

# 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 21, 2011, at 6:00 p.m. at the Brighton Lakes Clubhouse, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present were:

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

Also present were:

Gary Moyer	District Manager
Brian Crumbaker ( <i>by phone</i> )	Attorney: Hopping Green & Sams
Brenda Burgess ( <i>by phone</i> )	Moyer Management Group
Keith Carrarini	Weber Environmental
Gerry Frawley	District Staff
Brian Smith	Severn Trent Services
Residents and members of the public	

*This represents the context and summary of the meeting.*

### **FIRST ORDER OF BUSINESS**                      **Pledge of Allegiance**

Mr. McGrath led the *Pledge of Allegiance*.

### **SECOND ORDER OF BUSINESS**                      **Call to Order and Roll Call**

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

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

### **THIRD ORDER OF BUSINESS**                      **Audience Comments**

Ms. Brenda Jennings stated I am interested in the posting that was made regarding the sex offenders. Do you have more information? Are you saying they live in our community or in the surrounding area?

Mr. Frawley stated the CDD has nothing to do with that issue. You may attend the crime watch meetings, and the crime watch deputy attends those meetings. There is a posting of four individuals, and since last Thursday, the top two have disappeared. Someone keeps opening up the case and taking things out. You can do a computer search for sexual predators in Osceola County, and there is a link where you can enter your address and a certain distance, such as one mile. Any time there is a change where

someone is moving in or out or any kind of status change with any of those offenders, you will receive an email. There are some who live in our community. One lives on Chapala Drive, and there are two or three on Patrician Circle. We do post signs in advance of the crime watch meetings, just as we do for CDD meetings, indicating the date and time.

Ms. Jennings asked what is the CDD?

Ms. Palmer stated it is the Community Development District. We oversee all public facilities, including the recreation center and the roadways. Anything that is common to all residents in the community is under the jurisdiction of this Board. There is also a home owners association (HOA), which deals with violations and any matters dealing with an individual's property. We do have a very good crime watch program here. Mr. Frawley is very active as is Mr. McGrath. We have one of the lowest crime rates in this entire area because we have a fairly active crime watch program. The police are in here on a regular basis, and the HOA is involved in the crime watch meetings.

Ms. Incandela stated our website has a lot of information that explains the differences between the CDD and the HOA, as well as other information. It is a good place to start if you have not visited it yet.

#### **FOURTH ORDER OF BUSINESS**

#### **Approval of Minutes of the May 19, 2011, Regular Meeting**

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

Ms. Pieters stated I noticed that not every comment I made was included in these minutes.

Mr. McGrath stated we had a microphone problem at the last meeting. Prior to that, we have not had an issue.

Mr. Moyer stated we apologize for that. There is no reason not to include them other than voices just were not picked up on the recording.

On MOTION by Mr. Mihalic, seconded by Mr. McGrath, with all in favor, unanimous approval was given to the minutes of the May 19, 2011, regular meeting.
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#### **FIFTH ORDER OF BUSINESS**

#### **Submitted Resident Questions**

There being none, the next order of business followed.

**SIXTH ORDER OF BUSINESS**

**Discussion Items: Recreation Center Policies  
and Unauthorized Use of the Facilities**

Ms. Palmer stated I would like to discuss this item prior to the budget hearing because it may impact the upcoming budget. If we are going to consider making any changes with the recreation center, and I am not saying we are or we are not, we need to have this discussion prior to adopting a budget. If the overwhelming consensus is that something needs to be done, then that will affect the budget and it will require us sending letters to the residents regarding an increase in the assessments. I have seen emails going back and forth from Mr. Frawley and staff about the recreation center. I talked with Ms. Fuentes and asked her to prepare recommendations for the situations we encounter using the staff that we currently have. Staff knows better than any of us what the issues are because they are here every day and they see them. I asked her to provide numbers for what increased staffing would cost. If we decide we want to hire additional staff for the recreation center, it cannot be the current staff in the current performance of their duties. The facility is used more often in the summer, so they spend more time cleaning and picking up trash and those sorts of activities. They cannot be as proactive on some of the gate issues that we would like to see because they have a lot of other responsibilities. When we first hired our recreation staff, we also had a cleaning company and other contractors for many things that our staff is doing now, such as cleaning and performing minor repairs. Their original job description was primarily to be an attendant at the recreation center. The pool today does not look like it is extremely crowded, but I do not know what it is like during the middle of the day. Even on the weekends, there are crowds but not to the point where you cannot swim in the pool.

Mr. Mihalic stated on weekends, you cannot even get close to this facility on Chapala Drive because cars are parked everywhere.

Ms. Palmer stated I think with the heat, that is going to be a common occurrence. Even those living fairly close to the facilities will more than likely drive here instead of walk. There are a lot of parking issues on Huron because of the basketball courts. If we are going to hire an additional staff member, then we need coverage during the time the facility is open, from open to close. If not, then we will use existing staff and hire a cleaning company that will have to be here a couple times a day to clean. I am sure those restrooms are used constantly and trash always needs to be removed. I do not know if there is any regulation related to the number of egresses for a facility of this size, but we need to remember that even though we can have someone at the front gate, there is

another gate in the back. So that person has to be watching both gates. If someone inside the recreation center wants to let someone else in the gate, they will let them in the back area. That is something to consider. I am not saying we need to do nothing, but I am saying we need to look at the entire picture.

Mr. McGrath stated I do not frequent these facilities very often, so I do not really know what is going on. A couple hours ago, Ms. Fuentes forwarded an email to us from the staff members who are here all the time, which seemed to indicate that it is not a huge problem.

Ms. Palmer stated I agree; it has gotten better.

Mr. McGrath stated this is going to be the worst part of the year for issues like this. Perhaps by the time we get any program in place, it would already be into the school year and the problem may not be as bad. I have an idea that will cost us nothing in addition. If you simply change our community center procedures where it says "all residents using the recreation center facilities must have their access cards with them" to add "in plain view at all times." It can be as simple as requiring someone who is here somewhere in the recreation center facilities to keep their access card in plain sight at all times. It is not a perfect solution and it will still require perhaps hourly checking by the attendant. I am sure that our staff has a heavy workload, but it is a 56-hour work week, not 40 hours. That is a lot of time to be cleaning constantly. I think we have the attendant check for cards every hour or every three hours or some other time. We might need to post a notice that tells residents going forward that the cards need to remain in plain sight.

Mr. Smith stated there may only be two cards per family.

Mr. McGrath stated that is correct. So you go to the person who has the card and he can tell you who his guests are. That will not be the problem. The problem will be getting residents to cooperate with this new procedure. They will complain that they never had to do this before or some other excuse. It will be a small obstacle, but once people get in the habit, then I think it will reduce the amount of time someone spends trying to get in because he knows cards will be checked. Our staff knows many of the regulars, but this will cost us nothing and might reduce the number of non-residents accessing the facility.

Ms. Palmer stated my only concern is if you are going to do that, this recreation center is open more than 56 hours in a week. It opens at 6:00 a.m. and closes at 10:00 p.m. If you are going to break the rules, you will do it when the attendant is not here.

Mr. McGrath stated I agree it is not a perfect solution.

Ms. Palmer stated at least now the attendants are not letting people through the gates. They are providing a service to the community by talking with new residents who do not have access cards and directing them to the District office or calling the office to check on the status of them receiving their cards. I do not mind requiring residents to have their cards in plain view at all times, but some people do not have any way of wearing it.

Mr. Smith stated the way that can work is to have a stretch wrist band with a tag on it and the wrist bands are color coded. If you are a family of five, then there are five white tags. Guests will have a red tag.

Mr. Mihalic stated that is something else that can be given away to someone who does not live here.

Mr. Smith stated I was talking to some people in Celebration who operate several pools in that community. The bottom line is, if you have a pool like this, there will be people getting in who are not supposed to be here.

Ms. Palmer stated it does not seem like there is anyone who is rowdy here now. There are families and kids. I would love to see our community step up and speak out if someone is doing something inappropriate or not let non-residents in the gate. The community needs to take some responsibility in this. I would love to be able to provide picture IDs that some communities have and every family member has a card and each of them bring the card with them. It is an expense that I do not know if we are willing to incur or not, especially when it comes to a new resident or renter to the community. I like that some people were trying to qualify who is a resident and who is not when they are in the pool area. I would like to see more of that. I have a problem doing anything that is going to cause us to increase assessments. Schools are losing \$136 million this year, and tax revenues are decreasing, which means more foreclosures and less revenue coming in because the job market has not really improved. We did not want to increase assessments a few years ago and times are harder now. We raised it two years ago, and that has benefited us because we have been able to set aside some money in the event we have to do something major in our community, like repair the roadways.

Mr. McGrath stated the cost I am referring to would simply mean getting a string or chain or something of that nature.

Mr. Smith stated there will be safety issues in the pool with people wearing something like that. If we go to tags that have numbers, then the attendant can cross reference their tag number with his list to note if they are a resident and where they live.

Ms. Palmer stated we are not doing that for the cards we currently have now. What about providing him with the list of residents and their current card numbers? If there is a problem, then he has a number on a card that he can report.

Mr. Smith stated that is what he does now if there is a problem. He does not have a list of all the card numbers and resident names. I do not know what it would cost, but you could require each person to have identification, which might be the safest way to accomplish that.

Mr. McGrath stated when I understood there was a problem, I started giving it some thought. If there is a family or person here occasionally who is not a resident, I know that happens. I do not think it is worth trying to eliminate them 100%.

Ms. Palmer stated I know residents talk about this issue with Mr. Frawley. How are they realizing people at the pool are not residents?

Mr. Frawley stated if you are not a regular, they do not know. I know there are people here who do not belong here, but if you ask them, they will say they are here all the time and they know who these people are. If you have been coming here from somewhere else on a regular basis, the attendant will not know if you are a resident or not.

Ms. Palmer asked how are they getting in the gate?

Mr. Frawley stated they are simply a familiar face.

Ms. Palmer stated when I arrived here for the meeting, I stood outside for two or three minutes before I called Mr. Mihalic to let me in because no one was letting me in.

Mr. Frawley stated I personally watch them climb over the fence. There are always people sitting out in that area waiting for an opportunity to climb over or follow someone through the gate. They are not sitting out there just because it is a nice day.

Ms. Palmer asked do we ask people outside the fence what they are doing out there?

Mr. Smith stated sometimes the attendant will talk to them.

Ms. Incandela stated I think we need to help Mr. Frawley encourage people to contact us directly. I am hearing there is a crisis at the recreation center and residents are so unhappy with everything, but yet we do not receive any comments in the suggestion box, we do not receive emails, we do not receive phone calls, and no one comes to the Board or these meetings. Mr. Frawley said that the opinion of people in the community is they have lost confidence in the Board. They tell him the reason they do not come to the Board is because they came to a meeting x number of years ago, they were limited to three minutes for comments and they did not feel they could get their point across, so they felt

it was a waste to attend the meeting. My response to that is (1) there are a lot of new people in the community, and (2) we have been extremely accessible to the community in so many different ways. I do not know what else we could possibly do, but if someone is coming to Mr. Frawley with a list of problems but they do not have any confidence in the Board, then if they trust Mr. Frawley and he has the confidence of the residents, then perhaps he should have some business cards to distribute with the email address and the phone number along with the dates and time of the meetings. If they are unable to attend a meeting, then they should send an email. If the residents are so outraged and so fed up with what is going on, I do not see how people are not reaching out to us.

Ms. Palmer stated I had the same conversation with Mr. Frawley. I told him that I do not know what to do in order to encourage more people to reach out to us. He does not know either, but something has to be done, and I agree. If people are telling Mr. Frawley something, I do not know if it is a majority of residents or a minority. We can think we are being extremely accessible and think we are open to hearing from the residents, but there is a faction in this community who do not think that. When Engineered Homes and Centerline Homes were leaving, we had a potluck-type event. Perhaps we need to do something in conjunction with the HOA to meet the Board members for both entities and meet your neighbors. When there is food involved or some other tangible benefit to them, people will more naturally attend. We should not have to beg people to come to these meetings. We switched the meeting time to accommodate more residents. When we met at 10:00 a.m., everyone said they hated that time. Then we changed to 4:00 p.m. and everyone hated that time. We moved to 6:00 p.m., and I see basically the same two residents at these meetings, which is great they are here. Yet everyone in the community knows who each of the Board members are. My former husband does yard work in this community and he tells me stories all the time from other residents, but I do not hear it first hand. It is frustrating sometimes.

Mr. Moyer stated I am not disagreeing with Mr. Frawley, but I have attended these meetings for quite a while. I do not think this Board has ever treated a resident badly. I do not ever remember this Board telling a resident to be quiet and sit down because they have reached their three minutes.

Mr. Frawley stated people have made those comments directly to me, that their time was up and sit down, in those words. I ask people in the community all the time what is going on and I ask them why they do not attend the meetings. That is what they tell me.

Ms. Palmer stated when it happened in the past, it was during contentious conversations and demands from residents who wanted the gates locked. There were maybe 50 people sitting in the audience making demands or venting frustrations at what the developer promised and did not deliver. I agree with them and I was as frustrated as they were. I have been on this Board since the first developer was in the community.

Mr. Mihalic stated when it has happened, everyone has complained about the same thing and we hear 50 different people say the same thing. That is when we started limiting it to three minutes. I have concerns about the situation here, but I do not have any good ideas for fixing it. The other thing that concerns me is there is still an attitude in the community that money grows on trees and that we can address all their concerns. Anything we do will end up costing them more money, but the residents do not understand that. They do not want to pay more but yet they want us to do something. It has to be a little bit of everything. If money was not the object, then we could have a sheriff in the community 24 hours a day. Residents have to understand that if they want something done and we implement it, they will need to pay for it. But they do not want to pay more money. We are in a difficult position, trying to find something that works but is inexpensive. I will give credit to Mr. McGrath since he is the only one who has offered a solution, although I do not think it will be affordable based on the number of hours the recreation center is open versus the number of hours the attendant is here.

Ms. Incandela stated there is no public forum—Osceola Commission meetings, School Board meetings—where there is not a limit on the time an audience member is allowed to speak.

Ms. Palmer stated at School Board meetings, when the light turns red, they will tell you to sit down.

Mr. Frawley stated whether or not they like the timeframe they are allowed to speak, that is the opinion of the people. They did not like that limitation and that is why they are not coming. I agree that you cannot have a disorderly meeting with people rambling on and on about things that have nothing to do with the meeting.

Mr. Smith stated I am often here on Saturdays, and I will see people who used to attend our meetings and I will talk with them. I will ask if everything is fine, and they will respond that it is. Where are all the new people who have moved into the community? I do not see them, and we used to talk with some of them extensively.

A Resident stated you should ask the community as a whole what they think is wrong with the community.

Ms. Palmer stated we did that, and we received maybe two responses.

Mr. Smith stated no one responded.

The Resident stated people still have grievances.

Ms. Incandela stated that is fine. To a certain extent, it is the residents' responsibility to bring their grievances forward because there is no way to know how many and what they are unless they are brought to us in a formal way. There are so many different ways to do that. I am willing to send out another notice including ways in which they can communicate with the Board, similar to what we did with the security change. I am not saying changes cannot be made. I have a lot of ideas, but they all cost money. I do not know in what ways the residents want me to do that. Without their feedback, I have no way of knowing whether I am making a decision that is following the wants and needs of this community or if it is just my own opinion. Unless anyone has information that I am not aware of for something that requires immediate action, my suggestion is to do what we did with the security change and hold a special meeting and notify the community that there may be changes made to the recreation center that may affect their fees. Then we hold a public forum and allow residents to express their opinions. If we receive no response, I can only assume that if no one is here, they do not have anything that we need to know.

Ms. Palmer stated I agree with you 100% except for one thing. Because of the time of year this is, if we want to do anything that will affect assessments, we have to provide notice in writing now. Otherwise, those changes cannot be done until next year because we cannot increase assessments without notifying the property owners. We could consider that tonight and still adopt the budget in time to certify the tax roll for this year, just barely. But if we want to increase assessments tonight at this budget hearing, legally we cannot because of the timeframe that is required to notice that increase to everyone and advertise a meeting for them to be allowed to make their comments and still finalize the budget.

Mr. Moyer stated you need to try to quantify what the dollar magnitude is going to be. We have \$105,000 in monies, part of which we have earmarked for reserves, part for contingencies, part for miscellaneous. If you are talking about supplemental personnel that costs \$20,000, I am not sure you need to increase the assessments. If you are talking

about 120 hours a week having coverage at the recreation center and hiring four more employees, then you will need to increase the assessments.

Mr. Mihalic stated that is correct, and it will be a large increase.

Mr. McGrath stated I think we strive too much for perfection. This has to be a loose thing. If the goal is to have everyone happy, we will go crazy. It is our job, as the Board, to do what we believe is the best for the community. If people want to come and more than one person expresses their opinion, that is fine. If only one shows up, that is one out of 751 homes. We should not spend a lot of money now in a knee-jerk reaction. The email I received from Ms. Fuentes a couple hours ago seemed to indicate that there is not that big of a problem regarding access.

A Resident stated one of the first signs you see when you pull into Brighton Lakes says "Welcome Home." we need to try to work together. You will never please everyone. If you have an idea to present to the residents, mail it out to everyone. Let them know you are the Board and you live in this community, too. Invite them to come to the Board to express their comments. I have attended a couple of these meetings and I have lived here for two years. The only time people attend these meetings is when they want something. If everyone wants something, that is the only time they will attend these meetings. They do not want to come at 6:00 p.m. because they are just getting home from work. You will never be able to prevent people from getting into the recreation center with their friends. I think we need to send a picture of the Board members to all the residents so we know who you are.

Mr. Mihalic stated you also cannot enter the community without seeing the big sign that says when our meetings are. If something is bothering a resident on a CDD matter, they would be here at the meeting. I do not think anyone cares.

Ms. Palmer stated I think this resident brings up a good point. We just mentioned earlier, where are all the new people. I am not necessarily inclined to send our pictures out, but we can include a short biography from each of us. Perhaps people do not know that Ms. Incandela is an attorney and her daughter sings all over the State of Florida and the country. She can share a little about her story. Mr. McGrath is an avid fisherman and Ms. Pieters has a beautiful new grandson. We are not "that Board" but we are real people who live in this community.

Mr. Mihalic stated I disagree with that. I do not want to say something about someone doing a lot of traveling because in this economy, people are looking for ways to get into houses. You do not want to open the door to that.

Ms. Palmer stated I am saying just to include things of interest. For example, I have two beautiful daughters and I manage a hotel. I am not “that Board member;” I am a human being and a community member. Mr. McGrath is an avid American and it is because of him that we say the *Pledge of Allegiance* before every single meeting. These are little things that, for someone who does not know this Board or who is a new resident, tell people we are just like they are, representing them on the Board.

Mr. Smith stated since we have the board that everyone sees in the front, we can have a note saying for anyone with questions, comments or concerns, go to the website.

Mr. Mihalic stated we used to do that when Mr. Frawley was putting up the signs.

Ms. Palmer stated Mr. Frawley and I had a long email conversation about this, and our perception does not matter. It is the perception of the home owners. If we tried something before that has not worked, perhaps we need to try it one more time. Maybe we need to reintroduce ourselves to the community so that we can say we are hearing their comments from Mr. Frawley, but we want to hear it from them personally. We need to extend out our hand.

Mr. Smith stated Mr. Frawley has a list of your names, email addresses and phone numbers. Anytime he comes across anyone who has a concern or a complaint, he can give them that list and tell them to contact the Board because they would like to know. We can post them at the recreation center, as well, to help alleviate that concern. If Mr. Frawley is getting that many complaints, he is in the middle and he needs to redirect them to the Board members. We do get a lot of phone calls throughout the month in our office, and we respond to them if we can handle the problem. When I am on site, I talk with residents. We receive a lot of complaints about houses and people not mowing their yards, which are not CDD issues. Outside of that, we receive very few complaints. Usually it is about a sprinkler head that is spraying the sidewalk or an alligator in a pond and those types of issues. The calls we receive are rarely about people jumping the fence to get into the recreation center or about people who are here who do not belong.

A Resident stated we just moved here and are very active in our communities. We are involved in a lot of community organizations, trying to get people involved. Have you done anything door to door for new home owners as far as a welcoming committee? That

way they can meet you face to face and you can answer any concerns they might have. It might also be nice to have a suggestion box somewhere.

Mr. Mihalic stated we already have one.

Ms. Palmer stated that is at the fitness center.

The Resident stated it should be outside somewhere because not everyone uses the fitness center. I would also like to comment that I support you not increasing the assessments. We are getting ready to retire and will be on a fixed budget. In this economy, people cannot really afford to pay extra money. It sounds like the issue at the recreation center is something where we can all put our heads together and figure out a solution without increasing the assessments.

Mr. McGrath stated perhaps we can get an additional suggestion box or move the one out of the fitness center.

Mr. Smith stated we can relocate it and we can create a nice card that Mr. Frawley can distribute with your names, phone numbers and email addresses.

Ms. Palmer stated I prefer emails. Some of us have young children or work odd hours, and phone calls do not always come at appropriate times if someone is upset. If they send us an email, we can respond to it.

Ms. Incandela stated I would like to designate a separate email account just for CDD issues.

Mr. Moyer stated we have the capability of doing that, and Ms. Burgess will set that up. The emails will come to her and she will forward them to each of you as appropriate.

Mr. McGrath stated we need to be careful what we wish for. If 10% of the residents attended our meeting, there would be no room for them.

Ms. Incandela stated when there is an issue that the community has a lot of opinions about but no one attends to express an opinion, that is unfortunate. When we have seen crowded meetings in the past is when residents were unhappy. I am fine if people want to learn more about issues, but I am also fine if they do not because that tells me they do not have any issues that they want me to know about. I like the idea of sending a biography to the residents, and it can be either with a letter that we are already sending or separately on its own. Perhaps once a year, we send out that letter to remind residents who we are.

Mr. Moyer stated you can forward all your biographies to me and we will put them together and prepare it to send out.

Ms. Palmer stated it can be just general information, but it should be something that gives us Board members a human element.

Ms. Incandela stated with respect to what we are going to do, if anything, to address the issues that we have now, it seems as though the majority of the complaints for the recreation center correlate with the higher use of the recreation center. Perhaps we do something on a temporary basis until the season ends and then we evaluate it at that time without committing to a full year of something new. The only concern I have is if we are going to hire someone to assist in the enforcement of the cards or checking people in or out, I would rather have someone with experience along the lines of security than maintenance. I feel it is more of a security position if they are checking identification and making sure they have the authority to be on the premises.

Ms. Palmer stated perhaps we ask some of the people who are at the pool, the people who are using it.

Mr. Mihalic stated as I look at the pool now, I do not see any adults.

Ms. Incandela stated I have a problem with residents checking identification for other residents. I know Mr. Frawley and the attendant check to make sure those who are here are authorized to be here. I, on the other hand, do not want residents encountering other residents. I think that is asking for problems. I am comfortable with them reporting to someone who has authority. They can ask Mr. Frawley or a Board member to ask them to leave, but I do not think residents should be confronting each other.

Ms. Palmer stated I agree. I mean when they are standing at the gate, they do not have to let someone in. If someone asks to be let in, the residents should simply say no.

Ms. Incandela stated if part of the problem is that half of the residents are complaining but it is the other half of the residents who are bringing them in, then it is not just the people jumping the fence. It is the people who live here who are opening the gates to everyone. Even if we do not make the changes now to add increased security, we still send a letter advising residents of the procedures for use of the recreation center, and if they let someone in and it continues, the result will be that additional security will be added at the community's expense. That lets them know they are causing the problem.

Ms. Palmer stated I agree. I think Mr. Moyer can draft a letter with Mr. Crumbaker, just reminding everyone of the rules. Advise them if there is a problem with one of their guests, they will be responsible for them. Also let them know if we need to increase assessments, it could be as much as \$100 or \$200 annually. Ask for any suggestions they

may have, and provide a biography for each of the Board members along with the email addresses that Ms. Burgess will setup.

Mr. Mihalic stated school begins in a month, so the issue might resolve itself.

Ms. Palmer stated we can mail the letter in the next couple weeks as a reminder. It will still be hot for a while.

Mr. Moyer stated I will look to receive each of your biographies and draft a letter. If Mr. Olmo is sending something from the HOA, we will include the letter with his mailing or else we will send it out ourselves.

Ms. Palmer stated I would ask Ms. Incandela to review the letter before it is sent so that we do not have to wait until the next meeting.

## **SEVENTH ORDER OF BUSINESS**

### **Public Hearing to Consider the Adoption of the Fiscal Year 2012 Budget**

#### **A. Fiscal Year 2012 Budget**

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, unanimous approval was given to open the budget hearing.
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Mr. Moyer stated the budget that is before you for consideration to be adopted is very similar to our current year budget. The Board discussed this at the meeting in May. We are not proposing to increase the assessments, and we will still be able to fund our renewal and replacements that the Board desired to setup two years ago.

#### **B. Public Comments**

Mr. Moyer stated the public hearing is open for anyone wishing to make comments on the fiscal year 2012 budget.

A Resident stated no one wants to pay another \$100 a year for another security guard because it is more money. Why are the fire hydrants so many different colors? They could not keep them all the same color and keep it pretty?

Mr. Smith stated there is a code of colors for the fire hydrants. We contacted them about painting them, which they will allow us to do as long as we paint them the appropriate color. It will cost about \$75 each to paint.

Mr. McGrath stated I still do not understand payroll for the recreation center. The rate of \$12.50 at 8 hours a day is \$36,400 per year, but the budget has \$45,000. Last year I was told the difference was for FICA, but that is a separate budget line item.

Mr. Moyer stated the difference is probably for benefits.

Mr. McGrath asked do they have health benefits?

Mr. Smith stated I will need to confirm that. There may be some minor health benefits.

Mr. Moyer stated if anyone is a full-time employee, they probably do have health insurance.

Ms. Palmer stated there may be holiday pay included in the total.

Mr. McGrath stated seven holidays at holiday pay is \$700, and the difference is \$8,600.

Mr. Moyer stated we will provide a schedule of those costs. With medical insurance and FICA, that accounts for 22% or 23% of the salary.

Mr. Mihalic stated they also have to pay Social Security and other things that have to be paid.

Mr. McGrath stated I would appreciate a schedule of those additional costs.

**C. Consideration of 2011-04 Adopting the Budget for Fiscal Year 2012**

Mr. Moyer read Resolution 2011-04 by title into the record.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, unanimous approval was given to Resolution 2011-04 adopting the budget for fiscal year 2012.

**D. Consideration of 2011-05 Levying the Non-Ad Valorem Assessments for Fiscal Year 2012**

Mr. Moyer read Resolution 2011-05 by title into the record.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, unanimous approval was given to Resolution 2011-05 levying the non-ad valorem assessments for fiscal year 2012.

On MOTION by Mr. Mihalic, seconded by Ms. Pieters, with all in favor, unanimous approval was given to close the budget hearing.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolutions**

**C. Consideration of 2011-06 Declaring the Series 2004 Project Complete**

Mr. Moyer read Resolution 2011-06 by title into the record.

Mr. Moyer stated this is a procedural matter that finalizes the assessments based on the capital improvements that were constructed.

Mr. Crumbaker stated this Resolution essentially says that the engineer has certified that the project is complete and we are accepting the engineer's recommendation that the project is complete and finalizing the assessments associated with those bonds. This does not result in any changes to the bond payments that are contemplated in the budget, but it is a procedural matter.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, unanimous approval was given to Resolution 2011-06 declaring the Series 2004 project complete

**D. Consideration of 2011-07 Declaring the Series 2007 Project Complete**

Mr. Moyer read Resolution 2011-07 by title into the record.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, unanimous approval was given to Resolution 2011-07 declaring the Series 2007 project complete

**NINTH ORDER OF BUSINESS**

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

**A. Security**

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

**B. Landscaping**

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

Ms. Palmer stated my main concern is the sprinklers. There are a lot of broken heads and it seems to be the same ones consistently. Not only do we waste a lot of water, but it also affects the pressure for the rest of the system.

Mr. Carrarini stated we provide regular inspections and when something gets broken after we have already repaired it, I send someone out to repair it again. We had some communication issues where I sent someone to repair a specific head but he ended up checking another area and did not find a problem. That has been resolved. The more specific the location can be defined in emails, the more that will help.

Ms. Palmer asked can you provide to staff and the Board with a breakdown of the zones along Brighton Lakes Boulevard? Then we can call or email with the zone number. If we say it is before or after the bridge, that might be confusing, but if we have the

zones, we can more specifically say, for example, it is between zone 1 and 2. That should make it easier for your staff.

Mr. Carrarini stated yes, that is a good idea. There was a zone that no one noticed for a couple days and I do not believe anyone called.

Mr. Mihalic asked are the sprinklers that you maintain on a pump? Are they affected by water pressure?

Mr. Carrarini stated yes, they are on a pump.

Mr. Mihalic asked is the water pressure higher at night than during the day?

Mr. Carrarini stated no, it should not be.

Mr. Mihalic stated the reason I ask is because I came home earlier than normal last night, and sprinklers along the median going out were running last night, usually at a time when they have already run. The broken heads had been fixed, but the sprinklers on both sides of the median were spraying out, covering the inside lanes for both directions of traffic. I think those are aimed way too high. It was before and after where the school was supposed to be. The sprinklers within the median were definitely covering the median, but they were also covering a lane on each side, also.

Mr. Carrarini stated we will check that out. Oftentimes when you have a rotor at the end of an island, it is designed to spray a certain angle.

Mr. Mihalic stated these were not rotors; they were regular spray heads. There are a lot of them and they were spraying way out into the traffic lane.

Mr. Carrarini stated we will look into it. Other than irrigation, everything else is going very well. Turf is growing in really thick. We applied weed treatment last week as well as fertilizer and pest control applications, which is just starting to show results. It takes a little more than a week before you see results. We replaced some sod but the rest is growing in, and there is one small area that we still need to sod.

Ms. Palmer stated they are doing a good job of closing the roadways when they are working out there.

Mr. Mihalic stated everything is looking a lot better.

## **TENTH 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 the Board and the community are to be complimented. For all practical purposes, we collected all of our assessments for this fiscal year. the expenditures are \$38,000 under budget.

Mr. McGrath stated on page 10 of the cash and investment report, the debt service fund shows \$241,605 in the reserve account with US Bank. We are earning 0.15%. Would it be possible for that money to be transferred to a CD or something like that? I see we earn 0.85% with the CD we have now. Is that locked in as something that cannot receive interest?

Mr. Moyer stated we do not have a lot of control over the bond trustee. With all the CDD defaults that have taken place, they want to keep as much money as they can in investments that are very liquid, which means you are not going to earn very much interest.

Mr. McGrath stated on page 11, we show that RGA Architects has an outstanding check of \$2,000. I see we wrote them two checks, each for \$1,000. We have done our part but it appears as though they have not cashed the checks.

Mr. Moyer stated that is correct.

Mr. Mihalic asked do they have 60 days to cash the check?

Mr. Moyer stated I think that is correct.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, unanimous approval was given to the financial statements.
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## **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 the first invoice for Access Control Technologies (ACT) had us purchase 50 laser labels for \$177. I do not know what a laser label is for, but each one costs \$3.54. Is it some kind of label that is put on something? Why did we need 50?

Mr. Smith stated they are the access cards that we purchase directly from ACT.

Mr. McGrath stated on page 93, there is a summary of our electric bills, and the Brighton Lakes V light is \$2,500 each month. Is that the street lights? That is even more than the recreation center's electricity bills. I cannot imagine anything else that would be in that amount.

Mr. Smith stated I believe it is for the street lights on Brighton Lakes Boulevard.

Ms. Palmer stated there are seven bills for Brighton Lakes Boulevard already listed.

Mr. McGrath asked what is the V light designation?

Mr. Mihalic stated I think that is the bill that does not change.

Mr. Moyer stated if it was for the street lights, that amount will not change.

Mr. Smith stated it could be for the recreation center.

Mr. McGrath stated the bill for the recreation center shows the address 4250 Brighton Lakes Boulevard.

Mr. Smith stated it might be the street lights in front of the recreation center.

Mr. McGrath stated those invoices are the largest amounts we pay, so if there is anything we can do to reduce them, we could save some money.

Mr. Moyer stated we will find out what that is for.

Mr. McGrath stated page 124 and page 125 are invoices from Moyer Management Group for conference calls for our meetings. One is \$20 and the other is \$27. Is there a different provider we could use? Is there a way we can get them for free?

Mr. Mihalic stated that is actually a pretty good rate for a conference call.

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

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

Mr. McGrath stated there is a category for top days for unique visitors. What is a unique visitor?

Ms. Palmer stated a new visitor, not someone who comes back time and time again to the same page.

Mr. Mihalic stated I marvel as these statistics for the number of people who live in the community. We are not getting very high numbers.

Mr. McGrath stated this is one of the easiest ways for residents to communicate.

Ms. Palmer stated we probably account for many of the visits to see the agendas and other information.

Mr. Mihalic stated this is very interesting information, and I am glad we receive it each month.

Mr. McGrath stated I agree.

**D. Consideration of Fiscal Year 2012 Meeting Schedule**

Mr. Moyer stated the proposed dates are the same schedule that the Board currently has.

Mr. McGrath asked is Thursday still the best day to meet?

Ms. Pieters stated yes.

Mr. Frawley stated as long as it is not Thanksgiving Day in November.

Mr. Moyer stated it is the week prior to Thanksgiving.

On MOTION by Ms. Palmer, seconded by Mr. McGrath, with all in favor, unanimous approval was given to the meeting schedule for fiscal year 2012.

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

Mr. Moyer stated this item is simply for the Board's information. It has absolutely no relevance anymore since this Board is elected by registered voters rather than landowners, but we make this report every year and enter it into the record.

Mr. Mihalic stated what is interesting about this number is, if you figure the number of vacant homes in the community, we probably average two registered voters for every occupied home.

Ms. Palmer asked are there seats that expire next year?

Mr. Moyer stated yes, there are two seats that expire: Mr. McGrath and Ms. Palmer.

Ms. Palmer asked when is the qualification period?

Mr. Mihalic stated it is usually May or June.

Mr. Moyer stated you can contact the Supervisor of Elections for those details.

Ms. Palmer asked how many signatures do I need?

Mr. McGrath stated 25, which can be difficult to get.

Mr. Mihalic stated you usually need a few more, just to be sure they are all registered voters. It is easier to pay the \$25 qualification fee.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Crumbaker stated I wanted to see if anyone has heard anything from RGA regarding their review of the ADA compliance issues?

Mr. Moyer stated I have not seen anything at this point.

Ms. Burgess stated I have not seen anything, either. The agreement has been executed and they said they would begin their analysis, but I have not heard anything from them beyond that.

Ms. Palmer asked is there a timeframe that we need to be concerned with?

Mr. Moyer stated we need to be in compliance by March 15, 2012.

Mr. Crumbaker stated based on the facilities that this District has, provided we receive their report in the next month or two, I do not think there will be any issues in complying by that deadline. Retrofitting should be able to be complete within 30 to 45 days.

Mr. Moyer stated we are probably looking at a cost of \$5,000 to \$7,000.

### **B. Engineer**

There being no report, the next item followed.

### **C. Field Operations**

#### **i. Monthly Highlight Report**

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

#### **ii. Landscape Report**

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

#### **iii. Zep Invoice Analysis**

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

Mr. McGrath stated kudos to the staff for saving money and we thank you.

Mr. Smith stated I will pass that along to Ms. Maegen Powers.

#### **iv. Basketball Pole**

Mr. Smith stated the Board authorized not to exceed \$500 for the basketball courts, and for the metal pole, it will be over \$1,000 with the backboard and everything. Concrete will be an additional \$1,000. I wonder if we can have a metal pole manufactured, which we can probably do for less than having the whole flange welded to it, so my staff is researching that to see if we can get it for less. It is a fabricated piece of equipment and I do not know if there is any liability with that or not.

Ms. Palmer stated we need to bring attention to the fact that those guys are there all the time, which means they are not anywhere else. If I can keep the majority of teenagers occupied in one area, I think that is a beautiful thing. It is an inconvenience with all the cars parked on Huron Circle every night, but it is a small inconvenience. I would rather

have them there than restricting them for a certain number of hours to allow smaller kids there, too.

Mr. Mihalic stated they are better there than on the streets.

Ms. Palmer stated I agree. If it costs \$1,000 to install a pole so the younger kids can use it, I think it is well spent to keep the younger kids occupied but still keep the younger kids in one area.

Mr. Moyer stated I recommend the Board consider a motion not to exceed \$1,500.

Mr. McGrath asked is this a permanent fixture? I thought we were going to get something they could roll out.

Ms. Palmer stated no, it will be a permanent fixture.

Mr. McGrath asked will it impact people playing tennis?

Mr. Frawley stated no, it will be a lower height so the kids can use it.

Mr. Smith stated it will be 8.5 feet, and it will be pretty close to the fence. There might still be an opportunity for someone to hit the rim with their tennis racquet.

Mr. Frawley asked is it going to be on the side of the tennis court?

Mr. Smith stated I was going to put it around the corner on this back side.

Ms. Palmer stated I thought it was going on the side facing the parking lot.

Mr. Smith stated we need to still allow people room to play tennis, so if we go to the back, there is more space behind the fence than on the side.

Ms. Incandela stated my only concern putting it behind the tennis court is when people are playing tennis, they tend to run backwards to hit the ball. If we are putting it behind them, they are expecting a fence but not a basketball hoop. I have seen them slam into the fence, which is better than slamming into a pole.

Mr. Smith stated the pole will be on the outside of the fence and it will have an arm through the fence. The backboard will be only two feet away from the fence itself because it is designed for younger kids. We should not have anyone hitting the backboard or rim since no one is 8.5 feet tall. My only concern is if they are back there and they swing their racquet, they might hit the net or rim.

Mr. Mihalic stated when we had this discussion, we did not know if it would even be used. It seems to me that other sporting stores have adjustable baskets that would be just as easy and cheaper than fabricating a pole.

Mr. Smith stated the problem with that is people will hang from it and jab it, and they will tear it up and it will not last at all. We need something that is commercial grade. We could purchase a very good, expensive adjustable one.

Mr. Moyer stated I did that in my community, and it was broken within a month. We do not have even a tenth of the activity that Brighton Lakes has.

A Resident stated the older kids will be using it for practice.

Ms. Palmer stated that is the reason we wanted to have it inside the tennis courts, so that they have to come through the gate and the attendant can tell them this one is for the younger kids.

Mr. Frawley stated we might want to consider a height restriction, where kids can be no taller than a certain height in order to use the new basketball hoop.

Ms. Palmer stated right now the younger kids have no opportunity to play basketball, and if the older kids are at the basketball court, at least with this new hoop, the younger kids will have the accessibility to play. There are a lot of young kids sitting around waiting for the court to open up.

Mr. Smith stated the adjustable ones that you see at homes cannot be left outside at night.

Mr. Frawley stated it cannot even stay on your driveway. It has to be taken down if it is not in use.

Mr. McGrath stated I did not know it was going to be permanent.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, approval was given to make the necessary modifications in the back of the tennis court to accommodate basketball facilities suitable for younger children, not to exceed \$1,500.
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**v. Security Cameras**

Mr. Smith stated I provided information for the security cameras, that are about \$500.

Mr. Mihalic asked is that worth what we want to do here, to do on a trial basis?

Mr. Smith stated we can try it. The camera will cost about \$500 to purchase, and then we will have to get it setup.

Mr. McGrath stated we added lighting, which works great. Perhaps before we spend money now, let us see if the lights help as well as tightening up on people who have

access to the recreation center. We can always spend the money later. My concern is, if you have a camera, you need to have someone watching it.

Ms. Palmer asked will it be hooked up to the guardhouse?

Mr. Smith stated no. You can view it inside the recreation center so if there is a problem, you can see it and address it. It is more like one you would install at your house.

**D. Community Report – Gerry Frawley**

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

**TWELFTH ORDER OF BUSINESS**

**Audience Comments**

There being none, the next order of business followed.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

Mr. McGrath stated we did not receive an action list this month. I would like Mr. Moyer to perhaps consider taking care of the action list. I made a complaint several months ago that our employee did not have a uniform. Mr. Smith said they were ordered and were coming. I went back to the action list for nine months ago where it listed the purchase of the attendant's shirts and it was noted in process. Ms. Powers said they were sent back because they were the wrong ones.

Mr. Smith stated we purchased them in the past but they get worn out or the attendants would not wear them. We just wanted to purchase more to force them to wear them. We indicated they cannot come to work without their shirt. I think they each had two shirts and now they have four.

Mr. McGrath stated the issue I raise is the action list that was emailed to us has five items on it, none of which are issues that were on prior action lists that were not addressed. If we had the action list, something should stay on that list until it is completed.

Mr. Moyer stated that is what all this is.

Mr. McGrath stated that is correct, except nine months ago, we did not have our people wearing the shirts.

Mr. Smith stated we had a change in staff and some people were not wearing their shirts.

Mr. McGrath stated that problem has been resolved. On the list from the March meeting, Mr. Jeb Stuart was to replace or repair the light sensor at the light on Volta Circle behind the keypad. That indicates it had not been done.

Ms. Palmer stated I look on the field manager's report list to see if it is complete.

Mr. McGrath stated once something is put on the action item list, leave it on there until it gets done.

Ms. Palmer stated it should indicate incomplete or still pending.

Mr. McGrath stated or whatever the status is.

Mr. Moyer stated we can do that.

Ms. Pieters stated the ponds are starting to have growth again. When was the pond behind Chapala treated, and when will it be treated again?

Mr. Smith stated he is pretty good about coming out here every two or three weeks. If there is a problem when I drive through the community, I call him and he comes right out to address it. This time of year is so hot and we are having trouble everywhere with it. Brighton Lakes is actually looking better than some of the communities that I manage. They are retention ponds and they have a lot of nutrients in them.

Mr. Frawley stated in the pond behind my house where there is a turn in the pond, it just sits there.

Mr. Smith stated there can be noxious growth on top of the algae, as well. That bright green grass that grows in the water is actually good to have because it helps absorb some of the nutrients. If it is on top of the algae, it will kill it.

Ms. Palmer stated I think the reason Ms. Pieters asked her question is because the highlight report shows the last time they were here was May 27. I think there is a sheet missing.

Mr. Smith stated yes, they have been here since May 27.

Mr. Mihalic stated one of the gates at Kariba Court has been sitting at an angle for months. Can we straighten it so it comes down to the right side?

Mr. Smith stated they adjusted it but it is not something my staff can do; ACT has to adjust it. Every time it is off just a little, I call them.

Ms. Palmer asked will the school bus still be picking up here? I hope so, but I have not heard anything. School starts again on August 22, 2011. We might want to put some cones out again so people do not park when the bus is coming. It will be chaos for the first couple weeks and then it should get a little better.

Mr. Frawley stated it affects the people who live on Chapala as well as the people who cannot seem to park their vehicles.

