

# 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 20, 2010, at 6:00 p.m. at the Brighton Lakes Clubhouse, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present were:

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

Also present were:

Gary Moyer	District Manager
Jennifer O'Brian ( <i>by phone</i> )	District Attorney
Gerry Frawley	District Staff
Maria Fuentes	Severn Trent Services
Al 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

### Pledge of Allegiance

Mr. McGrath led the *Pledge of Allegiance*.

### SECOND ORDER OF BUSINESS

### Call to Order and Roll Call

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

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

### THIRD ORDER OF BUSINESS

### Audience Comments

Mr. Nestor Olmo stated the reaction to the speed hump has been very favorable as far as the community is concerned. Last night, Alba Sanchez mentioned at the HOA meeting that she has received several phone calls from residents requesting one for their street. I received an email from a resident about a situation where people are parking there at night. It is very secluded at night and I provided her with a phone number to call and encouraged her to come to the CDD to request additional lighting in her area. She lives on Biel Court and I do not see her at the meeting.

Ms. Incandela asked is it a vacant lot that is CDD property?

Mr. Olmo stated it is more like a common area.

Mr. Frawley stated it is like a park, just off Huron Circle.

Mr. Smith asked are they parking in the back or at the end of the cul-de-sac?

Mr. Olmo stated the area back to the right. They are not parking on the street but they are looking for another street light on the street.

Mr. Frawley stated that has happened often when we are out on patrol and see vehicles parked back there, so we chase them out.

Mr. Smith stated we can try to get a street light there, but we will have to go through KUA.

A Resident asked is there a way you can put in more parking around the pool, either on this side or across the street in the common area? I cannot see how this parking lot can accommodate 751 homes during the summer. I understand many people have their own pool, but I live a mile from here and I do not have a pool so I will not be walking here to the pool. Have you considered that there really is not enough parking?

Ms. Incandela stated the designation of parking spots was done by the builder in the early development of the community. I do not know that we would even have any available space to be able to convert into additional parking. There are zoning and other regulations that might affect that, even if we have the space available. In all likelihood, this is all we will have. We can look into that and see if there is anything we can do.

The Resident stated at the end if they removed a couple of those trees, that would provide some additional spaces.

Ms. Palmer stated inserting an asphalt parking lot is extremely expensive. I heard from someone today that almost half the homes in this community are in foreclosure right now.

Mr. Mihalic stated it is more like 140 homes.

Ms. Palmer stated even with 140 foreclosures, that is one-fifth of the homes here. Last year was a bad year to do things that cost money, and this year it is even worse.

Ms. Incandela stated to do anything more than we provide for in the budget, we would be required to raise assessments. To undertake a project like that, we would have to create asphalt and go through rezoning, and that will be a very large expense that we are not equipped to handle right now.

The Resident stated the developer may have left some of this area as room for expansion so that is something you should look into. I do not mean necessarily that you

should have this done by the summer, but at least see if it is possible and makes sense. It may end up that the cost is so ridiculous that we would never do it, but it might be something that is possible.

The Resident asked are all those basketball players residents?

Ms. Palmer stated some of them are. They all go to school together and they all come here to play basketball.

The Resident stated someone made it sound like there are teams that come here to practice.

Mr. Frawley stated we have never had a complaint by a resident wanting to play basketball who could not because of kids outside the community coming and taking over the court.

Ms. Palmer stated as far as the parking lot, we can probably look into that a little without spending much money. Once we get into surveying and other work, I am not comfortable spending money to do that. I am fine with taking a precursory look, but I know how expensive asphalt is. At this point, I cannot see it being something that we can undertake for at least another year or two. It is something we can consider in the future.

The Resident asked can we have golf carts in the community?

Ms. Incandela stated no, they cannot be on a public road. That is not mandated by the CDD. It is according to the laws of Florida.

The Resident stated it would be easier to park a golf cart at the recreation center instead of a car.

A Resident stated when there is no parking available here, I notice a lot of times people park in the handicapped spots. I have a handicapped sticker and a lot of times, I cannot park in the parking lot. Can the staff here call the Sheriff's department when that happens or should I call them?

Ms. Incandela stated yes, you can ask the staff to call or you can call the non-emergency number yourself and report someone parking in those spots without a permit.

The Resident stated when the kids play basketball, they park where the Embarq truck used to park.

Mr. Frawley stated we do not let them park there. If they are parking there, we turn off the lights to the basketball court.

A Resident stated when we were first sent the stickers for the gates, it sounded like it was going to be for a trial period and I do not know what the results have produced. Will

the other lane ever be opened for residents? I have my card and would like to be able to swipe it to get through the gate.

Ms. Incandela stated the system that we have now has been working better on a number of different levels, in terms of equipment, the speed of people entering, and our ability to keep things secure. Unless any problems arise, I think in all likelihood, this is the system that has given us the most cost-effective and efficient security. Unfortunately, some residents were not using the other lane properly and they were expecting the guard to open the gate for them, which is not supposed to be opened without a swipe card. Non-residents were also pulling into that lane and we could not capture their license plate.

A Resident asked is there a reason why we need to have so many of the cones lined up there?

Ms. Incandela stated it is for safety and to make sure everyone sees well enough in advance which lane they need to be in.

Ms. Palmer stated it also controls the speed better. We used to have some serious speeding issues in that area before we put up the cones.

Mr. McGrath stated there is a curve right before where the cones start, and it helps someone unfamiliar with the community not to hit anything.

Mr. Frawley stated we discussed having the straight poles that stick in the ground instead of the cones and are reflective. Will they work as well?

Ms. Incandela stated I do not like looking at them, but I like the effect they have as far as speed reduction and everyone seeing exactly where they need to be.

Mr. Frawley stated these are the kind that you can drive through in an emergency because they just fold. It is another option we can consider at some point.

Mr. Smith stated I would like to get rid of the Bob's Barricades and get two nice signs with arrows, although the nice thing about Bob's Barricades is they have flashing lights and you can see them.

Ms. Palmer stated for that area and for what it is doing right now, I agree with Ms. Incandela. I think it is working really well. With the financial situation the way it is, some days things look like they are going to get better and other days the stock market is way down. It is in such turmoil right now, and until the economy gets better, we need to be frugal and spend money where we absolutely have to. Even if it is \$200 that we do not have to spend, I think we need to try to save it.

Mr. McGrath stated I agree.

Mr. Mihalic stated the merge sign does not reflect at night but you can see the arrow from a long ways away and that works well.

**FOURTH ORDER OF BUSINESS**

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

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

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

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

Mr. McCartan stated since we implemented one lane coming through the gate, it seems to work quite well. There are still some residents who have not gotten the new decal and they have been instructed where to get it.

Ms. Incandela stated we provided copies of the letters regarding this change in the gate. Did you review the new procedures with everyone in the event a resident has a question?

Mr. McCartan stated yes, all the officers know to distribute the letter to anyone who did not receive a letter. Some residents have been asking how to get additional decals since they have more than two cars, so we forward them to the manager's office and we let them know it is \$2 per decal.

Ms. Palmer stated I stopped by the other day to make sure they had the letters and knew to give them out. They said that they still get comments every once in a while, but they said it has gotten better. Two days ago when I arrived, it was the first time there was a long line of cars. I was the tenth car back, and it took 30 seconds before I was up to the front. People should not have an issue with that because I have waited longer than that when there were two lanes. The guards were stopping everyone, too. They watch to make sure the license plate shows up on the screen, and then they let them in, even if they have a decal. Obviously the decals are working and they are stopping everyone.

Mr. McCartan stated if the guard can see the next three cars have decals, he generally will let them through faster without coming to a full and complete stop. If there is a car without a decal, they definitely make them come to a complete stop before opening the gate.

Mr. McGrath stated our HOA has a newsletter coming out and the next edition is coming up shortly. Would your staff be willing to help us distribute them to cars as they come through the gate?

Mr. McCartan stated there is no problem with that. They can be available upon request by a resident.

Mr. McGrath stated that might help us a lot and I will let you know.

Mr. Hirschfelder stated the mowing frequency has now been increased to every week. Irrigation reviews are ongoing and over the past two months, there were about \$360 in repairs. On April 5, we did a blanket application on the turf and on April 28, we did a fertilization application as well as a spot treatment of weeds. The fertilizer is a granular slow-release formula for the turf. All the shrubs were treated the following day. We will be able to do another application on the turf on May 28. All the plant beds will be treated with a pre-emergent so that as we come into the rainy season, it will help control the weeds. We have trimmed about 90% of all the frost-damaged plant material. It will take one full growing season before we get back to the same height and fullness that we had prior to the freezes from a few months ago. Mr. Smith requested a proposal to replace some of the plant material that was severely damaged. I believe that a lot of those plants will come back with the pruning and fertilization we just did. I will wait another 30 days before I submit that proposal to replace those plants just to see if they will generate any new growth. Regarding the weeds growing through the pine straw on the berms, that is a very tough area for us to maintain. The pine straw lets the air through and holds the moisture in, which are perfect conditions for the weeds. I am going to come out once a week to assist my crews in spraying along Brighton Lakes Boulevard, and hopefully that will keep those areas cleaner for a longer period of time. There were a couple trees on Brighton Lakes Boulevard that had tree straps on them, and those have been removed. There was a dead tree on the right as you approach the guard house and that has also been removed. Treatment of the ant mounds is something that has been mentioned to me a few times. We changed the product, which does not kill the ants that eat it but it takes it to the queen and kills the queen, which prevents them from moving the mound two feet over. Hopefully that will begin to show some progress soon. As the crews move through the community, they spray as many as they can.

Ms. Palmer asked is there something else we can use, like pine bark, that is better than pine straw that will help that will not be much more costly?

Mr. Hirschfelder stated it is all about the same. Pine bark has bigger nuggets and it holds more moisture in. You can go to any of the cypress mulches but you will not see anymore of a difference and it is not worth changing out. We will do the best we can during the rainy season and the product we are using is actually an aquatic weed killer, so it should give us a better result and it gives us a quick kill. There have been some issues where we have been missing some areas that we are mowing so I am looking forward to getting a map of the areas that we should be mowing. We did have some crew changes as well as a manager change, so there has been a bit of a learning curve but they are pretty much up to speed now. On the issue of the trash in the ponds, the crew is here on Wednesday to collect that trash. We will do the best we can to keep the community as clean as we can.

Ms. Palmer asked regarding trash service at the guardhouse, can we talk to KUA because they sublet that service out? They have to see it all the time, and they just need to pickup the trash.

Ms. Fuentes stated we have mentioned it to them several times. They will pick it up occasionally but not consistently.

Ms. Palmer stated I recommend that you keep it on the inside so that KUA can pick it up on their way out of the community. If it is on the inside, the kids will not be as tempted to knock it over as they are on the sidewalk side.

Mr. McGrath stated we have the recreation center's garbage cans out on the street and I read somewhere that they are not supposed to be on the road. Perhaps we need to put it on the grass or somewhere else. There is no problem with them picking up the trash, but they are leaving the cans in the street.

Mr. Mihalic stated they should be leaving it on the edge of the driveway into the recreation center.

**SIXTH ORDER OF BUSINESS**

**Submitted Resident Questions/Comments**

There being none, the next order of business followed.

**SEVENTH ORDER OF BUSINESS**

**Presentation of Fiscal Year 2011 Budget**

**A. Fiscal Year 2011 Budget**

Mr. Moyer reviewed the budget for fiscal year 2011 as contained in the agenda package, which is available for public review at the District office during normal business hours.

Mr. Moyer stated this proposed budget does not anticipate the need for an assessment increase.

Ms. Palmer asked does that assume that we will be fully collected? What percent are we collected this year?

Mr. Moyer stated we are 92% collected, which is pretty good. Since this is a developed community, I would expect any delinquencies will be sold through the County's tax certificate sale process.

Mr. Moyer stated we are projecting \$91,232 in surplus funds as shown at the bottom of the general fund budget, but that is misleading. Of that amount, \$75,000 will be put into a capital reserve and another \$12,000 will go into the maintenance reserve. Taking that into account, you are looking at \$87,000 of the \$91,232 being put into reserves, which means that out of our \$800,000 budget, we are planning to come in about \$4,000 under budget, and that is pretty tight. We are not making any significant changes for any of these line items for the next fiscal year.

Mr. Mihalic stated I ask this question every year, and every year we are over budget on printing. We are projecting \$3,500 for next year compared to \$1,500 this year. That is more than double.

Mr. Moyer stated I can provide you with the report, like we do every year.

Mr. Mihalic stated it seems like we should not have that high of a printing line item.

Mr. McGrath stated letters that go out to residents will be part of it, plus the postage for those mailing. Do we use a postage machine?

Ms. Fuentes stated yes.

Mr. McGrath stated the price of stamps is always going up. Will it make sense to purchase actual Forever stamps? It will save us \$.02 next year for each envelope. Is that worth it?

Mr. Moyer stated you need to take into account the labor price for applying the stamps.

Mr. Mihalic stated we are using some FedEx and ground service over the past few months. What are we using that for?

Ms. Fuentes stated we use ground service for supplies when we order online.

Mr. Mihalic stated it seems to me we were shipping some items.

Ms. Incandela stated we were probably paying for shipping from our account.

Ms. Palmer stated this is still a tight budget and we need to be careful with everything we are spending. It still gives us \$75,000 to put in reserves for this year.

Mr. Moyer stated to this Board's credit, this budget was reviewed and reduced in great detail last year.

Mr. Mihalic stated I thought when we got a new landscape maintenance contract that the price was going to stay the same for four years.

Mr. Moyer stated the difference will be small changes for additional work that Mr. Smith has received approval from the Board to their base contract. The contract itself has not changed.

Mr. McGrath stated for telephone charges, I see it includes long distance and facsimile charges. Do we receive many faxes?

Mr. Smith stated yes, we receive reports from the recreation center and from the guard house on a daily basis.

Mr. McGrath stated that is part of the price that you pay for your monthly phone service; it is not an extra cost.

Mr. Mihalic stated it uses a regular phone line.

Mr. McGrath stated the plan for the telephone covers long distance, as well.

Ms. Fuentes stated we do not have long distance on these phones.

Mr. Frawley asked is it long distance to fax from here to your office in Celebration?

Ms. Fuentes stated no.

Mr. Frawley stated then long distance should be zero for the faxes.

Ms. Palmer stated we still have to pay for the monthly phone service for six phone lines.

Mr. McGrath asked is the telephone for the guard house included in telephone rather than security?

Ms. Fuentes stated yes. We had every additional feature removed from all the phones.

Mr. McGrath stated we have 60 pages in this agenda package for Century Link activity for two months.

Ms. Palmer asked is it cheaper to go with BrightHouse?

Ms. Fuentes stated we did a comparison and it is the same.

Mr. McGrath stated for trustee fees, we are budgeting more this year and I am not sure I understand what their out-of-pocket expenses are.

Mr. Moyer stated the trustee oversees the bond funds, and their out-of-pocket expenses will be for mailings, copies and things of that nature.

**B. Consideration of Resolution 2010-01 Approving the Budget and Setting a Public Hearing**

Mr. Moyer reviewed Resolution 2010-01 approving the budget and setting a public hearing for Thursday, July 22, 2010, at 6:00 p.m.

Mr. Moyer stated because we are completing this budget process so early in the year, if you want to continue that date for another month, we have plenty of time.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, approval was given to Resolution 2010-01 approving the fiscal year 2011 budget and setting a public hearing for Thursday, July 22, 2010, at 6:00 p.m.
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**C. Discussion Regarding Scheduling a Budget Workshop**

Mr. Moyer stated we had a workshop last year and this proposed budget is essentially the same budget that you adopted last year.

Ms. Incandela stated we reduced everything that we could in this budget, so I do not really see a need for it.

**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. Moyer stated we are about 92% collected on our maintenance assessments.

**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 we are paying the Applied Aquatic invoices on time regularly but the weeds do not seem to be dying.

Mr. Smith stated Wilson Miller purchased Environmental Affairs Consultants (EAC), who was doing this work for us. Applied Aquatics was working as a subcontractor to EAC. When Wilson Miller purchased EAC, they let Applied Aquatic go because they wanted to do the work in house. We also lost David Bek with EAC who was doing all of our monitoring. Wilson Miller really does not know what they are doing and they have not done anything the past two months, so I have not approved any of their invoices. I am putting together an RFP to go out for this work. In the meantime, I am having Applied

Aquatic come in on a monthly basis to keep the ponds in a decent condition until I can get this rebid.

Mr. McGrath stated that is good. Pay them if they are doing the work, but it is obvious if they are not.

Mr. Smith stated the last time EAC was out here was when they were doing the wetland buffer cleaning. They were not doing anything else, so that is why I brought in Applied Aquatic and had them treat the ponds.

Mr. Mihalic asked do we know where Mr. Bek went?

Mr. Smith stated yes and I have talked with him. He is also looking at our permits to see if we can get those permits closed out. It has been long enough and he has been gone from the company for about a year. The Hydrilla in Osceola County is everywhere in the County. It is a very strong strain and is very hard to kill. I will try to get some grass carp in the ponds to see if they help. We did that several years ago and they seemed to help for quite a long time. But after a while, they get so big and they stop eating it. We probably need more grass carp.

Mr. McGrath stated congratulations on the speed hump and the amount of money you spent.

Ms. Palmer stated it was well worth the money spent. There was a lot of debate as to whether or not it would be a positive thing for the community, but now that it is in, the effect has been very good. I do not hear cars racing down Brighton Lakes Boulevard, and I have not heard them racing around, either, no more than they used to. We wanted to test this one to see if we wanted to add a second speed hump.

Ms. Incandela stated we knew the racing would not stop completely, but it would help in that location because of the pedestrians.

Mr. Smith stated it will cost between \$8,000 and \$9,000 for each hump.

Ms. Palmer stated that may be something we want to consider for the next fiscal year's budget. We do not want to place them like they did in downtown Kissimmee, but perhaps we can put one farther down Brighton Lakes Boulevard. It has helped in this location and another one will help farther down the road.

Mr. McGrath stated pages 114 and 130 are bills from KUA still being sent to Engineered Homes. I know Ms. Burgess is trying to resolve this with Engineered Homes, and here are two more for her to continue her efforts to get them into the District's name.

Mr. Mihalic stated I want to thank Ms. Burgess for stepping in when we started getting our agendas by email and they were a mess. She straightened it out and sent it to us in an orderly format, and we appreciate it.

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

**C. Report on the Number of Registered Voters – 1,040**

Mr. Moyer stated there are 1,040 registered voters in Brighton Lakes. This is a requirement of Chapter 190, Florida Statutes, that we monitor the number of registered voters on an annual basis. When there are 250 registered voters and the District is six years old, then we start a conversion in how we elect Supervisors from landowner elections to qualified electors. We have long passed those thresholds, but the law does not say that we can stop requesting this information from the Supervisor of Elections.

**D. Discussion of Action Item List**

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

Mr. Moyer stated on the item regarding the link to the HOA website, Ms. Burgess indicated that had been done a year or so ago. The chart was not updated but it is complete.

Mr. McGrath stated I noticed under the payroll, Mr. Joey Ortiz had three or four different pay amounts, which tells me he was either working a lot of overtime or did not work a full shift.

Ms. Fuentes stated he called in sick and he had problems with his vehicle.

Mr. McGrath asked it was not tardiness or leaving early?

Ms. Fuentes stated that is correct. He missed one day a couple times but he called us ahead of time.

**E. Audit Committee**

Mr. Moyer stated we are in the process of obtaining proposals to perform the audit. One of the requirements as we go through that process is to have an audit committee. It is a formality and I recommend that the Board simply appoint yourselves as the audit committee rather than having a separate committee.

On MOTION by Ms. Palmer, seconded by Ms. Pieters, with all in favor, approval was given to appoint the Board of Supervisors to serve as the audit committee.

## **NINTH ORDER OF BUSINESS**

## **Staff Reports**

### **A. Attorney**

Ms. O'Brian stated there was a home owner whose home was being foreclosed on, and the mortgage company named the CDD as a defendant in that case by virtue of the fact that the CDD also had an assessment lien on that property. The CDD is not a proper party because our lien is superior. However, if that case was successful, it would have wiped out our entire assessment lien. We were successful in being dropped as a party to that case, so our assessment lien status is secure with respect to that property. Regarding a legislative update, there is one piece of legislation that has been passed that is typically of interest to CDDs, and that relates to sovereign immunity. Currently, the CDD has sovereign immunity for certain types of lawsuits amounting to \$100,000 per person and \$200,000 per incident. Beginning October 2011, those amounts will increase to \$200,000 per person and \$300,000 per incident. There are a few other things pending so we will most likely provide a more comprehensive report at the next meeting.

Ms. Palmer stated I emailed Mr. Crumbaker to update him about an incident that happened by the basketball courts a couple weeks ago where a couple boys got into a fight and one was airlifted out of here. I wanted to be sure we are clear on any liability if someone pursued that. It happened on CDD property.

Ms. Fuentes stated Mr. Crumbaker sent an email that said he was looking into it.

Ms. Incandela asked if any of the proposed legislative changes go through, is there any adjustments we need to make, such as insurance coverage or other changes to adapt to that?

Ms. O'Brian stated I do not know that the coverage will have to change, but the premiums may go up because of the increased liability.

Mr. Moyer stated we have not talked with the insurance company yet, but we will. I hesitate to ask them just yet and prefer to see what happens with the premium.

Ms. Incandela stated my only concern is if there is enough of an increase that we need to significantly change the budget.

Mr. Moyer stated at one time, it was very expensive to get liability insurance, but now it is fairly inexpensive. Even if the liability limits increase, I do not expect our premium to increase by the same percentage. I do not expect it to double.

Ms. O'Brian stated I do not think the limits increase until October 2011, so it should not affect this budget year anyway.

### **B. Engineer**

There being nothing to report, the next order of business 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.

Ms. Fuentes stated regarding completed item 12 for the pressure washer, we bought an additional hose and we are not sure what happened to it. Everything was delivered to the recreation center, but the hose is missing, so the pressure washer is not working.

Mr. McGrath stated the fire department broke our gate coming through Kariba Court a month ago.

Mr. Smith stated they are not going to pay to replace the gate but they are also not going to hold us responsible to pay for any damage to the fire truck.

Ms. Fuentes stated the gate arm is fixed that was broken by residents, and I forwarded pictures to the Board.

Mr. Frawley stated I think we should file a complaint.

Ms. Palmer stated the video shows the time and perhaps that will help the police identify the car that went through just prior to the gate being broken.

Ms. Fuentes stated you can see the white truck that rammed the arm and we were able to identify the vehicle.

Mr. Mihalic stated I thought you indicated in your email that the sheriff was talking with them. Can we pursue some action?

Ms. Palmer stated we can call Officer Beltran and I wonder if he can run the license tag. That will give us the name and address of who to pursue.

Ms. Incandela stated I prefer to follow their formal procedure and let the sheriff handle it.

Ms. Palmer stated I think we will get a more timely response if we approach the resident and let them know we are going through a police investigation.

Mr. Smith stated the cost is not that much.

Ms. Palmer stated if we can trace the tag, then I think we should go to them and ask if they know who did it or acknowledge if they did it themselves, just so we do not have to involve the authorities and get it taken care of. If they say “no” then we turn it over to the authorities. If they say “yes” then we get it resolved. With all the car break ins, it takes a

detective two or three weeks to contact you. I think we are looking at a long delay and we are dragging out the process.

Mr. Frawley stated I will forward the email from Ms. Fuentes with the pictures to Officer Beltran and ask him to run the license plate so we can try to deal with it on our own. If we cannot, then we will file a criminal complaint.

Ms. Incandela stated I could not open the pictures on my phone. Do we know which car it was?

Mr. Smith stated yes.

Ms. Palmer stated at 7:01, the gates are fine. At 7:03 both are there and then one second later, they are both gone.

Mr. Smith stated there was an SUV parked there. The white pickup goes up and we can see where that vehicle goes past the gate. The white pickup probably damaged the gate, and we have three letters of that license plate. On the SUV, we have the full license number. I think if we drove into Volta Circle, we can probably locate the vehicles ourselves since they are probably parked out front. We will have the address and we can contact the home owner and let them know the cost. We will also let them know that they should have contacted the guard at the guardhouse for assistance.

Ms. Palmer stated let them know that we would like to handle this without involving the authorities since they are a home owner.

Mr. Frawley stated the next step would be going to the sheriff, but either way they are going to pay for the damage.

## **ii. Employee Manual Policies and Procedures**

Mr. Smith reviewed the employee manual policies and procedures, as contained in the agenda package, which is available for public review at the District office during normal business hours.

Mr. McGrath stated I have a lot of comments.

Mr. Smith stated you can forward them to Ms. Fuentes to incorporate.

Ms. Incandela stated I would be cautious about tampering with the document too much. It is a working document but when we make too many changes to it, we end up tying our own hands and doing more damage than good, even though the intent is good. It is working well for you thus far. I thought a lot of the changes provided by Hopping Green were unnecessary. I did not object to any of it, but I think it is time we not spend any money that we do not need to be spending.

Mr. Mihalic stated if we were General Motors, it would be another story, but we have only three employees.

Ms. Incandela stated we are a small entity and we are looking for some basic guidelines. I prefer to go with what we have. I am willing to adopt the changes submitted by Hopping Green. If Mr. McGrath wants to suggest more changes, you can meet with staff but I caution you not to make too many changes because it could end up being more harmful than we intend. There is no need to do that just because we are trying to improve something that already works.

Mr. McGrath stated page 5 talks about pre-employment drug screening. It does not say that we reserve the ability to do random drug screening at anytime. Maybe that does not tie our hands but it frees our hands because we include it in the manual. Whether or not we actually do it is a different issue. I agree that it is less expensive to go ahead with the document that we have, but I think it would be better to have it well thought out. Perhaps we can reduce the size of it.

Ms. Fuentes stated if you submit your changes to me, I will distribute a revised copy to the Board.

Mr. Moyer stated the Board can take action to adopt it at your next meeting.

### **iii. Superintendent Job Description**

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

Mr. Smith stated this is the current job description for both of our employees. If you have any comments or changes, please forward them to Ms. Fuentes.

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

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

Mr. Frawley asked for the gate that was run over, did the security staff report that?

Mr. Smith stated they did not and I have talked with Mr. McCartan about that. The time that it happened, it was really busy at the guardhouse. The gentleman working that night did not check it on the camera or on his way out, so Mr. McCartan is going to speak with him.

Mr. Frawley stated that is exactly my point. I want them checking it at the beginning of the shift and before they leave to be sure the gates are still there and are open before

they leave. If the guard leaves and the gates are left down, the residents cannot get into the community.

Ms. Palmer asked is that on their checklist and did the employee sign off that he checked the gates before he left?

Mr. Smith stated no.

Ms. Palmer stated there needs to be a secondary checklist for the office staff to see if something like that has not been done. Perhaps you can call one of us and ask us to check on the way out because it was not marked on the checklist. We then have to rely on Mr. McCartan to discipline the guard and request that he be disciplined or counseled on his job duties. I feel much better about the fact that he did not check it off, than if he did because at least by not checking it off, he is being honest. That gives us the opportunity to go back and check the gate ourselves.

Mr. Frawley stated at the HOA meeting last night, a resident asked us a question. He lives on Chapala where it almost meets Brighton Lakes Boulevard again. He thought he was getting much more mosquito coverage in the evening than he had in the past. It does not appear any different to me than it has been over the past years, and I am in that area at the pond quite often. Do we spray for mosquitoes when we treat the ponds?

Ms. Palmer stated no, the County does that.

Mr. Frawley asked do we treat the water in some manner for mosquitoes?

Mr. Smith stated he is right behind the pond, and that is where they are coming from.

Ms. Palmer stated my neighbors on Huron right after the rains last month and the water was almost up to her fence line. It gets wet behind her house but it has never been that high. There are a lot of water moccasins coming into backyards this year. I think we are going to have an excessively bad year this year. Regarding mosquito spraying, if we call the County they will come out and do an extra spray.

Mr. Smith stated they do respond to home owner complaints more than if the District office will call.

Mr. Moyer stated Sherry Burroughs is the mosquito manager at the County, and Clarke Mosquito Control is their contractor.

Mr. Frawley stated the security officers tell me that they still have residents giving them a hard time about stopping people at the gate, and some residents say that they do not even have the right to stop them at the gate. I thought we were going to provide them with a written policy that the Board adopted.

Ms. Palmer stated they have copies of that letter.

Ms. Incandela stated we reviewed the process again tonight with Mr. McCartan and authorized him to distribute those letters for anyone who has questions.

Ms. Palmer stated Mr. Frawley should also remove the fire signs from his list because that is not our jurisdiction and they will never get done. For anything that is on your list that is a resolved issue, cross it off the list.

Mr. Smith stated we are getting somewhat sparse on the pool furniture. I would like to purchase more furniture: two tables, eight chairs and 12 chaise lounges. I estimate they will cost about \$1,000.

Ms. Palmer stated I am not prepared to spend that amount of money. I think we can get some and tables are definitely needed. Last weekend it was really crowded here, but there were some chaises available. There were no tables available and the chairs were scarce. The tables are also broken.

Mr. Smith stated I think we can try to fix the tables.

Ms. Incandela stated the chairs should be less expensive than the chaise lounges, so maybe we can get by with some additional chairs.

Ms. Palmer stated I think we should get some chairs and tables.

Mr. Smith stated if you give me some direction, I will get the best possible price I can find for similar furniture.

Ms. Palmer asked where are we at now financially?

Mr. Moyer stated we have about \$4,000.

Ms. Palmer stated I think we need to do something.

Mr. Mihalic asked what has happened to the tables that we have?

Mr. Smith stated they get broken.

Mr. McGrath stated there is no rule that says a resident cannot bring their own folding chair.

Ms. Palmer stated they are not going to do that.

Ms. Incandela stated we do not want them to bring their own chairs. We want our residents to be comfortable and enjoy the use of the facilities. If we are that short on chairs and tables, I think we have to consider their comfort and ability to enjoy the facilities that we pay so much money for upkeep. I think we should do something.

Mr. Smith stated we could go to plastic chairs and plastic chaise lounges, like the ones you see at Wal-Mart. They are fairly inexpensive but over time, you will need to replace them all with that same kind.

Ms. Incandela stated those are pretty flimsy and I do not want our residents getting hurt. The ones we have are pretty sturdy and stable. Would the Board consider spending \$1,000 on new furniture?

Ms. Palmer stated we have a cushion of only \$4,000. I am fine spending the money, but there are a lot of hotels and other businesses going out of business. Can we check with a liquidator and see if they have anything?

Mr. Mihalic stated that is a good idea.

Mr. McGrath stated it ought to match.

Ms. Palmer stated if it looks similar and matches, or if it is neutral, that is fine.

Mr. Mihalic asked what about \$1,000 for tables and chairs only, no chaise lounges?

Ms. Palmer stated I would like them to go to a liquidation center and spend up to \$1,000, concentrating on tables and chairs, and if there is extra furniture and you can get it for under \$1,000, then we should do it. We should weigh our options and liquidation centers are great places to do this.

Mr. McGrath asked are we sure we want to spend 25% of our total surplus on this one item? Down the road, something really serious and important that we have no control over might require that money.

Ms. Palmer stated if there is an emergency that is something we cannot avoid, that is what our reserve is for. We are going into the busiest season of the year for the pool. If it was November, I would not approve doing this.

Mr. Mihalic stated theoretically, with 25% of our homes in foreclosure, we should have fewer people at the pool than in the past. I see where \$1,000 makes sense to keep things going, but no more than that.

Ms. Palmer stated on the weekends, the tables and chairs are really at a premium. There are a lot of parents who sit at the table and read while their kids are in the pool, or there are parties or other gatherings going on. They are really in demand.

Mr. Mihalic stated I think we get tables and chairs. We do not need more chaise lounges.

A Resident stated the chaise lounges can wait until the end of the season and you can see how in demand they are. If you need more, then you can take advantage of clearance prices at that time.

Mr. McGrath stated sometimes Disney has items that they make available to employees. Perhaps we can pursue that.

Mr. Smith stated Mr. McGrath can check that out and I will look at liquidators to see what we find. If you want to approve \$500 at this meeting, we will let you know how they are working at the next meeting and then maybe we want to request \$500 at the next meeting.

Ms. Palmer stated I think we need to see what is available and keep it to a minimum, no more than \$1,000.

Mr. Frawley stated I sent pictures of a sinkhole to Mr. Smith on Carrington Lane at Patrician. On the backside of the drain that goes to the ponds, it has sunk out. It is at 4301 Carrington.

Mr. Smith stated that is an easy repair to do.

Mr. Olmo stated the resident flagged that area so you can see where it is.

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

#### **Audience Comments**

Mr. Jose Santana stated I would like to know what the point is to have a security guard when all they do is push a button to raise the gate. If you are spending \$70,000 for security guards, why not invest that money and get two nice gates that the residents can use the previous system with their card or a code. Non residents will have to stop so we can get a picture of the license plate and they can push the button themselves to open the gate to get into the community. Then we can have the gates closed 24 hours a day, not just for 12 hours. You should consider that when the security contract expires. It does not make sense to have a security guard there. All those cones look like this is a construction site and it looks really bad.

Ms. Palmer stated when we purchased our homes, we were all told that it was a private gated community 24/7 along with other things that were supposed to have been included in our CDD assessments. They did not happen. After we installed the gate, the County said they were going to sue us over having the gate. We had to go through rulemaking to adopt gate rules even to be able to have what we have now. The rule says that if the gate is not manned, the gates have to be in the open position. We cannot have the gate and a button to press. If the gate is closed, it has to be manned. If you see the

security guard's car there but the gates are open, he stepped away for a few minutes and the gates have to be open when he is not at that post. That is the only way we can have the gate. We have seen a slight increase in crime over the past 60 days, but prior to that, this community had a lower crime rate than Bellalago because the gate is a deterrent. The reason we went down to one gate is because residents and non residents were going through the resident gate and they were just expecting the gate to be opened. They did not want to stop and there was no way to control access. Now we went to one lane so that everyone's license plate is photographed, resident or not, and we know who is coming into the community after hours. It is not a perfect system, but when I arrived the other day with ten cars in front of me, it took me only 30 seconds to get through. There was no real delay. If the guard sees your decal, before the gate gets all the way down, they will lift it up. If there is not a decal, they let the gate come all the way down, and they do that to make it a little faster for residents who have the decal. In an ideal world, we all would like to have steel gates that stop people and that we can prohibit who is coming into the community so that we can feel a better sense of security. The fact is, even when we had two gates, that second gate was constantly under repair because people would not stop or they drove too fast behind another car, and the gates were being damaged all the time. Since we went to this new system, we have not had any issues with the gates. We were spending a tremendous amount of money every month to repair the gates.

Mr. Mihalic stated one of the reasons that we have some of the limitations that we do is because the District borrowed a huge sum of money in order to build the roads.

Ms. Palmer stated they are tax-exempt bonds.

Mr. McGrath stated I was talking with Mr. Santana last month and when we were talking, it seemed to be a great idea to save some money. Everyone can push the button 24 hours a day. They are allowed access, but I was not aware that the County requires us to have the gate in operation when it is manned. I would have mentioned that to Mr. Santana if I had known. Because of the legal issues, that means we have to disregard a great idea.

Ms. Palmer stated we can certainly look at it, but my honest feeling is the County required so much from us just to have what we have now. I do not think they will allow it. We can try but the chances are zero.

Ms. Incandela stated the gates at Bellalago are different because the guards are still in the gatehouse. I am not sure that is something they would allow anyone to do no matter if

the gates are public or private. If there is an emergency vehicle coming, no one would be there to open the gate. I do not think that never having anyone there would be an option, even if our roads were private. There is a huge cost involved to install and maintain those gates. What we have with the manned gate, with the operation of our security cameras, obtaining information on the license plates, getting the residents through quickly, and the security guard being able to physically see everyone who comes through our community, it is not the perfect system but for the specific requirements that we have, it is the best that we can do after years of dealing with this issue and after taking many recommendations and trial periods. Where we are now is not what we would prefer, but it is the best that we can do with our funds, our budget, and our limitations by law.

Ms. Palmer stated an emergency vehicle went through one of the gates at the front of the community and it did some damage to the fire truck and some damage to our gate. If an emergency vehicle came upon one of these beautiful gates and had to get through and damaged it, that would be our liability. They will not take responsibility for it.

Ms. Incandela stated we do not like the way the cones look, but the fact is since we put them there, there has been a reduction in speed and fewer accidents. We had issues with people speeding up to that gate, going to the wrong lanes, getting confused and switching over.

Mr. Mihalic stated we had some rollover accidents out here last year.

Ms. Incandela stated even though we do not like the way they look, the safety that they are providing in exchange for that is worth it to us.

Mr. Mihalic stated it would probably be safe to say that if we had not made this change with the gates, we would need to be increasing our budget for next year simply due to the cost of constantly repairing the gates. We reduced that cost tremendously over the past few months.

Mr. McGrath stated we have 750 houses and very seldom do we receive ideas from residents. Thank you for your thoughts. Please keep sharing your ideas with us.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

There being none, the next order of business followed.

**TWELFTH ORDER OF BUSINESS**

**Other Business**

There being none, the next order of business followed.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Mihalic, seconded by Ms. Palmer,  
with all in favor, the meeting adjourned at 7:30 p.m.

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Gary L. Moyer, Secretary

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Michelle Incandela, Chairman