Kissimmee library.

On MOTION by Mr. Mihalic, seconded by Ms. Pieters, with all in favor, the meeting adjourned at 7:20 p.m.

Gary L. Moyer, Secretary

Michelle Incandela, Chairman