

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, September 16, 2010, at 6:00 p.m. at the Brighton Lakes Clubhouse, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present were:

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

Also present were:

Gary Moyer	District Manager
Al Hirschfelder	Weber Environmental
Paul McCartan	Keep Safe Security
Brian Smith	Severn Trent Services
Residents and members of the public	

This represents the context and summary of the meeting.

FIRST ORDER OF BUSINESS

Pledge of Allegiance

Mr. McGrath led the *Pledge of Allegiance*.

SECOND ORDER OF BUSINESS

Call to Order and Roll Call

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

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

THIRD ORDER OF BUSINESS

Audience Comments

A Resident stated I noticed that a lot of houses on Patrician have very high weeds and the community is looking rundown. Is there anything that can be done?

Mr. McGrath stated that is something that the Home Owners Association is responsible for managing, not the CDD. I do know at the last HOA meeting they discussed that problem. What they have done in the past is the County is responsible if the lawn is 12 inches, which some of them are far more than that. In that case, the County is supposed to come out and mow the area.

Mr. Mihalic stated it takes about 90 days for them to do it, though.

Mr. McGrath stated that is correct. The County's challenge is that they have to deal with many other communities, in addition to Brighton Lakes. The HOA has been diligent

in contacting the County with the specific addresses, but it is an issue for the Home Owners Association.

A Resident asked what about the condition of the ponds?

Mr. Moyer stated the CDD does maintain those ponds, and there are times of the year when we have these cycles. We do have a contract with an aquatic weed control company who comes out and sprays.

Mr. Smith stated because of what is going on with EAC and their lack of performance, we brought in Applied Aquatic to treat the ponds. That was costing us about \$8,000 a month, which is a lot higher than it normally cost. I have not paid EAC at all as soon as they stopped performing. At our last meeting, the Board authorized me, in conjunction with my Celebration CDD RFP, to find one of the good qualified contractors and request a proposal for this CDD. Applied Aquatic said they would keep the price the same. I just received the bids for Celebration CDD and I will be reviewing them tomorrow, and then I will be able to find some companies to provide a proposal for this CDD. In the meantime, I will have Applied Aquatic come treat the ponds one more time before your next meeting, and at your next meeting, I will bring the proposals to the Board and show you where we are with the budget and the dollars so that you can make a decision on a new contractor. Then we can get back into a regular routine of treating the ponds. You will see the ponds deteriorating a little bit with algae, but they are not too bad.

Mr. McGrath stated in the last two months, we spent over \$8,000 on the ponds. If we had not done so, the ponds would be worse than they are now. That seems like a lot of money but for the type of weeds that we have, they are very hard to kill. We are aware of the issue and we are working on it. We are spending the money but we hope to get a new contractor who will be within our budget.

Mr. Smith stated we have an issue with hydrilla, which came from Lake Toho just across the street, and that strain of hydrilla is very hard to kill. We can control it, but it does cost money for time, chemicals and effort. Within the next couple months, we should get back on a regular routine and they will be in good shape.

FOURTH ORDER OF BUSINESS

**Approval of Minutes of the July 22, 2010,
Audit Committee Meeting and Regular
Meeting**

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

On MOTION Mr. McGrath, seconded by Mr. Mihalic, with all in favor, approval was given to the minutes of the July 22, 2010, audit committee meeting and regular meeting.

FIFTH ORDER OF BUSINESS

Vendor/Contractor/Third-Party Items

Mr. McCartan stated things have settled down. With the new lighting scheme, you can still see the officer there in the guardhouse. The screen has also made a vast improvement for the guards.

Mr. Smith stated last month we raised the issue that we have the option to renew the security contract with Keep Safe Security for another year. There was some question about an increase. Mr. McCartan agreed to have no increase for an additional year. It is staff's recommendation that we renew this contract for another year at no increase.

On MOTION Mr. Mihalic, seconded by Ms. Pieters, with all in favor, approval was given to renew the contract with Keep Safe Security for one year at no increase.

Mr. Smith stated the other issue we discussed was a proposal to put in sticks instead of the cones that are getting knocked over and bent. A case of 10 is \$230 and it will take about 20 to 25 of them, which will be about \$500. The cones cost \$10 to \$15 each.

Ms. Incandela asked are these the long sticks that attach to the roadway and they bend over if a car hits them?

Mr. Smith stated that is correct. They have a black plastic base that is attached to the roadway. It has a four-inch post with a white reflector at the top, 30 inches tall. When they are hit, they will just come back up. If they fall down, you can reinstall them.

Mr. Mihalic stated it is what the City of Kissimmee uses. What is your experience with those? Do they work?

Mr. Smith stated yes, they work well. They will look better than the orange cones and they are about the same price.

Ms. Incandela asked is there any damage to the roadway if we decide to remove them?

Mr. Smith stated no, we will use 3- or 4-inch tack-ons and put four in each base. My staff will install them so there will be no additional cost for installation since they will perform this work when I already have them scheduled to be here.

Mr. Mihalic asked what are we looking at for a final cost?

Mr. Smith stated I estimate no more than \$750 for the sticks and materials.

Mr. McGrath asked do we have a place where we can store the existing ones until we need them for something else?

Mr. Smith stated yes.

Mr. McGrath stated I think it will improve the appearance.

Mr. Mihalic stated I agree.

On MOTION Mr. Mihalic, seconded by Ms. Pieters, with all in favor, approval was given to purchase road sticks to replace the cones approaching the guardhouse, not to exceed \$750, as discussed.

Mr. Moyer stated we have 14 days left in this fiscal year and we are very close to being right on budget. If there is no objection from the Board, I would prefer to make this purchase after October 1 and apply it to next fiscal year.

Ms. Incandela asked with our road base being public, do we need to get permission before we implement things like speed humps and the cones?

Mr. Moyer stated we did take the speed humps through the County for approval and they said we could proceed however we choose.

Mr. Smith stated I will ask Mr. Mark Vincutonis, our engineer, if he thinks that will be an issue. We did not ask permission to install the cones, but they are not permanent.

Mr. Hirschfelder stated we provided the report for our activities. We received a couple complaints about the big mower making ruts around the ponds and we have changed that. As of two weeks ago, the big mower will not be back out here. We fertilized some of the rut areas so you should see them starting to grow. Any areas that do not, we will take care of. Regarding the areas along Brighton Lakes Boulevard needing turf replacement, we have identified 10,000 square feet, which should be plugged in the next seven to ten days, and then it will be about 30 days before it takes root. It is unsightly and we made some mistakes so we are taking care of them.

Ms. Pieters stated between Patrician and Sweetspire, there is a lot of water on the sidewalks. I do not know if it is from the sprinklers or from the rain.

Mr. Hirschfelder stated a few weeks ago, we were working on the right side as you approach that corner because it was really stressed, so we double-sided the irrigation where it was running two cycles instead of one cycle. It created some moisture and then it rained so everything got really muddy. About a week ago, we shut off the irrigation so it

is a lot drier now. Now that we have not had rain in some time, that whole area should dry out and you should start seeing better results. When we were mowing, the tires were making tracks and it was very unsightly.

Ms. Pieters stated I was not talking just the turf; I meant standing water on the sidewalk itself.

Mr. Smith stated all the irrigation from the park drains to that sidewalk out to the street. We do not have an outfall to the street so it sits on the sidewalk. There is a dip in the sidewalk there as well, so that is where it pools. We repaired our irrigation issues in that area, but we now have one on Sweetspire where the other open area is. That water drains to the sidewalk and it holds water there so it is constantly wet.

Mr. Hirschfelder stated we are spraying that sidewalk to try to get it looking better.

Mr. Smith stated we will work on those areas to try to keep them dried off.

SIXTH ORDER OF BUSINESS

Submitted Resident Questions/Comments

Mr. Mihalic asked can we move this agenda item to the end of the agenda, in conjunction with the last section for audience comments? We never receive any written questions.

Mr. Moyer stated yes.

A Resident stated it would be nice to have a comment section for the contractors who just gave their reports earlier in the meeting than at the end. I had a leak that I wanted to mention to him. I will go flag it for him. It is extremely on the right on Brighton Lakes Boulevard after Maracaibo before you get to Patrician, between the second and third tree near the sidewalk. The head is broken and I sent an email to Ms. Alba Sanchez a couple weeks ago, but I noticed it again this morning.

SEVENTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

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

Mr. Moyer stated we are in good shape and it looks like we will have a small surplus to add to fund balance, in addition to the amount that we budget for capital reserves. The Board is spending the money that we collect from the residents to do what we told them we were going to do, which is to your credit. We are not over budgeting and our numbers are realistic.

Mr. McGrath stated thanks to Mr. Moyer and his staff, also.

B. Check Register

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

Mr. McGrath stated we spent \$900 on a motor. Is that for the fountain by the bridges?

Mr. Smith stated no, that is for the irrigation pump that we had to switch over. This is the first time we had to completely replace the pump, and this is a good replacement.

Mr. McGrath stated there is an invoice from Digital Assurance Certification, LLC. Is this a company that we have contracted to take care of our paperwork? It is an annual fee of \$500 for dissemination fees and storage fees.

Mr. Moyer stated that is in relation to your bond issue. That is a requirement that information be provided to this company, and then they disseminate that to any bondholder that requests information on the bonds.

Mr. McGrath asked that has nothing to do with how we maintain our records?

Mr. Moyer stated no, Severn Trent does not bill you for storage related to the public records.

Mr. McGrath stated Weber did work for us and they charged us \$65 an hour to repair irrigation heads on Brighton Lakes Boulevard and a worn out rotor with six-inch heads, for eight hours. Is that reasonable?

Mr. Smith stated the irrigation supervisor was out here as well as Mr. Russ Simmons from my staff. We have only four-inch popups, and this grass can get high. He spent quite a bit of time with Weber's irrigation supervisor trying to figure out how to get them to work. Every time they go through, they are going to try to raise up these four-inch heads. Replacing them all with six-inch heads will be very expensive. The two of them spent a lot of time out here to try to get control of the irrigation system. Weber came back and said the turf issues are due to the irrigation, but I did not agree. I think the turf is their problem but they are deflecting it back to the irrigation. I had them come out with Mr. Simmons to review it and make it right, but I told him that he is responsible for the turf. The irrigation system is operating fine. Lack of operation of the irrigation system is what is causing the problem. I suggested they pull the four-inch heads up an inch and cut another inch off the grass when they mow. They are mowing at 3.5 inches but our specifications say 2.5 inches. If we do those two things, then the irrigation will not blow into the grass and will cover it properly.

Mr. Mihalic asked are they changing heads or are they putting in different risers?

Mr. Smith stated they are raising the four-inch heads up an inch. It is on a swing joint. If you have a broken head and are replacing it, you can just pull that head up rather than leaving it down below the dirt. I asked Mr. Simmons to show the irrigation supervisor what we were talking about and how to raise the heads.

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

C. Discussion of Action Item List

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

D. Consideration of the Series 2007 Arbitrage Rebate Computation Report

Mr. Moyer stated this is another bond requirement. In 1986, when the Federal Government passed the Tax Reform Act, they had a provision that governments cannot issue bonds for the purpose of making money on their investments. Prior to 1986, that did happen because the investment rate was higher than the bond rate so you could take bond money, invest it and earn money. That has not existed for a long time, but part of the requirement of that Act is if a government issues bonds, they have to calculate that to determine whether or not we have made any money. If we make any money, then we have to give it to the Federal Government every five years. As part of our trust estate for these bonds, there is an arbitrage rebate account. It is not hard to figure out that we are not making more money than we are paying on the bonds. We are paying 5.7% on the bonds, and our investment portfolio has earned 4.25%, so there is a statement saying that we have no arbitrage rebate liability.

On MOTION by Mr. Mihalic, seconded by Mr. McGrath, with all in favor, approval was given to Series 2007 arbitrage rebate computation report.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney – Public Records Retention and Consideration of Resolution 2010-4

Mr. Moyer stated the Department of Archives and the Secretary of State have identified a schedule when governments need to keep certain documents for a certain period of time. We can also opt to keep our documents forever. We have kept documents forever. If we adopt a schedule going forward that says we will only keep certain documents for a certain number of years, I am fine with that on a going-forward basis. To go back through all of our documents and determine whether they are three years old or

five years old and dispose of them is a tremendous amount of work. I will make this comment at a future meeting when we consider this item.

Mr. Mihalic asked do you recommend proceeding to keep them forever?

Mr. Moyer stated I think so. If we have a police department and a lot of exposure in that regard, like incident reports where someone can come back and sue the District for something years from now, if we did not have the documents, that would be in our favor. We are really not in that business. Our exposure to someone coming in 10 years from now wanting to sue us and needing documents that we no longer have is very minimal. I do not see that as being a high risk.

Mr. McGrath stated that seemed to be Mr. Crumbaker's explanation between the two options, is the modified would potentially have records that might not help us if we keep them. If that is the case and it is easier to continue in that fashion, I am fine with that. Is the volume of paper manageable? Is that something that Severn Trent keeps?

Mr. Moyer stated Severn Trent keeps those records. For now we put it all on disc so it is much easier to manage, but we have banker boxes in storage that makes it tough to go through to determine how old the documents are.

Mr. McGrath asked who is the records management liaison officer?

Mr. Moyer stated the management company.

Mr. Mihalic stated we used to do that at my last job, and it was a very time-consuming, expensive process.

Mr. Moyer stated I will share a situation that is going on in another of my Districts where a resident, just to cause trouble, has requested all of the public records and emails of the District that is about your same age. We are going through that process now and there are over 46,000 emails.

Mr. McGrath stated however, it is their right to request it.

Mr. Moyer stated that is correct. I would like to defer further discussion on this issue unless you would like to consider the Resolution. I would suggest the alternative where we keep our records.

Mr. McGrath stated since the manager is the one who has to perform the work, I am inclined to say whatever is easier for you. At the same time, Mr. Crumbaker offered comments for both and the potential advantage, so I think it would be wise to discuss this at a time when Mr. Crumbaker is present. He can give us some more background.

Mr. Mihalic asked is there a deadline for this?

Mr. Moyer stated no.

B. Engineer

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

C. Field Operations

i. Monthly Highlight Report

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

Mr. McGrath stated regarding item 7 on the speed hump at the security gate, I was not in favor of it but I was talked into it because of the school kids and the bus and the activity at the community center. I would not be in favor of spending another \$8,000 or \$9,000 under our current budget.

Mr. Smith stated we placed the cones out there to see how it goes, because they do have the tendency to slow people down. I talked about this with Mr. McCartan and we have not seen a huge problem with people speeding toward the gatehouse. I suggest we save that money and monitor the situation. I agree with you.

Mr. Smith stated we have spent a lot of time working on the fountains. The screens that are installed are not working very well, so my staff is coming up with a better screen system. They are just getting clogged with algae and we have been dealing with that issue for a long time.

Mr. McGrath stated we had an issue with trees on the berm behind Patrician.

Mr. Smith stated that is on our action list and will be included in next year's budget. Beginning October 1, 2010, we will start addressing plant replacements throughout the project, starting with the Patrician berm. I will bring a proposal for your consideration at our next meeting.

Mr. McGrath stated what is listed is 10- to 20-gallon trees but we meant ten (10) 25-gallon trees.

Mr. Smith stated that is correct. That is the request for ten (10) 25-gallon cedars at a cost of \$2,500. We are not going to proceed with this until the fiscal year 2011 budget. We will use them to fill the holes in the berm where some wax myrtles have died. We did not want to plant anything while it was so hot.

Ms. Pieters stated I spoke to a resident on Chapala and she said the fence behind her house is still green and needs to be pressure washed.

Mr. Smith stated she lives on that loop and we cannot get to her property.

Ms. Pieters asked is that not part of our fence?

Mr. Smith stated it is, but she fenced up to our fence. We will not go inside her fence to pressure wash. We do not know if there is a dog back there, and it is her property. If she still wants us to go back there, please ask her to call me. She will need to be there to open the gate and make sure it is fine for us to be in there.

Ms. Pieters stated another thing she complains about is the trees behind that fence were trimmed a couple years ago but they have not been trimmed in a while. She is getting a lot of insects.

Mr. Smith stated once again, that is inside her backyard and we cannot get to them. If you will call me and let me know who it is, I will look into it to see if there is something we can do.

ii. Staffing at the Recreation Center

Mr. Smith stated we have made the change in attendants at the pool. Mr. Geinor Real has been working for us for some time at VillaSol CDD. He is a good guy and he does a great job in VillaSol. When he came here, he was only part-time but now that he is responsible for this project, he will do a lot more of the smaller cleaning and maintenance items that we were having trouble getting done before. He is an older gentleman and has respect of people. He is quiet and will not cause any issues that we were having before. I think the younger kids will have a little more respect for an older gentleman, but he can be forceful. I think he will be a good fit for this community. I am pleased that he was willing to come here full-time.

Mr. McGrath asked will he be working here as well as at VillaSol?

Mr. Smith stated no, he will be here full-time and we will hire a replacement for VillaSol. That gentleman will come here on Mr. Real's days off. I have a really good guy that I just hired for VillaSol who will work there part-time and here part-time.

Ms. Incandela asked do we have any sort of uniforms for them?

Mr. Smith stated yes, he has a shirt with Brighton Lakes on it. We have not purchased new ones in a while, so we should get something that says Attendant or something on it and perhaps get a brighter color. They do get worn quickly because of all the cleaning they do.

Ms. Incandela stated something so that people can recognize them easily.

Mr. Smith stated we will also have an identification badge with his picture on it.

Mr. Mihalic asked will we have any repercussions from the former employee?

Mr. Smith stated no.

Ms. Pieters asked what did we do with him, just let him go?

Mr. Smith stated we had a lot of verbal comments to him and some written comments. He knew and understood why we had to let him go. He had a very good demeanor when we let him go, even though it was very painful. I do have another request related to that. The day we terminated him, I had him doing a lot of running around and he spent another day doing work for me. The Board authorized payment for that one day, for the date of termination. Do you have a problem if I pay him for two days?

Ms. Incandela stated no.

Mr. McGrath stated no, not if it is reasonable.

Mr. Smith stated it came out of the blue and we needed to get some things done. He has been with us a long time, but I think he understood why. I did have a conversation with him early on and said that at some point, he will get burned out and when that starts to happen, he needs to talk to us.

Mr. McGrath stated in the event we have attendance problems or productivity problems, in today's world, we need to document it in writing.

Mr. Smith stated we did more notices for the file than written warnings. We did speak with him on several occasions, but we did not have him sign anything.

Mr. McGrath stated in the future, that is the smart thing to do. That way they know and they cannot deny it later or think we were just kidding. Maybe that will turn everything around, which is the goal, but if not, then it becomes a valid defense for termination.

A Resident stated the new guy was vacuuming around the pillars and doing that kind of cleanup work.

Mr. Smith stated in his defense, he was gung ho for this project.

Ms. Incandela stated this is not an easy job.

Mr. Smith stated no, it is not. They get very few compliments and a lot of complaints. I think Mr. Real will do a good job for us.

D. Community Report – Gerry Frawley

Mr. McGrath stated Mr. Frawley asked me to mention that on Stargrass, on the east berm across the pond where the other homes are that are not within Brighton Lakes, one of the residents mentioned that people were coming up over the berm and having picnics and fishing in the ponds and other activities. From that direction, they would not be Brighton Lakes residents. Mr. Frawley wondered if it might be helpful to put some No

Trespassing signs in that area. I first mentioned to him that we do not have any signs at any of our other areas, and he commented that this is probably the only area that is not enclosed within Brighton Lakes.

Mr. Smith stated I received a phone call from a home owner on the other side saying there were a bunch of people from Brighton Lakes going back there fishing on the back of that pond and they were in his backyard. He wondered if we could put No Trespassing signs at either end so that no one would go back there.

Mr. McGrath stated if they are from Brighton Lakes, it is interesting that they would go around to the back side of the pond. Are signs a good idea?

Mr. Smith stated I will go back there with Mr. Frawley and look at it during our regular drive through and see if there is anything we can do.

NINTH ORDER OF BUSINESS

Audience Comments

A Resident stated someone told me that any kind of retention pond that is stocked has to be aerated. They live in another area of Florida.

Mr. Mihalic stated we do not aerate our ponds except for the two by the bridge. Mr. Frawley pulls some tremendous fish out of our ponds that he releases back into the ponds. So the fish are doing great without an aerator.

Mr. McGrath stated I am not aware of any requirement to aerate ponds.

Mr. Moyer stated this is the first time I have heard that comment. It is interesting. Most of the time fish just occur naturally. We do not stock them.

Mr. Mihalic stated we usually get enough wind that blows.

Mr. Moyer stated there are times of the year when the oxygen level in the ponds get low enough that there are fish kills, but I have never heard of that being a requirement.

Ms. Incandela stated we have not had any problems in any of our ponds with fish kills, other than a couple. They are not anything that have required us to look into it; they have been small.

A Resident stated I saw a sign that said not to feed alligators

Mr. Smith stated that is correct.

Mr. McGrath stated there is an alligator at the edge of this pond as of an hour ago and all you could see was his eyes and nose.

Ms. Incandela stated there are alligators in pretty much all the ponds in Florida. They become a problem when they get to a certain size. When they are aggressive, a lot of times what contributes to that is people feeding them. We installed those signs so that

people will learn not to feed them. When they get to a certain size or if they are aggressive, then we need to call for their removal. Because now when we call for removal, that means they are killed and sold for meat, we do not call unless we really need to.

TENTH ORDER OF BUSINESS

**Supervisor Requests and Comments –
Community Roadway Repairs**

Mr. McGrath stated our community is ten years old. When I exit Brighton Lakes past the guardhouse, the right lane has a washboard texture. It is not terrible but it will not get better. Are we at a point where we need to begin maintenance? Is it acceptable for now?

Mr. Smith stated I identified several locations that can use repairs. We definitely want to keep putting reserves away for road repairs.

Mr. Moyer stated to mill and replace a road, if we actually remove a layer of asphalt and re-asphalt, the rule of thumb is that it is \$10 per square yard.

Mr. McGrath stated it is in a location that everyone drives over.

Ms. Incandela asked do we need to hire an asphalt company to do those repairs?

Mr. Smith stated yes. In the next month or two, my staff and I will drive through the community and identify some locations and get some measurements so that we can provide some estimates of what it will cost to fix.

Mr. McGrath stated I hate to spend the money, but everyone who is a resident or a guest comes in and experiences those roads. It is not like we will never repair them, so my thought is, why wait.

Ms. Incandela asked what was our last estimate of what we thought it would cost to do a major replacement of the roadways? How many years away are we from that?

Mr. Moyer stated as a rule of thumb, it is usually 15 years. Many people do not perform roadway replacements in 15 years, but that is the number for determining a useful life or if you are depreciating the asset. Clearly we do not have to do all the community at the same time. If there is an area that we need to repair and we have the money to do it, then the money will come out of the reserves setup for that purpose.

ELEVENTH ORDER OF BUSINESS

Other Business

There being none, the next order of business followed.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Mihalic, seconded by Ms. Pieters,
with all in favor, the meeting adjourned at 6:50 p.m.

Gary L. Moyer, Secretary

Michelle Incandela, Chairman