

# 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 Tuesday, July 1, 2014, at 6:00 p.m. at the Brighton Lakes Recreation Center, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present and constituting a quorum were:

|                    |                     |
|--------------------|---------------------|
| Michelle Incandela | Chairman            |
| Jennifer Palmer    | Vice Chairman       |
| John Mastromarino  | Assistant Secretary |
| John McGrath       | Assistant Secretary |
| Dolores Pieters    | Assistant Secretary |

Also present were:

|                                     |                       |
|-------------------------------------|-----------------------|
| Gary L. Moyer                       | District Manager      |
| Tucker Mackie ( <i>by phone</i> )   | Attorney              |
| Paul McCartan                       | Keep Safe Security    |
| Carlos Sanchez                      | Girard Environmental  |
| 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

### Approval of the Minutes of the May 1, 2014, Meeting

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

Mr. Mastromarino stated on page 28, the twelfth order of business is listed as the next meeting schedule for Thursday, July 1, 2014. It is actually Tuesday, July 1, 2014.

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| On MOTION by Mr. McGrath, seconded by Ms. Incandela, with all in favor, unanimous approval was given to the minutes of the May 1, 2014, regular meeting, as amended. |
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### FOURTH ORDER OF BUSINESS

### Audience Comments

Mr. Joe Klusko stated I would like a sign at the entrance to the Brighton Lakes community saying "Welcome home! Keep our community beautiful." Secondly, the basketball court poles need to be stabilized. Can you drill a hole and add some sand?

Mr. McGrath responded the backboard is loose.

Mr. Klusko stated during the summer months of June, July and August, we should have more coverage at the pool. I am not saying a lifeguard. I know it will cost a few dollars, but if they see some people around at 9:00 p.m. or 10:00 p.m., they can have someone there. As long as the facility is being used, they should have someone there.

Mr. Gerry Frawley stated there are a few dead trees out front.

Mr. Smith stated those are hollies that have witchesbroom. We are going to remove them and add sod. We will also see what additional landscaping needs to be there to fill up the hole.

Mr. McGrath stated I recall talking about this at our last meeting.

Mr. Frawley stated if you look at the lawn behind the pool, you will see the difference in the color. That is because someone dumped pool water onto the lawn.

Mr. Smith stated we had sheet flow. That area had Bermuda grass. We are treating it and it will come back.

Mr. Frawley stated the area behind the fence on Chapala has finally been cleared. Underneath that, you can see the fiberform.

Mr. Smith stated we still do not want to see the fiberform.

Ms. Palmer asked can you put something there to keep the stormwater from back flowing?

Mr. Smith responded we will let vegetation grow there. Right now, half of it is grass over the fiberform. As we mow it, it will create a stand-alone base.

Ms. Palmer asked does it make sense to do something with pine straw as the area does get wet and would inhibit the growth?

Mr. Smith responded pine straw will wash away. It needs to be regularly sprayed and left alone.

Mr. Frawley stated the guy who came to the HOA meeting complained about it and lives near here.

Mr. Mastromarino stated I would be, too. If you put pine straw in there, it would wash away with the rain.

Ms. Palmer stated it really does not wash away. We have areas at the hotel, which serve as overflows for the SFWMD. We put pine straw at the bottom of it. Those areas completely fill up with water and drain into the pine straw. The pine straw has stayed there. It is like a natural insulation of the ground. That is the only reason I bring it up is

because I know we use it in areas that are very heavily filled with water on a regular basis.

Mr. Frawley stated there is a pipe in the middle of that area.

Mr. Smith stated we are looking at the structures and there is no structure outfall. There is structure that goes through the pond. The far pond has a mitered end section that goes into a swale. There are no restrictions to the flow. This is not going to change much. It will just make it more aesthetically pleasing to the people who live there.

Mr. Frawley stated you cannot see it very well. There is a weed that grows there, meaning this area has not been mowed. This time of year, it is supposed to be mowed every week.

Mr. Smith stated they grow pretty quickly.

Mr. Frawley stated not that fast, meaning that area was not mowed last week.

Ms. Palmer asked where is this?

Mr. Frawley responded in the park. At the end of the boulevard at Sweetspire, we do not have a catch and release sign. People are starting to fish there. We also do not have one between Sevan Way and Chapala where it meets the boulevard. People are fishing there.

Mr. McGrath asked will we need more than one sign for Sweetspire?

Mr. Frawley responded you may need more than one because this is a huge place. At least one sign is something. In case you have not noticed, they were out spraying today.

Mr. Smith stated the hydrilla is taking off on us because of all the fertilizing this time of year and the sun. This is a notorious time of year for hydrilla to bloom. They are spraying algae mats, which die and feed the hydrilla. They said if they cannot get it controlled by Thursday, the following week they will come in with Sonar.

Mr. Frawley stated I sent an email requesting help on the circles over the top of solenoids. One is almost 10 inches deep and a kid or person walking their dog in the dark can step in it and get hurt. It is two steps off of the sidewalk. There is not just one. There are two more right next to it. They are a real trip hazard. What bothers me the most is one of them has a lid. Can someone put it back on? There is a shiny red valve that someone was working on recently and they forgot to put the lid back on.

Mr. Smith responded I will have those addressed.

## **FIFTH ORDER OF BUSINESS**

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

#### **A. Update on Pool Resurfacing**

Mr. Smith stated we were supposed to have the pool resurfaced and opened by the 23<sup>rd</sup>. They had a three-day to four-day delay before they could get in here. Once they were here, there were some rain delays and typical contractor delays. The pool was ready to be opened on Thursday; however, they are still having chemical issues. Friday morning the Health Department came and the pool was opened while the Health Department was here. From that period until now, we still have to get the pool to stabilize, but we cannot put stabilizers in the pool. There are low levels of chlorine until the pool cures.

A representative from Ibiza Pool stated we take pride in what we do. We are not allowed to add any stabilizers to the pool, such as sodium bicarb. We can only boost the pool at a certain level and certain time. The Health Department will be back out here tomorrow and we will see if we can work with them to continue to keep the pool open. We will be out here tomorrow to make sure everything goes smoothly.

Ms. Palmer asked how long is the curing process?

The representative from Ibiza Pool stated it takes three months to cure. We resurfaced the pool at Celebration and for Evander Square and all the new pools in that area. When our crew is there, we come behind them to make sure everything is done correctly. Something that I noticed out here, for being open for a short time, you already have rusted metal in the pool and that is going to cause a problem if it is not taken care of.

Ms. Incandela asked will this be affected by the curing process?

The representative from Ibiza Pool responded even after the curing process. Sometimes the pool cleaner does not catch it when they vacuum out the pool. We do not want to ask people to leave the pool so we can vacuum the pool.

Mr. McGrath asked would it be likely to open and close the pool again?

The representative from Ibiza Pool responded we decided to do the maximum for the Health Department to leave the pool open. There is a concern about the chemical balance as we do not want kids to get sick. Right now the acidic is very healthy right now, but once there is a sunny day, it will suck everything out of there.

Mr. McGrath stated do not be surprised if we have to close it again.

Ms. Palmer asked how long does it take to vacuum the pool?

The representative from Ibiza Pool responded due to the size of the pool, it could take up to 20 to 25 minutes. It also depends on the weather. You cannot vacuum while it is raining because you cannot see what is at the bottom.

Ms. Palmer stated it is costing us a lot of money. I am not sure why we chose to do this in the middle of the summer since there is a three-month curing process.

Mr. Smith stated we tried to do it in the winter, but the problem is we had a delay in the signing of the contract. That took almost a month and a half. From the time the Board approved it, it took a long drawn-out period to get it signed.

Ms. Palmer stated I suggest your guys get with whoever is here at the recreation center and tell people that we are sorry for the inconvenience, but the pool will be closed for half an hour so we can check the levels. That 25-minute to 30-minute inconvenience is going to save us a lot of money in the long run. We are not talking about being closed for an hour.

Mr. McGrath stated I think it is as simple as putting up a notice saying that we may have to close the pool temporarily so bear with us. That is how we should do it.

Mr. Smith stated we will work with them and put up a notice saying the pool is closed for cleaning. The Health Department is aware of what we are doing and once they are comfortable with the levels, their visits will taper off. Because of the size of the pool if it is a busy weekend, with the sun and the heat, if the Health Department shows up on a Saturday afternoon, chances are the chlorine levels will be low.

Mr. Mastromarino asked do we have a plan in place to address that for the long holiday weekend that is coming up?

Mr. Smith responded yes.

Ms. Palmer asked would it be advisable for us to voluntarily close the pool on Thursday?

Mr. Smith responded we have had to occasionally close the pool, but not that often. They understand that we are doing our best to keep the chlorine levels where they need to be. We will probably have to increase them over the summer to four days a week.

Mr. Moyer asked what is the reason they cannot use the other chemical as a stabilizer?

The representative from Ibiza Pool responded due to the curing process. If you put in a stabilizer, it will stop the sun from taking on the chemicals, but it will also stop the curing process.

Mr. Smith stated what we are doing now is sending Ibiza Pool an email asking them when we can start using the stabilizer as we need to get the pool stabilized.

Ms. Incandela asked if the Health Department comes in and closes it down because of the water quality, how long is it before there will be an inspection?

Mr. Smith responded the next day.

Mr. Mastromarino asked do we incur any costs with the Health Department coming out like this?

Mr. Smith responded sometimes there is a cost, but lately there has not been any cost. If it is, there is a \$30 fee.

Ms. Palmer asked how often is she coming out to look at the pool?

Mr. Smith responded she came out last Friday.

Ms. Palmer stated if she is here tomorrow and opens it, chances are she will not be back until next week. My concern is if it is closed on Thursday, then the pool is closed for a three-day weekend.

Mr. Smith stated we will make sure the pool is in good shape on Thursday. If these guys are here on Thursday, I doubt very much she will show up on Friday. She probably will not be back until Tuesday or Wednesday of next week.

Mr. Moyer stated that is fine, but I think there is an overriding consideration in terms of having the right chlorine in the pool. Will you guys be out there over the weekend?

The representative from Ibiza Pool responded absolutely. We will stop in just to see the process and to make sure everything is running well.

Mr. Mastromarino asked have you trained some of your staff to test the pool?

Mr. Smith responded we sent Mr. Geinor Real for training in pool maintenance. It is tough to get him into the mindset of pool maintenance. I cannot commit to him being responsible for the pool.

Mr. Frawley stated in the long term, we had issues in the past.

Mr. Smith stated not that often. For this size of a pool and the maintenance that goes along with it, to have a good amount of time to close down the pool is slim compared to other pools and fountains that I manage.

Ms. Palmer stated I think the Board is okay with this as long as it is closed for a short period of time to clean it and keep the maintenance up.

Ms. Incandela asked can the cleaning be scheduled for the same time so that people know when it is closed?

Mr. Frawley responded there are not that many people here early in the morning, especially during the summer.

Mr. Smith stated it will be closed for a half hour to 45 minutes.

**B. Keep Safe Security – Guardhouse and Security Services**

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

Mr. McCartan stated at the last meeting, we were talking about the area between the two ponds.

Ms. Palmer stated I read the minutes and there were some comments about whether or not we should be calling the Sheriff's Department every time we see some lights there. I think we should call them. If they are there, great. I would much rather have the police out there. However, there may be an emergency going on in the area that takes precedence over what is going on here. People will start to notice that there is an Osceola County Sheriff on the scene and it will lessen the number incidents.

Ms. Incandela stated I think it should be only if you see someone for a long period of time.

Ms. Palmer stated there is nothing there that would allow anyone to have any cause to be sitting there, unless they are up to something they should not be doing. There are no homes in that area or park in that area. I cannot see what reason anyone has for being there for a five-minute period. People will see the reason why we have security. I believe if someone is there for five minutes or more, they should call the sheriff. It is just my opinion.

Mr. McCartan stated we had an incident last week between the guard and a young resident regarding their behavior in loitering, where the guard asked him to leave because he was breaching the rules due to his behavior. The sheriff said he was entitled to be here since it is private property and he is a resident, but I believe he is wrong because otherwise you would never have a trespass issue anywhere. I was disappointed that the sheriff said we had no authority to remove him.

Ms. Incandela asked did they give you a copy of an incident report?

Mr. McCartan responded no, you have to request them.

Mr. McGrath stated that has to be frustrating for Frank. When you become aware of any incidents, email or phone me or Mr. Frawley. We will contact Deputy Beltran, who will probably interject. They work for us.

Ms. Palmer stated it is awkward when dealing with a resident for a loitering issue.

Ms. Incandela stated I can understand if the officer said the resident was not doing anything for which he can be removed, but that is not the reason he gave. We are not on the same page.

Mr. McCartan stated we do not want to become alienated from the Sheriff's Department because we cannot handle an incident with a resident.

Ms. Palmer stated it may have been an officer not familiar with the area or any number of reasons.

Ms. Incandela asked are you comfortable with your relationship with Deputy Beltran?

Mr. Frawley responded yes.

Mr. McGrath stated he asked us for feedback. In those times when we called him, it has been a good situation.

Mr. Mastromarino stated based on the incident, that person is now more aware of Frank not hesitating to call the police.

Mr. McCartan stated he said he is aware. He is there quite frequently on his own, which is fine. It might be a social thing for him. He is a nice guy the majority of the time, but he does mooch about. certainly the day in question, other residents were not comfortable with him. I know he did not mean any harm.

Mr. Smith stated what we might want to do is to politely talk to his mother.

Ms. Incandela stated before we that, I suggest talking to the attorney. I think the information the deputy provided was wrong as to why you could not have him removed because you certainly have the authority. In terms of his behavior, I do not know enough about the resident. He certainly has a right to be here. However, if he is doing something that is infringing upon people's personal space or doing something that rises to that level, I do not know what that level is. Before we informally speak to his mother, I would like to get clarification on what we are allowed to say because it is a sensitive issue. I do not know if the youngster realized he was doing anything.

Mr. Smith stated we have had people in the past try to reach out to him and engage him, so I think that is the direction we need to go.

Ms. Palmer stated the only other thing I would bring up is in regard to cars coming into the community, even if it is a resident or someone they know. They need to wait until the car is in front of them before opening the gate. The speed bump, by design, slows cars down and causes a back up. Even if the guard sees someone they are familiar

with, they need to wait until the car gets to the guardhouse and stops before letting the car through. A couple of times there is someone new who leaves the gate open for a period of time. It just needs to be reiterated to the guards.

Mr. McCartan stated I spoke to the guards last night about this.

Mr. McGrath stated I have come in at midnight pretty regularly and the gate is open. Why would we need to pay you if the gate is open? Close the gate.

Mr. McCartan stated I do not disagree.

Mr. McGrath stated just reinforce it to the guards to close the gate.

Ms. Incandela asked do you mean it is open when no one is there or opening too fast?

Mr. McGrath responded the gate is open as I am approaching it. It is already open. I do not know if the guard opened it because he saw a car.

Mr. McCartan stated whether or not the gate is open, the car should be slowing down due to the speed bump.

Ms. Palmer stated that was the purpose of putting the speed bump there. You do slow more with the speed bump. Most people are saying the gate should not be open before you even approach it. One of the things mentioned on the neighborhood website, which I do not necessarily disagree with, is how far back we have orange cones. I think most people are aware of it but they say it looks like a construction zone.

Mr. Mastromarino responded just my personal experience going through there, the cones force you to slow down.

Mr. McGrath asked is there a different way to do it?

Mr. Smith responded there is a bend, and as you drive down, you see the arrows. Let us say we move them farther down the road; the question is whether or not you will be able to see them soon enough. That is why we put them where we did.

Ms. Palmer stated I suggest the Board members take a hard look at it as they drive through the gate, and we can talk about it again at the next meeting to see if there is something else we can do. Sometimes some of them are broken, and they are not very pretty. Maybe it is the best solution and maybe it is not. If we take a look at the situation, at least we can say we have done our due diligence.

Ms. Incandela stated it is not the most attractive, but you come to a point of where you are balancing aesthetics versus safety. I think there is no argument from a safety perspective. Having them the way they are now is a lot better because we do have that curve there. People get used to seeing them as they drive in and out every day.

However, someone coming into the community for the first time is going to be right on top of them, especially if they do not know what is expected. I am concerned about the speed as they are approaching and not having enough time to see them. One car is not so bad, but when you have people behind you, we have people switching lanes because they did not see the arrow soon enough. To me, this is a bigger safety concern that overrides the attractiveness of the cones. I think they serve a strong purpose.

Ms. Palmer stated I do not have an objection. Obviously there are some serious frustrations from people. Whether it was justified or not, it is out for discussion. That was one of the issues. The other issue has to do with the fact of looking at putting a fence up around the basketball court. If we installed a fence around the basketball court, we should get it wider so there are preventions. My concern is, there are so many cars from other neighborhoods. If we have a fence that is done the right way so there is room and people are not slamming into it, then they would have to come through here in order to get to it. If they have to come through here, then maybe there is more ownership of the fact that this is my community and I have to go through there. If someone causes trouble, they have to leave. I bring this up to you as a security-type issue.

Ms. Incandela asked is the reason why residents are requesting a fence because too many unauthorized people are using the basketball court?

Ms. Palmer responded that is a piece of it. Right now, anyone can walk onto the basketball court. You can have a guest and I can bring five guests. But I have to come through here. I am familiar with the rowdiness that goes on because I use the tennis courts. We do not know if people from other neighborhoods have weapons in their car. We already had one situation where one person hit another with a baseball bat that they had in their car. If there was a fence, they would have to go out and come back in, and the security guard would see what they are carrying and stop them. Yes, they can jump the fence, but it is a deterrent.

Mr. Mastromarino stated you are absolutely right.

Mr. McGrath stated when I was out fishing, a resident came up to me and told me that her child cannot play basketball here and has to go somewhere else because there are too many people here and none of them are residents. If you remember way back, we had residents ask the builder for a basketball court. They put one up and it had a fence, which we later took down because it was damaged. Based on that, I think we need one. We started out with the idea of having something that was great for kids to have something to

do and someplace to go. Our error should only be our kids. This lady commented that she is paying for those people who do not live here to have a nice place to play basketball.

Ms. Palmer stated you are never going to get rid of all the kids. You may have a few less, but you are still going to have a lot of kids. It is still going to be an issue with younger kids, and that is why we are putting another basketball court in because younger kids cannot play on that basketball court when grown men are playing. I agree with you that it would slow it down.

Mr. McGrath stated I am not looking for perfection, but if we have absolutely no control now, if we have access control through here, it has to be better. However, a guy can pass his card to someone else, but sooner or later they will find it is easier to play basketball somewhere else. The area that I had is very big, but the area that is not a basketball court is not being used. If we were to fence it in, there could be a tether ball or some picnic tables. We could also leave it alone until we find something for that area. We have an existing fence. I would agree this is something that would help. Who knows, it might even keep the volume down on the basketball court because we actually could close the court if people are unruly. Now we cannot do anything. If it is fenced in, we can actually lock the door.

Ms. Palmer stated we should get a cost for the fence.

Mr. Smith stated there is 100 feet there and another 100 feet there. I estimate the cost would be \$50 per linear foot or \$10,000 for the fence.

Mr. McGrath stated whatever we do, we need to have single access.

Mr. Smith stated we could make it so when you are at the pool, you can go out and sit at picnic tables or have a volleyball court.

Mr. McGrath stated there is a fence at the pump area, which is a barbed-wire fence. People will not climb over it, but I do not know if I recommend having a barbed-wire fence. To start off, we will just plan to have a fence with a single entrance.

Ms. Incandela asked what would be the cost difference between a six-foot and a ten-foot fence?

Mr. Smith responded the price would go from \$50 per linear foot to \$75 or \$100 per linear foot. There is probably 300 linear feet.

Mr. McGrath stated if we can find the old fence, perhaps we can use that one as it was 10 feet high.

Mr. Smith stated it was pretty ratty and in bad shape, which is why we removed it.

A resident asked how soon could this be done? The next meeting is in two months before it can be brought up again and another two months to finally get it started. Is this something you can get started? It would be nice to have it in the summer when all of the kids are out of school and coming here.

Mr. McGrath stated the Sunshine Law does not allow us to talk about it between meetings.

Ms. Palmer responded she is saying is if this is something everyone on the Board is in favor of, we could either tell Mr. Smith to go ahead and purchase the fence, or we could authorize Ms. Incandela to work with Mr. Smith to get this done with a not-to-exceed dollar amount. Under the Sunshine Law, we can talk with staff individually, but we could authorize Ms. Incandela to talk with Mr. Smith to negotiate this and get it done. However, if Ms. Incandela does not agree with the price because it is \$65,000, she would not enter into it and the Board can revisit it.

Mr. Mastromarino asked do we have the money to spend in this year's budget?

Ms. Palmer responded there are reserves that we can use. In this year's budget, we had discussed re-doing our playground equipment, which certainly has not been done.

Mr. Moyer stated we currently have spent \$40,000 out of a \$75,000 reserve budget. We still have \$34,000 left, but I do not know what your playground equipment will cost.

Mr. McGrath stated we made a \$20,000 down payment.

Mr. Moyer stated all I am saying is for this year, you are not going to have a lot of money left.

Mr. Mastromarino stated that is my point. We need to talk about including this in next year's budget.

Ms. Incandela stated it could cost \$25,000 to do the fence.

Ms. Palmer asked can we build the fence to a certain point and add to it later when we have the money?

Mr. Smith responded the playground equipment is \$57,000, and the roadway striping was about \$20,000. The pool was about \$26,000.

Mr. McGrath stated I think that was less than we budgeted for the pool. Is anyone on the Board of the mind to say "No" or does the Board think this is a great idea?

Ms. Incandela responded I do not like the idea of having a six-foot fence. I think we need to go to the height of the 10-foot existing fence.

Mr. McGrath stated I agree.

Ms. Incandela stated also, I like the idea of using the space that we have for a volleyball court or some additional play feature and fence the whole thing, which I do not think would cost us very much and we will probably get a lot out of it. My concern is the cost of the overall permit to do it now. I like the idea and it is good for a number of reasons, but it is going to cost a lot of money.

Mr. Smith stated the pool cost \$19,000. Since we have other contractors here, perhaps we can come back to this item later.

Ms. Palmer stated we received a security proposal. I think hiring an officer to patrol the community is a very expensive, costly endeavor.

Mr. Mastromarino stated the HOA wanted us to pursue this.

Ms. Palmer stated if we did it eight hours a day, we are looking at \$73 per home owner to be added to their assessment for this next year.

Ms. Incandela asked why was it in our agenda for consideration?

Ms. Palmer responded the HOA asked the CDD to pay for part of it. It is my opinion that the HOA is a lot more financially stable right now than the CDD, not that we are unstable. They take money for every single one of us every single year and they do not spend a lot of it. They do a nice party at Christmas and nice little things here and there, but they have a very healthy bank account. People give us grief when we want to raise the assessment by \$100. Every year we volunteer to pay \$100 to the HOA. The HOA could give this to us in my opinion.

Ms. Incandela asked did Mr. Nestor Olmo say that they were not considering getting sheriffs anymore?

Mr. Frawley stated they are looking for private security now.

Mr. McGrath responded as far as the security, we are spending \$100,000 now. I think that is all the money we should be spending. If you would like, I would be happy at the next HOA meeting to see if they have an interest. We can make a presentation.

Mr. McCartan stated my understanding was this was a community-wide issue and it was to benefit the community. He was trying to get corroboration between the two entities and get each home to pay \$73, which equates to \$.20 per day.

Mr. Mastromarino stated I do not intend to offend you, but you do not attend the safety meetings we have with the deputy. We are being led to believe this is the safest community in the area. From our perspective, a lot of it has to do with the guard and the

security here. I personally do not see the need to pursue this any further. If we have an issue, we call the Sheriff's Department.

Mr. McCartan stated you are quite correct. This does not preclude you from calling the Sheriff's Department. The benefit is that you have issues that the Sheriff's Department does not deal with.

Ms. Incandela stated that was not Mr. McCartan's idea. He was responding to the quote provided to the Board. If I had an unlimited budget, I would be spending a lot more money on security, but we are limited by a budget. Home owners brought up the idea because another community has a lot more security. Yes, they do, but when you compare their budget to ours, my understanding is their budget is a lot greater and they have more flexibility. Our budget is a lot tighter than theirs is in terms of what we have the flexibility to spend. I think we are at our maximum for security.

Ms. Palmer stated I agree. If this was something the HOA was adamant on wanting, they can certainly assess each home owner.

### **C. Girard Environmental – Landscape Maintenance**

Mr. Sanchez stated as you are aware, we have cleared the canopies on the oak trees along the boulevard. They should be maintained at least 10 to 12 feet.

Ms. Palmer stated I noticed in the minutes there was discussion at the prior meeting about the trees. I know it is an HOA issue, but home owners are complaining that their cars hit the tree, and you were going to get a price for home owners to have their trees done. There are a lot of trees that need to be trimmed, and maybe we can coordinate with the HOA to send a letter to the residents with a cost for Girard to trim their trees. There are some very large trees on Huron Circle.

Mr. Mastromarino stated at the last HOA meeting, there was discussion about a one-page English/Spanish newsletter. There was a suggestion to putting it on the bulletin board. However, there is no room. I will see about getting them to pay for another bulletin board and making space for it. That would be a good forum for that information as well as probably on the HOA website. I can facilitate that.

Mr. Smith stated Girard will give you a proposal for a set number of trees. If you get a bunch of people together, they would not have to pay as much.

Mr. Sanchez stated the more trees, the more we can work on the price.

Mr. McGrath stated the problem with that, whether it is the HOA or the CDD, if we recommend a specific individual to anybody, we are responsible if they do not work out.

Ms. Palmer stated I do not think we are recommending. We are giving them the name of someone who can do it and the price.

Mr. McGrath stated I understand the intent.

Ms. Palmer stated we are telling them these are the people who do our landscaping and providing their information and the price they are asking per tree.

Mr. Sanchez stated we are going to add sod next week.

Mr. Mastromarino stated I passed several different areas on the way to the clubhouse, and there are clumps of grass all over the place from the mowers.

Ms. Incandela stated I saw them, too, as I came in.

Mr. Mastromarino stated the area from Stargrass Circle to here had clumps of grass other than the areas from the sidewalk to the street. I think it was more than four to five feet wide that was an issue with the exception of that side of Brighton Lakes.

Mr. Frawley stated your guys have pulled an enclosed trailer in a club cab style truck. At times they have been parked on the boulevard. I called your office about a week ago and someone assured me that they would take care of it. I walk the community quite a bit. As I walked down the boulevard, I noticed the trailer parked in the middle of the boulevard, which you cannot park on. Deputy Beltran said this is the one place you cannot park that they can actually enforce. They can actually tow you. I took a picture of it with my cell phone. However, as I took the picture, one of your guys saw me. His name was Mario and he approached me and asked me if there was anything I was concerned about. I told him that they were parked illegally. He asked where else can he park. I told him he could park in the parking lot and they would be off the boulevard. I told him that we actually have to call about our own residents to the Sheriff's Department when they are parked illegally. He thanked me and it turned into a positive conversation.

Mr. Sanchez stated I will pass the information on to him. He is one of my best guys.

Mr. Frawley stated since I originally made that phone call, I noticed he had parked in the park. After the rain we had a couple of weeks ago, they caused some ruts in the park. I figured he would park in there because of what I said.

Mr. Sanchez stated I will speak to him because he should have known better.

#### **D. Miscellaneous**

Mr. Mastromarino asked do we want to table the fence until later in the meeting or do we want to continue?

Mr. McGrath stated if there are no objections, let us discuss it.

Mr. Mastromarino asked based on the cost, do you think this is something we need to discuss as we discuss the budget?

Mr. Moyer responded the budget is the next item on the agenda.

Ms. Palmer stated in looking at this year's budget, there is no room for it.

Mr. Moyer responded you are absolutely right.

Ms. Palmer asked if this was something we really wanted to do and wanted to increase the budget, could we take money from reserves, knowing that as soon as we set the next budget, that amount of money will go back into that reserve?

Mr. Moyer responded yes. I think what you need to wrestle with and is going to happen this year is, historically for the last several years, we have budgeted \$75,000 in reserves, most of which the Board believes goes towards road repairs. This year, we are actually spending money against that \$75,000, so at the end of the year, we are not going to be putting \$75,000 into the road repair reserve. That is all well and good because we have other items of reserves. Just because we are doing it in the current year budget, that means we do not go into reserves to take money out of the existing reserves. You just need to be aware in some cases we are not going to be adding \$75,000. For example, we have a landscape reserve of \$68,000 and \$68,000 for the recreational facilities here. We have \$274,000 in roadways. As an example, we could take money out of the \$68,000 in recreational facilities for some of the work Mr. Smith is doing. It is all transparent because then we would have had the \$75,000 we would have put back in there at the end of the year and then we would re-allocate that to the same thing. Taking it out of the line item in your annual budget is all well and good as long as we all understand that we are not going to put \$75,000 into the roadway fund.

Mr. Mastromarino stated so we can use the reserves for something like the fence.

Mr. Moyer stated that is correct.

Mr. McGrath stated we are probably talking about no more than \$20,000.

Ms. Palmer stated we could be looking at \$30,000.

Mr. McGrath stated what I am saying is I assume we have \$10,000 somewhere in this budget that somehow we could use toward the fence. We are not looking for the full amount of \$30,000 from reserves, if that is what the fence will cost. It will probably be more like \$20,000 from the reserves.

Mr. Mastromarino stated I would feel more comfortable going over the budget because I have some concerns about some of the reserves listed in the budget.

Ms. Palmer asked is the fence something the Board feels is an important matter that needs to be taken care of?

Ms. Pieters responded I think it is an important matter. I was not in favor of it being taken down in the first place. However, we took it down and I think we need to put it back.

Mr. McGrath stated me, too.

Mr. Mastromarino stated I agree.

Ms. Palmer stated I am okay with it going back up. I understand that we need to go over the budget, but we need to realize what we are doing if we intend to keep putting money away and know that we are going to be financially sound. We may have to increase assessments. We talked about that last year, that we thought this would be a two-step assessment increase. I think security is a hot spot for everyone. Last year the reason we raised assessments was due to security and bringing an additional security guard in. I just want to make sure everyone was in favor of it as this changes the conversation of how we look at the budget.

Mr. Mastromarino stated the only thing I can see with the fence is, it is a one-time cost. The guard is an ongoing cost. As we go over the budget, we need to look at this as a one-time cost and look at maybe re-assessing based on that. My question to Mr. Moyer is, this is supposed to be a budget meeting as well. Are we within the proper guidelines if we want to propose a higher assessment or are we out of line?

Mr. Moyer responded no. We have until mid-August to certify the budget. What it would mean is that we would have to send out a letter to all 750 lots and tell the owners that we are raising their assessments. We did that last year if you recall and all of that money pretty much went to the additional security guard.

## **SIXTH ORDER OF BUSINESS**

## **Public Hearing to Consider the Adoption of the Budget for Fiscal Year 2015**

- A. Fiscal Year 2015 Budget**
- B. Public Comments Received**
- C. Consideration of Resolution 2014-04 Adopting the Final Budget**
- D. Consideration of Resolution 2014-05 Imposing Special Assessments**

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| <p>On MOTION by Ms. Palmer, seconded by Mr. McGrath, with all in favor, the public hearing for the fiscal year 2015 budget was opened.</p> |
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Ms. Palmer stated I understand this is a one-time expense, but the issue is as our community continues to age, we are going to continue to have one-time expenses. The pool resurfacing is an expense every 10 years. The fence will be a big one-time expense, but there will be maintenance on it. Looking toward putting money toward that big one-time expense for the roadways, even if we do it in phases, it is still going to be a lot. The time is coming sooner rather than later that we are going to have to start looking at roadway repairs, and we need to make sure that we are continuing to put that money away. That may mean because we used so much from reserves this year on one-time expenses, that we consider that.

Mr. Mastromarino stated we are digging into our reserves and we do not have money to put back into reserves. That does support what you are saying.

Ms. Palmer stated things are going to start going, like the dishwasher or garbage disposal in the recreation center.

Ms. Pieters stated at the same time, in the beginning we were seeing that there was a safety issue and that is why we had to put the fence up. That safety issue remains.

Mr. Moyer stated the budget the Board has for this public hearing does not anticipate increasing the assessments this year. It would be the same assessment amount that we levied last year, which is about \$800,000. The administrative budget was \$125,237 with some minor tweaks and is proposed to be \$126,287. The field management side is exactly the same budget as we are currently operating under, with the understanding that there are probably going to be some contract savings under landscape. You can see this year that we anticipated about \$160,000 and we budgeted \$180,000.

Mr. Mastromarino stated there is a line item called Miscellaneous Assessment Collection Costs. In 2013, it was roughly \$10,000. The proposal for 2015 is closer to \$16,000. What exactly is that?

Ms. Palmer responded this is for people who do not pay their assessments on a timely basis.

Mr. Moyer stated you have discounts where we net out for special assessment discounts. Special Assessment Costs is a percent of the total budget that is budgeted for the Property Appraiser and Tax Collector because they are our agents. We pay them for that.

Mr. Mastromarino stated I am equating this to the HOA and it may not be similar. If we go after someone for collection with the HOA, whatever dues and fees that are

incurred on top of the debt, the home owner is responsible for that as well. Is that the case with the CDD?

Mr. Moyer responded no. That is what we pay the Property Appraiser and Tax Collector to collect our non-ad valorem assessments. They are like our collection agent. In your example, rather than chasing the HOA, at one time the HOA was chasing delinquent assessments, we let the Tax Collector do that for us, which is a great way to collect the revenue.

Mr. Mastromarino stated there is no question, but it is a significant increase.

Ms. Palmer asked how much in back dues does the HOA get to collect? We do not normally have that much because being on the tax roll and the way we collect it, if someone did not pay it, they sell the tax bills and we end up getting our money. We had pretty much 100% collection on our assessments even during the recession.

Mr. Moyer stated we are 98% collected right now. When we go through the tax certificate sales, we will be at 100% collected. That is what that item represents.

Mr. Mastromarino stated in 2013, we did not have any reserves. In 2014, we had a reserve of \$12,000. To date, the projection is to spend \$12,000 from June to September. What would that be spent on?

Mr. Moyer stated we are just allocating that in this fiscal year with the understanding that if it is not spent, it drops down into the Fund Balance and goes into reserves.

Mr. Mastromarino stated I am looking at that as being a potential of \$12,000 that we might have to go toward the fence.

Mr. Moyer stated that is exactly right. On the top of page 2 we talk about Capital Reserves where we budget the \$75,000. We also have Miscellaneous Contingencies. In many years, we do not have any contingencies. That money then becomes available for Fund Balance, as well, and would go to reserves or just general unallocated Fund Balance. You can see we budgeted \$18,000 and we anticipate spending \$5,000. In all likelihood, we will have some money that drops to the bottom on that item. Gatehouse you are right on budget. We are not going to have any Fund Balance on that item. We budgeted \$108,000 and are going to spend \$107,000. Roads and Streets are budgeted at \$2,000. For the Community Center, we budgeted \$112,000 and are going to spend \$112,000. That shows that we are doing a pretty good job of budgeting and staying within our budget, but yet we are not accumulating huge surpluses by taking people's money just to keep it around.

Mr. Mastromarino stated on the same page, we talked about Miscellaneous Contingency and Capital Reserve. It looks like we spent \$40,000 of the Capital Reserve through May. What was that \$40,000 spent on?

Mr. Moyer responded when you look under Community Center, I would not be surprised if the pool deposit was taken from there.

Ms. Palmer stated we may have used some of it for the deposit for the pool resurfacing.

Mr. Smith stated we paid a pool deposit.

Ms. Palmer stated we probably paid for the roadwork out of that, which would have been \$40,000 on that easily.

Mr. Mastromarino asked what is the projection from June and September of almost \$35,000?

Ms. Palmer stated that would bring us to a balance of \$75,000. If we did not spend that, it would go to Fund Balance, which we can use for new playground equipment and the balance of the pool resurfacing.

Mr. Mastromarino asked do we know that for sure? I am trying to add up numbers to see what we can pay for the fence.

Mr. Moyer stated in terms of whether we are going to spend that or not, we do not know.

Ms. Palmer stated we know we are going to spend the balance for the playground equipment. We put \$20,000 down and the total was \$57,000. There is \$37,000 that is going to be paid before the end of the year right there. Then whatever the balance of the pool resurfacing is, you are actually going to be over budget.

Mr. Mastromarino stated farther down the page for Capital Reserve-Community Center, we had \$18,000. We had nothing budgeted for 2014 and nothing budgeted for 2015.

Mr. Moyer stated that is correct. However, you do have reserves for the Community Center of \$68,000 when you turn to the reserve page, which is on page 9.

Mr. Mastromarino stated if I am reading this correctly, based on the expenditures of the pool resurfacing and the playground equipment, the current budget give us \$87,000 in reserves for 2015. All of those debts will have been settled.

Mr. Moyer stated correct.

Mr. Mastromarino stated we would still have \$87,000 in that fund.

Ms. Palmer stated we could use that for the \$30,000 fence.

Mr. Mastromarino stated that is what I am looking at. Do we need to raise assessments?

Ms. Palmer responded we are not going to put anything into road reserves this year. At the start of the budget, we have \$87,000 in reserves and knowing we are going to spend \$30,000 for the fence, so before you even start the year, you are down to \$57,000, which you would put into the reserves for the roadways. We also want to spend \$10,000 for the sand volleyball park or the handball court. If we do all the things we want to, our reserves will be gone for next year. If you increase the budget by \$100 per resident, that is \$75,000 we can put into reserves. We can still do these projects that are going to continue to come up and still put money away for roads.

Mr. McGrath stated that poses the question if we want our home owners to pay \$100 more a year than they paid last year or five years from now or some period in the future pay \$800 or who knows how much. There is wisdom about keeping the real costs we are incurring and paying them as they come.

Ms. Palmer stated property taxes have actually gone down over the last couple of years. So property taxes have gone down, and even if we are increasing assessments, the impact to the home owner will not be as bad.

Mr. McGrath stated I did not think about that. This is a good time if you have to do it.

Mr. Klusko stated \$100 seems like a lot, but it puts something in the bottom line and you are only paying \$.25 a day towards your community for new roads and a fence. You may want to put this in the letter to the home owners.

Mr. McGrath stated we have a letter that we have to use and it is written in stone.

Ms. Palmer asked for the same price of postage, can we attach one extra piece to the front of the letter from the Board?

Mr. Moyer responded yes.

Ms. Palmer stated I think it benefits us to add that because the biggest complaint we had from people last year when we were raising assessments was not that we were raising the assessment, but it was the letter. They thought the letter was insulting. They thought we were going to take their home if they did not pay the assessment.

Mr. Moyer stated that language will be in this letter.

Ms. Palmer stated what we did last year was to put that in the letter and placed it in an envelope. If we put a letter from the Board saying that the attached letter is something we have to send to you by law, please understand that we do not have any control over the language, but we do want to explain to you what this is going to be used for. If we explain this to them, we can get away with that.

Mr. McGrath stated we will ask counsel to look at whatever we attach.

Ms. Mackie stated we would be happy to look at the cover letter. I work with other CDDs who provided similar cover letters to offset the harsher language required by Statute.

Mr. Moyer stated if the Board is of a mind to do that, we would simply increase the reserve amount shown in the budget by \$75,000.

Ms. Incandela asked do other Districts typically have a set percentage that they raise assessments by per year?

Mr. Moyer responded no. They do it just the way we are doing it. The goal initially is not to raise assessments. As management, I get concerned when I bring a budget to the Board that says you have to raise assessments. I try not to do that, but then they talk about the same type of things that you are talking about. If it is necessary, then they go ahead and raise assessments.

Mr. McGrath stated normally I would say let us try to find the money without raising assessments, but a really excellent point is our timing when property tax costs might make it less painful for all of our home owners. We might not have that in the future.

Mr. Mastromarino stated another thing I would like to bring up is, we have money in a money market fund and CDs. I do not know why it was not done, but I proposed that we roll our money into a higher-interest CD for the one that expired at the beginning of May. I think we have \$455,000 in the money market fund. Why do we need that? Why can we not put that into a higher yield?

Mr. Moyer responded the greater yield requires a longer-term investment.

Mr. McGrath stated and more risk.

Mr. Moyer stated not risk, but it certainly reduces your liquidity in terms of getting access to that money if you need it. On the operating account, we try to keep our investments fairly short term, but we keep two months of operating cash on hand and invest the balance in these layered CDs and money markets. Some of these reserves we could take out longer.

Mr. Mastromarino stated we have over \$800,000 that we could be getting a better yield on.

Mr. Moyer stated keep in mind that part of that \$800,000 is for operations.

Mr. Mastromarino stated it is listed on our investments as assets. I understand that we need to have the liquidity, but we have \$455,000 in a money market account and I am not sure what we get for that. I know my own personal money market account is .03%. We could be getting a CD for over 1%.

Mr. McGrath stated four or five years ago, Mr. Moyer contacted our Severn Trent accountant who does our investments for us, and we increased the amount of interest we were receiving. It may be time to do that again. He is investing and it is not his money, but maybe we need to look at it. It may only be \$100,000 but if you can get more interest on that and if you know you are not going to spend it or need it all, maybe we should look into it.

Mr. Moyer stated he does shop for CDs. We currently have CDs with Bank United. At the time these were set up, this was the best we could get. At that time, an 18-month CD was earning half a percent.

Mr. Mastromarino stated in May, a CD expired and I proposed in April that Bank United was offering 1.05% and yet we rolled that CD into a .40% CD.

Mr. Moyer stated I think he did check on that. Let me find out. I think there was something that did not work to do that.

Mr. Mastromarino stated even to Mr. McGrath's point, much like anything else, you have to shop around all the time. If we have \$800,000, we need to have somebody look to see the most we can get on a periodic basis.

Mr. Moyer stated I agree.

Mr. McGrath asked will you get back to us at the next meeting with an answer?

Mr. Moyer responded yes.

Mr. Mastromarino asked is shopping for insurance something we do on a regular basis?

Mr. Moyer responded yes. We shop for insurance every year.

Ms. Palmer stated sometimes we get cheaper insurance, but the rating on the insurance company is horrible. I agree we need to shop around for insurance, but sometimes the service level you receive is not worth it.

Mr. Moyer stated we usually end up getting our insurance from the Florida Municipal Government Trust Fund. This is a government agency pooled risk fund, which almost always has the lowest insurance rates. The reason for the big increase is we budgeted that last year. As part of the shopping process, we were told the rates would increase because liability carriers said that CDDs were high risk. As you can see, we expected the increase, but we actually were not billed the increased amount. We only ended up paying \$6,600 on a \$10,000 budget. We budgeted the same thing for next year just to be on the safe side. I budget fairly conservatively. I do not see anything that would indicate that we are going to get hit with that type of an increase.

Mr. Mastromarino stated I want to bring up the 100 pages of bills that Century Link charges us at \$1,200 a month.

Mr. McGrath stated I have been told that everyone else that has a community with gates and underground telephone wires has a similar experience. We do also pay \$68 every time they come out. Maybe that is something we could speak to them about. If they are doing a good job, that is one thing. We had others in the past that we terminated because they were not doing a good job.

Mr. Mastromarino asked is Brighthouse laying all of this cable and do you think they would offer something similar to Century Link?

Mr. Smith responded periodically we do an audit and provide the results to the Board. We can contact them to see what they offer. We found in the past when we changed from one to another, we get a lower price, but they always increase it to the same rate you are paying now.

Ms. Palmer stated I think Mr. Moyer did a great job on this budget and I want to thank you for that. I think we know what our community wants, and we have an obligation to provide that to them. There are things like the soccer field that are good things that we should add to our community to make it stronger in the long run, and I think we need to seriously consider raising the assessment and adding a letter to the front of the letter explaining our views and acknowledge the fact that the standard letter is intimidating. We should let them know there are things we want to do and talk about in that letter that we want to be able to do the best we can to keep up home values as the market starts to rebound.

Mr. McGrath asked Mr. Moyer, will you attempt to write such a letter to us?

Mr. Moyer responded I will have someone very good write the letter, like Ms. Brenda Burgess.

Mr. McGrath stated I agree.

Mr. Mastromarino stated I personally think that is a great idea as well, and we need to get it out before the next meeting. Somehow we will have to review it or approve it.

Mr. Moyer stated I think the last time we let Ms. Incandela review it. Then we need to talk about continuing the public hearing to a special meeting date. I would target the second or third week of August.

*Discussion ensued regarding the date to continue the public hearing.*

*There was consensus from the Board to continue the public hearing to Thursday, August 7, 2014, at 6:30 p.m.*

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| On MOTION by Ms. Palmer, seconded by Ms. Incandela, with all in favor, unanimous approval was given to continue the public hearing to Thursday, August 7, 2014, at 6:30 p.m. |
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Mr. Mastromarino stated just to be clear, we are looking at increasing the assessments \$100 per resident.

Ms. Palmer asked will the letter go out this week?

Mr. Moyer responded the letter will go out either this week or the second week in July. We only need 20 days to advertise the hearing and send the letter to the home owners.

Mr. McGrath stated the letter will give some indication of what these monies are going to be going toward. I think it is important to add that much of it is based on requests and comments we received from home owners and residents.

Ms. Palmer stated we need to say that we are raising assessments for better security and better recreational facilities, such as adding a volleyball court, a handball court, and soccer nets.

Ms. Incandela asked do we want to be specific or just say general enhancements to the community?

Ms. Palmer stated it can just be general, but also as the community continues to age, there are improvements we want to make in the community to provide increased home values and security. I think we also want to add that the cost will be \$8.33 per month.

We should also say that the attached letter is a form that is mandated by the State of Florida.

Mr. Moyer stated I think we put in our letter last year that the Board would or may consider increasing assessments this year.

Mr. Mastromarino stated it was \$50 last year and \$100 this year. On page 195 is the boilerplate language for the contract for the playground equipment. I do not need to see this. What I would like to see are the details of the actual project: materials, start date and end date for this contract. I would like to see this for any contract we approve. I had home owners complain about the pool resurfacing. At least that way I can have that information and see what we are getting and when we can expect it.

Mr. McGrath stated at the very end, we talk about a hold back of \$455 on the former landscaper's final bill. I think it would be helpful for the Board to have some involvement in how or why we decide that \$450 is the right number. I think that puts you in the middle of deciding what they did and what they did not do. I am not sure if that is exactly the right amount.

Mr. Smith stated that was for the payout of fees for a fine for the south property. I just need authorization to pay them. This was predicated on any additional costs from Girard that was associated with work they did not complete. I have not received anything from Girard for additional costs.

Mr. McGrath stated that is great. In that case, never mind.

Mr. Mastromarino asked in regard to the 11-acre lot where the potential school is going to be and an access road going to that school, have we been maintaining the property on the other side of that access road since the inception of the District? The map was not clear as to whether or not we owned that property.

Mr. Smith responded we own up to the top of the slope and the flat area.

Mr. Mastromarino asked who has been maintaining this area?

Mr. Smith responded no one. We do not even maintain the driveway.

Ms. Palmer stated this is where the woods are.

Mr. Mastromarino stated I understand that, but it looks to me like all of this area was owned by the CDD.

Mr. Smith stated here is the driveway. From here back is all overgrown. There is a wetland and open field that is overgrown.

Mr. Mastromarino stated we do not own the road, yet we maintain this area to the right and left of the road.

Mr. Smith stated we own the property behind the pond, but we do not own or maintain the road.

Mr. Mastromarino stated we most certainly do.

Ms. Palmer stated I even drive on it.

Mr. Frawley stated it is just field brush.

Mr. McGrath stated there are no landscaping costs associated with that area.

Mr. Mastromarino stated what I was getting at is, if that is not our area, why maintain it. Is that road ours? How can we maintain something to the left and right of it and not own the middle? I do not understand.

Mr. Smith responded we own around the pond for maintenance purposes. What is green is actually the grass. That is the slope and the flat area.

Ms. Palmer stated this whole area was owned at one time by the developer and as the developer turned over land to the CDD, this is what they gave us so we would always have the ability to maintain the ponds. They own this land because that is where they were going to put the school.

Mr. Mastromarino stated because we have been maintaining that area, do we have the rights to it under eminent domain?

Mr. Smith responded we do not maintain it all. We just maintain the grass area. They may over mow but I doubt that.

Mr. McGrath stated we cannot charge them, which is what we really want to do.

Mr. Mastromarino stated I would like to take it over so we have access to that area.

## **SEVENTH ORDER OF BUSINESS**

### **District Manager's Report**

#### **A. Financial Statements**

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

Mr. Moyer stated we are 98% collected on our non-ad valorem assessments and after the tax certificate sale, I have every reason to believe we will be at 100%. We talked at length about the expenditures and what we expect at the end of the fiscal year and where we are currently.

**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 have Mr. Vialdo Blanco who is a subcontractor. We had a bill from December 16 for eight hours, which we approved, but not for SNI Companies. Did we have two different companies providing services and this individual just floated from one to the other?

Mr. Smith responded yes.

On MOTION by Ms. Palmer, seconded by Ms. Incandela, with all in favor, unanimous approval was given to the check register and invoices, as presented.

**C. Website Statistics**

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

**D. Consideration of Fiscal Year 2015 Meeting Schedule**

Mr. Moyer stated the proposed dates are November 6, January 8, March 5, May 7, July 9, and September 3. We may discuss September 3 as it might be Labor Day weekend.

Mr. McGrath stated I understand January 1 is obviously not a date we want to have a meeting, so moving it to January 8 makes sense. I am not sure why we want to have a meeting on July 9 as it is the second Thursday, instead of our regular first Thursday.

Ms. Palmer stated that is July 4 weekend.

Mr. Moyer stated that is because of the budget. I need 60 days from May 7.

On MOTION by Mr. McGrath, seconded by Ms. Palmer, with all in favor, unanimous approval was given to the meeting schedule for fiscal year 2015, as presented.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Mackie stated since the last Board meeting, two items came out of the legislative session. You received a final update on our *Capital Conversations* report. One is that the Legislature is paying close attention to reports filed by the District and is increasing penalties for things such as late filing of audits. Fortunately, your District Manager is on top of it and that should not be an issue for this District. Secondly, Districts are going to be required by October, 2015, to have websites for purposes of posting various public

information of the District. This District already maintains a website, but we will be working with District management just to make sure that the items that are required to be posted online are in compliance. I think the District Manager does a good job of that already.

Ms. Pieters stated we have communication about some changes for the CDD Board.

Mr. Moyer stated I can update the Board on that. The qualifying period for the Supervisors who were up for re-election, which are Ms. Pieters, Mr. Mastromarino, and Ms. Incandela, closed on Friday, June 20. No one ran against any of your seats. This means you are automatically elected. We will swear you in at the first meeting after the election in November.

Ms. Pieters stated I received an email from your office regarding some CDD Boards and how they operate.

Ms. Incandela stated the attorney was watching throughout the entire legislative session to see what the Legislature was going to do. They had not made any major changes except for what Ms. Mackie stated before. Were there any other major changes to the operations for Districts?

Ms. Mackie responded no. We actively followed the bills that were proffered, and some died in committee and others died on the floor. The list was more exhaustive in the beginning but once they do not get a sponsor or die in committee, we no longer track them.

Mr. McGrath stated in the past year, we have received this information versus in the past, we were not receiving it.

## **B. Engineer**

There being nothing to report, the next item followed.

## **C. Field Operations**

### **i. Field Management Report**

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

Mr. McGrath asked are you going to find a way to remove the stain off of the front stone wall?

Mr. Smith responded we are going to pressure wash it. If that does not work, we will sand blast it.

Mr. Mastromarino stated we had spoken at a couple of meetings about putting in a shed. Is that in the budget?

Mr. Smith responded no. That was going to be in the next budget year. We need that shed because we do a lot of fence removal so it makes sense. In terms of some of the things we have going on now, we are going to put two benches out by the school bus stop and move the trash can over there. Since there is going to be a lot of foot traffic, I am going to wait until the kids get there and see what the grass looks like. If we need to, we will cut a sidewalk in and put mulch down.

Mr. Mastromarino asked along the same line about the bike rack and trying to prevent people from tying their bicycles to trees, do we need a standard letter to tack onto the tree if we see a bicycle?

Ms. Palmer asked do we have another bike rack? When school starts, there are a lot of kids who ride their bicycles up there because that is how they get home when they take the bus.

Mr. Mastromarino stated there are two areas of concern; one is certainly the area Ms. Palmer mentioned, and the other is down by the school bus stop. We really need to address the school bus stop and the bike rack. I think toward the end of this last school year, we agreed there was not enough space there for a bigger bike rack.

Mr. Smith stated we have a six-foot and an eight-foot bike rack on the side of the building. I am going to move the smaller one down there and move that little one up here somewhere.

Mr. Mastromarino stated good. We will move that and assume that there is adequate room for the bicycles. Do we need to come up with something that we can tack on to bicycles that we see tied to trees?

Ms. Palmer responded I think we should see how it goes with the current bike racks. If it continues, then at the next meeting when kids are back to school, that is when we can address it. We can try to come up with something for the August meeting.

**ii. ACT Service Calls**

**iii. Action Items List**

**iv. Resident Call Log**

Mr. Smith reviewed the ACT service calls, action items list, and resident call log as contained in the agenda package, which are available for public review at the District office during normal business hours.

Mr. McGrath asked were the items listed on the service call list complete? For example, the grass behind his house was too tall, and the information was forwarded to the vendor. Is that complete?

Mr. Smith responded yes.

Mr. McGrath asked will we know when it will be done and how?

Mr. Smith responded I met with Mr. Don Simmons with Girard. There was an area they were missing because of the map they had. It was listed as a conservation area rather than an area that had to be mowed. From that meeting, he said as part of their original bid, they considered the mowing of that area. They mowed that today. it is the wetland behind the houses on Huron, and they just need to mow all the way around that.

Mr. McGrath stated good.

Mr. Moyer stated Mr. McGrath's point that I come back to, also, where the log says it was referred to a subcontractor. However, that does not say that the work got completed.

Ms. Palmer stated it should say Status Complete.

**v. Girard Environmental Report**

Mr. McGrath stated this is the largest single budget item. Can we get a scope of service for our landscaping?

Mr. Smith responded yes.

Mr. Moyer stated we will get that to you. it is fairly detailed.

Ms. Palmer stated I have been a lot happier with the current landscaping company.

Mr. McGrath stated they seem to be more responsive.

Mr. Smith stated they tackled the turf, which is a big thing. It is really starting to look good. They went above and beyond our scope to get the turf looking good. They have always done that in other communities I manage.

Mr. Frawley stated I read our scope and it is huge and very detailed. It is overwhelming if you do not read it regularly. Mr. Smith told me once that Mr. Danny Gonzalez sends to the landscapers every month an update or highlight of what needs to be done that month.

Mr. Smith stated we broke down the scope. In the month of March, we have fertilization, pest control, and the frequency of mowing. He sends them that summary and says this is what we expect them to do this month.

Ms. Palmer stated I think that is a great idea.

Mr. Frawley stated we certainly need to have a copy of that scope of services. That summary is also helpful so we know what is supposed to be done each month.

Mr. Smith stated the scope of services is exact, particularly with fertilization and pest control. They may do it a month earlier or a month later, depending upon the season and

the infestation of chinch bugs. In May and June when it is hot and dry, we get dry patches, which is where we get chinch bugs. Sometimes that happens later and sometimes it is earlier in May. We will adjust it accordingly.

Mr. McGrath asked are you satisfied that they are doing pretty much what they are supposed to be doing?

Mr. Smith responded they are doing a great job, much better than the past two contractors.

**vi. American Ecosystems Report**

**vii. Discussion on Patrol Proposal**

This item was discussed earlier in the meeting.

**viii. Discussion on Fencing for the Basketball Court**

This item was discussed earlier in the meeting.

**ix. Discussion on Landscaping Contract Renewal**

Mr. Smith stated their contract is up at the end of December, and I would like to be able to go back to them and say that we will renew their contract for another year if they maintain the same cost and quality.

Ms. Palmer stated hearing good comments and us working with them makes us want to continue working with them.

Mr. McGrath stated I do not see any reason not doing that because we still have the option if they let us down to terminate the contract.

Mr. Mastromarino asked is the amount of the contract \$180,000?

Mr. Smith responded it is \$160,000 for the contract and \$20,000 for plant replacement.

Mr. Mastromarino asked can we safely assume we will stay within the \$180,000 with the same level of service next year?

Mr. Smith responded we will go back to them for the \$160,000 contract. The \$20,000 is controlled by me and how much plant replacements and sod replacements we need to do, which I do want to do more of.

Mr. Moyer stated the reason for that is that is where a very detailed specification pays off. They cannot come back to you and ask you to pay for extras.

Ms. Palmer asked what is he asking from us?

Mr. Moyer responded he is asking for you to go ahead to renew the contract, subject to that condition.

On MOTION by Ms. Palmer, seconded by Ms. Incandela, with all in favor, unanimous approval was given to renewal of the landscape contract with Girard Environmental Services at the current dollar amount, as discussed.

Ms. Incandela stated I know that sometimes the landscaper does things above and beyond the scope. Keep this in mind as you provide a list of what they need to be doing.

Mr. Smith stated I will make sure they put that in their written report. They normally do those additional things. When they first walked into the community, they noticed the turf issues, and they put that ahead of everything else and moved the mulching down a few months. As time goes on, the goal is to make it easier on them and make it more streamlined.

Ms. Incandela stated this is not as cut and dry as it seems when you are looking at the list because circumstances change. I am comfortable with the way Mr. Smith is managing them, and I do not feel the need to micromanage because they do an excellent job. I do not want to create extra work for you, but I want to make sure everyone is on the same page.

Mr. Frawley stated when I read the scope of services, it says that the landscaper puts down the mulch, fertilizer, weed killer, and pesticides. Do they purchase the fertilizer and mulch as part of their contract?

Mr. Smith responded yes.

Mr. Frawley asked so we do not pay for the mulch? That is part of the \$160,000?

Mr. Smith responded yes.

Mr. Mastromarino stated I saw a \$1,900 mulch bill at the last meeting.

Mr. Smith stated what you are seeing is a breakdown on their invoice. They break down each category. In their original proposal, we break down their costs into separate line items, and these all add to the total contract amount.

Mr. Frawley stated the reason why I bring this up is because of the prior landscaping company and the way they did business.

Mr. Smith stated this is because there was another letter going back to them negotiating the contract. They did not add mulching into their contract so we negotiated a one-time mulch.

Mr. Frawley stated they did not mulch the entire time they were here their last year.

Mr. Smith stated they have been mulching from the time they arrived here. They also mulched the berm on Patrician with pine straw.

Mr. Frawley stated it was my understanding that in January or November is what the scope of services said. The contract I have is dated 2013. It may have been amended. The mulching did not happen in January or in November because I was looking for it.

Mr. Smith stated it may not happen in the month they said, but they did mulch.

Mr. Frawley stated I provided a picture of the tree rings on Brighton Lakes Boulevard that still have not been done.

Ms. Palmer stated for the sake of argument, even if it has not been done, we are not going back with that vendor.

Mr. Frawley stated that is my point. If you still have not paid that vendor in full, you are letting that landscaper leave without completing their job.

Ms. Palmer stated they brought in an outside company to do the work, and we received an invoice from the outside company. It will show on the invoice that they provided this service to Brighton Lakes. If they did the work, we will pay it. If not, we will not pay them.

Mr. Frawley stated I agree.

#### **NINTH ORDER OF BUSINESS**

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

There not being any, the next item followed.

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

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

Ms. Pieters stated the leaves on the palm trees at the front of the boulevard are starting to dry. Is it caused by disease or not getting enough water?

Mr. Smith responded they have some lower dead branches, and we need to do some pruning on them. Being in the middle of the road does not help, nor does the heat. Once they are pruned, they should be okay.

Ms. Incandela asked where are we with regard to the posts that we put by the school entrance?

Mr. Smith responded I just left them with a No Trespassing sign because it is not our property.

Ms. Incandela stated the concern I have is, I do not remember the Board discussing that at the last meeting.

Ms. Palmer stated it was discussed two meetings ago.

Mr. Frawley stated the posts had a chain, and I wrote a letter asking where the chain went. I took pictures of it and sent it to the Board. I was told it was going to be discussed at this meeting.

Ms. Incandela stated I do not remember discussing that during a meeting.

Mr. Mastromarino stated we talked about putting a light up there. I subsequently met with Mr. Smith to see if it made sense for us to cordon that area off and chain the posts in reference to removing the corral. Mr. Smith said that we could not chain it because it was not our property. My recommendation was to contact the owner and if we put a chain across, we would provide the owner with an explanation as to why and provide them with a key as well as the landscaper.

Ms. Incandela stated I am okay with the change but here is where I have an issue. When we left off talking about lighting, the Board recessed. I am thinking that we decided on lighting. The next thing I know, an email comes across with a problem denying a home owner access to his property. Unless we agreed or talked about something, I do not have a problem with a Board member saying to hold off on this because they have a better idea that they would like to bring up at the next meeting. However, the changes in the interim without the Board having an opportunity to discuss it as a whole could cause a problem because if we did not catch that issue with respect to the owners, putting a chain across that could have led us to legal issues that we would not have wanted to deal with. I think a better practice is once the Board has made a decision, if someone has a better idea, we need to stop the project. Staff can send notice to the Board that someone raised an item or other idea for this project and would like to table it for the next meeting, as opposed to changes happening that we are not aware of. I want things like that reviewed by Ms. Mackie, especially when it deals with property that we do not own.

Mr. McGrath stated I think that is prudent.

Ms. Incandela stated I remember discussing lighting but I do not remember discussing the chain.

Mr. Mastromarino stated in defense of that, there are a number of items that I copied to Mr. Smith and to Mr. Moyer. This is really the first time we deviated from something we agreed to. As another example, when they were redoing the pool, there was no security or safety measure in place to prevent anyone from falling in the pool. I contacted Mr. Smith immediately, and he came down and put up signs.

Ms. Palmer stated I think that is completely appropriate. Any Board member or resident can call about something like that. I think all Ms. Incandela is saying is when the Board decides to do something, it should not get changed to something else. It should be tabled until the Board can better discuss it.

Ms. Incandela stated unless it affects the safety and welfare of the residents or is an emergency.

Mr. Mastromarino stated will do. For the next meeting, I am under the assumption that we are going to proceed with our proposal to increase assessments. We talked about a driving factor of the increase being the fence. I would like this to be an item for our September meeting. I do not want this to drag on.

Mr. Moyer stated what I am going to ask the Board to do is to continue this meeting, which means the agenda and the items we discussed are still open. If you approve that budget increase, we have enough in reserves to where we can do it this year with the understanding we are going to reimburse it.

Ms. Palmer stated instead of closing the public hearing, we will re-open the continuation of this meeting on August 7 and make the decision right then and there. Then in September, we can get started right away. Mr. Smith can obtain proposals and we can make an educated decision.

Mr. Mastromarino stated the proposal we saw was for a six-foot fence. We are now looking at a ten-foot fence with the possibility of a couple gates.

Mr. McGrath stated I think we just need the one existing gate we have now.

Mr. Mastromarino stated we talked about access from the other side. It would not be for public access but for maintenance purposes.

Ms. Incandela stated you can get the proposal for the gate and we can discuss it.

Mr. Mastromarino stated we talked about putting a shed over there. We should have a blueprint of the area so we can define where we want the fence to go.

Mr. McGrath stated we also need to look at all of the sidewalks. I have a report from some people who said there were places where it is not level and someone is going to get hurt. Maybe Mr. Frawley can give us some specifics on what we need to grind since he walks quite often.

Mr. Frawley asked are the sidewalks in front of a resident's home the responsibility of the CDD or the individual home owner's responsibility?

Ms. Mackie responded it is my recollection that those sidewalks are outside of the right-of-way. I can go back and take a look, but if that is the case, they are the home owner's responsibility.

Ms. Palmer asked can you get an answer back to Mr. Smith and Mr. Moyer? We need to know whether we need to have the HOA send letters on sidewalk repair or if this is something we have liability for as the CDD Board.

Ms. Mackie responded I will do that.

Ms. Pieters stated at the last meeting there was a lot of discussion about the HOA bulletin board at the front. What have we decided?

Mr. McGrath responded at the meeting, we decided to allow the HOA to put a bulletin board up, but we made it clear that if the CDD Board felt it was not appropriate or what we liked, we could have them take them down.

Ms. Palmer stated it was my understanding the sign was not to have additional information but to make the information larger.

Mr. McGrath stated at the last HOA meeting, they mentioned that they have larger letters now.

Ms. Palmer stated then we need to table this matter to the continued meeting to see if the HOA does anything in the next month. If they do not do anything, it seems silly to continue to discuss it.

Mr. Mastromarino stated it does say Welcome to Brighton Lakes HOA. If the HOA wants another Board, we will get them to pay for it.

**ELEVENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next order of business followed.

**TWELFTH ORDER OF BUSINESS**

**Continuation of Meeting**

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| On MOTION by Ms. Incandela, seconded by Mr. McGrath, with all in favor, the meeting was continued to August 7, 2014, at 6:30 p.m. |
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Gary L. Moyer, Secretary

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Michelle Incandela, Chairman