

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 21, 2009, at 6:00 p.m. at Brighton Lakes Clubhouse, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present were:

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

Also present were:

Gary Moyer	District Manager
Brian Crumbaker (<i>by phone</i>)	District Attorney
Brenda Burgess	Moyer Management Group
Sherm Elliot	Weber Environmental
Gerry Frawley	District Staff
Maria Fuentes	Severn Trent Services
Brian Smith	Severn Trent Services
Residents and members of the public	

This represents the context and summary of the meeting.

FIRST ORDER OF BUSINESS

Pledge of Allegiance

Mr. McGrath led the *Pledge of Allegiance*.

SECOND ORDER OF BUSINESS

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 order of business followed.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the March 19, 2009, Meeting

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

Mr. Mihalic stated I would like staff to provide a follow-up list at the end of the minutes because there are a lot of items to check on. I have some follow-up questions to ask. On Page 1, is PC Anywhere working now?

Ms. Fuentes stated yes.

Ms. Palmer asked on Page 2, has the issue of the computer falling asleep been resolved?

Ms. Fuentes stated it has been resolved.

Mr. Mihalic stated Page 4 says that Mr. Smith and Mr. McCartan will work on the camera program outside the meeting. Was anything done with that issue?

Ms. Palmer stated I think that was the same thing as the falling asleep issue. On Page 5, did Mr. Moyer check into the account to move money so that we can perhaps get slightly more interest? You were going to look into the possibility of moving funds into the State Board of Administration.

Mr. Moyer stated no, I will do that.

Ms. Palmer asked on Page 6, did we find anything out about the bonds to get them rated?

Mr. Moyer stated I have not heard from the Underwriter.

Mr. Mihalic asked on Page 7, did you talk to Engineered Homes and get 60%?

Mr. Moyer stated Steve Hiss agreed to 75%. The agreement is complete. Mr. Crumbaker drafted a release that Mr. Hiss has signed. We now have to get money to him to close out the construction account. The Engineer does not have direct knowledge of why we are making this payment, so now he is giving us a problem on signing the requisition to close the account. We are moving in the right direction.

Mr. Mihalic asked on Page 12, regarding repainting the new traffic signal poles that are scuffed, did Mr. Smith meet with County to see if they will do anything?

Mr. Smith stated I spoke to Mr. Joe Bitar and asked him the status of the completion of the project. They will take a look because we have other problems. He has not gotten back to me on the poles or additional punch list items. He knew about the project but he did not know the details. He will look into it.

Mr. Mihalic stated please check with him again because you can see where it is scuffed or rubbed.

Mr. Smith stated I will email the Board. I have more turf issues and he feels they have completed the landscaping part of the project, but I disagree.

Mr. Mihalic stated on Page 13, Ms. Palmer was going to call Mr. Bob Nanni and work her way up the School District regarding the bus stops.

Ms. Palmer stated I called Mr. Nanni and forwarded the information he gave me to Mr. Frawley and Severn Trent. I called Beverly Hughes and did not hear back from her. I did not follow up but I will call her again.

Mr. McGrath stated Ms. Hughes sent a document to the drivers involved regarding disciplinary action.

Ms. Palmer stated they are speeding in the neighborhood and on Huron Circle when I leave early in the mornings.

Mr. Mihalic stated there is one speeding in the afternoons, too. On Page 15 of the minutes, Mr. Moyer was going to check on the Annual Engineer's Report and speak with Mr. Crumbaker.

Mr. Moyer stated those statements are all correct. We have not changed the Engineering Report that we originally filed, and we do not need to pay an Engineer to say we have completed the project.

Ms. Incandela stated I would like to put these items on a follow-up task list.

Ms. Burgess stated we will put them on the action item list and include that in the agendas.

Ms. Incandela stated when a Supervisor makes a request during the meeting that you want follow up performed, indicate to Ms. Burgess to add that to the task follow-up list, and she will specifically add it to the list.

On MOTION Ms. Palmer, seconded by Mr. Mihalic, with all in favor, approval was given to the March 19, 2009, meeting minutes.
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FIFTH ORDER OF BUSINESS

Vendor/Contractor/Third-Party Items

Ms. Pieters stated the hedges on Brighton Lakes Boulevard need to be trimmed because they do not look uniform.

Mr. Elliott stated we are trying to let those grow to provide a buffer. It reduces the noise from people driving on that roadway. That was a request we received.

Mr. Smith stated the request was received through Mr. Frawley from homeowners at Kariba Court. The sides are trimmed but we are letting the tops grow so they get taller.

Mr. Elliott stated once they grow taller, that will eliminate a lot of noise from the Boulevard. We will top them and it will force the lateral growth on the sides.

Mr. Frawley stated residents on Patrician requested the same thing, to create a buffer.

Ms. Palmer stated it will look better later once they grow out.

Mr. Mihalic stated the trees inbound and outbound from Chapala out, are hanging into street and they need to be trimmed. Large vehicles and delivery trucks get scraped, especially coming into the community right by the guardhouse.

Mr. Smith stated Mr. McCartan was not able to attend tonight's meeting. We received a few complaints that some of the guards were not doing what we wanted them to do. Mr. McCartan will work on it. Through the transition of ownership and losing some people, they went through a process. Some people were not doing what we wanted them to do. He has made some changes. I have not received any complaints recently so it seems to be better.

Mr. Mihalic stated it seems like a fantastic group now.

Ms. Palmer stated they do a good job, and we have not had a better set of people than we have now.

Mr. Frawley stated some of the new guys still open the gate before you get there, but they will work on that.

Ms. Palmer stated I purposely go through the guest side every day, and they do not do it even though they know who I am.

Mr. Frawley stated my observation is it happens more on the resident's side.

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 2010 Budget

A. Fiscal Year 2010 Budget

Mr. Moyer stated in Fiscal year 2009, we assessed \$682,000 and our proposed budget for 2010 is also \$682,000. What is good about that is last year, in order to cover all the budgeted expenses of the District, we anticipated taking \$61,000 out of the Fund Balance. By re-bidding the landscaping contract, we think we will add about \$16,000 to the Fund Balance in this fiscal year. The assessment revenue of \$682,000 means we will not need to increase the assessment on our residents this year, with one notable discussion item for this Board. I did some research on the Reserve Study where I looked at a similar community, who paid \$30,000 for this study. They have similar facilities, including a Clubhouse, tennis courts, basketball courts and so on. But the big item I was concerned about is what it will cost for the replacement of these roads in the future. I asked Hanson

Walter, based on their familiarity with the project, to provide an estimate on the square yards of asphalt that we are dealing with, which is about 133,000 square yards. To replace that—to mill and overlay—is about \$8 per square yard, which is about \$1 million. If you divide that over 15 years, that is \$75,000 annually to get to that number. You have 751 homes in this community, which would be \$100 per house per year in increased assessments to replace these roads after 15 years. That is a policy decision you have to wrestle with.

Ms. Palmer stated we did tell people that for this next year there will be an increase.

Mr. McGrath stated it should come as no surprise.

Ms. Palmer asked even adding \$15,000 this year and not having to take from the Fund Balance, what will that leave us with?

Mr. Moyer stated at the end of this year, the Fund Balance should be about \$106,000.

Ms. Palmer stated we are already six years into these roads, and we know we have to do some increase. I know the economy is horrible right now, but we have to look at the future.

Mr. Mihalic stated I think it is the wrong year to do it. I know we talked about it last year, but I do not want to be a part of anyone losing their house because we raised their assessment. As an example, our County Commissioners voted down the gas tax hike because this is not the time to do it. That was today's newspaper headline. I do not think we should be raising assessments.

Ms. Palmer stated I understand what you are saying, but it is about \$10 a month. It is tough out there right now, but I do not want someone to come to me in seven or eight years and say they need \$1,000 this year because we have to repave the roads this year. I do not want someone to come to me in two years to increase it \$300 or \$400 because of that fact. I understand this economy is not good right now, and there is never a good time to raise assessments, but we need to seriously look at it.

Ms. Incandela stated the County Commission has other ways to raise revenue. They have other taxes they can impose.

Mr. Mihalic stated but they are not.

Ms. Incandela stated it is in their best interest to promote that they are trying to do what they can to save everyone money during these difficult economic times, especially when a lot of them are up for election. But they have other avenues that we do not have. Our budget meeting will be in July and we do not need to make this decision now.

Mr. Moyer stated if we are going to raise assessments, we have to send everyone a letter advising them when the public hearing is and what we propose in terms of the increase.

Mr. Mihalic asked what was the number of repossessions last month, 158?

Mr. Frawley stated it was 140 last month.

Mr. Mihalic stated it has almost tripled in the last couple months. That is how bad it is here. We have to think about it, and \$10 a month may be enough to break someone when you add it up over the course of a year.

Mr. McGrath stated you are right, except part of our job as a Supervisor is to be ready for what is, in fact, coming. Mr. Moyer has told us what a full road replacement will cost. There are other things that will have to come out of reserves also.

Ms. Palmer stated there could be a crack in the pool. How many times have we sat in these meetings over the last two years and people have complained about the equipment in the workout room? We keep telling them we will work on it in a future budget. Not doing an increase means you have no room to breathe, whatsoever. If the asphalt goes on the tennis courts, we cannot replace it. If there is a crack in the pool, we have to repair it, but we will not be able to purchase new equipment or do anything else.

Mr. Mihalic stated I understand that, but when you look at what people are suffering through right now, I do not think it is a good time.

Ms. Palmer stated then you have one other choice. Perhaps we send the homeowners a letter saying we are looking at an increase and you encourage people to come to the hearing and offer them two choices. You either take an increase this year or you lose five hours of security each night, and you make up the difference that way. There is a sexual predator across the street and there was an armed robbery down the road at CVS. Maybe it is a debate among the homeowners. We tell them we are looking at an increase. If they come to the meeting outraged with this increase, then we tell them we all have to make tough decisions. Your Brighton family needs to make a tough decision, too. Do you want an increase and do you want to find a way to do this, or do you want to cut back on other expenses? The two possible areas are landscaping and security. If we cut back landscape too far, it will cost us a huge amount of money in the future, and we have already had one dramatic decrease in costs. We can also cut some time on security. Perhaps it is only two or three hours instead of five hours a night. Maybe as a crime watch neighborhood, we

rotate the hours when someone sits in that booth for those lost hours. It is something we seriously have to look at. We have to find a way to build up money in the bank.

Ms. Incandela asked what do we need to do tonight? Do we need to decide if we are going to consider an increase and give notice to residents by the next meeting?

Mr. Moyer stated yes.

Ms. Incandela stated I think we should do that. I do not see a way around an increase in assessments. I think it is a terrible time but it is not something we have a choice to do. We can open it up to residents on what services to cut back on. I think that things are working so well in the community with landscaping and security that I am hesitant to cut back on those services unless it is an emergency. With the number we are talking about, yes, it will hurt people but the economy is what it is. It is something we all have to struggle with.

Mr. Mihalic stated we will not have to pave all the roads at one time. Some roads are older than others.

Ms. Palmer stated you are right, but the first section is coming in about six years because the community was built in 2000.

Mr. Frawley stated that is just the road issue. You still have zero reserves for all the other issues.

Mr. McGrath stated I think we have to plan to have an increase because of the six years or more we did not increase assessments. The longer we put it off, the more we fool ourselves. These are expenses that are coming and we have to be prepared for them.

Ms. Incandela stated perhaps we can implement a conservative raise this year and hope things are better next year. It may need to be a little higher next year, but we need to do what we can this year to add some monies to reserves.

Mr. McGrath stated we asked Mr. Moyer to give us some guidance, and I am hearing \$75,000 is a yearly amount.

Mr. Moyer stated this reserve study was performed for Vista Lakes in Orlando, just east of the airport. It is a very nice community and has basically the same number of units. This study started at \$75,000 and suggested every year to increase it incrementally. I am comfortable for year one recommending \$75,000.

Mr. McGrath stated it was some time ago, but over 60% of our homeowners saved almost \$100 with the bond refinancing.

Mr. Moyer stated for some things that are normally in these reserves, the Board can decide to budget for them, for example, repaving the tennis courts. If it is \$20,000, maybe you put it in the budget on an annual basis and do it when it needs to be done and it is budgeted at that time.

Mr. McGrath stated the problem with catching up is, if you do not do it like it will really happen, you will run the place down and I think that is the worst of all scenarios.

Ms. Palmer stated then property values would really go down. I agree with Ms. Incandela. Just because we say we will increase it does not mean we will do it. In the letter, we need to indicate this is an option or else we cut expenses. Ask them to come with ideas where we can save money. We take their comments under advisement.

Ms. Incandela stated I do not want to give anyone the impression that we can just cut services to avoid an increased assessment. I say we raise the assessment. If we are cutting services that much more, it will be a problem.

Ms. Palmer stated I agree. I think people will then ask why we have security and other services. They have to understand there has to be a way to accomplish this.

Ms. Incandela stated let's do it.

Mr. Moyer asked does everyone agree to take it up \$100?

Mr. Mihalic stated no.

Ms. Pieters stated I wanted to go along with what Mr. Mihalic said in the beginning. Home values are going down, but their taxes are the same. We have never raised our assessment, but in listening to everyone's comments, I want to go ahead and raise it minimally.

Mr. McGrath stated Mr. Mihalic raises a point that is very valid.

Ms. Palmer stated we are not saying we are definitely going to increase assessments, but my gut tells me we will. If every homeowner comes to the meeting and says it is not feasible and says they would rather do without security or other services, as a Board we need to weigh that. We may not always vote the same way. We need to be safe rather than sorry. We need to send a letter to the homeowners indicating the potential of increasing assessments by \$100 per year, and then we can have that conversation with the community.

Mr. Mihalic stated last year at this time, I was in favor of it, but since the economy has spiraled downward, for the record, I am against it at this point.

Ms. Palmer stated if we had done it last year, they would have gotten hit last year and this year.

Mr. Moyer stated I imagine there will be a number of people attending that meeting. Do you want to schedule it someplace else?

Ms. Palmer stated we can do it at the library since we have not met there this year and we are allowed to meet twice per year at no charge.

Mr. Moyer stated I suggest a bigger meeting room than the Clubhouse.

Mr. Mihalic stated we should request the big room.

Ms. Incandela asked do you want to schedule July and September at the library? We are not likely to need to meet in November and we should take advantage of the library's free service to us, unless it is more convenient for everyone to meet here.

Ms. Palmer stated for July, we definitely need to meet there. I think we can ask the homeowners who show up where they would like to meet for the next meeting. it does not matter to me.

Ms. Incandela stated I would imagine it is more convenient for the residents to come here if there are not big numbers.

Mr. Mihalic stated under *Miscellaneous Services - Gatehouse*, the adopted budget for 2009 is \$4,000 and 2010 is proposed at \$27,000. What is covered in that?

Mr. Moyer stated all the things that staff works on with the gatehouse replacing gates and getting new controllers. That is based on actual dollars. If that continues, we can look at it and determine if we spent it this year, we probably do not need to spend it next year. If Mr. Frawley is comfortable that we will probably only need \$8,000 for next year, we can adjust that number.

Mr. Mihalic stated at the last meeting, we said that we are not spending as much as we thought on gates. At that time, it was less than \$10,000 and now it is an increase well over \$20,000. The gate is still a problem.

Mr. McGrath stated in the last two months, we spent over \$14,000 for *Security* and \$1,600 for ACT, plus another \$800 for *Computer Repair*. It is a continuing issue.

Mr. Frawley stated you are not finished with the gate issues. The cameras at Volta still do not communicate to the guardhouse. There is more to come and some cameras are not working.

Mr. Mihalic stated we are now looking at real numbers. Under *Clubhouse*, we are going from \$3,191 to \$10,500. We already did carpets and painting. Why did that number triple?

Mr. Smith stated the Accountants look at what we are spending and base their projections on that.

Mr. Moyer stated there is a budget item under Administration called *Professional Services – Special Assessment*, which is provided by Rizzetta in Tampa. We used them for the first bond issue. This fee covers taking the computer tape from the Property Appraiser, extending our assessments according to a formula, and certifying it to the Tax Collector, and then monitoring those collections. Severn Trent does exactly the same work. I asked if they can do it for less than \$7,000. They can do it for \$5,000. If you are interested in them providing this service, I will distribute their proposal.

Ms. Incandela stated yes.

Mr. Moyer stated it does make it a little more streamlined because the people who are preparing the budget work with the Assessment Department.

Mr. Mihalic stated I think that is a great idea. I have one other item. *Printing and Binding* is increasing from \$2,000 to \$3,100. Most of us are printing our own agenda packets now. Why are we anticipating an increase in this category when we are not doing as much printing now?

Mr. Moyer stated some of it is the filings we have to make with the County. We have a lot of invoices and I do not think it is necessary to send the invoices to the County. Maybe we can look at that closer to reduce that line item.

Ms. Palmer stated I think each of us needs to go through this line by line and submit questions in advance to Mr. Moyer so they can have answers and can prepare ahead of time.

Mr. Mihalic stated everything else looked reasonably tight all the way across.

B. Consideration of Resolution 2009-02 Approving the Budget and Setting a Public Hearing

Mr. Moyer read Resolution 2009-02 by title into the record.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor Resolution 2009-02 Approving the Fiscal Year 2010 Budget and Setting a Public Hearing for Thursday, July 23, 2009, at 6:00 p.m. at the library was adopted.

C. Discussion Regarding Scheduling a Budget Workshop

After a brief discussion, the budget workshop was scheduled for Thursday, June 18, 2009, at 6:00 p.m. at the Brighton Lakes Clubhouse.

EIGHTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

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

Mr. Moyer stated we are about 90% collected on our non-ad valorem assessments, which is very good.

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 there are three months of charges from Severn Trent in a two-month period. Why three rather than two? It is February, March and April.

Ms. Burgess stated the February invoice was probably not received in time for the March agenda package.

Mr. McGrath stated Check 3262 was to AT&T for the Clubhouse. We pay half of that bill and VillaSol pays the other half, but the phone number is not for the Clubhouse.

Mr. Smith stated that is where we program all the swipe cards. We use one computer in the District Office for both communities.

Mr. McGrath stated we are paying \$240 a year for not using long distance. Do we have the right account with the phone company? They apply a charge of \$20.95 minimum charge each month when long distance usage falls below \$100.

Ms. Palmer stated the bill indicates that we may qualify for additional AT&T products and services that could result in avoiding this charge.

Ms. Fuentes stated we will look into it.

Mr. McGrath stated we spent \$1,200 in the last five years, so we have the wrong kind of account with AT&T.

Mr. Smith stated as field staff, we do not have as much control over that account as we would like. There is another individual at Severn Trent that sets up the account.

Mr. McGrath stated Check 3285 to Ace Hardware was \$23 for keys. How many keys was that for or was it for something additional?

Mr. Smith stated it was for more than just keys. It was other field supplies, including some electrical work they were doing out here.

Mr. McGrath stated on the Embarq phone bill, Checks 3286 and 3323 were for \$161.80 and \$164.84 for what they call miscellaneous service. My guess is we have been paying that every month. Our phone bill is \$1,000. Is this something you can find out for us what we are getting? Most of the invoice charges have a telephone attached. Are these part of the contract, or what kinds of services have we had that are miscellaneous?

Mr. Smith stated the accounting staff is putting a description on the invoice that does not necessarily identify what it is. It might be a service call or a repair. We will look at the invoices. I do not know why some are coded telecommunications-telephone and why some are miscellaneous services.

Mr. Moyer stated the breakdown is \$79 for local services, \$50 for data, and \$33 for taxes and surcharges, which totals \$161.

Mr. McGrath stated that is not miscellaneous service.

Mr. Mihalic asked why do we have three lines for data? The computers are using a modem and it should just be one line.

Mr. Smith stated we have phone lines for ACT for the security systems, and there are several phone lines.

Mr. Mihalic stated but it is a standard line and the computers are just going over a modem line.

Mr. Smith stated we can do an audit on that.

Mr. Moyer stated the charge for data of \$49.95 appears to be a flat rate.

Mr. Mihalic stated unless you go to a dedicated 56k line, you use modems that the computers connect to, and it is just a regular phone line.

Mr. Smith stated they coded one as miscellaneous service, but it is actually the phone line for this room. It is described differently, when it should be telecommunications-telephone. If you look at some of the invoices for Corporate Express, they are coded as miscellaneous service instead of supplies.

Ms. Burgess stated it sounds like the invoices are not being coded to the right budget line item.

Mr. Smith stated that is correct, it is how the accounting staff is coding it.

Ms. Fuentes stated we just did an analysis on all the phone lines for long distance, and I will forward that to the Board.

Mr. McGrath stated Check 3254 for the engineering fee for the guardhouse relocation project of \$975. Am I responsible because I wanted to see the cost? Is that what that was?

Mr. Smith stated yes.

Mr. McGrath stated if I had known I was asking a \$1,000 question, I might not have been that interested. Please remind us that it will cost something when we make a request like this.

Mr. Moyer stated that represents about five hours of engineering time. The amount of time is not unreasonable, but it is just expensive.

Mr. McGrath stated on Page 123, we spent \$174.10 to KUA for an irrigation water charge. Last time we had a situation where our system was not working. Did that happen again?

Mr. Smith stated yes, the pump went down and we had to reconnect.

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

C. Report on the Number of Registered Voters – 539

Mr. Moyer stated we are required to enter the number of registered voters into the record. Pursuant to Chapter 190, Florida Statutes, when the District is in existence for six years and has 250 registered voters, we start electing Supervisors by qualified electors, which are resident registered voters, and we have already met that. Unfortunately, the law does not say that once you reach the threshold, we can stop doing this. Every year we will enter this into the record.

Mr. Mihalic stated when you figure an average of two people per house, even with the number of foreclosures we have, it should really be a lot more.

Ms. Burgess stated last year in May, there were 719 registered voters.

D. Reserve study

Mr. Moyer stated I will provide something to you in writing. I will use the study provided for Vista Lakes as a guide

E. Field Operations – Monthly Highlights

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. Mihalic stated this was an awesome report.

Mr. Smith stated regarding the replacement of the Palm Trees, I cut them because they were starting to fall. Do we want to remove the trees and sod the holes and keep that money? Do we really need to replace them all? You will never know they are not there.

Ms. Incandela stated I thought we decided we were not going to replace them all.

Mr. Frawley stated we talked about a couple places where we were not going to replace them because you would never notice it. Most of them go around the lift station.

Ms. Incandela stated we should cut them down and sod the holes.

Mr. McGrath stated I agree.

Mr. Smith stated we discussed planting some Viburnum Hedge replacements where there are some holes from hibiscus. I received a price of \$1,795 from Weber to do that work. That will also include the Bougainvilleas that were hit by the freeze at the front of Volta, Kariba and in the island areas. We are going to go back to the Knockout Roses. I would like to do at least Volta and Kariba. We do not have to do the Viburnums, although there are some holes. The Knockout Roses will replace the Bougainvillea.

Mr. McGrath asked are these dead or mostly dead?

Mr. Smith stated they are mostly just holes. Some have died in the past, people have been walking through that area, and over time they get leggy.

Mr. McGrath stated everyone passes that way coming down Brighton Lakes Boulevard.

Ms. Incandela asked is the proposal to replace all of them?

Mr. Smith stated the proposal is for 20 seven-gallon Viburnum and 64 three-gallon Knockout Roses. We will pull out what is there and transplant healthy Bougainvilleas in other locations to fill out those areas, we will replace the beds and do bull noses with Knockout Roses. We will move plants around to fill holes.

Mr. McGrath asked are these roses as hardy as we need?

Mr. Smith stated I have used the roses in Celebration and they flower nicely.

Ms. Incandela stated it is a high visibility area. For the sake of maintaining the standards in the community, I recommend doing it.

There was consensus from the Board to proceed with the proposal.

Mr. Smith stated OneSource has two old invoices they did not provide with their other final invoices. They are \$303 and \$363 for irrigation repairs.

Ms. Incandela asked were these invoices just not submitted in a timely fashion but the work was done and they did it to our satisfaction?

Mr. Smith stated yes.

Mr. McGrath stated I think we should pay them, especially after all the mulch they provided.

Mr. Smith stated this is the last of the invoices.

Mr. McGrath asked when we pay it, will we receive some sort of release?

Ms. Fuentes stated we will request a letter saying this is the last invoice.

Mr. McGrath asked are we aware of anything else that we owe them?

Ms. Burgess stated as part of the contract, generally there is Exhibit E, which is a general release of final payment.

Mr. Smith stated I submitted the suggestion box items.

Mr. McGrath stated I think that we still do not allow people younger than 16 to use the fitness equipment.

Mr. Mihalic stated I agree.

Mr. Smith stated there is a homeowner on Chapala who has a high area in her backyard that is not a wetland buffer. It was part of the road construction and lot construction. After the developer left, he let it go natural; that was the intent for that area. Behind her home, they started a garden. They did not install irrigation, they just planted vegetables. There was some debris and old concrete in there. My staff removed the debris. I spoke with her twice and said she needed to remove the garden. She requested to talk to the Board and to see if you would let her continue this through the summer.

Ms. Incandela stated this is not a wetland buffer zone. Is it beyond the homeowner's property line?

Mr. Smith stated yes, it is CDD property outside the wetland buffer. It is on the edge of the wetland buffer.

Mr. McGrath asked is its intent to be a conservation area?

Mr. Smith stated no, it is similar to the open space across the street. It is a high and dry area and was intended to be a natural area.

Ms. Gomattie Persaud stated I pleaded with Mr. Smith to allow us to reap the garden. I have been here for four years, and my brother kept encouraging me to plant a garden. I kept telling him that I could not because the property did not belong to me. He just started planting it and my mother enjoys it, too. I understand it is wrong and I knew it was wrong from the beginning, but I want to reap the benefits. It is beautiful. What I planted on my

property did not turn out as well as it is doing on that property. I will not go back there after the end of the summer once I reap the garden.

Ms. Incandela stated there are a couple issues. I can appreciate the beauty and the nature and what you have in the garden, but the areas that are designated for use in the District, we adhere very strictly to.

Ms. Persaud stated it has been only for the past six weeks. I bought a long hose to water the garden.

Ms. Incandela stated the unfortunate thing is, we have to adhere to these requirements and guidelines very strictly. What we do for one, we need to do for all. For everyone that we say we have to enforce these rules, we have to enforce them quite strictly when it comes to what we do with that property.

Ms. Persaud stated I promise I will be done by the end of the summer.

Ms. Incandela stated it is not a question of when; it is a question of the fact that the situation exists now, and we cannot extend time. It is not a designated use and it is not a proper use for that area. Extending time is not an option. I think there has been sufficient notice given and acknowledged by you, so this should not come as a surprise.

Ms. Persaud stated I understand that you are doing your job. I just want to reap the vegetables. Pulling it out will be painful. It is so beautiful.

Mr. McGrath stated one of our problems is, if tomorrow or next week or next year, someone else is in a similar situation and maybe it is not beautiful. What do we do then?

Ms. Incandela stated it is not a question of aesthetics; it is a question of the land use. Unfortunately, it has to go. There is not a lot of leeway that we have to make an exception. It is not designated for that purpose. There has been sufficient notice. It is not a question of beautiful but it is a question of whether or not it is proper for that designated area of use.

Mr. McGrath stated it has to go.

Ms. Incandela stated I do not know if you are going to remove it yourself so that you can save the plants or if Mr. Smith's staff will remove it.

Mr. Smith stated I would like to give her the opportunity to move the plants to her property if she chooses to.

Ms. Incandela stated we can give a little time to move it yourself.

Mr. Smith stated there are several gardens in the community on homeowners property.

Ms. Persaud stated there is no room on my property, and it does not make sense to move it.

Mr. McGrath stated if you had come to us and asked permission, we still would have said no. I do not know how we could have said yes ahead of time, either.

Mr. Mihalic stated we would have eliminated all the headaches.

Mr. McGrath stated and we would have eliminated all your work. We cannot allow it and it has to be removed.

Ms. Incandela stated I want a timeframe for this. Are you going to take them elsewhere and try to put them in pots on your property?

Ms. Persaud stated I will try to do something. I really thought you would let me reap it this year. It will probably be three more months and it will be done.

Ms. Pieters stated I remember when I was on the HOA Board, you were asked to take down a garden shed, and you have not taken it down.

Ms. Persaud stated I took it apart; this one is not showing.

Ms. Pieters stated I can see one from Chapala. You have not taken it down, so how can we allow you to carry on with this garden?

Ms. Incandela stated I do not want to mix HOA and CDD issues. This is a very specific issue. I suggest we give you 10 days to allow you to remove them yourself, and after that time, Mr. Smith's staff will clear the area and put it back to its designated use. Please relay this information to your family and neighbors that this is not a designated use for that area.

Mr. Smith stated for any work we do, we will not charge anything to the homeowner.

Mr. McGrath stated we are very sorry; obviously the work and effort you have put into it will be gone.

Ms. Persaud asked can you give me three months?

Mr. McGrath stated no.

Ms. Incandela stated no, we cannot. The week after it was planted, it should have been removed. It has been there six weeks, which is six weeks longer than it should have been there.

Ms. Persaud stated we started planting it after your last meeting, and you did not have another meeting until today.

Ms. Incandela stated by knowing that property is not yours and by telling us you knew the property was not yours, I am finished discussing this issue.

Ms. Incandela stated the carpet in this room is horrendous. I know Joey is gifted in laying tile. Can we research what it would cost to replace this carpet with tile? He also wants to paint the room as well.

Mr. Smith stated I called about the Fire Marshal signs, and I got someone other than the person I originally spoke with. I spoke with the Assistant Fire Chief, who was going to come out and look at them, but he was totally against removing them. They are part of the fire prevention system in Brighton Lakes. I argued that because there are plenty of fire hydrants in the community, they were not necessary.

Mr. Mihalic stated a lot of the areas do not have them; it is only the ones in the back.

Mr. Smith stated that was the original Fire Chief who was on that project and there is a new Fire Chief, who is not aware of what is going on. I will continue to push the issue to find a yes.

Mr. Smith stated we will be addressing the asphalt repair where there are cracks in the road. We will try to fill in the cracks and see how that looks, rather than cutting out a square and making it look like patchwork. The road is still sound and over time, it may start to develop potholes, but I think we can prevent that.

Mr. Mihalic stated item 2 on your list was to replace the sign for no motorized vehicles in the park. At our last meeting, we discussed people riding their motorcycles in the park. Shortly after our last meeting, that sign was destroyed. We had another incident again. We are keeping an eye on this because it has to stop. People should not be doing this kind of thing. Mr. Frawley called it in and there is a police report.

Mr. Smith stated we lost a tree up front due to a vehicle. We have the police report, and we will install a similar-size tree at that location. I have a proposal from Weber for a 100-gallon tree.

Ms. Fuentes stated the insurance company will reimburse us.

Mr. Frawley stated there is also sod damage.

F. Update from Gerry Frawley

Mr. Frawley stated we changed the timer for the children's pool, and one mother said it was wonderful because little kids are scared of it and will not go close to it. They stay at the edge of the pool area and when it is turned off, they will enjoy the whole pool.

Mr. Mihalic stated a burner was installed at the gatehouse computer for the camera video since the old burner was lost. How do we lose computer parts?

Mr. Frawley stated that is software.

Mr. Mihalic stated it says “burner” and is that the hardware?

Mr. Frawley stated that was my word for it, but it is the software. We have a camera that oversees the children’s pool that goes blank every night.

Ms. Fuentes stated we will look into it.

Mr. Frawley stated you said that at the last meeting, and it is still black since then.

Ms. Fuentes stated that camera was replaced.

Mr. Frawley stated not this one. We replaced the one on the roof that captures the entire pool. The repair people said it might be the night vision does not work because it works during the daytime.

Ms. Fuentes stated we will look into it.

Mr. McGrath stated we agreed that we need to have that.

Mr. Smith stated hopefully we do not have to replace it with another \$900 camera.

Mr. McGrath asked would additional lights behind the camera help?

Ms. Fuentes stated it was fine before, so I do not think it is a light issue. It is a camera issue.

Mr. McGrath stated instead of purchasing a new camera, if the camera works and it is dark, more lighting might help. Look at whatever is cost effective.

Mr. Frawley stated that camera also oversees the gate. On January 17, there was an accident on Brighton Lakes Boulevard. Someone came over the bridge, slid into the middle and crashed into a tree where the median starts. It did some sod damage. Did we ever have to fix anything?

Ms. Fuentes stated no, the tree was fine. OneSource took care of it.

Mr. Frawley stated we were going to send a letter to the Sheriff regarding trespassing.

Mr. Moyer stated Ms. Incandela signed that letter and it was sent.

Mr. Frawley stated at the entrance from all the signal construction, it looks like two big black sandbags are still there in the grass.

Mr. Smith stated I will talk to Mr. Elliott about removing them.

Mr. Smith stated we installed additional lighting at Volta.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Crumbaker stated as a condition of the Palm Tree settlement, Ms. Incandela requested that Engineered Homes also send a letter to the Sheriff to grant authority to the District to trespass on their open lot. That letter has been drafted. Mr. Hiss signed the

Release Agreement on April 27, which will clear the way for the District to trespass on the Engineered Homes open lot.

Mr. McGrath stated the issue we also discussed were the parks within the confines of Brighton Lakes.

Mr. Crumbaker stated we can supplement that letter with a map that identifies all the District areas.

Mr. Mihalic stated we put up a sign at the entrance indicating the hours of the parks.

Mr. Crumbaker stated if Mr. Smith has a map, we can transmit another letter to the sheriff with the hours the parks are closed.

Mr. McGrath the sign says all parks are closed dusk to dawn. That means any and all parks within Brighton Lakes. Our reason for requesting this is, the deputy advised us if someone was there and someone called to have them be removed, if they did not have the letter authorizing them to do it, they would have a hard time doing it.

Mr. Crumbaker stated we need a map highlighting all of the park areas.

Mr. McGrath stated that will include this area, as well.

Mr. Frawley asked as you go toward where the old school would have been, between the two ponds, do we own property between two ponds or does the builder own that land between two ponds on the way out?

Mr. Crumbaker stated the best way to find out is to check the Property Appraiser's website.

Mr. Frawley stated since the last meeting, a vehicle was parked there. The Security Officer contacted the Sheriff's Department. The Deputy checked the vehicle, ticketed it, and left it there. The owner eventually took it. The Deputy asked if we wanted it towed. I do not know if that is something we address. Can the CDD authorize to tow vehicles?

Mr. McGrath stated the map shows both sides are CDD property, and Tract E goes all the way to the road.

Mr. Frawley stated I think the first sign that says no trespassing is on the back side of the ponds. Should there be a sign at the entrance?

Mr. Smith stated I thought there was one at the front. The original idea was because people were driving motorcycles in there, but we can put one in the front.

B. Engineer

Mr. Mihalic stated we said something at the last meeting about the Engineer wanting to get out of their contract.

Mr. Moyer stated I think it is time we consider that. I need them to sign the requisition for Engineered Homes so we can close the construction account. Hanson Walter knows more about the project than CH2M Hill.

Mr. Crumbaker stated we will need to go through the CCNA process for that.

Mr. McGrath asked do we need an Engineer?

Mr. Moyer stated yes, on retainer to handle issues like the drainage issue, on an as-needed basis.

TENTH ORDER OF BUSINESS

Audience Comments

Ms. Andrea Akins stated last night the sprinklers were on and it was pouring rain. The sod at the front is not there and needs to be replaced from Pleasant Hill on the right side before Kariba Court.

Mr. Smith stated it is stressed pretty badly from the drought, and our pump for that area went down. If we get a good weed-and-feed on it, I think it will come back with all this rain.

Mr. McGrath stated everyone who drives in see that. We will look at that, so give us a few weeks.

Mr. Mihalic asked do our sprinklers pull water from the ponds?

Mr. Smith stated yes, we have wells that pump into the ponds and we pull off the ponds.

Ms. Akins stated thank you for not approving the garden. I have seen where sometimes people let things pass for a period of time, and I appreciate your consistency and uniformity.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests and Comments

Ms. Incandela stated I spoke to Gatorland to see if they will come back, and this year there is a \$350 or \$400 charge. Last year it was free because it was for community service, so I said thanks, but no thanks.

Mr. McGrath stated Joey and Marlon are out here every day. If we have a big party of residents who are doing something destructive and they ask them to stop and the resident does not, do we give them instructions on what to do? Will they call the police?

Mr. Smith stated their instructions are to politely address the homeowner and say we do not permit this. If the homeowner ignores them, they say “thank you” and then they call me. They explain the situation, and I will tell them to call the Sheriff or I will come

here personally. I told Joey in the beginning not to make friends with anyone. He is good at dealing with the residents. He is able to deal with them appropriately. They do not argue with anyone or raise their voice. They are to walk away and call me. They can take the phone to the resident and ask them to speak with the Supervisor. I will talk with them, I will come here, or he will call the Sheriff. They are never to get into a conflict with anyone.

Mr. McGrath asked do you give them a refresher so that they are clear on it?

Mr. Smith stated yes, they are clear.

Mr. McGrath asked is it in writing somewhere?

Mr. Smith stated I believe it is in their employee package.

Mr. McGrath stated it might be something to review so they know what to do and what not to do.

Mr. Frawley stated we put a sign in the front that says you need a swipe card to enter because it identifies you as a homeowner. If Joey asks a person if he has his card and the person says no but I live here, that card is the only proof he has to show he lives here. I do not want people from other communities using our facilities.

Mr. Smith stated he is not supposed to let people in who is not a resident. He gets to know these people and he will not tell them to go home and get their card.

Mr. Mihalic stated it is the same principle that we have at the guardhouse, where we ask them to continue to stop vehicles at the gate even though you know them and see them every night. He should still ask for cards because we do not know whether or not they belong here.

Mr. McGrath stated I am suggesting starting something we have not been doing regularly.

Mr. Frawley stated Joey and Marlon have the right to ask if they have a card. I told them there is a number on the back of the card, so get the number of the card. You do not have to argue with them. They can just call the office, who will confirm whether or not it is a legitimate card. Perhaps it was lost or stolen a long time ago and it has been disabled, or it was given to someone else. During the day before Joey and Marlon get here, people will tailgate to get in. Or they used to live here but moved and gave their card to someone else.

Mr. Smith stated I do not want him to police cards because then people get mad. Generally 99% of the people who come here are homeowners who are good people and

we are here to service them. If he feels something is wrong and someone does not belong, he should ask for a card. If they have a card but he still feels something is not right, he can take down the number.

Mr. Frawley stated I want to be sure they are be able to do that.

Mr. McGrath stated yes, if he is here.

Mr. Frawley stated I am also concerned there is someone who comes here on a regular basis that he sees and thinks is a homeowner who just drives here every day from another community to use our facilities.

Mr. Smith stated we will go through periodically and deactivate cards.

Ms. Fuentes stated a resident found a card and he called and said his card did not work. We do not activate cards just because someone finds a card. They have to submit documentation they are residents.

Mr. McGrath stated it is easier to allow one or two people in here who are not residents, as long as the residents are still able to use the facilities.

Mr. Smith stated in seeing people who are coming here and using the facilities, the homeowners are good about saying someone does not belong here. Then Joey will check their card, and that is the way it really should work.

Mr. Frawley stated I know that goes on and I want to make sure he can ask for their card and ask if they are a resident. If there is a card, get the number. If he is a resident, he will always bring his card. If he is not, then he probably will not come back, and we have accomplished what we want to do.

Mr. Smith stated if he goes to someone and says they are not supposed to be here and that person leaves, that is one thing. But if that person gets aggressive, then Joey backs off. Once he tells someone to leave, they will generally leave, and Joey is pretty good at accomplishing that.

Mr. Frawley stated the woman's kids who were making a mess in the park area and knocking down the pavers, Joey talked to her and asked her to control her kid. When they leave, Joey has to lift those blocks. He does not know if she lives here but he should be able to ask if she is a resident.

Mr. Smith stated she did it one time, not every day.

Ms. Pieters asked how do you let people know to rent the room for an event?

Ms. Burgess stated call the District Office to make a reservation.

Ms. Pieters asked what areas can you reserve? Can you use the pool?

Ms. Fuentes stated they can reserve this room but not the pool deck or the pool. You and your guests can use the pool but not exclusively.

Ms. Pieters stated we sent a letter to someone who broke the gate arm at the front. Did we get a response?

Mr. Moyer stated we never heard back from him.

TWELFTH ORDER OF BUSINESS

Other Business

There being no other business, the next order of business followed.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Mihalic, seconded by Mr. McGrath, with all in favor, the meeting adjourned at 7:40 p.m.

Gary L. Moyer, Secretary

Michelle Incandela, Chairman