

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 20, 2012, at 6:00 p.m. at the Brighton Lakes Recreation Center, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present were:

John McGrath	Acting Vice Chairman
Jennifer Palmer	Supervisor
Dolores Pieters	Supervisor

Also present were:

Gary Moyer	District Manager
Tucker Mackie (<i>by phone</i>)	Attorney
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

Administrative Matters

A. Appointment of Supervisor to Fill the Unexpired Term of Office for Seat 2

Mr. Moyer stated with the resignation of Mr. Tom Mihalic, there exists a vacancy on the Board, which is filled by the remaining Board members. There will be another vacancy to consider in November after the General Elections, but you can still make an appointment now for this seat.

Ms. Palmer stated no one has mentioned their interest to me.

Mr. McGrath stated I have not heard any interest, either.

Ms. Palmer stated I do not know if someone else in the community might know of someone who is interested. As we are in the community, we can ask residents if they know of anyone who might be interested. Perhaps there is someone who has served on the HOA Board who might be interested in serving on the CDD Board.

Mr. McGrath stated we can wait until the November meeting to consider this item.

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

B. Oath of Office for Newly Appointed Supervisor

C. Consideration of Resolution 2012-07, Election of Officers

FOURTH ORDER OF BUSINESS

Audience Comments

Mr. Gerry Frawley stated I have mentioned to Mr. Smith that the landscaping company has failed to perform landscaping services at least twice between the sidewalk and Pleasant Hill Road. It has not been mowed in a month. They claim they cannot mow in the rain, but then they should still take a weed whacker and do it manually. They have not done that.

Ms. Palmer stated if they are already mowing in the rain, they should include that area.

Mr. Smith stated it is a ways around to that area, but I will talk with them.

FIFTH ORDER OF BUSINESS

**Approval of the Minutes of the July 19, 2012,
Regular Meeting**

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

On MOTION by Mr. McGrath, seconded by Ms. Palmer, with all in favor, unanimous approval was given to the minutes of the July 19, 2012, meeting.

SIXTH ORDER OF BUSINESS

Vendor/Contractor/Third-Party Items

A. Renewal of American Ecosystems Aquatic Plant Maintenance Agreement

Mr. Smith stated this is a two-year contract with a two-year renewal. There is no price increase for the renewal period. They are doing a decent job, and they respond well. They are somewhat on top of the aquatic issues, more so than the last aquatic contractor we had. I believe Mr. Frawley is familiar with them and can attest to their quality of work. The Board can always choose to solicit for price proposals to see about getting a new contractor. The price American Ecosystems was a good price they provided when we solicited two years ago.

Mr. McGrath stated I appreciate the explanation we received at our last meeting as to the condition of the ponds. It helped quite a bit, knowing the reality of what they can and cannot do, as well as the difficulty in what they are dealing with. I think if there is no price increase, I think that can be viewed as a price savings.

Mr. Moyer stated the other thing the Board needs to be aware of—and I know you are—is that if their performance falls below a level that you think is acceptable, you can terminate the contract with 30 days' notice.

Ms. Palmer stated Mr. Smith and Mr. Frawley will know more than most how they are doing. Mr. Frawley does a lot of fishing in the ponds, and I do not spend a lot of time by the ponds where I would notice aquatic weeds.

Mr. Frawley stated over the past couple weeks, it has cleared up considerably compared to what it was when it was at the peak and we were addressing the issue. Partly I have to presume it is due to the contractor's reaction to the aquatic weeds. Perhaps some of it is also due to the number of hours of sun exposure.

On MOTION by Ms. Palmer, seconded by Mr. McGrath, with all in favor, unanimous approval was given to renew the aquatic plant maintenance contract with American Ecosystems for two years, at the current pricing, as discussed.

B. Discussion of Weber Environmental Contract

Mr. Smith stated I thought the Board could exercise the renewal option for this contract as well, but in looking more closely, this contract expires December 31, 2012. There is no additional two-year renewal option available for this contract. My recommendation is to bid this contract. We have plenty of time to bid it and receive the results prior to the next Board meeting so that you can make a decision at the November Board meeting.

Mr. McGrath asked Weber has been here four years?

Mr. Smith stated yes, it was a four-year contract: two-year initial contract term with a two-year renewal.

Mr. Frawley asked did the Board vote to extend this contract for another two years?

Ms. Palmer stated yes, but Mr. Smith could not renew it because the contract expires in December. Do we need to void the motion made at the last meeting?

Mr. Moyer stated yes, we should have that on the record.

On MOTION by Ms. Palmer, seconded by Ms. Pieters, with all in favor, unanimous approval was given (1) to void the previous motion made at the July 19, 2012, meeting to renew the landscape maintenance contract for two years with Weber Environmental and (2) to direct staff to solicit bids for landscape maintenance.

C. Discussion of Clubhouse Security Guard

Mr. Smith stated based on the reports we have been receiving from the new security guard, he has been thorough. Ms. Maegen Powers is in regular communication with him. We have received positive comments from residents at the recreation center. Somewhat frequently, people from outside the community try to get into the recreation center area. At one time, there was a huge number of outside people trying to get in, but the guard said they now drive up and if they see him, they keep on going. He has been doing a good job, so perhaps the Board can consider reducing his hours. If we do keep his hours and activities at the recreation center get slower, such as during the cold winter months when no one is at the pool, we could use him as a patrol officer. We could put him in a vehicle and have him patrolling the community, checking the parks and the corners of the community, and watching the main roadways to slow down traffic. I have a vehicle that we just replaced, which is a small pickup truck that is owned by Severn Trent. The District could purchase the vehicle very inexpensively. It has a lot of miles on it, but it would be good for patrolling purposes. It has yellow lights on it, we could put "security" lettering on it, and during those slower times, he could patrol the community. He could also patrol the school bus stops for pick ups and drop offs. If you want to reduce his hours, I will talk with Mr. Paul McCartan and see if we can use him at the guardhouse, which would mean he would need to reduce someone's hours at the guardhouse.

Mr. McGrath stated it is \$30,160 annually, which is \$40 per household per year. I am thrilled that someone is here. I was terrified when we did not have anyone else here. From the reports that I am receiving, he is doing what we want him to do. So far, no one has gotten upset with him. He seems to be a good fit for our community. It would be very challenging for anyone to come to work every day with little activity to monitor during our slow times. Looking at the other side of it, is there any way we can cut \$30,000 out of our budget now? If not, where do we get the money? I think it is a great thing for our community, and looking back, we should have had this from the beginning.

Ms. Pieters stated I think we need to keep the security guard a little while longer. I agree that it has been effective but he has not been here very long.

Mr. McGrath stated it has only been a couple months.

Ms. Palmer stated I understand what Mr. Smith is saying about the slow times. I agree it is a nice presence to have, but if we cannot fund the \$30,000 or if we are going to keep him during the winter, then we really do need to find something for him to do. I cannot

warrant spending \$30,000 to have someone stand around here when it gets dark at 5:00 p.m. So it is only light for two hours after the kids are out of school, and there will still be kids at the basketball courts. I noticed he has the same issues with vulgar language. I have had more than one run-in with kids about vulgar language; it is uncalled for. If we are going to ask every household to spend an additional \$40 because we cannot find it anywhere else, then we really need to have something that he is really doing. I do not think it is spending our money wisely to have him at the recreation center when no one is there. We need to be really careful if we are going to get our money's worth.

Mr. Frawley stated I think you have significantly underestimated the effect he has had. I live on this street and drive by here to come in and out of the community. We are at the end of the summer, although we still have hot weather. At the peak of the summer, when I would drive by especially on weekends, there are available parking spaces in this parking lot in the middle of the day, whereas before we hired the security guard, they would be lined up to the guardhouse. Do not think those were all residents who just decided this year during the hottest summer we have had in many years that they are not going to go to the pool anymore. He is much more effective than you give him credit for, and probably more than he even realizes.

Ms. Palmer stated I am not by any means saying he has not been effective. I am saying that as we move into another season and move our clocks again, it will start getting dark earlier at 5:00 p.m. I do not see the benefit in paying both Mr. Geinor Real as the pool attendant and the security guard to be here when it is dark and there is no activity at the recreation center.

Mr. Frawley stated there are people who continue to work out in the fitness room in the mornings during the winter, just as they do in the summer. When the Board was discussing hiring additional security, you discussed not necessarily having him every afternoon. You could consider having the pool attendant covering the evening and the security guard covering during the daytime. Then the two of them are not both covering the same hours.

Ms. Palmer stated maybe then we should consider having him here from 7:00 a.m. to 3:30 p.m. or 7:30 a.m. to 4:00 p.m. so that he is there most of the time when the kids are getting on and off the bus. I worry about the kids being here in the morning, and the pool attendant will be here in the afternoon to cover some of the school bus drops along with the security guard. I am fine in changing his hours. I do not want residents coming back

to us later, and I know they will, complaining that we could not find the money to keep the security guard. We have already adopted the budget for fiscal year 2013, so we cannot have any increase to the assessments. For the following budget year, if we decide to increase the assessments to keep the security guard full time, then during the slow months, I do not want residents to see both the pool attendant and the security guard just sitting around. If we are going to keep this program on a permanent basis, I want to be sure we are utilizing Mr. Real in more ways than we were previously. He will have more time available during the winter because the recreation center is not as busy as during the summer. But during the summer when they are both scheduled to be at the recreation center for regular hours, Mr. Real will still have more time to do other things since the security guard will also be here.

Mr. Moyer stated we have been the beneficiaries of some very good bidding in the past. At the end of this current fiscal year, in all likelihood, we will have close to \$400,000 of unallocated fund balance. In addition to that, we already have \$100,000 in reserves for roadways. The whole idea for starting these reserves was primarily driven by roadways. You are getting to the point where you are pretty close to what you would need to properly resurface these roads if we needed to do that in the future. If the decision is made that instead of \$75,000, we end up with \$45,000, that is probably not the end of the world for you.

Mr. McGrath stated we know about the roadways. What about the buildings or any other CDD property that will need to be replaced after 10 years?

Mr. Smith stated we have the tot lots that need to be fixed. We need to make more replacements on the weight equipment in the fitness room. Overall, we are rebuilding the tot lot equipment as we go along. Some of it, however, is getting to a place where we cannot rebuild it. There should not be any significant expenses in my review driving through the community. The roads are in pretty good shape. We will need to make some isolated repairs to a few locations. We need to make some sidewalk repairs, so I will schedule those in the next fiscal year. As far as any major expenses, I do not see anything.

Ms. Palmer asked when you are rebuilding equipment at the tot lots, can you look at taking one of them and converting it to another use? One of them has a pretty good sized field that might work well with a volleyball net or something other than a tot lot. We have a large tot lot here and we can look at having a smaller one someplace else. Where there

is a larger area, perhaps we could look at doing something that offers a different option, such as volleyball or soccer, something that is different and appeals to a different age group. If we convert that one tot lot, then we can invest more in this tot lot here and the other smaller ones.

Mr. Smith stated yes, we can do that.

A Resident stated you mentioned it would be \$40 but I think you meant \$40 a month.

Mr. McGrath stated no, it would be \$40 per year.

The Resident stated you should make a notation that the security guard will be looking out for and protecting our children by monitoring the school bus drop off. At \$40 a year, it is just over \$3 each month, which is less than \$.75 a day. If you look at it that way, it looks a lot cheaper. Then you can make the argument that security is there to help protect our children and our community.

Ms. Palmer stated we cannot increase assessments until next year because we already adopted the budget for fiscal year 2013 and we passed the deadline to increase assessments for that budget. We might not need to increase the assessments, though. Landscaping businesses have not come back yet, and there are a lot of landscape companies that are still hurting, so we may get the same result in rebidding the landscaping contract.

Mr. Smith stated we believe if we do keep the security guard and residents are paying more in assessments but yet he is standing around with nothing to do during the slow months, then residents will say he needs to stay busy. We can keep him busy if he is patrolling. I receive some phone calls from residents requesting more lighting in certain areas or other issues, and while we can put additional lighting in some of the dark corners, he can also be patrolling those areas.

Ms. Palmer stated you can schedule his hours so that he starts at the school bus stop, and then he can patrol some of the problem areas.

Mr. Smith stated we will vary his hours so that no one knows when he will be here or not.

Ms. Palmer stated I like the fact that he will be there when kids get off the bus because parents are not there at that time.

A Resident stated there are some parents parking on the roadway and blocking others. The other day, one parent just walked away from his car for about an hour. Someone

called the sheriff, but the driver just said he was waiting for his son but was out wandering around.

Mr. Smith stated for the next meeting, I will see what it will cost to obtain the vehicle and insure it on an annual basis.

Ms. Palmer asked can he be certified to use the sheriff's vehicle that we used?

The Resident stated that is on a volunteer basis.

Mr. McGrath stated that process would take months.

Mr. Frawley stated I wonder if the sheriff would even allow that.

Mr. McGrath stated he is not a Brighton Lakes resident. There would be some additional costs. I am glad Mr. Smith came up with that idea. Everyone has a concern and a real joy when there is roving patrol in the community.

Ms. Palmer asked is the vehicle a less expensive option than a golf cart?

Mr. Smith stated I will look at that, as well. He will need some sort of utility vehicle to protect him from the rain and elements.

Mr. McGrath stated these are public roads, so we cannot have golf carts driving on them.

Ms. Palmer stated Celebration allows golf carts on their streets.

Mr. Smith stated those are NEVs (Neighborhood Electric Vehicle). You can use a utility vehicle on a public roadway as long as it has all the properly functioning lights on it, such as tail lights.

Ms. Palmer stated that would be more fuel efficient.

Mr. McGrath stated if a vehicle is available, even if it breaks down, it is probably a good entry-level vehicle to start with to see if this patrolling program works.

The Resident stated I sent an email to the security guard because he has been here several times when we have. I see him watching when the kids are getting off the school bus. He has an issue with the language and I asked him what he thought might help. He suggested if there was some sort of sign, then he could enforce it.

Mr. Smith stated I can get one.

The Resident stated he said he would like to do more and does not want to just sit when there are more things to do. We were talking about holidays since there are usually more people at the recreation center on holidays. I asked why he was not here on Labor Day, and he said it was his day off. He also said if there is a holiday on his day off, he is

willing to work it and take a different day off. Some people brought barbecue grills up to the gate and grill outside, saying that they had permission from the District office.

Ms. Palmer asked can they grill if they are on the other side of the gate?

Mr. Frawley stated they can between the building and the basketball court.

Ms. Palmer stated that is good for them to know. I know people will want to come up here and make a day of it.

The Resident stated they claim that they have received permission for their party. If the security guard knows the procedure for that event, then he will know to ask for their use permit or something in writing. Perhaps then there would not be so many issues on holiday weekends.

Mr. McGrath stated you can also check with Mr. McCartan who can ask the security guard to see if he is flexible on hours, days and times.

Mr. Smith stated I did talk with him about it.

Mr. McGrath stated after November 15 or thereabouts when it is getting dark earlier and getting colder, perhaps we ask the security guard if he would like one extra day off each week.

Mr. Smith stated I asked him, and he really needs all 40 hours.

Mr. McGrath stated that is understandable.

Ms. Palmer stated once it gets darker earlier after Daylight Savings Time, then you adjust his hours to come in and leave earlier.

Mr. Smith stated I will bring him in earlier, especially on weekends, because by the time he arrives, it will already be dark.

Mr. McGrath stated if he is flexible enough to do it, that is great for us.

Mr. Smith stated then we have more coverage because Mr. Real is here until closing and I will bring in the security guard earlier.

Mr. McGrath stated we will continue with the program as we have it now, and at the November meeting, we will discuss the updated information and proceed appropriately.

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 as I indicated earlier, the District is in a very strong, sound financial position. We have collected \$7,800 more in revenue than we had budgeted in this fiscal

year, and we have collected all of our non-ad valorem assessments. Part of the reason for that surplus is in terms of discounts. When we prepare the budget, we presume that everyone pays at the earliest time to take the full 4% discount, even though that is not what really happens in the real world. On the expense side, administrative expenses are \$16,000 under budget, and when you add all the field and operations expenses, we are \$59,000 under budget for total expenditures.

B. Check Register

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

Mr. McGrath stated we have \$100,000 cash in the bank. That is very comforting. I think we need a correction on the Keep Safe Security item, page 65. They are calling it a foot patrol, and I am sure that is Steve, our security guard, and we do not have a foot patrol yet. Access Control Technology (ACT) and Century Link and their associated work together to keep the gates, computers and electronics operational cost about \$3,400 over the past two months, which is \$67 per day, every day. We are 167% over budget in that line item, which is currently budgeted at \$10,000 and obviously, is going to be more than that. I think we ought to rebid these items when it is appropriate. They may be doing a wonderful job and they may be fine, but at \$67 per day, seven days a week, we might be able to find a lower cost provider. I do not know.

Ms. Palmer stated I do not know enough about what other companies are charging, what other Districts are paying, what is normal and what is not normal in order to say that I agree or disagree.

Mr. Smith stated I agree they are expensive. I asked them where they learn how to maintain these gates with the thought that one of my staff members could learn it at a much cheaper cost. I am still looking at doing that because we maintain gates in other locations. We have the same problem in all of them with the gates breaking down so often, and the repairs costs are expensive every time they come out. The reason we continued with ACT is because they warrantied a lot of the equipment, but I think the warranties are expiring and they rarely warranty anything anymore. I have no problem finding a different vendor to provide this service.

Ms. Palmer asked is it the same company that you are using in other locations at the same problems and prices?

Mr. Smith stated I use ACT in other locations. I was using one other company , which is a smaller company. His prices were good, but he is not as dependable. If something breaks down on a weekend and he is out of town, then we have to wait until Monday. He is good and a lot cheaper than ACT. I do not have a problem seeing if there are other companies to do this work and comparing their rates to bring back to the Board.

Mr. McGrath stated at our recent crime watch meeting, we discussed that the sheriff had an issue and received the information from the cameras. That is the first time I am aware that the program worked.

Ms. Palmer stated I think it helps for us to be aware of how long we have to access that information before it is recorded over. I think we will have more incidents where we will need them. I think having consistent personnel at the guardhouse also helps. They notice if there is something different or odd going on. For the most part, they know who lives here and who does not. They are good, decent people and it helps having consistency.

Mr. McGrath stated I went through the gates both at Volta Circle and Kariba Court, pushed the button, the guard answered, so they are working again, which is great.

Ms. Palmer stated I see an invoice from Hanson Walter. Did we have him look at the swale?

Mr. Smith stated yes, and there is some erosion.

Ms. Palmer asked did they make any recommendations?

Mr. Smith stated it is up to the Board if you want to make any changes to it.

Ms. Palmer stated I want to know if it is really bad or where we are with this issue with the Laniers. I do not know if we have heard anything from them, either.

Mr. McGrath stated as far as I am aware, we have not heard anything from them.

Mr. Smith stated I received a report from Mr. Mark Vincutonis, which I can forward to you.

Mr. McGrath asked is it more than one foot?

Mr. Smith stated no.

Ms. Mackie stated to my knowledge, the Laniers have not contacted Mr. Brian Crumbaker or myself. I spoke with their attorney quite some time ago.

Mr. McGrath asked the area where we are low is right at that corner?

Mr. Smith stated that is correct. The notes at the bottom indicate there is a section that is low by about one foot. It is a washout area.

Mr. McGrath stated out of a 70-foot swale, that is not too bad.

Ms. Palmer asked do we know how much it will cost to raise it back up one foot?

Mr. Smith stated there are trees that have grown, as well as scrub brush, so we would need to clear all that. We will then come back in and put dirt in to raise it. The Laniers would see us clearing that area and coming back in to regrade and resod. The cost would be between \$1,500 and \$2,000.

Ms. Palmer asked are we opening up a bigger issue if we were to do something? Or are we doing the right thing in being a good neighbor by spending \$1,500 to \$2,000 to take care of the one foot of erosion?

Ms. Mackie stated based on the discussion at the last meeting, what I am hearing is that the area is somewhat low and to restore it to the original level will result in some funds being expended by the District. In order to bring the berm back up to its original state is a good idea. To the extent you are doing anything above and beyond, we would not recommend doing.

Ms. Palmer asked with the Laniers already having talked with an attorney, if they see us going there and performing some work, will that put us at a greater liability? Or is it that this Board listened to what the Laniers had to say, we investigated the situation and discovered it is about six inches too low —70.99 feet versus 71.5 feet—so we will be good neighbors and repair the erosion and hope that it helps.

Ms. Mackie stated I believe it has always been the engineer's opinion that the berm has functioned as intended. This would just be general maintenance on the berm.

Ms. Palmer stated if we want to be good neighbors, it is a matter of \$2,000 to repair the berm. We heard them and are not ignoring their request. We are not doing anything horrible to the Laniers, the berm is the way it was designed to be, and at this point after 10 years, the District will go ahead and bring the berm back up the six inches. We will continue to monitor it as the years go on. If we need to make another repair at some point, we are amicable to do so at that time.

Ms. Pieters stated I agree in moving ahead with the repair, but I still would think there is some liability against us.

Ms. Palmer stated knowing the Laniers, I would agree. But I am also thinking that if we know it is in this condition, based on the engineer's report, and we do not do something about it and Mrs. Lanier finds out about this report and that we did not take care of this small discrepancy, that probably opens it up even further.

Mr. McGrath stated it is the right thing to do, perhaps during the dry season when it is not so muddy.

Mr. Smith stated there is a lot of brush there that is tall, which creates a screen between the Laniers property to ours. That screen will be eliminated, and they will have a full view of that swale area. Right now, he does not see the swale. He sees trees. When the trees are removed and we sod a wider berm, it will be something he sees every day. I can do that, but in the meantime, I will put some prices together for the next meeting and we will see how the lawsuit turns out. We have always said we will make it right, and in the meantime, we will be moving in that direction.

Ms. Palmer stated I think that is fair.

A Resident asked can you do the repair without removing the brush?

Mr. Smith stated no, we need to remove the brush to restore the slope.

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

C. Website Statistics

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

D. Discussion of Unemployment Claims

Mr. Moyer stated we included information in the agenda package related to a question Mr. McGrath asked at a previous meeting.

Mr. McGrath stated I would like to table this discussion item.

Ms. Palmer asked are we going to continue or not continue?

Mr. Moyer stated we do not pay unemployment insurance because we are a government. We only pay when we have a claim, and then we will be assessed for whatever the decision is on the claim. Mr. McGrath has more experience in this matter than I do, but I can tell you that the paperwork for Mr. Joey Ortiz indicated that he was let go for a variety of reasons, one of which we considered to be misconduct. The State looked at it and determined that it was not misconduct, so they assessed the District. I have a personal story in my own family that I relayed to Mr. McGrath, where a brother-in-law actually did violate policies that I clearly thought was misconduct, used District equipment, took it home, which is clearly against every policy written, and he was given

unemployment. I do not know how to deal with that kind of situation because it does not make any sense.

Ms. Palmer stated they grant unemployment for two years now.

Ms. Pieters stated on the check list, I noticed that misconduct was checked, but there is nothing written in the information provided.

Ms. Palmer stated it was not a hearing since that is usually done over the phone.

Mr. Moyer stated they make their determination, and if you appeal, then they will have the hearing. In this case, I do not think we appealed it. I think we just filed the response to the claim and they made their decision.

Mr. McGrath stated I know Mr. Smith and Ms. Fuentes are very busy. Is it correct to say that Severn Trent never sent to them any specific training or anything on how to hire and fire in view of unemployment?

Mr. Smith stated yes. We do not do anything without going through human resources, and Ms. Fuentes is on the phone with them on a regular basis. They provide us with the paperwork that we complete and send back. They work it very carefully, but as Mr. Moyer said, the employee seems to have a very wide opportunity whereas ours is very narrow. Unless he does something extremely bad, it is very difficult.

Mr. McGrath stated my question really was if you have had training on terminating employees in light of unemployment.

Mr. Smith stated we do not actually terminate the employees; human resources does that. We are only the conduit. Ms. Fuentes is very familiar with it and has been trained over the years in dealing with these issues.

Ms. Palmer stated it is the same in my company; we cannot hire or fire without human resources being involved and a lot of documentation. Then they tell you “yes” or “no.”

Mr. McGrath stated that was my issue. The paperwork we have is for Mr. Ortiz, and the termination was done with nothing in the file. You had verbal warnings and other things, but nothing written. We may well have not lost the appeal if we had done our homework all along. The fact that the letter said you spoke with him verbally and are being terminated could have been better for the District had there been a verbal warning with appropriate documentation on the date of occurrence and signed by Mr. Ortiz that goes in his file. If the problem improves, the verbal warning goes away. If it does not, you go to the next level.

Mr. Smith stated the number of warnings we gave to Mr. Ortiz were not great in number. This was a difficult situation where he went from being very good and everyone was very happy with him, to very bad.

Mr. McGrath stated he was a great employee, but there was nothing in the file. Mr. Smith said he talked with him, but that is it.

Mr. Smith stated we did talk with him, and that is included in the final report. The warnings to fire him were over a short period of time. What you are getting at is if we plan on firing someone, that we create a file. I have done this before and it does not necessarily work. You deal with that person over a long period of time. If you have a bad employee over a long period of time and you put things in their file, that still does not mean that they will not get unemployment.

Mr. McGrath stated that is correct; however, it is less likely.

Mr. Smith stated I agree.

Mr. McGrath stated we are paying for it.

Ms. Palmer stated even when there is the need for a verbal warning, I do what is called a "written verbal warning." It is counseling, but it is documented for your protection and for my protection. It is documentation that we are having this conversation, and both parties sign it to acknowledge. Without anything signed, it is a "he said, she said" situation. If they refuse to sign it, then you ask another witness to sign it.

Mr. Moyer stated I think we have the direction of the Board for future situations.

Mr. McGrath stated I incorrectly thought that Mr. Mihalic, Marlon and the female attendant plus one other person where we were carrying them as a cost. I will go back to my notes to see if I can find it, and hopefully I am wrong.

Ms. Palmer stated I thought that we might be paying Mr. Mihalic for unemployment.

Mr. Moyer stated to explain how ridiculous the system is, the IRS says that you Board members are employees of this District. By State law, you cannot be an employee of this District and sit here as a Supervisor because you cannot work for yourself. That is how ironic it is, but the IRS wants your taxes.

E. Consideration of Use Application for Annual Holiday Safety Event

Mr. Moyer stated I do not think anyone has any objection to this use application, but I wanted to bring it to the Board for your formal consideration and approval.

Ms. Pieters stated there are additional rules and regulations in the back, but they do not say anything about alcohol use.

Mr. McGrath stated I will bring that up later on the agenda under our discussion on the rules for the recreation center.

Mr. Moyer stated if the Board members do not want to approve any alcohol use, you can include that in the motion and we will include that as part of the permit.

On MOTION by Ms. Palmer, seconded by Mr. McGrath, with all in favor, unanimous approval was given to the use application for the annual holiday safety event, as discussed, prohibiting any alcohol use or consumption.

F. Consideration of Engagement Letter from Carr, Riggs & Ingram to Perform the Audit for Fiscal Year 2012

Mr. Moyer reviewed the standard form engagement letter from Carr, Riggs and Ingram to perform auditing services for fiscal year 2012, in the amount of \$5,000.

On MOTION by Ms. Palmer, seconded by Ms. Pieters, with all in favor, unanimous approval was given to the engagement letter from Carr, Riggs & Ingram to perform the audit for fiscal year 2012 in the amount of \$5,000.

G. Discussion of Pool Rules Regarding Guests at the Recreation Center

Mr. McGrath stated page 86 of the agenda package, and page 2 of the rules regarding lost access cards available for \$10, I think we ought to raise it to \$15.

Ms. Palmer asked what is your reason for wanting to increase it?

Mr. McGrath stated income. We are not charging anyone for these cards unless they lose it themselves. I do not know what the market bears.

Ms. Palmer stated I would say no on that item because our residents do pay a large assessment. We should cover at least what the cost of the access card is or else residents will be upset that we are charging them for every little thing. If they lose their card, they still have to drive to Celebration to get a new one. If someone has a purse or wallet stolen and they have to replace everything, then we are punishing them for having to replace their access card. Do we charge them for a replacement card if they break it and they bring you the pieces?

Mr. Smith stated yes.

Ms. Palmer stated I cannot see increasing the fee for replacement cards.

Ms. Pieters stated no, I do not want to increase the fee.

Mr. McGrath stated on the same page, the rules indicate that residents swim at their own risk because there is no lifeguard on duty, and no diving, running or horseplay is allowed. I would change that sentence to read “in or around the pool.”

Ms. Palmer stated under the pool section, the rules indicate residents 16 and older may use the pool unsupervised, but the top of the page indicates they need to have an adult over 18 when using the pool.

Mr. Smith stated a 16-year-old may come to the pool unaccompanied, but if you bring a guest, you must be 18 in order to bring a guest.

Ms. Palmer asked so a high school senior cannot bring a guest to the pool?

Mr. Smith stated not if he is under 18. An adult has to bring a guest.

Ms. Palmer stated they can bring a guest if they are 17 and play basketball, but they cannot sit at the pool.

Mr. McGrath stated that is how it has been written.

Mr. Frawley stated there is a completely different liability issue of using the pool if someone gets hurt and they are a juvenile.

Ms. Palmer stated that policy is fine.

Mr. McGrath stated on the same page, it states no alcoholic beverages are permitted in or around the pool area unless previously approved by the Board of Supervisors of the District. I do not see any circumstance where it would be advisable for the District to allow alcohol anywhere on its property.

Mr. Moyer stated you can just delete that part.

Mr. McGrath stated we can simplify it to say that no alcoholic beverages are permitted. This page also indicates that smoking is not permitted at any time, but when you get to page 90 of the agenda package or page 6 of the rules related to the recreation center, it indicates that absolutely no smoking in the recreational facility playground or pool area and that a designated area will be set up for this purpose. Do we want to have a designated area? We have not had one, and I am not sure we want one. Do we leave in that clause, or do we need to set up a designated smoking area?

Ms. Palmer stated I do not know what kind of problem that smoking is at this facility. The only thing about having a designated area is then at least people are not standing out front with their cigarettes and throwing them on the ground. We can direct them to an area that has an ashtray.

Mr. McGrath stated we do not currently have one.

Ms. Palmer asked is it a problem right now?

Mr. Smith stated I have not heard any comments about it being a problem.

Mr. McGrath stated then I do not think we need to go to the expense of adding an ashtray.

Ms. Palmer stated if it was a problem, then we could direct people to the sidewalk or some other place that is a public place or a designated area. If we need to designate an area, I would suggest the grilling area or on the side of the recreation center. Since it is not an issue, I would not worry about it.

Ms. Pieters stated smoking includes marijuana, not just cigarettes.

Ms. Palmer stated that is illegal and not permitted anyway.

Mr. McGrath stated page 88 of the agenda and page 4 of the rules refer to using the garbage cans. Do we want to try recycling at the recreation center? Or is it something we should just take care of the garbage like we always have?

Ms. Palmer stated if we have a recycling can, I think people will throw all of their trash in it, and then we will end up putting it in the recycling bin but it will not really be recyclable materials. I think we leave well enough alone.

Mr. Smith stated we would need to purchase the recycling trash cans, for about \$1,500, that have the different holes for different items.

Ms. Palmer stated we have combined recycling bins in the neighborhoods now, but if we have it here, people will throw their trash in with the recycling.

Mr. McGrath stated on that same page, there is a statement that any person found swimming when the pool is closed may be suspended from using the facility, and then a few lines later there is a statement that there is no trespassing in the pool after dusk. I do not know if that is redundant or if we should leave both statements.

Mr. Moyer stated I think we want to put them on notice that there is no trespassing.

Ms. Pieters asked what are the user fees shown on page 91 of the agenda, or page 7 of the rules?

Mr. Moyer stated the facilities are meant for the benefit of the property owners who pay the assessments, which fund the operations of these facilities. Since we are a government, this facility is technically open to anyone in the public, whether they live in Brighton Lakes or not. If they want to use the facilities, then they need to pay their fair share, just like you property owners pay your fair share, which means they need to pay \$850 annually.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being nothing to report, the next item followed.

B. Engineer

There being nothing to report, the next item followed.

C. Field Operations

i. Field Management Report

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

Mr. McGrath stated it looks like we repaired the broken basketball backboard a couple times, or perhaps it was the rim. Is that just wear and tear?

Mr. Smith stated yes, partly. The players broke the back of the backboard, and my staff welded it, so it should not be a problem anymore.

ii. Landscaping Report

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

Mr. McGrath stated the note that Mr. Hirschfelder received from the horticultural specialist provided good detail about some of the problems they had with the Chamber Bitter. Perhaps we could have this put on the website to let people know why there are some brown areas and what our landscapers are trying to do about it. I am very pleased they provided some detail about that so it gives us a better understanding. They are also suggesting that we reduce irrigation. Is that something Weber has done for us?

Mr. Smith stated we decreased the irrigation substantially, but this is our wet cycle. When it rains, it does not want to drain away so it holds water. There is construction sand on top and hard sand underneath, and the water just stays in that sand.

iii. Aquatic Weed Control Report

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

iv. Pool Report

Mr. Smith reviewed the pool report 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 3 hp motor with one that is more energy efficient, which is good. We received a violation from the Florida Department of Health from December 2011. Were there any fines associated with that?

Mr. Smith stated no, it was minor for something like a tile is missing or a light is out.

Mr. McGrath asked in regard to the lighting for the kiddie pool, is it possible that all those problems were because of this lightning strike that killed one of the palm trees?

Mr. Smith stated yes.

Ms. Palmer asked can we get someone to clean some of the pool chairs?

Mr. Smith stated I discuss that with Mr. Real on a regular basis, so he is working on it but he has some issues with it. He has had problems with the paint.

Mr. McGrath asked do we need to use an epoxy or a double coat of paint?

Mr. Smith stated I am finding that Behr primer and paint is working well. With the chlorine and the amount of foot traffic that we have, it is just wearing off.

Mr. McGrath asked will it last for a year or more?

Mr. Smith stated yes, we paint them every year once we get past the summer months.

Ms. Palmer stated we should also keep in mind the sale Disney sometimes has on their furniture.

Ms. Pieters asked can we also paint the lines in the parking lot? You can barely see the lines.

v. Fitness Room Report

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

vi. Security Report

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

vii. Action Item List

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

Ms. Pieters stated I noticed the swing set was removed from the playground on Chapala Drive, but the tire has a lot of wasps.

Mr. Smith stated we will address that.

viii. SFWMD Permit Transfer

Mr. Smith stated I received a request from SFWMD (South Florida Water Management District) for a permit transfer, which will transfer the permit from construction to operation. It is primarily a housekeeping item for them. I requested the engineer to review the water and drainage system so he could approve the transfer. I received a letter from him indicating that it looks fine. I had a couple minor questions for him. This is an informational item that we are going to sign the transfer back to SFWMD.

Mr. McGrath stated we do not have any alternative.

Mr. Smith stated no, we need to transfer the permit.

Mr. Moyer stated we have been operating the system for quite some time, so it is more than just paperwork.

NINTH ORDER OF BUSINESS

Submitted Resident Questions and Audience Comments

Mr. Frawley stated I have some pictures of cloth material from Disney that is \$10. This is the time of year when Disney swaps them out. It is a flat material but it looks stretched out. Unless you are really desperate for furniture, I suggest you wait until they replace theirs.

Ms. Palmer asked since we meet every other month, if Mr. Frawley finds something that is in good condition, can we leave a standing order with staff to purchase some furniture to the extent we have money available?

Mr. Moyer stated yes.

<p>On MOTION by Ms. Palmer, seconded by Ms. Pieters, with all in favor, unanimous approval was given to authorize staff through Mr. Frawley to purchase furniture and equipment from Disney for the recreation center and pool area, limited by funds available for this purchase.</p>

Mr. Frawley stated there are plastic garbage cans on Brighton Lakes Boulevard and we might be able to get metal ones, also.

Mr. Smith stated if you see something that you think might work, give me a call. I can repair metal cans.

Mr. McGrath stated we decided to purchase tables because of liability issues.

Mr. Smith stated that is correct.

Ms. Palmer stated we should not purchase very many because they keep disappearing.

Mr. Frawley stated Mr. Smith mentioned grinding sidewalks. Is that something you also do in front of someone's home? There is only one that I know of that just happened recently.

Mr. Smith stated we need to determine who owns those sidewalks, which we can do by looking at the plat.

Ms. Palmer stated we need to know if that is a CDD liability if someone trips and falls on those sidewalks. We had an issue years ago but that was more a construction

issue at the time as opposed to the property owner. Is that a District liability or a home owner liability?

Mr. Moyer stated we need to look at the plat and find out who owns those sidewalks.

Mr. McGrath stated my recollection is that where the grass begins on the home owners property belongs to the home owner, and the sidewalk and the strip of grass between the sidewalk and the road is not the home owner's property.

Ms. Palmer stated I am not sure about that. I think it is an easement that we have so we can maintain the trees.

Mr. Smith stated the District owns that property, but the only thing the District is responsible for is a malfunction on the sidewalk, not an aesthetic issue.

A Resident asked does that include the drains from the road and those corners where dirt has sunk way down?

Mr. Smith stated yes.

The Resident stated the HOA was told that is the home owner's responsibility. If it is not, there are a lot of places that are sinking.

Mr. Smith stated not if it is part of the drainage system.

Ms. Palmer asked are you talking about the grass between the sidewalk and the curb where the water drains on the grass and is sinking?

The Resident stated yes.

Mr. Smith asked is it sinking down into a drain?

The Resident stated no, it is away from the drain. Look at the corner where Holly Park is, as soon as you cross over the park on Sweetspire. As soon as you come to that corner, there is a deep ditch.

TENTH ORDER OF BUSINESS

Supervisor Requests and Comments

There being none, the next order of business followed.

ELEVENTH ORDER OF BUSINESS

Other Business

There being none, the next order of business followed.

TWELFTH ORDER OF BUSINESS

Adjournment

The next meeting will be Thursday, November 15, 2012, at 6:00 p.m.

On MOTION by Ms. Palmer, seconded by Mr. McGrath,
with all in favor, the meeting adjourned at 7:15 p.m.

Gary L. Moyer, Secretary

John McGrath, Acting Vice Chairman