

# 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, November 17, 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
Mark Vincutonis	Engineer: Hanson Walter & Associates
Alan 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**

Mr. Gerry Frawley stated at this time last year, we were without a contract for the aquatic weed contractor, and the weeds were way out of control. We discussed this in meetings and in the field. The problem was brought back easily under control as soon as we entered into a contract and they started working on the ponds. A year later and we are still having problems.

Mr. Smith asked are you still seeing a problem with hydrilla?

Mr. Frawley stated yes.

Mr. McGrath stated there are all kinds of growth in the ponds.

Mr. Smith stated they were out here spraying today and I have seen the algae and some hydrilla, which is the strain of hydrilla that is really hard to kill. He has told me that he is working on the hydrilla and getting it under control. It comes and goes.

Mr. Frawley stated they killed the growth on the top of the pond, but at the first two ponds, about 15 feet into the pond, there is a stretch of weeds that are on the surface that has been that way all along. Standing on the edge of the pond, it is a solid carpet as far as you can see.

Mr. McGrath stated it may not be as noticeable from the road.

Mr. Smith stated I have discussed this with Mr. Frawley over the past year, and you said that at one point, it was getting better.

Mr. Frawley stated at one point, it was matted on the top. It has not been matted down. However, there are still stretches that come to the top. When you look at the water, it is solid.

Mr. Smith stated the contractor has come to me and asked that grass carp be installed, which helps with this that strain of hydrilla. I will get a proposal for grass carp, but in the meantime, I will meet with him. It was my impression that it was getting better. If that is not the case, I will meet with him and see about getting it under control. It is a difficult strain to kill, and it is coming in from Toho Water Authority.

Mr. McGrath stated this time of year usually has less sunlight, so hopefully it will get better on its own. For the amount of money we are paying, it is still a lot of weeds.

Mr. Smith stated overall, with all the ponds I manage in this area, these ponds are in pretty good shape. Between September and November, everyone fertilizes, which aggravates the condition of the ponds, which is why we are seeing the algae. Then during the summer, the ponds look like soup, but they are intended to be retention ponds, not pristine beautiful spring-fed lakes. I will meet with the contractor to be sure he is on top of the hydrilla. Our last conversation indicated that it was under control.

Mr. Frawley stated it is better than it was. It used to be matted on top, and it still is in some places, but it is unusual now. Before it was matted all the way on the surface all the way to the shore, and now that he is spraying about 15 feet out and that area appears clear.

Mr. Smith stated I would like to know the areas you are concerned about so that I can address them with the contractor.

Ms. Incandela asked is the reason we did not proceed with an annual contract because of the price?

Mr. Smith stated we do have an annual contract. The previous contractor sold the company to another company, who was doing a lousy job. We were trying to look at saving money as well. I had just received a really good bid in Celebration from this contractor, and he also provided a good proposal for Brighton Lakes, which is why the Board accepted his proposal and why he is our current contractor. He does a fair job, but overall he cares and he will do the best he can. We probably do need to install grass carp because this hydrilla is very hard to kill. We also have duckweed that is hard to kill. The grass carp will eat these weeds and they really like hydrilla up to a point and then they stop eating. We have done that previously and it helped with the hydrilla. What is nice about these lakes is that hydrilla is really the only plant we have to deal with. Grass carp do not eat algae, just hydrilla, which is why they do well in these kinds of ponds.

Mr. Ted Duncan stated I would like to comment on the gate procedures. I am a new resident in Brighton Lakes, and I go to work very early in the morning. It is my understanding that the gates are operational from 6:00 p.m. to 6:00 a.m. during the time I have lived here, I have left at 4:50 a.m. and no one is at the gate. There is no vehicle, no lights on or anything to suggest someone is at the gate. Even when I come home late at night, that gate never goes down. It does not stop a vehicle. On the two courts in the front of the community, the gates go down and you need either a pass card or a code to go through those gates.

Ms. Palmer stated or you can just press the button and the guard will let you in.

Mr. Duncan stated I understand about CDDs. I have read about them, but I do not really agree with the fact that you maintain the roads and they are public, but that is beyond the point. We should stop each vehicle at the front gate. The gate should go down between all vehicles. I have watched at times where seven or eight cars just blow through that gate. It is my understanding that we pay \$75,000 a year for that service. For someone just to stand there and watch cars go through the gate, we can probably do that for less money. I have emailed Mr. Moyer and members of the Board on this issue. I want Brighton Lakes to be a very good subdivision. I just moved here from Dallas. I thought this was a very nice subdivision. I love the looks of it, but the operation of that gate has exasperated my patience. I offer my comments to the Board.

Mr. Moyer stated welcome to the community. Very shortly, Mr. McCartan who is sitting next to you will give a report on that issue. He is the senior security contractor for the gates. He can address those complaints during his report.

Ms. Tracy Lanier stated I am not a resident of Brighton Lakes, but my property borders yours on the southwest corner. It was one of the last areas to be developed. When it was developed, a very large retention pond was put in with an overflow valve. I can attest that it works because every time it rains, it floods my property. This has been happening for six years when that area was finishing up. I met with Mr. Moyer, and he has talked with people at the County. We have talked with different people over the years about this issue. Initially we were told it was because of Hurricane Charley, and then we were told we just need to see, that one thing could be dug deeper and another built higher. The result is that our property has lost value that is not due to the market. I have three acres that we have lived on for 30 years. At one point, it could have been developed back. I have horses and other animals on my property. I understand that Mr. Moyer will have a presentation for the Board, but I just wanted to come to your meeting to meet all of you. I just do not think it is right for someone to build a pond that floods someone else's property just because they had a permit but now are not accountable for it. We are trying to be very reasonable, and my attorney is sitting on the side. He is not actively involved at this point. We do not want it to go there because that just makes things cost more. We would just like a reasonable resolution that does not make us feel like we are being ignored or forgotten. My husband is the kind of person who believes that everyone is going to step up and do the right thing.

Ms. Incandela stated over the six years you have complained about this issue, I have never had this issue brought before me until recently. I think it is somewhat more complicated. There is a lot of information that I would need to find out. Your attorney has been in contact in with our attorney, so I do not know if we can accomplish anything tonight to resolve this issue. Six years after you are telling me that the problem started, I need to see a lot more information to draw any conclusions. I do not want you to think that there is anything we can do to resolve this issue tonight.

Ms. Lanier stated I understand. My husband recently retired from KUA due to his health, and he knows everyone who has worked there. It literally began with a berm breaking down and washing out my house pad as we started to build it. You rebuilt my house pad, and a lot of people have worked on this issue who have not been on this

Board, trying different things. We know nothing is going to happen overnight but we would like to get to the point where we can get something resolved.

Mr. Mihalic stated Ms. Lanier referred to someone rebuilding her house pad. Was that someone from the CDD?

Ms. Palmer stated it was the developer. Up until recently, most of her dealings have been with the original developer, not with the CDD or the management company.

Ms. Lanier stated that is correct. There was the original developer who was working on the property. Once it got developed, at the same time that we were having conversations with the County, we pointed out that they approved this pond. We got caught up in the chain of command to the point that we would have a meeting and when we went back, we would have to talk with new people. We met with the County Attorney one day, and the next day, she was fired. So then we had to go back and meet with the County Manager, who was also later fired. We tried different avenues to try to figure out who can help us.

Mr. Mihalic asked is anyone from Engineered Homes around anymore?

Ms. Palmer stated it would be Centerline from that time period.

Mr. Moyer stated no, not that we have talked with in two or three years. Mr. Steve Hiss was the last one we worked with.

A Resident asked is it possible to add an open garbage can in this area so people do not have to walk a distance to throw away their trash? If the basketball court has an open can, people will throw their trash like a basketball, hoping it makes it into the trash can. From what I understand, it is not food that people are throwing away so we do not have to worry about birds or animals. They are bringing water bottles and cans mostly. An open can will make it easy for people to just drop in their trash, rather than a can that has a top with an opening, because they will shoot it toward the can and invariably they will miss. I want to make it easier for the people who already pick up the trash.

Ms. Palmer stated we could perhaps have a big open garbage can that the attendant puts out when he gets here and takes in at the end of his day. It can be available during the hours that he is here.

Mr. Smith stated yes, I can look into doing that.

Mr. Hewlis Dillon stated we have been residents since 2006. Since Engineered Homes constructed these homes, there have been a lot of defects in workmanship. The

roof is poorly constructed. When the wind blows, the shingles blow right off. There are also defects in the interior and the exterior of the home.

Ms. Palmer stated at our CDD meeting, we deal with all the public areas. Mr. Nestor Olmo is the President of the HOA, and the HOA is addressing the issues you are raising. He can provide information to you in order to assist you with your concerns so you can try to resolve those issues.

Mr. McGrath stated a resident asked me to mention her opinion that the landscaping, especially from the basketball court going south, is starting to look a little bare. I asked for some pictures or specifics, and I did not receive anything. Perhaps when Mr. Smith and the landscape contractor go around the community, you can look at that area.

Mr. Smith stated there are empty areas in the beds all the way from the front to the back. A lot of plants are getting old and leggy, so where we have these types of plants, we are removing them. We started a plant replacement program that was included in the budget. We started filling in some of the beds up front, including at the front wall. We will be painting and cleaning the wall before we install Christmas decorations, and then we will continue the plant replacement program all the way to the back.

A Resident asked have you heard anything about the American flag?

Mr. McGrath stated yes, and it is not as simple to install as we thought it should be. I received an email on this project. Purchasing the flag and equipment is the easy part, and the hard part is to get the County to decide who, how, when, under what circumstances, and what costs.

Ms. Palmer stated the County considers the flag to be a sign, and we are allowed only a certain amount of signage per area. The area of that flag constitutes street signage, so now we run into variables about how much signage we have, do we have enough room for it, and so forth. It would seem the County is not very patriotic.

Mr. McGrath stated we are forging ahead.

Ms. Palmer stated there has been a lot of work done on this project, more than should be necessary.

Ms. Incandela stated I appreciate that Severn Trent tried to save us quite a considerable sum of money with the permitting process. It did not work out in the end, but not because of a lack of effort on their part. I appreciate them trying to do that because it took a lot of time and energy, even though it did not work out.

Mr. McGrath stated I agree.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the September 15,  
2011, Regular Meeting**

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

On MOTION by Mr. McGrath, seconded by Mr. Mihalic, with all in favor, unanimous approval was given to the minutes of the September 15, 2011, regular meeting.

**FIFTH ORDER OF BUSINESS**

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

Ms. Incandela stated for the benefit of the audience and new residents, at every CDD meeting, we have a representative from the landscape contractor and the security company. They are here to discuss issues and concerns that we have, and they are here to talk with the Board and residents. It is an opportunity for people to interact with them, and it also keeps us in good communication. They have been extremely responsive to any concerns that we have. Security in Brighton Lakes has been a decade-long issue for us. We have been working very closely with Keep Safe Security, and we just renewed their contract because we have been happy with the services that have been provided and their responsiveness. None of our systems are perfect, and there will always be issues. Our contractors attend our meetings to work out these things as quickly as possible. If you have any concerns between meetings, you do not have to wait until the next meeting. You can contact the District office with your concerns in the meantime, and you are more than welcome to attend our meetings and voice your concerns.

**A. Security**

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

Mr. McCartan stated to answer Mr. Duncan's comments, the guards have been instructed in the various processes of bar codes, swipe cards, and decals. I have reiterated these to them that they need to follow them regardless if it is a resident or not. I speak to them regularly about these processes. To be fair, no one has contacted me directly or through the District office regarding this issue so there has been no activity on my part to further address this issue.

Ms. Palmer stated I do notice that the gate does not come down between cars. I do believe that Mr. McCartan tells his staff on a consistent basis what the procedures are. I think it would be beneficial if there was one representative from the Board and Mr. Smith to attend one of your staff meetings or met with your staff to discuss this issue. We can then be clear on what we need to see happen. The gate needs to come down in between

each and every vehicle. Some people might get upset, and if they are, then hand them the letter with the District's phone number and address on it explaining the procedure. Perhaps it will be more effective coming from the Board. That way, they will know it is not just Mr. McCartan's point of view, and they will know that we are also in agreement. They will also know that each of the Board members know they are not following the procedures.

Mr. McCartan stated I understand. There are provisions in the contract that stipulate the legal position with the District as to why we are doing what we do. If there is no objection, I will provide a synopsis of that to my staff in a brochure or leaflet. It will include phone numbers of whom to contact, and if anyone wants to challenge the procedure, we can hand this to the drivers and the guards do not have to get into a discussion with anyone. They can simply hand them this brochure and say it is the legal position of the District and what we are required to do at the guardhouse.

Mr. McGrath stated include a name and phone number for them to contact if they are not happy.

Mr. McCartan stated first, they can contact me and then they can contact the District office or a Board member.

Ms. Palmer stated I am not saying that you have to do that. I want you to know that if you want one of us to meet with your staff, we are willing to do that.

Mr. McCartan stated these are not difficult procedures for them to follow.

Mr. McGrath asked have you received any feedback from the guards?

Mr. McCartan stated they have never given me cause to be concerned that they are getting a lot of aggravation. Even though it has not been an issue, I am still happy to prepare a brochure to hand to residents if they question the procedures.

Mr. McGrath asked does your staff clock in and out?

Mr. McCartan stated yes. Regarding the hours Mr. Duncan drove by the guardhouse, if there is not a vehicle there, that does not necessarily mean there is not a guard there because some of the staff members get rides from other people. I drove by the other day to check if the computer changed for Daylight Savings Time and to make sure the time clock adjusted for it. All the time cards were there.

Ms. Palmer asked if they need to leave early, are they calling someone to report it? Does someone from the District office know they left early so that we know the reason they had to leave early?

Mr. McCartan stated there has occasionally been an issue with some of them not getting there on time, specifically one guard. That issue is being addressed. When that happens, I email the District office to let them know when the guard clocked in.

Mr. Mihalic asked is that Gary or the other one?

Ms. Palmer asked is it Collin?

Mr. McCartan stated I think everyone seems to like Gary. He is Collin to you.

Mr. Mihalic asked is that where the problem was?

Mr. McCartan stated yes.

Mr. McGrath asked is there any way that your management can inspect the guards staying for their full shift? No one wants to be up at 4:00 a.m.

Ms. Palmer stated you could call them occasionally.

Mr. McGrath stated we need to do something. We are spending the money for this service.

Mr. Duncan stated I have done a lot of research on this and read minutes back as far as 2007, and that gate has been an issue. Here it is 2011 and almost 2012.

Ms. Palmer stated to be honest, that gate has been an issue since the day Brighton Homes was here. When the community was first built, the developer told us we were going to have high-speed internet and cable included with our fees, that we would be in a private gated community, and that we would have a school. There is no school, we have no high-speed internet, and this is not a privately gated community. When we built the gate, the County filed a lawsuit against the District saying that we cannot even have a gate. Mr. Crumbaker led us through a rulemaking process and finally got the County to agree that we could have the gate as long as we would never deny anyone access to come in and that we would never ask any questions when they came through the gate. If the guard had to go to the restroom during his shift, the gate had to be open during that time. Mr. Duncan raised the question of the gates at the front. Many people would probably like to have those gates, but when those gates were first installed, the people who lived behind those gates were highly offended and upset because they did not have a security guard. So we had a huge issue with those residents, and people wanted a decrease in their assessments because they said they did not have a security guard. Those sections were added on, and that is how it was planned from the beginning. The fact that we cannot ask questions of anyone coming in is because the CDD built its infrastructure with tax-exempt bonds. The engineer's report states what is to be built with those bonds.

Mr. Duncan stated I understand that. I am just saying that since 2007, in 70% of the minutes that I read posted on your website, the gates have always been an issue.

Ms. Palmer stated one of the main reasons it is an issue is because I think every single person who lives in this community actually wants that gate to stop people and they want to limit who can access the community. When we cannot have 100% of what we want, then anything that falls short of that becomes an issue. New residents are always moving in and out who do not understand what a CDD does or how the gate operates, or perhaps they remember what they were promised in a gated community. So this issue raises its ugly head at almost every single meeting. I would love nothing more than to say we can lock down these gates and limit access.

Mr. Duncan stated I understand the CDD cannot deny access. If we want the gate to go down between each vehicle, then the gate should go down.

Mr. McGrath stated that is correct. We have to put an end to improper procedures. It simply has to be done the way we want it done.

Ms. Palmer stated I want to address the question Mr. Duncan raised about using the two lanes. You may have read in the minutes why we do not use it when the guard is on duty. When we had access through two lanes, non-residents would also go in the resident-only lane. Then traffic would stack up as the car would try to back up to go in the correct lane, which he could not do, so the guard had to simply open the gate. As soon as you do that once for a non-resident, then they all want to use that lane. We wanted to try this procedure of using one lane so that everyone's vehicle is caught by the camera and everyone has face-to-face interaction with the guard. Part of the problem why I hear the guards cannot lower the gate between every car is because cars love to tailgate each other and they fly through the gate. I do not know if the County will allow it, but can we put a speed bump just before the gate? Then they have to slow down to go over the speed bump. If they are slowing down to go over the speed bump, the first car can go through the gate and then the gate arm can be lowered. You cannot go fast around that corner and over a speed bump. The rest of Brighton Lakes Boulevard is a straight-away, but this is not. I think a speed bump might help alleviate speeding through that lane at the guardhouse.

Mr. Mihalic stated they do not slow down for the speed hump on Brighton Lakes Boulevard.

Ms. Palmer stated the gate scenario is a little different. You are already pulling up to a gate, so you have to slow down as you approach the gate. A speed hump will give the guard a couple extra seconds to lower the arm.

Mr. Smith stated we discussed that when we installed the speed hump on Brighton Lakes Boulevard, that the next place we need to put them is at the guardhouse. We can probably put in two so that it will help stage the cars. They will slow down to go over the first one, speed up until the next one, and then slow down a little to go over the hump.

Mr. Mihalic stated speed humps will not help much. We need to put in a regular speed bump if we are going to do that.

Mr. Smith stated we will get complaints on a speed bump.

Mr. Mihalic stated since we installed the last speed hump a year ago, we have had a lot fewer complaints than what we have had in the past. If you put in a speed hump, that is just like going up and down a hill.

Ms. Palmer stated it will still slow them down. In downtown Kissimmee, they have speed humps and people do not speed over them.

Mr. Mihalic stated we are talking about parked cars. If they have to move ahead, that speed hump is a neutral thing because they are going slower than the speed limit anyway.

Mr. Smith stated you can use them to stage traffic. If you put them at the right intervals, it stages the cars. It would help but it will not totally alleviate the problem.

Ms. Palmer stated I would not think they would cost as much because they are not going across the entire roadway, just one lane.

Mr. Smith stated we can install one and see how it works.

Ms. Palmer asked what did the speed hump cost?

Mr. Smith stated \$8,000.

Ms. Palmer stated I cannot imagine a speed hump at the guardhouse would cost any more than \$2,000. It is not even half the length of the other speed hump. It is the width of a car versus four or five car widths.

Mr. Smith stated I can get a proposal.

Mr. McGrath stated I do not like a speed hump. I drive in and out of the community and there is no way around that speed hump. If we are doing that primarily so that a car that is tailgating will not get hit by the gate arm closing, there is a cheaper solution for that. The sign is already up letting people know that the gate arm comes down, so that is the solution. If someone is too close, they will get hit.

Mr. Mihalic stated I agree. Where I work, they have fast gates. If you are in the way, you are probably going to get hit.

Mr. McGrath stated we have already told them the gate closes, and if they decide they can still proceed without letting the gate down, we will see how they feel if they get hit by the gate.

Mr. McCartan stated I agree wholeheartedly with you. The guards do not want to damage anyone's car since then we will be liable for the damage. The guards will always err on the side of caution. We also want to keep costs down for the CDD and not have a damaged gate.

Ms. Palmer stated if I was a guard and there are two cars coming in, my reaction would be to hit the button and keep the gate up.

Mr. McCartan stated if you watch people in the community, they may be driving 50 or 60 mph on Brighton Lakes Boulevard, and some of them are driving on the paver areas at 40 mph.

Mr. McGrath stated if a speed hump or speed bump will resolve the problem of having the gate come down after every vehicle, I do not want to spend the money but it would solve the problem.

Mr. Smith stated it will slow down the traffic. We need to get the traffic slowed down coming in. It will not totally alleviate it but it will help the problem. If we make the guard lower the arm after every car and a couple cars get damaged, if it happens at 2:00 a.m., he is there by himself. If he is going to damage someone's car, we need to have someone else in the guardhouse with him.

Mr. Mihalic stated we could put the gate on an automatic closer.

Mr. Smith stated the guard would still have to deal with it at that point. He will not know what the driver has been doing or how many people are in the car with him. If we are going to enforce these kinds of things, then we need backup. I do not have a problem with them doing it. It is similar to issues at the recreation center. If we want our attendant to enforce something, it is probably not a good idea. I think the speed hump will help the problem. If we find that it does help and we need to install another one to start staging the cars, then we can put a fast arm on one of them. That way you can stage cars even better. I think at least having one speed hump will slow them down coming into the bay.

Mr. McCartan stated we discussed the issue of how many questions do you ask people coming in and where they are going. Some people will offer that information. The

problem is that some residents do not want to put in the decal or they do not want to lower their window at the guardhouse. The guards are in a position to try to identify whether they should be here or not, which then becomes an issue because the roads are public.

Ms. Palmer stated I feel very strongly about this and I think we should install the speed bump and see how it works as to whether or not we will add more. If we wait until January, that will be after the holiday season. People are out drinking this time of year, and we should get the deterrent installed before then. Mr. Duncan is correct; we have talked about this issue for years and we will never completely resolve it. I am usually an optimist, but not on this issue. If we can put in one speed bump to help deter the situation and then gauge where we need to go from there, I think it is advisable and money well spent.

Mr. Mihalic stated I agree, but I do not think we need a long speed hump like we have on Brighton Lakes Boulevard. We need something shorter and more of a bump than a hump.

Mr. Smith stated we will get complaints having a speed bump.

Mr. Mihalic stated we are getting complaints without it, with our current situation. We need to do something to slow people down. A slow hump is nothing more than a hill in the road and it will not slow them down.

Ms. Palmer asked what if we installed two narrow ones?

Mr. Smith stated maybe we could do two speed strips. I will talk with the engineer. A speed bump is a severe jolt to your car.

Ms. Palmer stated then we can authorize Mr. Smith to speak with the engineer and get his advice on what method is the best, and whatever the two of them determine is the best, should be implemented, up to \$2,000.

Mr. Mihalic stated it needs to be designed for slow speed. People driving through there should be going slow anyway.

Ms. Palmer stated but they are not.

Mr. Mihalic stated if there are a lot of cars in the lane, they are still going very slow.

Mr. Smith stated I will talk with the engineer. Did you want to make a decision at the next meeting on what we discuss?

Ms. Palmer stated no, I will make a motion that it be implemented as soon as possible.

Ms. Palmer made a MOTION to authorize staff to consult with the engineer regarding a speed bump or other appropriate device to slow down traffic going through the guardhouse gate, with installation of the appropriate device not to exceed \$2,000.

Mr. Mihalic seconded the motion.

Mr. McGrath stated I would like to hear of other communities that have a similar problem and what their solutions were.

Mr. Smith stated they use a speed hump or the rumble sticks.

Mr. McGrath asked would one or the other last longer?

Mr. Smith stated they will last a long time.

Ms. Incandela stated I am not opposed to a speed bump, but we are spending more money to try to ensure that the gate comes down between vehicles. I still fail to see the point of making the gate come down all the way for every driver, especially when many times there is a security guard right in front of you who can make eye contact with you, and he uses his discretion to allow you to go through, and then he will raise it for that car and then lower it for the next vehicle.

Mr. Mihalic stated a lot of vehicles have dark tinted windows and you cannot see in the window.

Ms. Palmer stated not only that, but we need to treat everyone exactly the same, resident or non-resident. We have residents in this community who have been doing illegal and shady things. Robberies happen all around us and things happen on a daily basis. Sometimes it is a bad, nasty world we live in, but we can make everyone stop so the camera catches their license plate. We also need to check the cameras to be sure they are working properly. If we do that, then I think we are serving the best interests of the community as a whole, and that is what our job is.

Mr. Mihalic stated I agree.

Ms. Incandela stated I am not opposed to the speed bump, but I would be opposed to the rumble strips.

Ms. Palmer stated I do not like those, either. I would leave it up to the engineer on what works the best because he knows better than we do.

Ms. Incandela stated I still think these guards are taking a lot of heat and using their discretion. I think we should allow some discretion, and I also see that we are constantly

spending money to try to resolve this issue when it is a square peg that we are trying to fit in a round hole. I understand what we are trying to do, but we keep spending money, we are never going to have the system that we want, and I think the way we should continue to deal with this problem is to continue to work with the security company to try to get the best possible solution. I see us wasting more and more money without getting any closer to resolution on some of these issues.

Mr. Mihalic stated if three cars are approaching the gate with 2010 stickers on them, the guard lets all three cars go through the gate. If the fourth one does not have the sticker, he is going to follow the other three cars that were let through. That is because the guard is not stopping every car. If they stop every car, then everyone knows they need to stop. Once you start letting them through, they will always want to be let through.

Ms. Palmer stated in the long run, I think if most residents see everyone having to stop, it will work. I agree that we have to work with the security company, but if we can assist them, then I think we are doing a service to the community.

Ms. Incandela stated I am not opposed to the motion, but even if we do this, I can pretty much predict that we will be discussing this again and wanting to spend more money on this issue.

Ms. Palmer stated hopefully it will be much better with a speed bump.

Mr. Mihalic stated over the past couple years, every step we have taken has improved it a little more.

Ms. Palmer stated I agree.

Mr. Mihalic stated this seems to be the next step in the progression.

Upon VOICE VOTE, approval was given to the above motion in reference to a speed calming device, not to exceed \$2,000.
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Ms. Pieters stated we still have not determined if the guard's shift ends at 6:00 a.m. or 5:00 a.m.

Mr. McCartan stated the shift starts at 6:00 p.m. and ends at 5:00 a.m.

Ms. Pieters stated the emails we received said 6:00 p.m. to 6:00 a.m.

Mr. McGrath stated we would appreciate Mr. Duncan providing feedback since you travel in and out during different hours. What you are seeing is what we need to hear.

Mr. Duncan stated yesterday I sent an email that it was not manned at 6:30 p.m. This morning when I left at 4:30 a.m., there was no one there.

Mr. Mihalic stated however, driving out, it is hard to see if someone is there.

Mr. Duncan stated there were no lights on.

Mr. Mihalic stated they do not necessarily need to have lights on inside at night.

Mr. McCartan stated I will go down with Mr. Duncan and take a look.

Mr. Frawley stated it seems to me that Mr. McCartan has a difficult time trying to supervise his staff. He has already said that he tells them what to do but they do not do it. You have the ability electronically to see your staff in the guardhouse. There is a membership fee that you have to pay in order to do it. Ms. Fuentes did it for a while and we used it for 30 days. When it expired, we did not pay the fee again. But from my house, I could see the cameras. The concern might be that someone would want to sit and watch people at the pool, but it is not clear like a smart phone would be. So the technology is there for you to check in on the guards without needing to physically be here. People tend to change their behavior when you are standing over them anyway. The cameras have that ability now.

Mr. McCartan stated I will get that information from Mr. Smith and Ms. Fuentes. We have also addressed some of the issues with the computer use and access.

### **B. Landscaping**

Mr. Hirschfelder 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.

Mr. Hirschfelder stated Mr. Keith Carrarini was your project manager, and he left unannounced about a month or so ago, so I will be taking over this account again. We have an irrigation installation project coming up on the southwest side of the bridge. It was my hope that it would be complete before the end of the month, but we ran into permitting problems. The contractor that dug the underground boring needs to get that remarked so that there is no liability on his side. That work will begin the first week after Thanksgiving. It will be marked next week and then we will start on that project. In September, our horticulture crew put 21-0-0, which is a high-nitrogen fertilizer, on some of the weaker areas of turf along Brighton Lakes Boulevard. We will be fertilizing the property on Monday with a granular application, 24-2-11, which has nitrogen and potassium, which will help the structure of the roots over the winter. We are trying to

help the foundation over the winter. We are not trying to grow the grass, just build up the structure so that it has a good foothold in the spring. The shrub fertilization will also be completed at the same time. We are using 10-2-14 granular application for the shrubs. We submitted some proposals that the Board approved for landscape enhancements, generally everything from the clubhouse east to the entrance. That work was completed earlier this month. The irrigation installation will take place probably the last week of this month. Mulching will begin the first or second week of December. Regarding the drainage ditch Mr. Smith mentioned earlier, it is sloped and it is a little slippery so I cannot get my tractor in there without fear of it getting stuck. Once that water recedes, I will be able to mow it down and then we will get it sprayed to keep it clear. Mr. Smith mentioned the oleanders that are looking leggy. During the course of the winter, we will be knocking down the oleanders considerably to about three or four feet. After we perform that hard prune, they will flush back up in the spring with all the new growth, and they will look really good. The turf is starting to change because of the fluctuations a couple weeks ago in temperature. We had some cooler weather, and the turf started to go dormant. It is warming up again, so the turf is struggling as to what it wants to do. You can see some of the winter weeds starting to die off. We will be fertilizing that and then we want to give it a week or so to be absorbed. You do not want to follow a fertilization immediately with a weed control because it is a growth regulator, and we do not want it to slow down the production that we are trying to achieve with the fertilizer. We will wait a couple weeks and then come in and apply weed control. The oak trees will be lifted, pursuant to our contract, during the dormant season. We will also start removing plant material that does not look up to par.

Ms. Incandela stated someone mentioned to me that they are seeing a lot of fire ants. I thought we were past them being a problem.

Mr. Hirschfelder stated there are some that are still active, and I received a call regarding fire ants from the District office. We do treat them. A resident also emailed me and said people are riding their bicycles over the fire ant mounds.

Mr. Mihalic stated I sent that email, and I also sent pictures of the tire tracks right through the mounds.

Mr. Hirschfelder stated the problem is that we do treat them, but our crews still have to mow. They cannot mow around the ant mound.

Mr. Mihalic asked are they treating them when they mow over them? When are they being treated?

Mr. Hirschfelder stated they are treating them as they see them, and they will sprinkle the ant killer on the mounds.

Mr. Mihalic asked are they treating them when they are mowing?

Mr. Hirschfelder stated no, not while they are actively mowing. The foreman will go around on the machine and look for the ant hills. I came out two weeks ago, and I put down 44 pounds of ant killer. I walked the entire place and then came back and looked. At some of the mounds that I treated, there was a new mound right next to it.

Mr. Mihalic stated I walk my dog, and we take long walks. In the residential areas, there are a couple but not very many ant hills. It seems all the ant hills are on CDD properties. What are the home owners doing that is not being done on CDD property?

Mr. Hirschfelder stated I do not know if they are putting down any sort of specific insecticide. When you talk about blanket control insecticide for ants, it is a costly solution. I estimate it would cost \$30,000 or \$40,000 for applications of Top Choice.

Mr. Mihalic stated some of them are really huge, more like ant mountains rather than ant hills.

Mr. Hirschfelder stated I apologize for what my predecessor had done on the project. I physically went out on my own and treated all the hills on Brighton Lakes Boulevard. If the hills are in a plant bed, they are easier to treat than in areas where we mow. The foreman who oversees this project is one of my better foremen. He is very diligent and responsible. Hopefully you will see a turn around with this. It does get to the point where we treat the turf but eventually we have to mow. I do not really have a solution. We treat it and three or four days later, there is a new mound right next to it. The insecticide we were using was not really working, so I bought a pretty decent fire ant killer.

Mr. McGrath stated we are going into the dormant season, which means we will have service every two weeks. Does that mean the litter patrol will only be here every other week?

Mr. Hirschfelder stated no, I will be here personally every week for a couple hours to pick up trash. There are usually two or three bags.

Mr. McGrath stated I received a report from a resident who said mowing begins shortly after 7:00 a.m. and they thought that was a little early.

Mr. Hirschfelder stated they should not be mowing that early. They should be spending the first hour treating ants and spraying for weeds and things of that nature.

Mr. McGrath asked are we still on schedule for plantings on the berm by Lowe's?

Mr. Smith stated the planting has been complete.

## **SIXTH 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 financial statements for September 30 show that we are adding about \$115,000 to fund balance. The October 31 financials show that we have not received any revenue from the non-ad valorem assessments.

Mr. McGrath stated there is an entry for due-from other governmental utilities on master page 35 in the amount of \$9,601. Is this the tax collector?

Mr. Moyer stated I believe so.

Mr. McGrath stated our reserves are \$249,756 and \$250,847, still on master page 35. Is that because of this new change from GASB?

Mr. Moyer stated yes.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, 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 at the last meeting, Mr. Moyer mentioned that Mr. Stephen Bloom did a great job in getting us a lot better interest on some of our money. Would it be appropriate for us to send a letter to him and his boss thanking him for those activities?

Mr. Moyer stated I would be glad to send that letter.

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

**D. 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.

**E. Consideration of Engagement Letter from Carr, Riggs & Ingram to Perform the Audit for Fiscal Year 2011**

Mr. Moyer reviewed the engagement letter from Carr, Riggs & Ingram to perform the audit for fiscal year 2011 in the amount of \$4,750.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, unanimous approval was given to the engagement letter from Carr, Riggs and Ingram to perform the audit for fiscal year 2011, in the amount of \$4,750.
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**F. Discussion of ADA Assessment Report**

Mr. Billy Bingham reviewed the ADA Assessment Report as contained in the agenda package, which is available for public review at the District office during normal business hours.

Mr. Moyer stated for the benefit of the audience, in 2010, the United States Congress changed the ADA rules dealing with accessibility for disabled people. Usually those are interpreted that if you make alterations, then you have to bring your facilities up to the current ADA code; however, in the 2010 legislation, there were certain things where that was not going to be the case. Especially as it relates to governments, we have to bring things up to the new ADA regulations. The biggest thing affecting this District is the swimming pool, where we will need some form of a lift to get handicapped people in and out of the pool. There are some other minor things that need to also be addressed. We hired a company who is an expert in interpreting ADA regulations. They reviewed our facilities, and this report tells us what we need to do by March 2012, to be in compliance.

Mr. Bingham stated our report covers the items that are not safe harbor provisions, which include the swimming pools and the playground equipment. Those areas were previously not under this new change for these design codes. There are three categories of items we review: (1) maintenance, which includes items that we feel you can just repair; (2) 1991 design standards, which are things that do not conform to the previous standards, either by being built wrong or were approved incorrectly; and (3) non-safe

harbored, which are elements that contain new specifications under the 2010 Standards. Things that are included under maintenance include raising the mulch to the proper height. Starting with the clubhouse, the kitchen sink and counter currently measure 36 inches, and 34 inches is the maximum height for a person in a wheelchair because these elements do not have roll-up accessibility. There are two ways to deal with this: lower the sink, or take out the drawer to provide room so a wheelchair can roll up underneath the sink. The exercise room has several pieces of equipment that do not have accessibility around them for a wheelchair. There is a company we work with that does space-planning diagrams or you can figure out how to do that in-house.

Mr. McGrath stated we can even reduce our equipment by one machine, which will provide more space.

Ms. Palmer asked if all the treadmills are in a row, does there need to be space between each treadmill or just along the outside?

Mr. Bingham stated you have three treadmills, so just one of them needs to be accessible on one side, not all the way around the treadmill. Moving to the pool area, you need to have two forms of access into a pool unless the pool is less than 300 linear feet. Your pool is 284 linear feet, so you need one access. Some of our CDD clients were more interested in a ramp, but we discourage that option. We specialize in lifts, and there is a wide variety of lifts: portable, fixed, battery operated, water-pressure operated. It is up to the Board what you feel would be best for the community.

Ms. Incandela asked are you saying that a ramp is an option as opposed to a lift?

Mr. Bingham stated yes. I strongly recommend a lift. I think the ramp is a big problem cutting into a pool. It is the least intrusive, however.

Mr. McGrath stated one of the things I really like about a ramp is that once it is in, there are no moving parts, and kids will not get injured on it. I do not know what your experience is on repairing lifts, but this pool is not manned during all the hours the pool is open.

Mr. Bingham stated you are not required to have someone here at all hours to operate the lift.

Mr. McGrath stated I understand, but I am thinking of the machinery being damaged or played with.

Mr. Bingham stated there is a portable lift you can put in near a corner that is chained to the fence. You can give certain residents a key who would be in need of that equipment.

Ms. Palmer asked is that acceptable? Or does it have to be accessible to everyone all the time?

Mr. Bingham stated I would think if you have someone here on staff who can unlock it, that should be fine.

Ms. Palmer stated but we do not have someone here the entire time the pool is open. He is only here certain hours during the day.

Mr. Bingham stated I can research that.

Mr. Mihalic asked does this lift have to be available during all hours that the pool is open? Or can you limit the hours?

Mr. Bingham stated it has to be available whenever the pool is open.

Mr. McGrath stated a reasonable accommodation would be for someone who is in need of it to contact the District office, and with that information, you can address that person's request to use it.

Mr. Bingham stated you have access cards for the recreation center that could be used to unlock the lift.

Ms. Palmer stated then we would know who accessed it.

Mr. McGrath asked can it be programmed so that only certain cards would work?

Ms. Palmer stated I would think it needs to be accessible to anyone in case you have a visitor. But at least it will prevent a non-resident from jumping the fence and using it.

Mr. Mihalic asked can it be used on a reservation basis where someone calls ahead and wants to use it at a certain time?

Ms. Palmer stated no. If we can get a card reader on the lock, then if something happens to the lift, then we go back and see who used it. Everyone who uses it will have to acknowledge that fact. Then we can go back to the users, and whether it was the resident or one of their guests, we can point out to them that they are responsible for it.

Ms. Incandela stated we are talking about a portable or removable ramp that needs to be placed by the pool.

Ms. Palmer stated we are talking about a lift.

Mr. Bingham stated the portable ones roll up, you lock the wheels and flip a switch.

Ms. Incandela asked what is the difference in cost between a portable ramp and an electronic lift?

Mr. Bingham stated I do not know about using a portable ramp.

Ms. Palmer stated it would have to be a built-in ramp.

Mr. Bingham stated your shallowest point is three feet, and a ramp will take 30 or 40 feet, which will be obtrusive to install a ramp. It will take up a big portion of your pool.

Ms. Palmer stated someone could also get hurt if they swim into it.

Ms. Incandela stated we do not need an operator for the lift; we just have to have it available.

Mr. Bingham stated that is correct.

Ms. Palmer stated a portable lift would not need to be in the pool all the time. It can be locked up, accessed by a swipe card.

Mr. Mihalic stated if we are going to do that, then I think we need to consider installing a camera.

Ms. Palmer stated that is fine. I do not have a problem with that at all.

Ms. Incandela asked what is the difference between the cost of the portable lift and the cost of a fixed lift?

Mr. Bingham stated about \$2,000 to \$3,000.

Ms. Incandela stated that is not much of a difference, as opposed to worrying about moving it in and out, whether it is locked or unlocked, or if anyone breaks it.

Mr. Bingham stated there is also installation. There are pavers around the pool, which is not a big deal to remove a few pavers like it would be if it was concrete.

Ms. Palmer stated my only concern in having a permanent lift, if it is not locked, anyone walking around at midnight or the overnight hours can come in and start swinging on that portable lift. We will not know who has been here and caused any damage.

Mr. Bingham stated they do have covers.

Mr. Smith asked can the fixed lift be locked down to be opened only with a swipe card, and then a control box opened in order to operate it?

Mr. Bingham stated not that I am aware of, but they do have covers that can be locked.

Mr. Smith asked if the whole thing is covered, how is a person in a wheelchair going to take the cover off?

Mr. Bingham stated their caregiver would have to do it.

Ms. Incandela stated it can be covered and locked at night when the lift is not being used by anyone.

Ms. Palmer stated then we need to have someone take it off first thing in the morning.

Mr. Bingham stated once the lift is in place, they have to be able to operate it.

Mr. Mihalic asked can we put a timer on it so that it is only available during the time that the pool is open?

Mr. Smith stated you cannot restrict its use.

Mr. Mihalic stated when the pool is closed, then it should be turned off.

Ms. Palmer stated the only problem with locking it and putting a cover over it is who will be here in the morning to uncover and unlock it.

Mr. Mihalic stated that is why I suggested a timer, so it can only be used during the hours the pool is open.

Mr. Smith stated I think the fixed lift would give us less damage if we can safe it off in such a way that you need a swipe card in order to operate it, even to get the power to come on.

Mr. Bingham stated there is a water-powered lift that works off a garden hose, but you would need to figure out how to get the hose underneath the pool deck. One of the CDDs we are working with, we are pricing the cost to put it underneath the pavers so that all you do is turn the water on and off.

Mr. Smith stated my staff can do that work, but it is the operation of the actual equipment so that it is not easily damaged or can be used by kids who let themselves in and out of the pool.

Mr. Bingham stated if someone figures out where the water switch is, you might need to control that access.

Mr. McGrath asked in your experience with other CDDs in the same situation, what have you seen that is working?

Mr. Bingham stated I have seen a little bit of everything.

Mr. McGrath stated I would like to see some prices for a ramp and the portable lift.

Ms. Palmer stated I do not think the ramp is an option.

Mr. Mihalic stated it will take up too much space in the pool.

Ms. Palmer stated we will take up half of the pool width to install a ramp.

Mr. McGrath stated that is just at the edge. It can curve.

Mr. Bingham stated that is a big project and might cost as much as \$40,000.

Mr. Smith stated if we start at the corner and build a ramp along that side all the way down to the shallow end with an aluminum railing attached at the edge and the bottom, since the pool is so large, they could easily go down that ramp.

Mr. Mihalic stated I imagine it has to be a certain degree of decline.

Mr. Bingham stated a typical ramp is 1:12; for every 12 feet, it drops one foot. If you are going down three feet for a ramp, it will be 36 feet long, and then you need a landing at the bottom, which has to be as wide as the ramp, or five feet. So that is over 40 feet of ramp.

Ms. Palmer stated I would like to see a cost estimate for each of these options, and I will do some research on my own.

Ms. Incandela stated the deadline to have this compliant is March 2012. How long will it take to order and install a lift? Our next meeting is January, which does not leave very much time.

Ms. Palmer asked if we need to meet in December, can we meet before Christmas?

Mr. Moyer stated yes, if we need to meet.

Mr. Bingham stated I think if you make the decision what to do at your January meeting, there will be enough time before March. I also think—although it is not official—that they are going to push back the deadline. Not enough people know about it. I cannot say it might not happen, but I do not think anyone will be here the next day to check if the pool is in compliance.

Mr. McGrath stated we are clearly showing our intent to follow the law.

Mr. Mihalic stated no one will be swimming in March anyway because the water will be too cold.

Mr. Smith stated we will provide pricing for both options and include approval from RGA on what we are able to do.

Ms. Incandela stated my understanding is that even though there is no issue with respect to inspections, an individual can probably still make a complaint under the ADA compliance if something is not compliant by that particular date.

Mr. Bingham stated yes, a person could file a complaint.

Ms. Palmer asked what is your feeling on the deadline extension; 50-50?

Mr. Bingham stated 60-40.

Ms. Palmer stated he thinks we will have time if we make this decision in January. This is a huge decision and I want to have as much knowledge about it as I can before I

make that decision. I would like to see some in operation to see how it works or how it is not working.

Ms. Incandela asked how much did RGA estimate for the lift?

Mr. Bingham stated \$8,000, including installation. I think they are both very comparable for fixed versus portable, maybe \$500 difference.

Ms. Incandela stated for the benefit of the audience, the ADA requirements are clear that there are things that we have to comply with pursuant to the new law. They made a change, which is what we need to comply with. You will find that hotels and other businesses that accommodate the public are making these changes to their pools. It is not something we have an option of doing. We are just trying to figure out the most cost-effective way to comply so that we are not in violation and so we do not impose any liability for the Board and our residents during inspections. We want to do this in a timely fashion, and we are talking large dollar amounts.

Mr. Mihalic asked what is Ms. Palmer doing for her hotel pools?

Ms. Palmer stated we are not doing anything yet. Hotels are not governmental. We may do something eventually, but unless we do any major work to the pools, we are not doing anything.

Ms. Incandela asked would any modifications trigger compliance for hotels?

Ms. Palmer stated yes.

Mr. Bingham stated the bathrooms are fine, so that concludes everything at the recreation building. The playground had a few things, mainly the wood chip mulch needing maintenance to provide an acceptable groundcover. When it rains, places get soggy, so that requires attention. The spring-loaded swing should be listed under the safe harbor items. It is right in front of a walkway, so a person in a wheelchair may not be able to get around and we recommend it be relocated. We included a chart that shows how many ground components you need to have compared to the number of elevated components. We counted five to seven elevated components, so you will need two ground components in that playground. It can be a rock, a swing or the tic-tac-toe games.

Mr. McGrath asked what if we remove one of the elevated components?

Ms. Palmer stated even with two to four elevated components, we still need one ground component.

Mr. Bingham stated if you count every platform you have here, there are over seven, so I recommend at least two ground components. It also says that 50% of your elevated

play components need to be accessible. You can accomplish that in the form of an attachment add-on that is called a transfer platform. It is a certain size, they roll up onto it and transfer to that equipment and climb up, versus having to walk up any stairs. I think having a wood add-on would not be a problem at all. For the sporting areas, there is some sidewalk damage coming from the pavers along the basketball court. The code states a one-quarter inch drop is too much. There is only one drinking fountain at 36 inches, and you also need one at 34 inches for a person in a wheelchair. You can either add another drinking fountain or lower the one you have. Photo 10 shows a strip of grass between the sidewalk and the basketball court, which is not the right width of access. You will need to extend the pavers or have some sort of groundcover that is not grass so they can get from the sidewalk onto the court.

Mr. Moyer asked does it have to be 30 inches wide?

Mr. Bingham stated it has to be 36 inches wide.

Ms. Incandela asked on the items that Mr. Smith is able to handle, are you clear with respect to the guidelines?

Mr. Smith stated yes, I reviewed these items earlier and we can complete all of them. We can even do quite a bit of work with the installation of the lift. We will provide them with a solid surface to install it on as well as electrical power.

## **SEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

##### **i. Foreclosure Notice**

Mr. Crumbaker stated the District has been served again on a foreclosure by an uninformed counsel with respect to the role of the District's assessments. An attorney representing SunTrust Mortgage, Inc. as the plaintiff filed a foreclosure suit against one of the home owners and unfortunately named the District as a defendant in the action. The matter was actually served some time ago. The attorney who filed the complaint is an attorney who works at the same firm as the last suit. We placed a phone call to see if they were willing to drop the District from the suit. Last year we had a similar instance entered against the District. They refused to drop us from the case, so we ended up filing a motion to remove the default. Immediately after filing, that default was removed. We are hoping we can have a conversation with the attorney since they are in the same office and that they will drop us from the suit.

**ii. Registered Agent**

Mr. Crumbaker stated currently Severn Trent is the registered agent for the District. Given what happened with this most recent foreclosure suit, I would suggest to the Board that Hopping Green & Sams be appointed the registered office and me as the registered agent. That will ensure there is no lapse in the future when a summons is served.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, unanimous approval was given to appoint Hopping Green & Sams as the registered office and Mr. Crumbaker as the registered agent for the District.

Ms. Incandela asked on the earlier foreclosure action, were we able to recoup our legal costs when they did not drop it right away?

Mr. Crumbaker stated unfortunately, no. Fortunately, we did not need to spend a lot of time on it. We were not able to recoup it on this recent one due to the fact that we failed to respond to the complaint during the period in which it should have been filed, which was frankly as a result of the paperwork not getting to the right person. It probably would have been easily resolved if we had been able to respond within the 30-day period that required an answer, so we were in breach. With this recent one, I hope we can resolve it with a couple phone calls. If we cannot and it rises to the level where they become very aggressive, the law is very clear with respect to the District being a lien of first priority. If that happens, then I think we will write them a letter saying they will pay for our attorney fees if they fail to drop us from the suit.

**B. Engineer**

Mr. Moyer stated I asked Mr. Vincutonis to attend tonight's meeting since Mr. Mihalic had some drainage questions that he has raised before.

Mr. Vincutonis stated Chapala Drive is a little over two feet above the controlled pond. We have reviewed the stages of the pond and the required minimums that they need to be. I think what is happening is these continuous rain events slowly build up the pond levels, which starts flooding into the roadway. I met with Mr. Smith and looked at some options, including cleaning out the pipe to make sure the overflow structure to the wetland is clean and free of vegetation, and putting in a swale along that line between the pond and the playground area.

Mr. Mihalic stated I thought you checked that a year or so ago to make sure the overflow was open.

Mr. Smith stated that is correct. What seems to be happening when we get a lot of rain over a period of time is the wetlands are staging up. When we get a heavy rain, the wetland is staged up so when it pops off into the wetland, it is not pushing out fast enough.

Mr. Mihalic asked why are other areas in the community not flooding? Why is it only that one area?

Mr. Smith stated that is a low area. All the other drains are higher. When we have a lot of rain and you look at all the other drains, a lot of them are right up to the top. That dip on the corner of Chapala is low.

Mr. Vincutonis stated we can put in a swale to try to provide relief for the road. We can look at modifying that control structure to let as much flow out as possible. There is a limit on how much we can let out pursuant to the permits. We can look at upsizing the pipe.

Mr. Mihalic asked is the height of the pond too high? It seems if the pond were a little lower, we would not have that problem.

Mr. Vincutonis stated that might be an option. We would probably need to hire some geotechnical engineers to show that the control is higher than it should be.

Mr. Mihalic stated the problem is, people drive too fast on that street as it is, and when the street floods, they continue to drive too fast, so they slide up and down that corner. It is on a curve and they cannot stop fast enough, so they go sliding. It is a dangerous situation. There will be a kid out there one day. A couple years ago, we had fish in the street.

Mr. Vincutonis stated I will work with Mr. Moyer and Mr. Smith to try to find a solution for you.

Mr. Smith stated where that pop-off drain is behind the fence, we can keep that clear around it, but where it flows to is heavily grown in. I have a price from our landscape contractor and from our aquatic weed contractor to mow that area down. I am thinking the water might be staging up in that area and not getting out to the wetland. I want to mow it down and spray it to see if the water will flow faster. Then we will wait for a big rain event, and if it backs up again, then we will look at upsizing the pipe or figure out how to lower the lake.

Mr. McGrath stated this will help for sure, maybe not 100%, but it will be an improvement.

Mr. Smith stated we can also cut a swale from Chapala back, so if the pond does stage up, at least it will not stage up to a place where it is getting near the lots. It will just bleed off. You may get 5-inch or 6-inch flooding in the street, but it will not last long.

Mr. Mihalic stated the big issue is the cars speeding through that water. They just do not slow down.

Mr. Frawley stated a lot of the cars that are speeding on Chapala do not live on Chapala.

Mr. Mihalic stated that is correct.

Mr. Frawley stated they are driving around a speed hump by going on that road.

Mr. Mihalic stated that is why we discussed also putting one on Chapala when we installed the one on Brighton Lakes Boulevard. We are probably to the point where we need it because it is a racetrack.

Mr. Frawley stated a resident said that flooding also happened on Huron Circle as you turn right at the base of the bridge, about five houses down for the length of about three houses, same kind of flooding.

Mr. Smith stated I understood Stargrass had a small problem.

Mr. Frawley stated that could be true; I did not drive on Stargrass. I also did not remember flooding on Huron in 2004.

Ms. Palmer stated I do not recall that either. I remember Brighton Lakes Boulevard being completely underwater.

### **C. Field Operations**

#### **i. Field Maintenance Report**

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

#### **ii. Landscaping Report**

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

#### **iii. Aquatic Weed Control Report**

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

#### **iv. One-Way Signs**

Mr. Smith stated we used to have two one-way signs up front, and now they are blank. I received some prices to put on one side, as you enter the community on Chapala

and Brighton Lakes Boulevard “Club Habitat” and “Drive Safely” on the reverse. The proposal I received is \$277.22.

Ms. Incandela asked are those signs easily removable?

Mr. Smith stated yes, but they have Stop signs on them, so we cannot move them.

Ms. Incandela stated we always need signs for something. Rather than having “Drive Safely,” we could wait for when we need a sign somewhere else.

Mr. Smith stated they are all part of the stop sign.

Ms. Palmer stated I think we need to put up something because it looks really bad without a sign.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, unanimous approval was given to authorize staff to install two-sided sign at Chapala Drive and Brighton Lakes Boulevard as discussed (“Club Habitat” westbound and “Drive Safely” eastbound), in the amount of \$277.22.

**v. Flag Pole**

Mr. Smith stated the final cost that we received without County permitting is \$2,486. I talked with the County and also met with them. They gave me fees ranging from \$30 to \$300 for what needs to be done. I told the flag company to keep moving ahead. I would like authorization from the Board to continue working on this project since it is still within the general figures we discussed.

Mr. Mihalic asked how tall is the pole?

Mr. Smith stated 25 feet.

*There being no objection from the Board, staff was given the approval to proceed.*

Mr. Smith asked where does the Board want to put it? Do you want it on the left side where the Brighton Lakes sign is or on the right side where it is empty?

Ms. Palmer stated I recommend you consult with Mr. McGrath and put it where he feels best.

Mr. Mihalic asked if we put it on one of the upper levels on the entrance sign, will it be as sturdy as on a lower level?

Mr. Smith stated yes. We can put it pretty much anywhere.

Mr. McGrath asked with a 25-foot pole, will we still get the rise we are looking for?

Mr. Smith stated yes.

Mr. McGrath stated then I think that is where it should go.

Mr. Mihalic asked will it be lit?

Ms. Palmer stated it is required to be lit.

Ms. Incandela asked are we going to have some sort of dedication ceremony? Are we dedicating it to our veterans? Will there be some sort of plaque?

Mr. Mihalic stated it can be on a Saturday morning.

Mr. Smith stated once the flag is installed, the Board can proceed with whatever ceremony you wish.

**vii. Miscellaneous**

Mr. McGrath stated the report says you repaired the hole on Maracaibo Drive by the fire hydrant. What was the cause of that? Did we see a leak?

Mr. Smith stated someone dug it up and then dug a trench. They are trying to bleed the water off. I do not know if Toho Water Authority came out here because it was leaking, but it looked like water was flowing there. Or water could have been coming out of that storm drain. Since we filled it back in, we have not had any problems.

Mr. McGrath stated the report also says you completed making trash cans for the park. Was that something you made?

Mr. Smith stated yes, for \$75 I built a trash can that will last 75 years versus those plastic containers.

Mr. McGrath stated the report indicates you assisted residents with reservations. A month ago someone reserved the area and had a big bounce house out there. I sent an email and was told there was liability insurance they submitted with the application. Is there any reason we should not allow things like that?

Mr. Smith stated we allow things like that as long as we get their insurance information and that they put it in the proper locations. The people who are using it and the people who installed it are responsible for it.

Mr. McGrath asked is that acceptable to the attorney?

Mr. Crumbaker stated I did not hear exactly what this is in reference to.

Mr. Smith stated a resident who reserved the facility for a party had a jump house. With their application, we also collect their insurance information from the vendor, and we provide a location where they have to put it, which is in a safe area. It has to be monitored by the user during the time they are here. We have allowed them in the past. As long as we have our information and everyone is operating properly, we have not had any problems with it.

Mr. Crumbaker stated that is consistent with what we have done in other communities. Insurance is the only thing we need to review to be sure the insurance levels are adequate. I think you are fine proceeding as you described.

Mr. McGrath asked will we have holiday decorations this year?

Mr. Smith stated yes. We will need to spend a little money. We are looking at LED lighting, which is expensive, because we have been reusing the same lighting for several years. We will put up icicle lighting as last year since everyone seemed to like it. I estimate approximately \$500 for additional lighting. LED lights will last longer.

Mr. McGrath stated they are also less costly to operate.

Mr. Smith stated that is correct.

Mr. Mihalic stated I do not object to that as long as you get the bright ones.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, unanimous approval was given to spend up to \$500 on additional holiday LED lighting.
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Mr. McGrath asked what about holiday bonuses for our employees?

Ms. Palmer stated I thought we included that in the budget.

**EIGHTH ORDER OF BUSINESS**

**Audience Comments**

There being none, the next order of business followed.

**NINTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

Ms. Palmer stated I am asking for a request that I hope will solve a problem. The basketball court is great. My eight-year-old daughter has decided that she wants to play tennis, and I have seen kids using it, which is great. It is actually being used for what it was intended, and I have seen four or five different families up here at different times. Kids are climbing the fence and dropping between the two fences to come over to this court if no one is on this court. I think there might be a liability issue, but what would be good if we put a sheet of plywood on the back of this one tennis court on either side so that you can play tennis by yourself, and then they cannot climb the fence. It will eliminate a lot of people climbing the fence. That would also give people a place to practice tennis and for teaching little kids. Kids are climbing the chain link and if we put something on it so they cannot climb it, that will prevent someone from falling and getting hurt. I am not asking for anything right now but perhaps it is something we can look into. It is a big issue.

Ms. Pieters stated the piece of property that is owned by Engineered Homes is beginning to look like a forest. It is where the school was going to be. It is not being maintained. What can we do about that?

Mr. Moyer stated we can call County Code enforcement.

Mr. McGrath stated we received an email regarding cars being left unlocked and robbed. We had one on Sweetspire. The deputy sent an email to encourage everyone to lock your car if it is not in the garage. I mentioned something some years ago, but we do not have a very good way of communicating to people who are not coming to meetings. If we got a little electronic message board that can be programmed, for example when the CDD or HOA meetings are or the holiday party, if we put it by the stop sign, we would catch everyone coming off the bridge.

Ms. Palmer stated then we eliminate all the people at the front of the community.

Mr. McGrath stated that is correct.

Mr. Mihalic stated I raised that issue several years ago and it was voted down.

Mr. McGrath stated at the stop sign, it is a safer way for people to read the sign since they are stopped anyway.

Mr. Mihalic stated put it at the guardhouse so they have to slow down to read a moving sign.

Ms. Palmer stated I do not know that a moving sign is the answer, but perhaps there can be a board there or something.

Ms. Incandela stated my concern putting it at the stop sign is that I do not want to detract from the stop sign. Cars should not be distracted.

Mr. McGrath stated we discussed putting it in the ceiling area of the guardhouse and discussed the same reason of people looking at signs will run into someone or something. It is an idea. I am open to solutions because we have to find a way to communicate to the residents.

Ms. Palmer stated we could put a message board at the guardhouse might work, but sometimes they can be hard to read.

Mr. Moyer asked is the concern needing a one-time notification of warning people that there is theft in the neighborhood or is it a constant need?

Mr. McGrath stated to me, it would be a vehicle that if and when we had it, we would find more things we could use it for. How many times have we discussed an issue and wished we could get input from the residents?

Ms. Incandela stated if you have an electronic board, people are passing through and they are not going to stop to read a paragraph. Those are geared toward short messages, like CDD Meeting Thursday 6:00 p.m., HOA Meeting, and Remember to Lock Your Cars. But that will not replace the communication we want to actually be able to inform residents of issues.

Mr. McGrath stated I agree 100%. If we have it, they need to be short messages, only one sentence.

Ms. Palmer stated there is nothing we put in the message boxes other than our meetings. Someone with nice handwriting can write on poster board that we are having a holiday party or to lock your cars or something of that nature. Poster board is inexpensive and can be put up very easily, plus we do not care if it is lost or damaged. For \$.49, we have two sides, and calculate that into the price of purchasing an electronic reader board. Then everyone will see it. People already know to look in that location for certain things.

Mr. McGrath stated that might be a better solution.

Mr. Olmo stated the HOA is using Facebook and our website. We also have Twitter. That means people need to be logged into our website.

Ms. Palmer stated one of the messages can be "like us on Facebook" and put your Facebook address out there. A lot of people do not know you have a Facebook account.

Mr. Mihalic stated we wish everyone a great holiday season.

A Resident asked what are you going to do for the gate to the recreation center when people get in without a swipe card?

Mr. Moyer stated call the sheriff.

Ms. Palmer stated if they are in here and they are not supposed to be, that is the best thing to do, call the sheriff. There is no way to block all the entrances. The fence near the tennis court is 12 or 14 feet high, and kids are climbing over it. If you see it, do not approach them but call the sheriff.

Mr. McGrath stated you do not have to get involved yourself or even leave your name. The nice thing is the sheriff will come and if they are not supposed to be here, they will be removed, which is what we all want.

The Resident asked what do I say to the sheriff? What if I do not know who the people are?

Ms. Palmer stated all you have to say is there is a person who climbed over the fence and is wearing a red baseball cap and they are now on the tennis courts. The sheriff will

come out and ask people if they belong here. When these non-residents know that the neighborhood as a whole is watching and reporting things, they will be less likely to do it in the future because they know someone is watching. If we continue to let it happen and no one calls or says anything, then they continue to do it. One guy the other day argued with me that this was a men's club. I was not willing to walk away because this is my community. I do not suggest anyone confronts anyone like I did, but call the sheriff. Then they know someone is watching. You call the non-emergency sheriff's number and you can remain anonymous.

Mr. McGrath stated we appreciate you bringing that up.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next order of business followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

The next meeting will be Thursday, January 19, 2012, at 6:00 p.m.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, the meeting adjourned at 8:00 p.m.
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Gary L. Moyer, Secretary

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Michelle Incandela, Chairman