

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, July 19, 2012, at 6:00 p.m. at the Brighton Lakes Recreation Center, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present were:

Michelle Incandela	Chairman
John McGrath	Supervisor
Jennifer Palmer	Supervisor
Dolores Pieters	Supervisor

Also present were:

Gary Moyer	District Manager
Brian Crumbaker (<i>by phone</i>)	Attorney
Joe Craig	American Ecosystems
Paul McCartan	Keep Safe Security
Brian Smith	Severn Trent Services
Residents and members of the public	

This represents the context and summary of the meeting.

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

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

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

SECOND ORDER OF BUSINESS

Pledge of Allegiance

Mr. McGrath led the *Pledge of Allegiance*.

THIRD ORDER OF BUSINESS

Acceptance of Resignation from Tom Mihalic

Mr. Moyer stated Mr. Mihalic mentioned at your last meeting that he has left the community. It would be appropriate to accept his resignation.

On MOTION by Ms. Palmer, seconded by Mr. McGrath, with all in favor, unanimous approval was given to accept the resignation of Mr. Tom Mihalic, with the Board's deepest regret.
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FOURTH ORDER OF BUSINESS

Appointment of Supervisor to Fill the Unexpired Term for Seat 2

A. Oath of Office for Newly Appointed Supervisor

Mr. Moyer stated it is appropriate for the Board to consider a replacement for Mr. Mihalic's seat. His term expires in November 2014. Chapter 190, Florida Statutes,

provides that the remaining Board members shall appoint someone to fill the unexpired term of office. We indicated to the community that there is a vacancy. I have not received any interest from anyone in response to that notification. We can keep this item on the agenda for the next meeting if the Board desires, unless there is someone to nominate.

Mr. Gerry Frawley stated where the website indicates there is an opening, it also has the contact information for election information. You might want to just say there is an opening.

Upon direction by the Board, this item will be added to the next agenda.

B. Consideration of Resolution 2012-03, Election of Officers

FIFTH ORDER OF BUSINESS

Audience Comments

Mr. Frawley stated there is still a cone on the grass near Stargrass Circle that has been there for a while.

Mr. Smith stated we have a crack in the drain pipe under there, so we are losing a little bit of the road. I have made this a priority for my staff to go repair.

SIXTH ORDER OF BUSINESS

Approval of the Minutes of the May 17, 2012, Regular Meeting and the June 21, 2012, Budget Workshop

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

Ms. Pieters stated on page 22 of the June minutes, I do not think the first statement I made is phrased correctly. I meant that, in general, we cannot please everyone. I made an analogy just like we cannot please our children.

Ms. Palmer stated we can delete the reference to children because I think the rest of it is true, that people want to do as the please and it is human nature. Ms. Pieters can provide how she would like that paragraph to read and provide it to Mr. Moyer.

On MOTION by Ms. Palmer, seconded by Mr. McGrath, with all in favor, unanimous approval was given to the minutes of the May 17, 2012, regular meeting and the June 21, 2012, budget workshop, as amended.

SEVENTH ORDER OF BUSINESS

Vendor/Contractor/Third-Party Items

A. Security Highlight Report – Keep Safe Security

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

Mr. McCartan stated generally, there have not been any issues at the guardhouse. I think the speed hump has been effective. Some residents have modified vehicles and have

found it difficult if they have to stand at the speed hump. The guard recognizes the vehicles, but we can work with the mechanics of the gate a little bit.

Mr. McGrath asked how is the system working where the guards see if the other two gates are working, and the communication is going back and forth?

Ms. Palmer stated there was one morning when I emailed Ms. Maria Fuentes that the front gates were down.

Mr. Smith stated he did not close off the other lane and let the gate down.

Mr. McCartan stated that is correct, and I addressed that issue.

Ms. Palmer stated at least there is consistency with him being out there and the residents are getting to know him a little more.

Mr. McCartan stated that is Collin and also his twin brother.

Mr. McGrath stated it is great to have people who are accountable on every shift.

Mr. McCartan stated I am grateful for that. Not everyone is perfect 100% of the time, but we quickly address issues so as not to repeat them. I also amended the report so they have to physically check everything. As you discussed at the workshop, you felt comfortable enough with our services to have a guard at the recreation center. I discussed this with Mr. Smith to see what you want us to focus on. We will be looking for someone who fits that criteria and will provide good service to the community. We will look for someone who is mature and approachable, not overly friendly or easily manipulated, but forceful enough to enforce the rules for the recreation center area. I found someone who has over 20 years of experience in the security industry and served with the Army Signal Corps. He has been a security officer at Disney World and has also worked within the parks, like Typhoon Lagoon, so he is used to working in this kind of environment. Mr. Smith and I met with him recently so he can get familiar with the pool area and issues you are having. He is used to dealing with people in a courteous and professional manner. He is also qualified in first aid and CPR so he can offer immediate attention while someone calls 911. He has gone through our normal screening process and seems like a good fit. He started yesterday and will work Wednesday through Sunday. Monday and Tuesday will be his days off.

Ms. Incandela asked when is the next review that you have scheduled?

Mr. Smith stated I will continue to educate him on the concerns at the recreation center. It is helpful to have the security officer to assist Mr. Geinor Real, especially on Saturdays when the recreation center is packed. It is a tremendous help. I think we will

give this gentleman time to see how he does and how he fits in, but I am comfortable with him. The only negative thing I have found is that he does not speak Spanish, so there might be a bit of a communication problem at times. Ms. Fuentes is going to translate the policies into Spanish. If someone is violating a policy, the guard will give them a warning, telling them their behavior is not acceptable. After that, he will highlight the policy and hand it to them. At the end of the shift, the guard will complete a report, identifying the home owner and the policy violation, and stating that he did not comply within 30 minutes. This report will go to the Board, and the Board can determine if the resident loses his privileges. That is how the guard is going to handle those kinds of situations for now, until he gets more comfortable with everything and can do more enforcement.

Ms. Incandela asked are you requiring him to keep a log of how many incidents occur?

Mr. McCartan stated yes, he has a form and the posted order to follow. He will fax his report to the office every evening, as well as a separate incident report that he will complete if he needed to call the sheriff, listing all those details. Mr. Smith and I discussed with him that between now and August 1, he will educate people on the policies. After August 1, if someone does not have an access card, they will not be allowed beyond the gate.

Ms. Incandela stated that is something that we should back up in writing, so not only is he saying it to them, but he has it in writing.

Mr. Smith stated we are going to put up a sign indicating that you must have your access card to get into the recreation center. In the meantime, if they show up and do not have their card, the guard will take down their name and address and let them in this time but not the next time, being clear that after August 1, they need the access card. There are some renters in the community and new residents who are waiting to receive their cards in the mail. The guard is getting a lot of conversations going for now.

Ms. Incandela stated home owners have not necessarily needed to be as diligent in bringing their access cards. That may alleviate some of the confusion with people who were thought to be non-residents. I would appreciate being notified as each incident occurs, even if it is not formally, but I would like to get an idea from him in terms of numbers on a daily basis and on the weekends how many complaints he receives from

residents that someone is here who is not supposed to be. Is it two per day on average, or 10 per day, or one per week?

Mr. McCartan stated he will complete a daily incident report. He will have a separate report if an incident requires separate intervention from the sheriff's department or from me or Mr. Smith's office. That is ancillary to the daily report which will show the day, time and type of incident and the result.

Ms. Incandela stated if he is asked to check several cards and the residents have one, then he is not necessarily writing it on his report, but I would like an idea of how many times he is asked to check for access cards. We have a concept of what we think is the situation, and if that is not the case, I would like to know.

Mr. McGrath stated I think the success of this endeavor will be that Mr. Real is harmonious with the security guard and understands that in no way are we saying that he was not doing a great job. Do you have a sense that he is on board with the new procedures?

Mr. Smith stated yes, he was a little uncomfortable initially. I spoke with him and I will continue to talk with him. I have an item to discuss later on the agenda related to the budget and salary. I would like to offer him more money since he has been doing a good job, he shows up when he is supposed to and does what he is supposed to. I would like to use him throughout the community for other things.

Ms. Palmer stated we need to be clear that it is not because we do not think he is doing a good job. We feel his assets are best served in another area, and in order for him to be available to do other things, we need to have another presence at the recreation center. It is intended to assist him, not to replace him.

Mr. Smith stated he is getting excited about being able to do some of the new things I described to him and some new projects.

B. Landscaping Highlight Report – Weber Environmental

Mr. Smith stated Mr. Alan Hirschfelder from Weber Environmental was not able to attend tonight's meeting because he just had back surgery.

Mr. Smith stated the first two-year term of this contract will expire October 1, 2012, and we have an option to renew for a two-year term. The prices stay the same for the two-year renewal. The Board can choose to go back out to bid or if you want to continue the services with our current contractor.

Ms. Palmer stated I think we continue with Weber. We have saved with them, and they have done a good job. It took a while for them to get established and into our mode and our way of doing things. Now, I think it is starting to work. If we switch contractors, we start that learning curve over again, which I think is to our detriment.

Mr. Smith stated the second page of the proposal shows their original bid of \$153,000, and Vila & Son was the next lowest amount at \$179,000. We will save quite a bit of money. Mr. Hirschfelder has a lot of experience and he does respond well. He sees things and he is constantly communicating with us. I am comfortable keeping them for another two years at this price.

Ms. Palmer stated I am comfortable with it, also. Continuity is starting to happen. They know when things happen, they know what we are looking for, they know the residents, and the residents know them. I do not want to start the learning curve over again, and I think they do a decent job.

Ms. Incandela asked are there any areas where you were not as satisfied as you should have been, where now with this renewal, it would be a good time to address changes?

Mr. Smith stated yes, and I have done that, some of the weed issues, keeping trees pruned up, weeding around the ponds, and being a little lax on some of the pond mowing when it was wet. He would not do the whole pond because a section was wet, so I told him he had to get it better.

Ms. Palmer asked is he receptive to hearing these kinds of things?

Mr. Smith stated yes.

Mr. McGrath stated worst-case scenario, we can terminate with proper notice.

Mr. Moyer stated that is correct.

<p>On MOTION by Ms. Palmer, seconded by Ms. Pieters, with all in favor, unanimous approval was given to renew the landscape maintenance contract with Weber Environmental for a two-year term, at the current contract price.</p>

C. Aquatic Weed Highlight Report – American Ecosystems

Mr. Smith stated we have had some issues with algae and other things in the ponds, and Mr. Craig has been responding well.

Mr. Craig stated we have some hydrilla that we are treating. Last week, we did a massive treatment, and you will see the plant material turning brown on the surface. It is

dying off, and then algae will bloom from that die off, so it is a constant battle when the hydrilla blooms like this. With the rains we have had and the water levels going up and down, when the water drains, the hydrilla surfaces and the ponds do not look how we would all like them to look. It is something we continue to address. We use Sonar herbicide for hydrilla since it is very fast acting, but we cannot use it with algae because it takes 30 days to really work.

Mr. Smith stated that is why you will see algae on the surface, but we irrigate out of those ponds so Mr. Craig is being very careful what he puts into them because we do not want to start killing the grass.

Mr. McGrath asked would we be in a position to turn off the irrigation so the Sonar can have time to work?

Mr. Craig stated depending on the size of the pond, it will take 30 to 45 days. The product we are using now is effective, but it is a longer process because it is not a one-time treatment. It is a contact herbicide that has to come into contact with the hydrilla, and it takes several treatments.

Mr. McGrath asked are those treatments a month apart?

Mr. Craig stated no, it is about every other week. We go 10 to 14 days between treatments. We just treated it last week on Wednesday or Thursday, and we will probably treat again it at the beginning of next week. It all has to do with oxygen levels in the water.

Mr. McGrath stated this is just a problem we have in the summertime because it happens every year.

Mr. Craig stated it is the full growing season right now. We do some work with a regional biologist for the Department of Agriculture. A normal rate of growth for hydrilla could be an inch per day, and they are seeing two to three inches right now. It is happening everywhere.

Mr. Moyer stated Lake Toho is full of hydrilla.

Mr. Craig stated we maintain about five properties around Lake Toho, and we do not have hydrilla issues anywhere else but in those properties. If you drive down the main road and look at the DOT ponds, they are 100% full. We are out here two or three times a month to treat algae.

Mr. McGrath stated we appreciate that because quite a few residents have commented to me and they think you are not doing the job that we are paying you to do. They wonder why it is not working or the way we think it ought to work.

Ms. Incandela stated we should put something on the website about the ponds.

Mr. Craig stated I can provide something. We have done this for a lot of communities to let them know what is going on during the summertime and what contributes to the algae blooms, such as grass clippings and over fertilization.

Ms. Palmer stated that is a good idea.

Mr. Craig stated we have a publication that explains what to expect during the year and what not to do to as far as not adding extra nutrients in the ponds.

Ms. Palmer stated we can also post it on the bulletin board.

Mr. Frawley stated we should also let them know that we are not able to use the most effective herbicide in our ponds. Residents need to understand that.

Mr. McGrath asked does it matter if you are in an airboat or a regular boat? Or is delivery the only issue?

Mr. Craig stated it does not matter the kind of boat we use. Some of the herbicides we use are contact herbicides, where they have to come into contact with the plant. Sometimes we treat the body of water for a plant column. It all depends on the plant. Everything we use has pros and cons, and each community is different. We are staying on top of it, even though they do not look their best right now.

EIGHTH ORDER OF BUSINESS

Public Hearing to Consider Adoption of the Budget for Fiscal Year 2013

A. Fiscal Year 2013 Budget

<p>On MOTION by Ms. Palmer, seconded by Mr. McGrath, with all in favor, unanimous approval was given to open the public hearing for consideration of adopting the budget for fiscal year 2013.</p>
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Mr. Moyer stated the budget was presented to the Board a couple months ago. We had a very good workshop in June in preparation for this hearing. At that workshop, the Board discussed keeping the assessment at the same level that property owners are currently paying. The budget for consideration does not anticipate any increase in the non-ad valorem assessment. The work program that is outlined in the budget categories is essentially the same program that we are currently under. To this Board's credit, you

made a decision a couple years ago to start funding reserves, and we will have \$488,000 at the end of the year allocated to reserves, and we still have a fair amount in unassigned fund balance.

Ms. Palmer stated for those in the audience who think that is a huge amount of money in reserves, the Board decided a couple years ago to start putting money into reserves for the roadways. Because they were constructed with tax-exempt monies, the District is responsible for any repairs on the roads in the community. The community is starting to age and we wanted to start allocating money now so that when the time comes to make some serious repairs on the roads, we will not need to increase assessments dramatically one year. We have been strategically planning the last few years to allocate money every year for this reserve fund for those specific purposes.

Mr. Moyer stated that was all planned and programmed into the budget.

Mr. Smith stated we did budget an increase for Mr. Real of \$.50, bringing his rate to \$13.00 per hour. We also included some monies for a holiday bonus if the Board so chooses to do that. The budget narrative indicates the salary is \$12.50, and I would like to make that \$13.00 per hour.

Mr. Moyer stated the budget number is correct, but the narrative needs to be updated.

B. Public Comments

A Resident stated I understand from the last meeting minutes that we are paying a security guard \$20 an hour.

Mr. Moyer stated no, the Board decided not to go with that program.

Mr. Smith stated the security guard for the recreation center is \$14.00 or \$14.50 per hour.

The Resident asked why are we paying him more than Mr. Real who is here all the time?

Mr. Smith stated because he is a security guard through an outside contractor. Mr. Real is our employee.

The Resident asked how long has he been here?

Mr. Smith stated three years.

Ms. Palmer stated the security guard is through a licensed security company, so now Mr. Real will be able to continue with his other duties that he was assigned to do. The security guard will be more in charge of handling situations that we have received complaints from home owners, which are more sensitive situations. Tonight's attendance

is low, but if at any point our meetings get to where we have a large audience again, we will allow public comments at the beginning of the meeting and again toward the end. I am not trying to say that we will not have a discussion right now, but usually we do not have discussions with residents during a meeting. Because this is a public hearing, we will certainly take your comments.

Mr. Moyer stated if you have comments or questions on the budget, now is the appropriate time to bring them up.

The Resident asked anything from the meeting that is not being read can be questioned by the general audience?

Ms. Palmer stated we are all home owners, too, and anything is open for discussion with this Board. No one on this Board hides behind anything, and we are open to any questions.

The Resident asked as it relates to discussions, do you want me to address my comments at the end of the meeting?

Ms. Incandela stated on the meeting agenda, there is a place at the beginning and at the end where we receive audience comments. However, we are very flexible because our meeting attendance is very small, so we take liberties at times. What we do not want to have happen is for someone who has never attended a meeting to think it is always appropriate to make comments out of order while the Board members discuss things among themselves. If at one meeting, there are a lot of audience members and we hold to the audience comment sections on the agenda, it is confusing to the resident who was able to ask questions during the meeting with low attendance. We want to hear your comments, but we just want you to know this is not our formal operating procedure. If the meetings get more crowded, we will hold stricter to the meeting agenda.

Ms. Palmer stated we certainly want to hear feedback from residents. As Mr. Moyer indicated, this is a public hearing related to the budget, so if anyone has questions on the budget for fiscal year 2013, now is the appropriate time to talk about those.

Mr. McGrath asked when will Mr. Real expect his increase?

Mr. Smith stated October 1, 2012.

C. Consideration of Resolution 2012-04 Adopting the Final Budget for Fiscal Year 2013

Mr. Moyer read Resolution 2012-04 by title into the record.

Mr. Moyer stated we will fill in the blanks according to the final budget that is adopted for the general fund and the debt service fund. You currently do not have a capital projects fund, so that will be N/A.

Mr. McGrath asked is that because of the change in the law where you need to have a certain amount in reserves or directed funds?

Mr. Moyer stated if you budget funds for capital projects, then we would list them.

On MOTION by Ms. Palmer, seconded by Ms. Incandela, with all in favor, unanimous approval was given to Resolution 2012-04 adopting the final budget for fiscal year 2013.

D. Consideration of Resolution 2012-05 Imposing and Levying the Assessments for Fiscal Year 2013

Mr. Moyer read Resolution 2012-05 by title into the record.

Mr. Moyer stated this is the document that will accompany what we send to the tax collector with the assessment roll.

On MOTION by Ms. Palmer, seconded by Mr. McGrath, with all in favor, unanimous approval was given to Resolution 2012-05 imposing and levying the assessments for fiscal year 2013.

NINTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

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

Mr. Moyer stated to the credit of this community, we have collected all of our non-ad valorem assessments. There are some Districts where I cannot say that, so you are to be congratulated for that. On the operation and maintenance side, we are \$54,000 under budget. As we go through the rest of this fiscal year, I believe Mr. Smith has some projects he wants to undertake, such as replacing fitness equipment, and there are monies available for that purpose.

Mr. Frawley asked when you say we have collected all of the non-ad valorem assessments, does that include houses that are in foreclosure or bank owned?

Mr. Moyer stated yes.

Mr. Frawley asked does that mean the bank has paid the assessments?

Mr. Moyer stated yes. There may be a small number of houses that did not pay, but the District has collected all of its money. If you do not pay by March 31, then you pay penalties, but you do not make up a lot in penalties. I would say the vast majority of the residents paid, or the banks or the foreclosure agents. That is what is nice about a CDD versus an HOA, where you do not have much choice if people do not pay.

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 on page 99, there are three bills for BrightHouse, two of them for \$78.06. Since the first two are April 14 through June 13, for some reason, we are paying for two months of service on each invoice. The bottom invoice is the typical service period, from June 14 to July 13. Was it a bill that we owed?

Ms. Palmer stated it looks like they billed two months together.

Mr. McGrath asked so it still adds up to three months and three payments?

Ms. Palmer stated I think that is how it was included in the check register.

Mr. McGrath stated we have an invoice from Florida Municipal Insurance Trust, which pays for our liability insurance. I wonder if there are other sources where we could get quotes? The narrative indicates that this company specializes in our kind of insurance. Is it something where we could potentially save some money and still have general liability insurance?

Mr. Moyer stated it is not a company; it is a consortium of municipal governments, in which Districts are permitted to participate.

Mr. McGrath asked is that where the advantage is?

Mr. Moyer stated that is correct. They recognize that these governments have sovereign immunity protection. A general insurance underwriter probably would not take that into consideration. These are Cities and other governments who let us participate since we are a government.

Mr. McGrath stated we discussed saving some money by having checks being direct deposit. I wonder if there is some paperwork we need to fill out so that we can sign up and have Mr. Real's check deposited automatically.

Ms. Incandela asked do we have to give that option to the employees?

Mr. Moyer stated I believe so.

Ms. Incandela asked has anyone mentioned that to them yet?

Mr. Moyer stated no, we needed to get the information first.

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

C. Website Statistics

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

Mr. McGrath stated it is interesting that everyone wants to know about the tennis courts, more than any other feature.

Mr. Moyer stated it is interesting.

D. Consideration of Fiscal Year 2013 Meeting Schedule

Mr. Moyer stated this schedule follows the same schedule as the current fiscal year, which is the third Thursday of every other month. This does not mean that we cannot have special meetings or cancel meetings.

On MOTION by Ms. Palmer, seconded by Ms. Pieters, with all in favor, unanimous approval was given to the meeting schedule for fiscal year 2013.

E. Consideration of Resolution 2012-06 Recognizing the Contributions of Tom Mihalic

Mr. Moyer read Resolution 2012-06 by title into the record.

On MOTION by Ms. Palmer, seconded by Ms. Pieters, with all in favor, unanimous approval was given to Resolution 2012-06 recognizing the contributions of Tom Mihalic.

Mr. McGrath stated thank you for preparing this. It is great.

Mr. Moyer stated you all serve on these Boards, and you take your duties very seriously. The least we can do is say thank you.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Palmer asked is there an update on the issue with the Laniers?

Mr. Crumbaker stated we have not heard anything more.

Ms. Palmer asked is it a dead issue?

Mr. Crumbaker stated yes, until they raise it again. They never provided any backup associated with their claim. As far as I am concerned, there is no reason for us to pursue anything until then.

Ms. Incandela asked what is the time limit for them to file a claim with that type of action?

Mr. Crumbaker stated for purposes of the statute of limitations, the point of time at which they contact us, if they have flooding six months from now, they could file a claim. To the extent when the damage was first discovered, they could file a claim that resulted from damages. I presume that no one else has heard from the Laniers. The last time we spoke with their attorney, we told him we are waiting on information from him to support their claim.

Ms. Incandela stated when she attended our meeting to inquire as to any decisions, she appeared shocked that we were actually waiting to hear from her attorney. I think there may have been some sort of a communication issue between them.

Mr. Crumbaker stated I got the impression that the attorney's direction was to rattle the source and that would be it. I have not heard anything from them in some time. When the tropical storm hit your area, I imagine it was a pretty severe rain event. Were there any issues or problems?

Ms. Palmer stated no.

Ms. Incandela stated we did not receive any complaints, and it was a significant amount of rainfall.

Ms. Palmer stated the drains all worked fine, and we had a lot of rain.

Mr. Smith stated I looked at that area toward the end of the storm, and it was functioning the way it has always functioned. Water flows over the berm and goes to the corner of their property and flows between their property and their neighbor's property, which is how it has always functioned. It is not doing anything differently.

Mr. Crumbaker asked do they have cypress or other types of hardwoods?

Mr. Smith stated from the corner of our property about 400 yards down from that is a wetland. That water has always drained from that corner of their property into that wetland. I have a picture of the area prior to development showing where that water flowed, and it is the same direction it has always flowed, from this piece of property to that wetland.

Ms. Palmer asked did we discuss at one time that the berm might not be as high as it should be?

Mr. Smith stated over time, it will wear down. The berm could be re-established. There are some low spots so the water goes over faster in those locations than in others, but it is still in decent condition.

Mr. Crumbaker asked from an elevation standpoint, if the engineer was surveying that berm, would it be lower than originally?

Mr. Smith stated it would not be exactly as originally constructed because it wears down over time. It would not be a problem to re-establish the berm, but we will hold off until this blows over.

Mr. Crumbaker stated if it is functioning as designed, that is fine. To the extent that it is not to the elevation per plan or permit, you may want to consider re-establishing it as soon as possible. My guess is that this will blow over since they have not provided any support for their case that the conditions that are existing today were created as a result of the construction of the project.

Mr. Smith stated I will proceed to re-establish the berm.

Mr. Crumbaker asked how much do you think it will cost to re-establish it?

Mr. Smith stated it will cost about \$1,000 to \$1,500 for Hanson Walter to provide a survey, and another \$3000 to \$4000 to add dirt and sod it in that corner.

Mr. McGrath asked would there be any harm in holding off?

Ms. Incandela asked if we undertake any sort of alteration or repair at this point, does that compromise our position at all, following the complaints that they raised? Or is it something where we wait to see what their response is, and at that point, present to them our willingness to re-establish that area?

Mr. Crumbaker stated it has been three or four months since our last correspondence with them since the Board meeting Mrs. Lanier attended.

Ms. Palmer stated it has been longer than that. I think it was four Board meetings ago.

Mr. Crumbaker stated it was around that time when I had conversations with her attorney.

Ms. Incandela asked did we let them know we would be re-establishing the berm?

Mr. Smith stated yes, that is what we told them originally that we would re-establish the berm. Their response was that was not their problem. They indicated their problem is all the water is coming onto their property.

Mr. Crumbaker stated I have not heard anything that leads me to believe that there are any conditions that have been created by the development of the project and the stormwater facilities that would be creating a condition any different other than what was done originally. What I think we are saying is, for the purposes of restoring it to the original elevation, the fact that it is not at its original elevation due to erosion and other deterioration did not create the condition they are complaining about. It is just a matter of identifying an issue that we need to bring back to its original condition.

Ms. Palmer stated it is probably something we should look at probably every six or seven years anyway, or every ten years.

Mr. Crumbaker stated given the nature of the berm, that would be appropriate.

Mr. McGrath stated I think we are talking about inches, not feet. I do not see a problem with delaying on this and looking at it next year or whenever we are going to expend the funds.

Mr. Smith stated I agree with Mr. Crumbaker to wait and see if they bring it back up, to which we respond that we have offered in the past to re-establish the berm. They continue to say that is not the problem, so if it comes back up, then we immediately say we are willing to re-establish the berm to the original condition.

Ms. Incandela asked is that our responsibility to maintain that?

Mr. Smith stated yes.

Ms. Incandela stated it is our responsibility anyway, whether we undertake it now or put it off for another year.

Mr. Smith stated that is correct.

Ms. Incandela asked is there any chance that if we put it off longer, that some significant change would occur and we would have additional expense?

Mr. Smith stated in the meantime, I can discuss this issue with Hanson Walter and see what it will cost for a survey and then have them provide a scope to repair it. Without putting in any stakes or making any impact to it, I can see what the engineer says and bring that to the next meeting.

Ms. Palmer stated I think that is appropriate.

B. Engineer

There being nothing to report, the next item followed.

C. Field Operations

i. Field Maintenance Report

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

ii. Landscaping Report

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

iii. Aquatic Weed Control Report

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

iv. Action Item List

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

Mr. McGrath stated we replaced the lights at the tennis court. If we have an option, do we try to get energy-efficient bulbs? Or are those the really expensive bulbs?

Mr. Smith stated we are using the metal halide bulbs. The only other option is to switch to LED lighting, which is very good, but it is an expensive retrofit. The metal halide lights are energy efficient.

Mr. McGrath stated someone is supposed to be providing a proposal for resurfacing the swimming pool. Is that still pending?

Mr. Smith stated yes.

Mr. McGrath stated the fountains in the lakes need constant maintenance. Is there any other way to retrofit them?

Mr. Smith stated no, that is the way they are designed.

Ms. Palmer stated I have fountains at my hotel, and every time I get one up and running, then the motor dies on it when it seems like I just replaced it. We are always cleaning them, as well. They are just high maintenance, but they look nice.

Mr. McGrath stated please pass onto Weber Environmental kudos for resetting the tree on Brighton Lakes Boulevard.

Ms. Palmer stated it looks like it will make it. I do not think it ever had the root base completely out of the ground, so that is why it did well. We also had moisture during that time to keep it viable. It is a big tree and it would have been hard to replace it.

Mr. McGrath stated I had asked for a follow up on the unemployment issue for the \$7,000 we are spending now for unemployment. I think something like that should be on

the action item list. Would it be sensible for Ms. Burgess, when she types the minutes, to go through the action item list and update as appropriate? One of the items is direct deposit for paychecks that should also perhaps be on the action item list. I do not know who updates this list. Perhaps everyone thinks someone else updates this list.

Mr. Moyer stated I believe Ms. Fuentes updates the list.

Ms. Palmer stated she can take things from the minutes and update them to include on the action item list, including the direct deposit issue and unemployment compensation issue.

v. Pool Rules and Policies

Mr. Smith stated at our last meeting, Mr. Real suggested being more specific with some of the pool rules. In reviewing them, the one we discussed expanding is the one that says, "Reasonable inflatable toys and rafts may be used. Boogie boards, kick boards, and other similar objects are not allowed in the pool." Mr. Real suggested expanding the second part to include inflatable boats, oars and non-pool toys, which I think covers the issues we have discussed. Basketballs, for example, would not be allowed. The issue a resident was concerned about was the inflatable boat with oars, so this change addresses all those.

Ms. Incandela stated there is also the provision that if there is a discrepancy or an argument, that it is up to the discretion of the attendant.

Mr. McGrath stated we can include language for reasonable or as defined by the Board.

Mr. Smith stated I believe the existing rules and policies have that language in there.

Ms. Incandela stated you can add a phrase to that particular bullet point "at the discretion of the pool attendant."

Mr. Smith stated we can have a separate bullet at the bottom that says "all rules are enforced at the discretion of management" or something to that effect.

Mr. McGrath stated that sounds good. "Oars" is misspelled as ores.

Mr. Smith stated she googled it, and it came up as "ores."

Ms. Palmer stated that refers to metal or mineral ores.

Mr. Moyer stated that is correct; it should be oars.

Mr. McGrath asked do we have something for ball playing and throwing the ball across the pool?

Ms. Palmer stated I think that would be under rough housing.

Ms. Incandela stated it would also fall under the discretion of the pool attendant.

Mr. McGrath stated this looks fine. Would we be wise to also add that there is no lifeguard and you swim at your own risk? Is it already included?

Mr. Smith stated yes, in the top line.

Ms. Incandela stated the sign says residents swim at their own risk, but I thought everyone swims at their own risk.

Ms. Palmer stated it should read "residents and guests" swim at their own risk.

Mr. McGrath stated that is a good point.

vi. Recreation Center

Mr. Smith stated we moved the brick pavers, and ACT will be coming out to address the gate and get it connected so that it is working. Now we are just opening the gate to let people come in and out as they want to, and the guard just checks to see if they have their access cards. He is telling them that as of August 1, they need to bring their access cards with them.

Ms. Palmer stated it looks nice. I think it shows that we are not against the kids, that we are for them, and maybe that will create some respect with the kids.

Ms. Incandela asked what is the status on the cold water fountain?

Mr. Smith stated it has been ordered. Mr. Jeb Stuart has already looked at the power supply and the water supply for the fountain.

vii. ADA Compliance

Mr. Smith stated we have ordered the pool lift, and because of the ADA requirements, so is everyone else. We are just waiting to receive it.

Ms. Palmer stated they gave hotels an extension until January 2013.

Mr. Smith stated I understand there was going to be another extension for us.

Mr. Crumbaker stated yes, there was another extension, but I do not know the exact date.

Ms. Incandela stated we have already ordered it, so that is in our favor.

Mr. Smith stated I am also researching what we can do for our existing play equipment to make it compatible.

viii. BrightHouse Cable

Mr. Smith stated Mr. Frawley asked me about the BrightHouse cable, and they installed it. Mr. Real asked them why they did not bury it, and their response was they lay it now and come back to bury it later. I have a phone call into BrightHouse on this issue.

Mr. Frawley stated it was partially on the sidewalk, which is what got my attention.

Ms. Incandela stated with BrightHouse, there is a big gap in quality among the field representatives. They do things very differently from one to the next, from very high quality down to ridiculously how-could-you-possibly-do-that nonsense.

Ms. Palmer stated I had three people come to my house for the same issue, and one wanted to know why the previous person did not do this particular thing.

ix. Swimming Pool Furniture

Ms. Palmer stated some of the lounge chairs are really starting to crack, if we can keep our eye out for some new ones. They should last through the summer, but I think we want to start looking for new ones.

Mr. Smith stated I had Mr. Real review all of them and remove the ones that are no longer safe, including chairs and tables. We hauled them away today, so now he is starting a cleaning program of all the chairs. The next thing I will look at whether or not we can build tables similar to the trash can holders we built, where we can paint them and install them in the ground so they cannot be moved or broken and will last a long time. I am thinking of putting them in the corners so there will still be tables, and then we can make them so residents can use umbrellas, if they want to bring one from home. We will not supply umbrellas because they will keep getting broken.

Ms. Palmer stated I like the idea of having a more permanent table out there that will not get broken.

Mr. Smith stated I want to see if we can construct something that is durable.

Mr. McGrath stated that is a good idea.

x. Swimming Pool Cleaning Proposals

Mr. Smith stated we received three proposals that I will distribute, and one of them I am a little concerned about. We are paying Osborn Pools, our current contractor, \$1,065 per month, who responds well and does a pretty good job. HDM Pools provided a price of \$1,200 for cleaning and \$1,500 for cleaning and chemicals. We currently purchase our chemicals from Spies, rather than having Osborn Pools provide them. The Connellys provided a price of \$950, and they are a smaller business. Bluescape Pool Service & Supply provided a price of \$857.50 per month. None of these pool companies are as big as Osborn Pools. They are smaller, local companies. It would be a difference of about \$150 to change companies. I received a fourth proposal that was much higher and they were not interested in the job.

Mr. McGrath stated \$150 per month is \$1,700 a year and \$17,000 in ten years.

Ms. Palmer asked how long have these companies been around? Have they been in business for a while and do they have a good reputation? Have you talked with anyone who has done business with them? Is their current customer base happy with them?

Mr. Smith stated I can call their references, but I am seeing they are pretty close to what we have. These small companies can undercut the bigger companies, but in the end, they do not take care of the facilities properly. Osborn does work in other communities that we manage, including Celebration's interactive fountain and VillaSol. They are very responsible; as soon as they see something, they call us. This pool is a problem because it is big and wide open. Whenever we get any little rainstorm in this area, the pool fills up with debris, which is our biggest complaint. I would like to talk with Osborn about getting a self-contained vacuum for Mr. Real to use. We sent him to classes for pool maintenance, and we will continue to revisit this issue with him. I would like to have Mr. Real clean the pools on days that Osborn is not here. Then if a storm comes, he can clean the pool right away. To rebid this, I would prepare a scope of work and have companies come out to look at the pool and provide their pricing, which would include reference checks.

Ms. Incandela stated I think we want a company that specializes in commercial pools, as opposed to individuals, just for the equipment they have.

Ms. Palmer stated I prefer to stay with Osborn with this minimal price differential and not go through the bidding process.

Mr. Smith stated it ends up being a cycle if we try a new person, they cannot perform the maintenance properly, and we end up back with Osborn in two years.

Ms. Palmer stated it would be at a higher rate at that time.

Mr. Smith stated it is sometimes the same thing with landscape companies that we go from company to company.

Mr. McGrath asked would it be appropriate to mention to Osborn that we received some proposals and ask if they can provide a better price?

Mr. Smith stated I can ask them.

Ms. Incandela asked are they responsive when you need them?

Mr. Smith stated yes. They have come out on weekends if we have a problem. The biggest issue is the kiddie pool because the health department will come out for an inspection. If there are 10 kids in there and he comes after the kids are gone, he sometimes has to close the pool. Osborn will come right out, which they have done on

weekends and at night, to get the pool back open. They will also contact the health department.

Ms. Palmer stated that is important.

Ms. Incandela stated I am comfortable staying with Osborn.

ELEVENTH ORDER OF BUSINESS

Submitted Resident Questions and Audience Comments

A Resident stated I am wondering what hours the staff works at the pool.

Ms. Palmer asked which one, the pool attendant or the new security guard?

The Resident stated both.

Mr. Smith stated Mr. Real is here from 2:30 p.m. to 10:30 p.m. and he will close the facility. For now, the security guard is here from 1:00 p.m. to 9:00 p.m. If we see problems in the morning, we may change those hours and move the security guard to come in later and Mr. Real to come in earlier since he can accomplish more during the day than he can at night. We will modify those schedules to the most effective use of the two people.

Ms. Palmer stated the security guard is something we are trying for now which we just started. We wanted to try it, especially during the summer, because we have had a lot of resident complaints about the number of kids around or people without access cards. It is difficult for Mr. Real to enforce the rules because he does not really have the authority to direct people like that. We also had other things we wanted him to do, so this is on a trial period to see if it improves the situation and to see if residents are happier with it. We will revisit it in about 90 days or in two Board meetings to see what the feedback is from Mr. Real, the security officer, and the residents, to see if it is something we should continue or if we should modify the hours. It has been a situation that has been brought up to us, just like the front gate, for years. We are trying to figure out a way to make it better, and it is a constantly evolving process. This is something we initiated to see if it helps.

The Resident stated I was wondering if someone could be here a little earlier, rather than having so much time overlapping with the two people, because I work out in the fitness center and would like to keep the air adjusted to a comfortable temperature. I would suggest as early as 8:00 a.m.

Ms. Palmer stated we could perhaps move Mr. Real to coming in earlier. The reason we wanted the security guard here in the afternoon is because that is when it is the busiest.

The Resident stated I am here at different times.

Mr. McGrath stated give us some time to see how things work out, but we appreciate your feedback.

Ms. Incandela asked what is the temperature set at for people who come here in the morning?

Mr. Smith stated it is 75 or 78 degrees.

Ms. Incandela stated that is a little warm for people who are working out.

Ms. Palmer asked is it set on a timer? How expensive would it be to do something like that, where we set it to 78 or 80 degrees at 9:00 or 10:00 p.m. until early morning, and then during the peak hours of the day, the temperature goes down? That might be the solution because then we are not wasting the energy in the evening and it automatically comes on at a certain time so that we are not overworking it.

Mr. Smith stated I think we discussed this issue when Mr. Tom Mihalic was on the Board.

The Resident stated there are several other residents who would like the temperature to be cooler when they are working out.

Ms. Palmer stated I think we look at putting a timer on it since we do not have an attendant here early in the morning. Then we could have the attendant start around 10:00 a.m. especially with school starting soon. There will be times early in the morning when no one will be here.

Mr. Frawley stated we have a programmable thermostat for this room.

Ms. Palmer stated I think we need the same type of thing.

Mr. Frawley stated it shuts down to be warmer overnight.

Mr. McGrath stated it will be about \$200 for a new programmer.

Ms. Palmer stated it will be worth it to the residents who want to use that room. Program it for 80 overnight, and then bring it down progressively colder for the daytime, so you start at 77 a few hours before it opens and so on. You do not want to bring it all the way down all at once because that is not efficient.

Ms. Incandela stated he will just have to remember to adjust it with the seasons.

Mr. Frawley stated at the end of the day, if there are cars still parked in the parking lot, the attendant is supposed to put a piece of paper on their windshield.

Mr. Smith stated that will now be a function of the security guard.

Mr. Frawley stated I have noticed cars in the parking lot when I leave for work in the morning, on multiple days, and they are the same cars. On the second day, he should be contacting Mr. Smith about the vehicle.

Mr. McGrath stated that is a good job for the security guard.

Mr. Frawley asked has he contacted you about these cars?

Mr. Smith stated yes.

Ms. Palmer stated I agree that is more appropriate for the security officer than the pool attendant.

Mr. Frawley stated the idea was if there is still a car in the parking lot when the pool attendant leaves. The security guard leaves at 9:00 p.m., and someone could still be here working out but he will not know that.

Ms. Palmer stated if the same car is there in the morning as when he left the night before, then that is something he can note.

Mr. Smith stated if we move Mr. Real to earlier morning hours, then we will move the security guard to stay later.

Ms. Palmer stated we can move him earlier now that school is not in session, but when school starts, we can have him come in a little later and get the programmable thermostat.

Mr. Smith stated we can still have someone here at 10:00 a.m.

Ms. Palmer stated I agree moving the security guard to stay later.

Mr. McGrath stated I certainly do not want to make any changes that will be bad for Mr. Real as far as his choices and hours of work. I think we should be sensitive to that.

Mr. Frawley stated I know we discussed having a security guard but I did not realize you were going to do it. I want to express my appreciation to the Board. It is one of my biggest irritants, people being here who do not belong here. Maybe we can see some progress on that issue. As I sit here, I look around and see signs around the pool that I cannot read because they are obscured, such as by the life preserver. Can they be moved? I can see the one that says Lifeguard, but I cannot read the next one down. Either move the sign or move what is blocking the sign. I do not want to have an issue where someone said they could not read the sign.

Ms. Incandela stated I think we just move the poles the other way, because the net end of the pole blocks the sign.

Mr. Frawley stated it was mentioned earlier about the debris in the pool. I would ask that Mr. Smith look at the foliage over the fence at the kiddie pool.

Mr. Smith stated Mr. Real will be working on that. I do not mind the foliage here because it provides shade and screens the pump. I want to keep it screened, but I will trim what is coming through the fence. Mr. Real will be picking up a lot of projects around the recreation center now that we have the security guard.

TWELFTH ORDER OF BUSINESS **Supervisor Requests and Comments**

Mr. McGrath stated a resident indicated to me that they reserved the recreation center on a weekend, and they received a call to find out how they get access to this room. I did not know what to tell them.

Mr. Smith stated they need to call our office.

Mr. McGrath asked do they call you on Saturday?

Mr. Smith stated they can reserve the room if they let us know in advance. Then we can provide them with the information they need.

Ms. Incandela asked did they call to use the room on the day of the event?

Mr. McGrath stated I am not sure. I understood that they had reserved it for a party, and at 10:00 a.m. that Saturday morning, they wanted to know how they could get into this room because it is locked.

Mr. Smith stated they are supposed to come to our office to pick up a key. Then they are able to get in. They fill out paperwork and leave a deposit.

Mr. McGrath stated that makes sense, and it does not sound like they did all that.

Ms. Pieters asked can you do something about our flag at the entrance? It is not visible at all. With all the trees around it and all the bad weather we are having, it is limp.

Mr. Smith stated that is because it is wet.

Mr. McGrath stated we were not able to get the flag staff to the height that we wanted, which would have meant it would be free of that.

Ms. Pieters asked could we have gotten a bigger flag?

Mr. McGrath stated I think the size of the flag was also a requirement of Osceola County.

Mr. Smith stated the size of the flag depends on the size of the pole.

THIRTEENTH ORDER OF BUSINESS **Other Business**

There being none, the next order of business followed.

FOURTEENTH ORDER OF BUSINESS **Adjournment**

The next meeting will be Thursday, September 20, 2012, at 6:00 p.m.

On MOTION by Mr. McGrath, seconded by Ms. Pieters, with all in favor, the meeting adjourned at 7:25 p.m.

Gary L. Moyer, Secretary

Michelle Incandela, Chairman