

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 19, 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
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

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the March 17, 2011, Regular Meeting

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

<p>On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, unanimous approval was given to the minutes of the March 17, 2011, regular meeting.</p>

FIFTH ORDER OF BUSINESS

Acceptance of the Audited Financial Statements for Fiscal Year 2010

Mr. Moyer reviewed the audited financial statements for fiscal year 2010 as prepared by Carr, Riggs & Ingram. The auditor states that in their opinion, the financial statements for the fiscal year ended September 30, 2010, present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the District as of September 30, 2010. That is referred to as a clean audit opinion, which means the auditor found that the financial statements that we provided to them as of September 30, 2010, did fairly represent the financial position of the District at that time. The auditor is also required to opine on the District's internal control over financial reporting, and they did not identify any deficiencies in internal control over financial reporting that they consider to be a material weakness, which is defined in their letter. Related to compliance with laws, rules, trust indentures, contracts, and so forth, and the results of their tests disclosed no instances of non-compliance or other matters that are required to be reported under *Government Auditing Standards*. The management letter is the auditor's opportunity to bring items to the Board's attention that may not be material weaknesses, but in their opinion, would improve the District's financial reporting. The auditor has no recommendations for fiscal year 2010. The last item deals with whether or not the District is in a state of financial emergency, and the District is not in a state of financial emergency. It was a clean audit opinion with positive reports.

Mr. Moyer stated some of this report might appear confusing, especially the part where it talks about the overall reduction of net assets. The reason for that is depreciation, but in their opinion, it is not significant. Through the levy of assessments and managing the budget well, we added \$136,875 to our fund balance last year. Some of that increase was a planned increase, such as the \$75,000 reserve and the \$12,000 additional contingency. Because of the way Mr. Smith, Mr. Frawley and others keep an eye on things out here, we spent less than what we anticipated for fiscal year 2010.

<p>On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, unanimous approval was given to accept the audited financial statements for fiscal year 2010 and to authorize its filing with the appropriate State agencies.</p>

SIXTH ORDER OF BUSINESS

Presentation of the Fiscal Year 2012 Budget

A. Fiscal Year 2012 Budget

Mr. Moyer stated this is the beginning of our budget process. It is very similar to the budget we are currently operating under this year and it provides for the reserves that this Board wants to establish. The process that we go through is I will ask the Board to adopt a Resolution that approves the budget for the purpose of scheduling a public hearing, which is proposed to be your regularly scheduled July meeting, July 21, 2011, at 6:00 p.m. in this location. We started this process early enough that if there are major changes that the public wants this Board to consider and if the Board is not comfortable adopting the budget on July 21, 2011, you can continue your hearing to August and still meet the requirement to certify our tax roll to the property appraiser.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, approval was given to the proposed budget for fiscal year 2012.

B. Consideration of 2011-03 Approving the Budget and Setting a Public Hearing

Mr. Moyer read Resolution 2011-03 by title into the record.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, approval was given to Resolution 2011-03 approving the fiscal year 2012 budget and setting a public hearing for July 21, 2011, at 6:00 p.m.

C. Discussion Regarding a Budget Workshop

After a brief discussion, the Board determined a budget workshop would not be necessary.

SEVENTH ORDER OF BUSINESS

Vendor/Contractor/Third-Party Items

A. Security

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

B. Landscaping

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

Mr. Smith stated we are considering not pruning the crepe myrtles this year.

Ms. Palmer stated when you hard prune them, you shorten the life of the tree itself. The trees are beautiful when they come back after a pruning, but that pruning shortens the life. If you prune them properly, they will be full and gorgeous and huge and will live a lot longer. People think we are doing something wrong when we do not prune the trees, but do not do a hard prune so that they will grow to be full and beautiful.

EIGHTH ORDER OF BUSINESS

Discussion Items

A. ADA Consultant Proposals

Mr. Moyer reviewed the three proposals received in response to the District's request for ADA consultants to review the District's facilities for ADA compliance with the 2010 Standards for Design Accessibility.

Mr. Mihalic stated it appeared to me that the most expensive proposal was the most vague, and one of the lower-priced ones was more complete.

Mr. Moyer stated I made the same observation.

Mr. McGrath asked does staff have any knowledge about these companies?

Mr. Smith stated I have not worked with any of them.

Mr. McGrath stated RGA Group is based in Tampa, and they physically came to our community to inspect our facilities, so I give them extra points for that effort.

Mr. Moyer stated these proposals are merely to indicate what changes or modifications we need to make to our facilities in order to be compliant with the 2010 standards. There will be costs associated with those changes. I am not very concerned with the equipment in the exercise room since this facility and the rooms are handicapped accessible already. Part of their review will be to determine what facilities are applicable to the new design standards.

On MOTION by Mr. Mihalic, seconded by Ms. Pieters, with all in favor, approval was given to accept the proposal from RGA Group in the amount of \$2,500, as discussed.
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B. Use of Basketball Courts by Younger Children

Mr. Smith stated what happens on the basketball courts when it gets crowded, the younger kids usually are not allowed to play because of the number of older kids on the courts. I wondered if we could consider a schedule or a policy to accommodate the younger kids. It is also possible to allow the younger kids and their parents to play basketball on this end of the tennis courts with just a few modifications to install a basketball hoop.

Ms. Palmer stated if the access was through the recreation center, it would be a lot easier to control than it is being outside the access gate.

Mr. McGrath asked will that in anyway harm the surface of the tennis courts?

Mr. Smith stated no, it is a commercial-grade surface.

Mr. McGrath asked do you estimate your costs to be less than \$500?

Mr. Smith stated yes.

Mr. McGrath stated I appreciate all the things Mr. Smith does to add to the recreation center and what we offer to our residents. If you think there will be a lot of people using this new area, then maybe we can do more things here.

Ms. Palmer stated right now, a lot of the younger kids do not get to play basketball and a lot of parents do not want them there because of the language and behavior of the older kids. Even with this change, we still have tennis courts available for people who want to play tennis.

Mr. Smith stated we will also take care of proper signage for the younger kids using the tennis courts for basketball use.

Mr. Crumbaker stated my recollection is that we have amenity polices and rules that govern some portion of the use if you are referring to length of time on the facilities and age limitations. Whatever you approve for this is fine, but we might need to tweak our existing rules to be in accordance with the intended use of the facilities.

Mr. Smith stated I will coordinate the wording on the signs prior to ordering them to make sure they match the existing rules and policies.

<p>On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, approval was given to make the necessary modifications to the tennis court nearest the bathrooms to accommodate basketball facilities suitable for younger children, not to exceed \$500.</p>

NINTH 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 are 92% collected on our non-ad valorem assessments. Last year at this time, we were 93% collected, so we are on target with our collections.

Mr. Mihalic stated Mr. Frawley had a question on something in the agenda package, which he received by email. I checked on the website, which is shown in different parts

than the email Mr. Frawley received. There is simply no way to reference what page we are referring to. I talked with Ms. Burgess and what we discussed is prior to the packages being emailed or copied, staff will master number the pages. So the page number will be 6/472 or however many total pages there are. Then we can all refer to the same page.

Mr. Moyer stated as long as you do not mind how neat it might be.

Mr. Mihalic stated Ms. Burgess suggested just handwriting the pages with a marker.

Mr. Moyer stated I am not sure they will be able to indicate the total number of pages, but they can start at 1 and number each page consecutively.

Mr. Mihalic stated that is fine.

Mr. McGrath stated that is a good idea.

Mr. Mihalic stated on the notes to the financial statements for miscellaneous assessments, it refers to the Orange County tax collector and that should be Osceola County.

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. Mihalic stated I tried to match the receipts for Home Depot, and I see a lot of miscellaneous services. Is there some way you can put a note as to what that is for? For instance, there are some items for grout and grout repair, which I was not aware we were doing anything of that nature. It makes me wonder what the work is for. Just include those comments in the notes to the financial statements. When we pay for tools, are those tools for Brighton Lakes? Or do they go everywhere else? Where are they kept?

Mr. Smith stated we were doing some work on the brick pavers and if the tool is for something out of the ordinary specific to Brighton Lakes, that will be purchased by Brighton Lakes and used only in Brighton Lakes. We keep those tools here on site.

Mr. Mihalic asked what is the issue with the manhole cover? Did someone steal a cover?

Mr. Smith stated it is not unusual for things like that to disappear from time to time.

Mr. Mihalic stated if we had notes to explain more of these items, I will not have as many questions at the meeting.

Mr. McGrath stated we do not really have the responsibility for sewers and things like that.

Mr. Mihalic asked should Toho Water Authority replace that manhole cover instead of the CDD?

Mr. Smith stated no, this is for a storm drain, which is a CDD facility. The sanitary manhole cover would be the responsibility of Toho Water Authority.

Mr. McGrath stated I see we installed a new bicycle rack. Is that a new rack or are we replacing one?

Mr. Smith stated it replaced the one we installed in 2005.

Mr. McGrath stated we purchase a lot of chlorine and other chemicals for the pool. Would this pool be conducive to be converted to a salt system?

Mr. Smith stated as time goes on, we may have to change the type of system that we have. We could consider converting to a salt-based system at that time.

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

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

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney – Consideration of Disclosure of Public Financing

Mr. Crumbaker stated we prepared this disclosure of public financing, which is required by Section 170.009, Florida Statutes, and requires Community Development Districts to record notice for a disclosure of any financing that has occurred by the District and its maintenance activities. This is a summary of what has been financed and constructed by the District and what the District continues to maintain, along with contact information in order for a potential purchaser to obtain additional information in support of the document. This document will actually be recorded in the official documents for Osceola County. A legal description is attached, which is the same legal description that defines the boundaries of the District. When anyone purchases property within the community and they receive their title work as part of that purchase, it will come up as a document within that title search, so the purchaser is put on notice of the existence of the District, the fact that the District has issued bonds in order to finance infrastructure, the infrastructure that the District designed and constructed or acquired, as well as the

maintenance program of the District along with an estimate of the level of assessments. This document is required by law.

Mr. McGrath stated the first page indicates that information will be made available to all persons residing within the District. Is there a difference between resident and home owner, for example, if someone is a renter of a home within the District?

Mr. Crumbaker stated that language is taken directly out of the Florida Statutes. The assessments run with the land, so it is the landowner and not necessarily a renter who is the interested party to the assessment levels and what those assessments fund. The language “to reside” is pulled from the Statute directly. It is available for people to find online on the Osceola County website. We used the term “reside” to track the Statutory language.

Mr. McGrath stated the disclosure also says that District Board members must be citizens of the United States. Is there a requirement for any or all of us to prove that we are citizens, or for future Board members? Is that something we need to be concerned about?

Mr. Crumbaker stated you would have attested to that. I believe everyone on the Board, with the exception of Ms. Palmer, was elected on the ballot in a General Election and you qualified with the Supervisor of Elections. As part of that qualification process to run, there is typically a statement you need to file regarding citizenship and age and so forth. We tend to rely on the Supervisor of Elections in determining if someone is eligible to serve in that capacity.

On MOTION by Mr. Mihalic, seconded by Mr. McGrath, with all in favor, approval was given to the disclosure of public financing, as discussed.

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. Action Item 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.

vii. Fitness Room Equipment Replacement Report

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

viii. Community Pool Report

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

D. Community Report – Gerry Frawley

Mr. Frawley reviewed the community report and anything still outstanding, which report was emailed to the Board in advance of the meeting.

Mr. Frawley stated it has been suggested to me that we mark the addresses on the access cards.

Ms. Palmer stated that concerns me because I may not want other people to know where I live. There is likely no one at my home right now, so for security reasons, I would not want the address on them.

Mr. Mihalic asked is the information available as to the addresses that pertain to each card?

Mr. Smith stated yes. We can provide that information to the attendant. If anyone is behaving inappropriately, the attendant will ask to see the card.

Ms. Palmer stated he can look at the number on the card and forward that number to the office for a letter to be sent if there is something inappropriate going on at the recreation center. I would like to request that the HOA and the CDD partner to purchase

some additional cameras. The residents do not want to see their assessments or HOA fees increased, but with the new ADA requirements, we will be required by law to make some modifications. The HOA might be in a better position to help purchase some additional cameras that will benefit the entire community,

Mr. McGrath stated if that is something the HOA Board would consider, it would be much appreciated. Perhaps we could put one more sign at the front indicating that video cameras are in operation 24 hours each day.

Mr. Mihalic stated we have too many signs now. It is a great idea, but there are too many signs now that people do not read them.

Ms. Palmer stated if the HOA purchases a camera, it should point out to the basketball area and there can be a sign there indicating they are being videotaped.

Mr. Frawley stated it is my understanding that our landscape contractor provides his own fertilizer. I saw something on a bill for fertilizer.

Mr. Smith stated they provide fertilization as part of their contract, but they break out each line item on their invoice. It is included in their overall contract amount. We are not paying anything additional for fertilizer since it is included in their contract.

ELEVENTH ORDER OF BUSINESS

Submitted Resident Questions and Audience Comments

There being none, the next order of business followed.

TWELFTH ORDER OF BUSINESS

Supervisor Requests and Comments

Ms. Palmer stated I asked Ms. Maria Fuentes to look at some prices for a security camera, but I do not know if she had time to do that or not. When she has that information, please ask her to email it to the Board. I would like to have something of commercial grade, whether the CDD buys it or the HOA assists with it.

Mr. Smith stated the ones we have priced previously are about \$1,500, and that is for the camera and DVR.

Ms. Palmer stated we could add four cameras for about \$8,000.

Mr. Mihalic stated you need to include labor for installation.

Ms. Palmer stated four cameras would probably still be less than \$10,000.

Mr. McGrath asked with the number of cameras we have now, how often have we been able to access information we were seeking and have we been successful in seeing something the police can use?

Mr. Mihalic stated not very often.

Ms. Palmer stated we also have not had cameras in areas that are high-crime areas. If we added some, it may be a deterrent so that we would not have to use the cameras as much.

Mr. Mihalic stated we still will not be able to cover the whole facility. Even if we add cameras to aim at where drug activity is happening now, they will simply move to another location. Cameras are not the way to go for that kind of response.

Ms. Palmer stated for \$10,000, we can secure the area that we are responsible for.

THIRTEENTH ORDER OF BUSINESS Other Business

There being none, the next order of business followed.

FOURTEENTH ORDER OF BUSINESS Adjournment

The next meeting will be Thursday, July 21, 2011, at 6:00 p.m.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, the meeting adjourned at 7:25 p.m.
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Gary L. Moyer, Secretary

Michelle Incandela, Chairman