

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 18, 2010, at 6:00 p.m. at the Brighton Lakes Clubhouse, 4250 Brighton Lakes Boulevard, Kissimmee, Florida.

Present were:

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

Also present were:

Gary Moyer	District Manager
Jennifer O'Brien	Attorney: Hopping Green & Sams
Brenda Burgess	Moyer Management Group
Gerry Frawley	District Staff
Cris Frier	Weber Environmental
Maegen Powers	Severn Trent Services
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

Administrative Matters

A. Oaths of Office for Newly Elected Supervisors

Mr. Moyer stated congratulations to our newly elected Supervisors. I am a Notary of the State of Florida, and as such, can administer oaths of office.

Mr. Moyer administered the oath of office to Ms. Incandela, Mr. Mihalic, and Ms. Pieters.

B. Consideration of Resolution 2011-01, Election of Officers

Mr. Moyer reviewed Resolution 2011-01 regarding the election of officers.

Mr. Moyer stated Florida Statutes provide that as soon as practicable after an election, the Board shall organize and elect a Chairman, Secretary and Treasurer. You may also

have a Vice Chairman and Assistant Secretaries and Assistant Treasurers. The Board can consider new officers or you may retain the current Board structure.

On MOTION by Mr. Mihalic, seconded by Mr. McGrath, with all in favor, approval was given to Resolution 2011-01 retaining the same structure of the Board.

FOURTH ORDER OF BUSINESS

Audience Comments

Ms. Donna Slack stated from the original drawings that I saw for the neighborhood showed islands, the pond between Sweetspire and the big pond in the middle. Have they thought about actually installing them since they were in the original drawings?

Mr. Moyer stated at this point, I would say no. They would have done that at the excavation of the pond and would have left those. It is not something where we would come back and fill in those islands. It was either an oversight when it was originally constructed, or they changed their plan and needed that area for compensating storage of stormwater. All the ponds are designed to take a certain amount of water off the property. I suspect they determined they needed to excavate all of the material out of that pond for that purpose.

Ms. Slack asked do you know how deep the pond is?

Mr. Moyer stated we can look at the plan, but generally they are about 8 to 12 feet deep.

Mr. Vincent Stevens stated I observed a problem with the weeds on Brighton Lakes Boulevard. Are they going to do anything about that?

Mr. Smith stated Weber is working in the front of the property and they have removed quite a bit of sod. Because it is so dry, even in the fields the sod is dry. We are waiting for better sod to grow in before we replace the sod in the front. We will start at the front in the areas where we had some bad chinch bugs this year. They will also start a fertilization program and they will begin a weed program. We gave them the opportunity between now and spring to heal that grass, get the weeds out, get it to come back as much as they can. If they are not able to do that and get the grass looking good again, then they will replace spots like they are doing in the front. We are very aware of it and we are monitoring it.

Ms. Palmer stated the fire ants are treated when they are out here.

Mr. Smith stated they are on property every two weeks. They will mow one week and then come back the following week to perform detail work. We will get the people who are doing the detail work to treat the ants. We remove trash on a weekly basis.

A Resident stated some homes have a light pole in front of them. Who pays for the electricity?

Mr. McGrath stated the District pays for all of the lighting in front of the homes and along the roadways. KUA charges us the same amount for the electricity, even if a light is burned out and is not using electricity. It is always a good idea if you see an outage to call KUA to repair it.

Ms. Palmer stated there is a pole number on front of it and they will want that number.

Mr. Frawley stated just for informational purposes, the District pays about \$4,000 each month, whether they are lit or not.

Mr. Nestor Olmo stated the HOA is conducting a workshop this Saturday to discuss our second annual Brighton Lakes holiday celebration for the children. It is tentatively set for Saturday, December 18, 2010, from 10:00 a.m. to 2:00 p.m. We are to have the Osceola County canine unit out here and kids can have their pictures taken and pet the dogs. We will have face painting and a number of activities designed for children. Volunteers are welcome to help and donations are accepted.

Ms. Incandela stated I remember discussing this but I do not remember the details. Was there a cost sharing with the CDD and the HOA last year?

Mr. Olmo stated no.

Ms. Incandela asked did we budget anything for this?

Mr. McGrath stated no.

A Resident stated I have problems with neighbors and their dogs. Do I call you with that?

Mr. Olmo stated that is an HOA issue, and we will be having our next meeting on Wednesday, November 24, 2010, at 6:30 p.m. Our meetings are the fourth Wednesday of each month, and we address those types of issues. All the contact information is available on the website.

FIFTH ORDER OF BUSINESS

Approval of Minutes of the September 16, 2010, Regular Meeting

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

On MOTION Mr. Mihalic, seconded by Ms. Pieters, with all in favor, approval was given to the minutes of the September 16, 2010, regular meeting.

SIXTH ORDER OF BUSINESS

Vendor/Contractor/Third-Party Items

Mr. Frier stated sod replacement will begin on Monday, along with pine straw and mulch. We will finish limbing up the trees on Monday and we will be treating St. Augustine for weeds throughout the week as well as the ants. Our general maintenance will also be performed.

Ms. Slack asked will you address the tree that was knocked over?

Mr. Smith stated we are waiting for the police report. Once we receive it, then we will clean it up and get a new tree of like size. Mr. Frier is the area manager for Weber and Mr. Kyle Gonzalez has moved out of that position. Mr. Frier will be bringing in another supervisor next week, and I will meet with him and Mr. Frawley to show him what is going on in the community. They have done a lot of work on the palm trees and with the sod in getting it ready for Christmas decorations. The two open issues we have with them are pruning the oak trees at the front and the turf. Everything else is on schedule.

Mr. McGrath stated I noticed the pump station up front has been repaired twice. Is it time to be replaced?

Mr. Smith stated Mr. Russ Simmons has been spending a lot of time in the community, and he will rebuild that pump. He is comfortable with that solution. They will continue to go down occasionally, particularly because we are drawing out of the lakes. That water is different and is much harder on the pumps than potable water. Weber is good about letting us know when there are problems, and Mr. Simmons is good about getting them fixed promptly. We do not experience much down time. We are also able to water more often since we are drawing from the ponds rather than using potable water. That will help us when we install new turf.

Ms. Palmer asked are restrictions now at once a week to irrigate?

Mr. Smith stated not for Osceola County, but they are pushing for that. The County has not informed us yet that we are limited to once per week.

A Resident asked whose responsibility is it for the trees in our yards?

Ms. Palmer stated the home owners.

Ms. Slack stated I received a letter today from the HOA along with the bill, and that was mentioned in the letter that home owners are responsible for the trees.

Mr. Smith stated Mr. McCartan is not at the meeting tonight and I will follow up with him. Everything seems to be operating well.

Mr. Mihalic stated my daughter came home last night and the guard had the gate open letting everyone through. She did not have a sticker or anything, and he waved her through. That is the first I have heard of anything.

Mr. Smith stated the gates are operational. We did have a couple small things but everything is working as it should.

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 in previous meetings, the community is to be congratulated since we collected 100% of our non-ad valorem assessments. Our expenses were in line with the budget and we were able to bring in the fiscal year 2010 budget with a balance of \$131,801. Keep in mind that \$75,000 of that balance is for reserves that we should not have spent and we planned to add that amount to fund balance. We had some other savings in other reserves as well.

Mr. Mihalic asked where does the savings in addition to \$75,000 go?

Mr. Moyer stated it goes to fund balance.

Mr. Mihalic asked can we move it to reserves so that it is not easily accessible?

Mr. Moyer stated yes. You can encumber it or you can leave it in fund balance, which gives the Board some discretion on how you use that money if something comes up that is not budgeted.

Ms. Palmer stated maybe we take 50% or 75% to move over and leave some in fund balance.

Mr. Mihalic stated we can still get to it if it is in reserves. It just makes us think a little more before we spend it.

Mr. Moyer stated some of it we will need to keep as working capital, so you cannot encumber all of it. We need two and a half months of working capital at the beginning of the fiscal year, or 20% of \$740,000.

Ms. Palmer asked when is the date you can pay to receive the highest discount?

Mr. Moyer stated in November. Some of you received a letter from the tax collector indicating that the date was extended to compensate for the couple weeks between the

time that you received the first tax bill and the time you received the second tax bill. Generally if you pay it in November, you receive the full 4% discount. Regarding that letter, there was an anomaly in the computer tape that we received from the County. When Severn Trent extends the non-ad valorem assessments, they do that by merging our assessments with the County tax roll and then we send it back. They do that based upon files all being in the same location as they were in last year. For about 200 of our residents, that was not the case this year. It is not a matter of me blaming the County. Actually Severn Trent should have double checked that work to be sure the assessments were correct. The thing that is important is that the corrected assessment amount is exactly the same as the assessments for last year. We did not increase assessments but it was a mix up in the way they were extended on the tax bill.

Ms. Burgess stated there is a brief note to that effect on the home page of the website.

Mr. Moyer stated I have 100% confidence that what I explained to you is correct but if anyone has any questions, please look at your tax bill from last year and compare it to this year. I asked Mr. McGrath to do that to make sure that is the case.

Mr. McGrath stated I did review that and it is correct. On page 7 of the financials for the balance sheet, reserves were budgeted at \$75,000. It looks like we have \$12,000 from 2009 and \$75,000 from 2010. I do not know why we did not have that before.

Mr. Moyer stated page 2 at the bottom shows Reserves as well as R&M Reserves and the combination of those two is the \$87,000.

B. Check Register

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

Mr. McGrath stated the Terminix invoice shows that we pay \$48 per month and they charged us an annual renewal fee of \$225. Do we get anything for that?

Mr. Smith stated it is the termite bond.

Mr. Frawley asked does that mean they come out and spray, or is it like an insurance policy? The reason I ask is my wife looked at our termite bond, and it says if we call them, they will come out and spray every year, but if you do not call, they will not spray.

Mr. Smith stated they spray monthly and the purpose of the termite bond is that it guarantees their work while they are here. This company is the best as far as spraying and maintenance. I have talked with our onsite staff, and bugs are not a bad problem at all,

and they monitor termites on an annual basis. We will confirm with them that they will spray for termites on an annual basis.

Mr. McGrath stated the monthly fee we pay is for controlling other bugs and this annual fee is specifically for termites. I had the same experience with my company and after I send them a check, I call to have them come and spray.

Mr. Smith stated it is like an insurance policy so it is in their best interest to monitor for termites. Since they are here on a monthly basis, I am sure he is looking for them. He wants to make sure we do not have a termite problem because they will have to pay for it if we do.

Mr. McGrath stated we need to be sure that the contract we signed has that option.

Mr. Smith stated there is no need to spray for termites if you do not have them. We will confirm that language in the agreement.

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

C. Discussion of Action Item List

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

D. Consideration of Engagement Letter with Carr, Riggs & Ingram to Perform the Audit for Fiscal Year 2010

Mr. Moyer reviewed the engagement letter with Carr, Riggs & Ingram to perform the audit for fiscal year 2010, in the amount of \$4,500.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, approval was given to the engagement letter with Carr, Riggs & Ingram to perform the audit for fiscal year 2010, in the amount of \$4,500.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney – Public Records Retention Memorandum and Consideration of Resolution 2011-02

Ms. O’Brian stated there are two options for records retention. One is to simply keep all the records going back and also forward. The second is to go through and get rid of all the records that are part of the published schedule. At this stage, the most obvious drawback to weeding out all the documents that are not required to be maintained anymore is simply the time and effort. I think it would take a great deal of time. I do not think there is any offset to that time spent with storage fees. That is the biggest benefit

where you do not have to delete anything. For the second option, if there is a public records request or if there is litigation and counsel received a public records request for documents, oftentimes that request will ask for very specific things. We may have something from 10 years ago that is arguably responsive but not at all relevant, and it could be taken out of context in a litigation. I do not know how likely that is to happen, but those are the two things you have to weigh against one another.

Mr. McGrath stated at the last meeting, we discussed Mr. Moyer's suggestion, which was to keep everything. Is there anything to preclude us from doing that?

Ms. O'Brian stated no, one of the Resolutions offers that option to adopt a public records retention policy but not to destroy any records at this time. There is nothing to preclude you from keeping all of your records.

Mr. Moyer stated in some of my other Districts, there are sometimes residents who get concerned when they understand that you are destroying public records. I do not think it is a good public relations message.

Ms. Palmer stated I agree.

Mr. Moyer stated I would prefer to keep all the records. We document what we do so well in the minutes that there is an explanation for everything we do and everything in the record. I am not sensitive to that at all.

Mr. McGrath stated then I think we should keep them.

Mr. Mihalic stated I agree.

On MOTION by Mr. McGrath, seconded by Mr. Mihalic, with all in favor, approval was given to Resolution 2011-02 related to public records retention and retaining all public records.
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B. Engineer -- Consulting Engineer's Report

Mr. Moyer stated we are required to have this consulting engineer's report prepared annually pursuant to the District's bond documents. There are a couple minor things that Mr. Smith has already taken care of or will take care of.

Mr. McGrath asked what is the cost to have this report prepared?

Mr. Moyer stated between \$1,000 to \$1,500. This review is required as part of the trust indenture. If you will recall, this is one of the reasons that CH2M Hill is no longer the District's engineer because they wanted \$10,000 to prepare that report.

Ms. Burgess stated they also sent you a bill for preparing the invoice.

Mr. Smith stated the Board asked me to find out about the pylons used to close lanes at the guardhouse. I talked with the engineer and we determined that most likely, during the process of permitting and getting approval for the guardhouse, lane closures would be expected in a facility like that. These are CDD roads so the County is not going to be pushing that issue here and we determined that we did not want to ask them. Mr. Mark Vincutonis will research that more to see if we want to ask permission to close a lane or if we can simply proceed. Since the County did not have any problems with the speed humps, Mr. Vincutonis does not think they will have a problem with us controlling traffic at the guardhouse.

Ms. Palmer stated the rules just say that we need to have accessibility. They do not say how many lanes, just that we have to allow entry.

Mr. Smith stated I spoke with the engineer about the roadways, and we will do a drive through with him to determine which roadways need to be repaired.

C. Field Operations

i. Monthly Highlight Report

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

Mr. Smith introduced Ms. Powers as the new administrative assistant for the field office. All information still goes through Ms. Maria Fuentes, but she will simply pass it onto Ms. Powers. Ms. Powers has been working on some of the accidents and insurance issues we have had.

Mr. McGrath stated it looks like action item #3 is complete.

Mr. Smith stated that is correct.

Mr. McGrath asked what about item #8 for the attendants' shirts?

Mr. Smith stated I believe Ms. Fuentes ordered more shirts for the attendants.

Ms. Powers stated they were the wrong size and they were embroidered incorrectly, so they need to be redone.

Mr. Smith stated we have the No Trespassing signs in our office and we will be installing those.

ii. Consideration of Aquatic Weed Control Proposals

Mr. Smith stated we sent this out for proposals for aquatic weed control. These were not included in your agenda package because we did not allow as much time for them to provide proposals as we could have, but I wanted to wait until the Celebration CDD Board discussed their aquatic weed control contract. That Board made a decision a couple

weeks ago, and then we requested proposal after that was complete. American Ecosystems was the low bidder in Celebration CDD, who accepted their bid. I asked four contractors to also provide a proposal for Brighton Lakes, and three did. American Ecosystems has the first and second year low price of \$19,000. The contract amount for our last fiscal year was \$18,000, but the reason we went out for proposals was because Applied Aquatic came back with \$31,000 for the year, although that included pond maintenance and wetland monitoring. This proposal is only for pond maintenance. We budgeted \$26,000 for pond maintenance and wetland monitoring. That still leaves us about \$6,000 for wetland monitoring.

Mr. Mihalic asked is American Ecosystems a reputable company?

Mr. Smith stated yes. You can review their reference information, and I am very comfortable with all three bidders. D'Angelo Brothers is part of a very large company that does stormwater and canal maintenance so this is a spin-off activity for them. I would feel very comfortable going with American Ecosystems for this dollar amount, since it is the amount I was looking for, and that still leaves money for wetland monitoring. I will talk with SFWMD to see what we are required to do. I have the permits in my office, and I have been reviewing them. Some of these companies do too much work and bill too much money in trying to satisfy these permits. We install plants and the only monitoring required is to note if the plants are growing and if the wetland is growing in properly or are there a lot of noxious materials growing. I will try to find a lower price, maybe \$4,000, to manage our permits, which will keep us under \$26,000. I want to start the pond maintenance now, and I am pleased with their price and references. So far in Celebration, they have been very responsive and I think they will do the same in Brighton Lakes.

Mr. Frawley stated I am concerned about new people coming in, and I would ask for a provision or have them somehow satisfy us. I am convinced that they moved the hydrilla that is now in most of our ponds from the person doing the spraying. He backs into the middle of the weeds, pulls his boat out and drops it in the next pond with all the weeds that he dragged out of the other ponds. We did not have these weeds until they slowly progressed around the community. Does this company have some way to control that? As a boat owner, I know that many boat launches require you to clean your boat before you take it away so that you cannot take these plants with you. Some places require you to power wash it before you put it back in the water. They do not do

anything. This company is a business and I think they are generating more money by spreading weeds around.

Mr. Smith stated I will talk with them, but I have been told before by objective people that you get that more from bird's feet than you do from boats over a period of time. We have a price of \$19,000, but if we ask them to power wash their boat every time they pull in and out, that price may change. Applied Aquatic did a pretty good job for us, and he said the price he provided in his proposal is the best he can do because he is losing money out here. I was very happy to see this new dollar amount and I will discuss cleaning the boats, but I still think that hydrilla is going to move.

Mr. Frawley stated I do not think you can clean the boat well enough to make a difference.

Mr. Smith stated I agree. Hydrilla is easy to kill and maintain. Now that I will have a contractor on site, the hydrilla you see now will go away pretty quickly. Once we put in grass carp, I think the hydrilla will be under control quickly. If I had bid these prices earlier without the benefit of the Celebration CDD bid, it would have cost us almost \$30,000 to do this work and we would have been significantly over budget. Seeing what I am getting, I believe I can come in under the \$26,000 budget and I can get the work done with a good contractor.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, approval was given to award a contract with American Ecosystems to perform aquatic weed control services, as discussed.
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Mr. McGrath stated I would much rather not receive this type of information at the meeting to review and vote on at the meeting. Perhaps today is the only day we could have received this particular information, but most information we should be able to receive it at least a week before the meeting. I understand you just finished the other bid, but I am requesting your report be available a week before the meeting in the future.

iii. Berm at Patrician Circle

Mr. Smith stated I have a proposal for plant replacement for red cedars at the Patrician berm in the amount of \$2,500 for ten 25-gallon southern red cedars.

Mr. McGrath asked is that tree as likely to survive in that location as we will be able to get?

Mr. Smith stated yes. We already installed ten and they are doing well, so I would like to install ten more. It is a good screen.

Ms. Palmer asked is this a good time of year to install them?

Mr. Smith stated with the weather patterns we have had this year, anytime of year is fine. The irrigation is working in that location and they are accustomed to heat. They are very hardy so they will do well.

Mr. McGrath asked will more be needed in time?

Mr. Smith stated yes, at some future date, but these will cover that hole for now. Once all the turf has been replaced, then I will start on bed enhancements, but I do not want to do anything more until the turf has been replaced and the pruning is complete at the front.

<p>On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, approval was given to the proposal to install ten additional cedar trees at the Patrician berm in the amount of \$2,500, as discussed.</p>
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iv. Christmas Lights

Mr. Smith stated we will be starting to install the Christmas lights tomorrow. We would like to spend between \$200 and \$500 to enhance what we have now. My electrician enjoys doing this and we are considering some different colored flood lighting on the wall, blue and green and red to look more festive. It is already included in the budget.

Mr. McGrath asked will these lights be able to be used again?

Mr. Smith stated yes.

v. Bonus for Employees

Mr. Smith stated we do not have a long-term employee since he started fairly recently at Brighton Lakes, although he has worked over a year for us in another District. We also have a part-time employee.

Mr. Mihalic stated after the fiasco we had over the past year, I would prefer we leave everything the way it is and not have a bonus this year.

Ms. Palmer asked how has he been doing?

Mr. Smith stated he has been doing a good job. It is cleaner than it has been in the past year. I see things getting done. We got to a place a few months ago when everything came to a halt and nothing was getting done.

Ms. Palmer stated perhaps we prorate a bonus, which may provide an incentive. He is working hard now and taking the initiative to do extra things and things look better than they did before. Perhaps we take what the full bonus would have been and explain that this is a partial bonus since they have been here such a short time. Even a partial bonus will say that we appreciate and we notice what he has been doing and we want him to keep doing it, the next year, there is an incentive to receive the full bonus.

Mr. Smith stated our new employee always shows up on time and we do not have any issues with attendance. He stays the full time he is supposed to be here, and we have not had any problems with him.

Mr. Moyer asked how much do you suggest?

Mr. Smith stated between \$50 and \$100, something minor. The highest bonus we have given is \$200.

Ms. Palmer stated \$50 is not too much for our budget to handle, but it says to him that we appreciate his work, we notice what he has been doing, and we wish him a Merry Christmas. It is the season for giving.

Ms. Incandela stated I do not think \$100 is too much for the Board to consider.

Ms. Palmer stated I do not think we have a zero bonus unless we have someone who is not doing much or just maintaining status quo. If we have someone we think will work out well, then we want to incentivize that person.

Mr. Mihalic stated I agree with \$50.

Ms. Pieters stated I think \$50 is too low.

Mr. McGrath stated I think we should compromise at \$75.

Mr. Moyer stated we will proceed.

Mr. McGrath asked do we have a new part-time employee?

Mr. Smith stated yes, she is fairly new. I do not know if she will be working here on a regular basis but she is filling in for now.

Mr. McGrath stated I became aware of our new staff member when I was here recently and there was a fight on the basketball court. I did not know we had a new employee so please let us know when something like that happens. Someone asked me who the new employee was and I responded that I did not know, so it was a little awkward. Looking at the other Board members shaking their heads, they did not know either.

Mr. Smith stated I thought Ms. Fuentes sent an email regarding this person. She will be full-time at VillaSol CDD and will fill in here. There will be a third person who will float between the two Districts. As soon as we find out who that individual is, I will ask Ms. Fuentes to email all of you with that information.

On MOTION by Ms. Palmer, seconded by Mr. Mihalic, with all in favor, approval was given to a \$75 Christmas bonus for the new District employee.
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vi. Basketball Incidents

Ms. Palmer stated this is the second big incident that has happened at the basketball courts in six months. Both of them have been fights. The first one was in the daytime and he was airlifted, and the second kid was hit with a baseball bat. I do not know what we can do about it or if we can keep a tighter reign on it or if the community patrol can provide extra patrols in that area. Maybe we can post some notices, but if it continues, someone will get killed. They are not always kids who live in this neighborhood, and I know that is hard to control but I think we have to address it.

Mr. Mihalic stated I agree with you. The next question is, do we close down the road because we also had another rollover accident on Brighton Lakes Boulevard. We need to do something to control things that are happening here since what we have been doing so far is not enough.

Ms. Incandela stated I think we are doing what we can to maintain and control our facilities, but there will always be acts that will be beyond the Board's control. We cannot be responsible for the conduct of the individuals who are engaging in this unlawful behavior. We are monitoring our security and our gates as best as we can. If they are going to fight with each other on the basketball courts—it does not matter where it is because if they are going to do that to each other, then they will—this is not something that I think we can control.

Ms. Palmer asked do we have any liability if someone is seriously injured on the basketball court because another individual strikes them? Does the District have liability?

Ms. O'Brian stated it is hard to say since it will depend on a case-by-case basis. The lawsuit would first look to the person who did the striking or the battery first. You could put up a fence that requires the same access that people need to get into the amenity center, if you wanted to spend some money on that. However, I do not think that is required to prevent you from any liability.

Ms. Palmer stated we had the fence before, and they would constantly slam their bodies into it, and we were repairing it all the time. But you will also have the same situation that we have at the pool where they let each other in.

Ms. O'Brian stated I would tend to think there would not be, but it is hard to say. It depends on the situation. It is difficult to keep kids out, short of knowing every single kid in the neighborhood and whether they are neighborhoods or guests. It is impossible to keep them out.

Mr. McGrath stated while it is true that we have had two serious incidents in the past six months, we have also had hundreds of days when nothing happened.

D. Community Report – Gerry Frawley

Mr. Frawley stated Mr. McGrath asked me if the pool attendants have CPR training. Is that something they have or do we want to do that?

Mr. Smith stated that may be something we will ask Ms. O'Brian if we want to do. If we are providing CPR training to our employees and paying for it through the CDD, do we now create a situation where they are more than just an attendant? Do they become lifesavers and lifeguards?

Ms. O'Brian stated no, there is no issue with them having that training, just in case. It is in addition to the job they are doing now. It is never a bad idea to have that extra training.

Mr. Mihalic asked what kind of liability do we have if they have that training and someone needs it but that person dies anyway?

Ms. O'Brian stated I am not an expert on tort law, but I can research this and provide an answer to the Board.

Mr. McGrath stated the person might also be faced with the situation where they have the training but they do not want to use it. You cannot force them to do it. It is something to look into.

Mr. Frawley stated we closed the kiddie pool for a short time and then reopened it, but I wanted to make sure everyone knew about it.

Mr. Smith stated the chlorinator was replaced.

Mr. Frawley stated the fountains have been an issue in the past and they are both operating now. We replaced some parts.

Mr. Mihalic asked do they run 24 hours a day?

Mr. Frawley stated no. Since these are in the lake, once in a while debris will float into the intake. One of the spotlights that shines on the sign, the first one as you exit the community has been on 24/7.

Mr. Smith stated that was included on our report. Mr. Jeb Stuart has been out to inspect and repair the light, and it is working now.

Mr. Frawley asked can we check the timers?

Mr. Smith stated they have been checked and all that has already been complete.

Mr. Frawley stated some of that is a light sensor issue, so it is not always due to a timer. Sundays I leave early in the morning and the gates at Volta have been down when I have been leaving after 5:00 a.m. Last week it was a little after 5:00 a.m. and the gates were up. Did we change the timers on those gates?

Mr. Smith stated no.

Mr. Frawley stated I want the security guard to check the camera before he leaves to be sure the gates are open.

Ms. Incandela asked is that on the checklist?

Mr. Frawley stated yes, but we have not left it in a position where he could do that after he left.

Mr. Smith stated everything is running properly.

Mr. Frawley stated I was hoping they can go up a few minutes prior to 5:00 a.m. so that he can check them before he leaves.

Mr. Smith stated I know Ms. Fuentes has discussed this with me, and from what I understand, it has been taken care of.

Mr. Frawley asked have the timers on the sprinklers been adjusted so they do not get the kids wet?

Mr. Smith stated yes. That was on my monthly highlight report.

Mr. Frawley stated I do not get an agenda.

Mr. Smith stated the agenda is on the website now, so you can read my highlight report.

Mr. Frawley stated I asked this question of the Board members, and they each said we only did this for one year. Last year, we raised the annual assessment by \$100 to put into the roadway repair fund. It was my understanding that it will be an ongoing thing.

Ms. Palmer stated that is correct.

Mr. Mihalic stated it is true; we increased the rate last year but we did not lower it this year, so it is at the same level.

Ms. Burgess stated it is not an additional \$100 over last year's increase.

Mr. Mihalic stated that is correct. It is the same \$100 as last year. We will need over \$1 million to replace all the roads.

NINTH ORDER OF BUSINESS

Submitted Resident Questions and Audience Comments

Mr. Olmo stated I hope that money you are collecting for the roads is invested.

Mr. Moyer stated it is, but keep in mind that the interest rates are extremely low.

TENTH ORDER OF BUSINESS

Supervisor Requests and Comments

Ms. Incandela stated I think we did a great job with our budget for this year and we cut corners wherever we could. I would like to see some work between the Board and the HOA for the upcoming community holiday event. I think the Board should make some sort of donation to the event because it benefits the kids in our community. I know with times being as hard as they are today, a lot of families are looking for any free event for their kids around the holidays. I think it is part of the Board's responsibility to our residents, and I would like to see us donate something toward that. I am open to suggestions as to the dollar amount.

Mr. Mihalic asked how was the turnout last year?

Mr. Olmo stated it was very good.

Mr. McGrath asked if we were able to provide additional funds, is there something specific it would be used for? Or would it just go toward the overall cost for everything?

Mr. Olmo stated we will be having our meeting Saturday, but the budget is \$1,500. Anything would be appreciated.

Ms. Palmer asked what would you spend that money on? What kind of items are you considering to purchase?

Mr. Incandela stated the face painter charges by the hour but there are also food and beverages.

Mr. Olmo stated the face painter charges \$120 for two hours. We will have a snow cone machine and balloon maker who each charge by the hour. We looked into Mickey and Minnie, but it is \$195 per hour. We do purchase the balloons and some snacks for the kids. We have a list of our expenses from last year, which is what we based our budget of \$1,500 on.

Mr. McGrath asked is part of the idea to have a gift for the kids? Last year it was backpacks and helmets. Is that something that will happen again?

Mr. Olmo stated no. We had a lot of baked items and we provided each kid with a basket to fill with pencils and candy and other small items. We are planning to do that again this year. We will accept any kind of donations.

Ms. Incandela stated my initial thought was \$750, but in terms of the effort on behalf of our community, I would like the CDD to donate to this event and work in partnership with the HOA, who does a tremendous amount of work throughout the year for the benefit of our residents.

Ms. Palmer stated I was thinking of more like \$500. I did not think the Board would be in a position to do anything. We just raised assessments and I know the HOA Board is not wealthy, either, but we have some very large expenditures that we have on a regular basis. I am torn on it.

Mr. McGrath stated any money that we spend, we receive from home owners. There are a million good things that could be done, but I am not sure that 751 home owners would say the CDD Board is there to make sure you have a nice Christmas party. I do not think that is our business on the CDD Board.

Mr. Olmo stated our goal is to make it a joint HOA/CDD effort. We can amend the flier to include the CDD.

Ms. Incandela stated the CDD Board is not concerned with who gets the credit. The HOA is in charge of this event. I would like the Board to consider donating \$500 to help the HOA. I think it is important. We do a great job with the recreation center and the roads and other things, but I think there is a certain element of responsibility. These residents pay our assessments, and their children are the ones benefiting. We do have a responsibility to make sure the community is a better place in all aspects for our residents.

Ms. Pieters stated I think the Board could look at two of the items that Mr. Olmo mentioned and cover the cost for those two items.

Ms. Palmer stated you have a four-hour event but you have a balloon maker and a face painter for two hours each. What if we purchase the additional two hours? Then you will have both items there for the entire event.

Ms. Pieters stated yes.

Ms. Incandela stated they will be over budget because they included two hours in their \$1,500 budget.

Mr. Mihalic stated we would pay the overage.

Ms. Incandela stated if we donate the money and they spend it within their event, then they stay within their budget. But it does not matter to me how it works.

Ms. Pieters stated I suggest that I participate in the workshop.

Mr. McGrath stated that would be good. Perhaps if we double the amount of time that the artists are here, they might reduce the hourly rates.

Ms. Incandela asked are we going to give Ms. Pieters the authority to oversee the \$500 at the workshop?

Mr. Mihalic stated I propose that we donate \$500 and let them spend it as they see fit.

On MOTION by Ms. Incandela, seconded by Ms. Palmer, with all in favor except Mr. McGrath, approval was given to donate \$500 to the HOA for the community holiday party.
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Ms. Palmer stated if it shows up in the invoice list, I said that the flowers for Mr. McCartan could come out of my check since I think some Board members were opposed to that. I thought it was a good benevolent idea to do.

Ms. Incandela stated I think there were other Board members in favor of it.

Mr. Smith stated Ms. Fuentes received four answers: two “no” and two “yes.”

Ms. Palmer stated she did not know what to do, so I told her to go ahead and send it and take it out of my next check.

Ms. Incandela stated if we cannot get Board approval, then you can take half out of my check.

Ms. Palmer stated they have done a good job. We do not have a lot of contractors, so it is not something we will be doing all the time. It was unexpected and he has been good to this community, so I told her to take it out of mine.

Mr. McGrath stated we pay to have the pool cleaned on a regular basis. Is it possible to have our new employee take a class to be licensed to do that? He is here anyway. Can our staff do maintenance on the pool instead of paying an outside source?

Mr. Smith stated he has gone to the classes. He will do some cleaning and he will monitor the pool, and he can test the water quality to satisfy the permit. To have him

