

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 19, 2009, 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

Also present were:

Gary Moyer	District Manager
Brian Crumbaker (<i>by phone</i>)	District Attorney
Brenda Burgess	Moyer Management Group
Ward Pepperman	Weber Environmental
Gerry Frawley	District Staff
Maria Fuentes	Severn Trent Services
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

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

There being none, the next order of business followed.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the September 17, 2009, Meeting

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

Mr. McGrath stated on page 6 we discussed the rate increase from CH2M Hill, and the Board rejected the proposal, instead of not officially approved.

On MOTION Mr. Mihalic, seconded by Ms. Incandela, with all in favor, approval was given to the September 17, 2009, meeting.

FIFTH ORDER OF BUSINESS

Vendor/Contractor/Third-Party Items

Mr. Pepperman stated I took over the account a month ago and we have made improvements over this past month. We got a bit behind but we are getting back on track.

Mr. Smith stated they have some work authorizations that were pending that the prior supervisor was not completing. They are doing a good job catching up on things.

Mr. Mihalic stated there is a black corrugated drain pipe back behind my house, and it is the first time I have seen it. I would like you to check on that.

Mr. Smith stated we have done some plantings at Patrician Circle, we removed hollies and we enhanced plantings in the front. They have completed a lot of items. We had an issue with them picking up trash, which we confirmed with them is included in their contract.

Mr. Mihalic stated I have a problem with people living here throwing their trash out of their cars. We need to put on our signs not to throw their trash onto the street.

Ms. Palmer stated I agree with you 100%, but the people who are throwing the trash are not reading the signs. I do not know how you get through to them.

Mr. McGrath stated I saw staff picking up trash at the ponds today. The only way to reduce trash is, if the area is clean, there is a tendency not to throw it out the window. If they see other trash, it is easier to throw it out the window, but it will not go away no matter what we do.

Mr. Mihalic stated we are not paying Weber to pickup trash 24 hours a day because they have other things to do. I can see picking up trash occasionally. It is ridiculous to have this much trash in a community this nice.

Mr. McGrath stated I agree, but there is no fix other than to continue to pick it up as quickly as we can.

Ms. Incandela stated signs will not work and we have too many signs.

Ms. Palmer stated there are not that many trash cans along Brighton Lakes Boulevard for people who walk and have trash.

Mr. Mihalic stated it will not work for vehicles because people will not stop their cars to throw their trash in the can. My former neighborhood in California is pristine and clean with no CDD or HOA, and they do not have a problem with people throwing their trash.

Ms. Palmer stated this is a transient place because people are from somewhere else. This is not their home the same way it used to be. It takes the whole community to help. Weber can do more productive things besides picking up trash all day.

Mr. Pepperman stated the berm is thin and needs more enhancement where the wax myrtles are dying, but the rest looks good.

Mr. Mihalic stated I work late at night and come through the gates from midnight to 1:30 a.m. three to four days a week. I still do not know if my card works because the guard opens the gate before I even approach the bar code reader. We discuss this at every meeting.

Mr. Smith stated he should not even be near the switch.

Ms. Palmer stated I have the opposite situation every night, and they all know me and my car. I come to a stop every night and then they raise the gate.

Mr. Mihalic stated it is various guards, not always the same one. They all stand with their hand on the switch to open the gate, and that is way too early. Make all the cars stop. If the gate does not open, then open it so we know if the gates and our bar codes are working.

Ms. Incandela stated it is encouraging that there is a guard who is actually looking. I think we will also get complaints from home owners who have to wait for them to open the gate. I have not had that situation, but please make them aware of it again.

Mr. Mihalic stated this is an ongoing problem and we need to put a stop to it.

Ms. Palmer stated this is one of those things that needs to be constantly reinforced. This company is the best we have had. There is consistency, which is important, but you need to remind them often not to let vehicles in and make them stop first.

Ms. Incandela asked have there been any issues with communications with VillaSol and has it been working?

Mr. Smith stated it seems to be.

Mr. Mihalic asked who approved us doing that? There was an email asking what we thought and I did not respond.

Ms. Palmer stated I responded.

Mr. McGrath stated I also responded. It seemed reasonable.

Ms. Palmer stated they made the judgment call based on our input. My feedback was to watch all of our money and it can make us a few extra dollars since it does not interfere with anything that we are doing. My only question was if we had any liability with anything that happened at VillaSol. I was told that we had none, so I was in favor of it.

Mr. Frawley stated we had evidence that people are in here at night after the recreation center is closed and we would like your staff to pay attention to the cameras at night.

Ms. Fuentes stated I sent an email to Mr. McCartan.

Ms. Palmer asked are these sensor lights at night so if someone walks by this area, the lights turn on?

Mr. Smith stated we would have to install additional lighting to do that. I want to look into putting a radio here so they can push a button with a loudspeaker so the guard can say that the recreation center is closed and they need to exit or the sheriff will be called. It will be an intercom and it will not be very loud so it will not disturb any neighbors.

Mr. McGrath stated start with the lights and see if that solves it.

SIXTH ORDER OF BUSINESS

Submitted Resident Questions/Comments

There being none, the next order of business followed.

The Board directed to move this to item 3 and delete item 6 on future agendas.

Ms. Incandela asked do we want to let the residents speak early since we have just a couple?

Mr. Mihalic stated I would rather keep them at the end so that audience comments do not take up our whole meeting time.

Ms. Palmer stated we can make that decision at the beginning of each meeting based on the number of residents at the meeting.

Ms. Incandela asked is there any issue with doing that differently for each meeting?

Mr. Moyer stated the Board can adjust agenda items as you feel necessary.

Ms. Incandela stated there will be a three-minute limit to make your comments.

Ms. Palmer stated I do not want to see this going back and forth; it is just for comments.

Mr. Mihalic stated oftentimes we go ahead and answer them at that moment, and that is a bad habit.

Ms. Incandela stated we can take some liberties, as a courtesy for residents to make a short comment. Is there any objection to trying it?

Mr. McGrath stated I would like to try it. if someone has a very short comment, I do not want to make them wait a couple hours when they have something brief.

Ms. Incandela stated we will change our routine for tonight to allow members of the audience to make comments and you will be limited to two minutes. At the end of all the comments, the Board will address them individually.

Jose Santana stated I am a resident of 2726 Winfield Place. We are missing trees on the back of my property and you can clearly see Lowe's. I would like to see if you can replace them and when. It took almost two years to replace four trees.

Joe Argentine stated I am a resident of 2728 Winfield Place. The common areas in phase 1 are clean, but phase 2 is terrible. You let mounds of hay sit; why do they not clean it up? It is from the warehouse all the way around in the common areas.

Mr. Smith stated along Sweetspire and Patrician, that is a big open space intended to be a drainage area. It is not a retention pond but a retention area. That area will get wet, and they cannot mow it when it is wet.

Mr. Vincent Stevens stated I am a resident of 2600 Maggiore Circle, and I understand you are interested in putting in a soccer field.

Mr. Moyer stated we received comments in that regard so the Board could get a consensus from the community as to whether or not to consider that option, which they did based on the responses.

Mr. Nestor Olmo stated Joey Ortiz has been doing a job that I consider exceptional. He not only does it here but he goes way beyond; he painted the fitness room, he laid the tile and he does other jobs that are not in his job description.

Mr. Smith stated those are all in his job description.

Mr. Olmo stated I have not seen anyone who can handle the teenagers the way that he does. He has a very good rapport here and he makes sure the school bus situation is under control. He is going through some very trying personal times, and it is affecting his timeliness, but I want the Board to know you will be very hard pressed to replace someone like this who goes above and beyond his job description. The community is very grateful to have him.

Mr. Wade Suckoo stated I am a resident of 2609 Maggiore Circle. Regarding the property suggested for the soccer field, I notice the landscape is mowed but they do not treat it for weeds or ants. The weeds migrate to my property and I treat it. This is not the first time I have reported it to the CDD. That is unacceptable because I pay you money to maintain that area. If I can address the weeds, there is no excuse. The weeds are invading my property line and it is a request I make to you every year.

Mr. Frawley stated they recently treated it.

Mr. Smith stated it is Bahia which is DOT quality and is a burden anywhere we have it. We do address his complaints and treat the grass. The only other thing we can do is remove it and install St. Augustine and irrigate it.

Ms. Incandela asked have you received a good response when you have called them to treat it?

Mr. Suckoo stated yes.

Mr. Samuel Maldonado stated I am a resident of 2504 Baykal Drive. We discovered there are people coming from the community center who take a short cut and walk through my property because it is a shorter path to the community center. There are kids as well as adults. I ask them not to walk on my property but it still goes on. I would like to know what I can and cannot do.

Mr. Smith stated across the bridge between the two ponds, there is a walkway, and kids walk from Baykal to the lake and to Brighton Lakes Boulevard through the residents' yards. It would require some sort of fence to deter that.

Ms. Incandela stated we have no jurisdiction over that issue. We deal with common areas in the community, and that is your personal property. It is a difficult home owner issue because your property is being trespassed on. A fence might solve the problem so I recommend you meet with Mr. Olmo, the HOA president, in terms of possible solutions.

Mr. Smith stated regarding the Lowe's berm, we have done some planting back there but we recently lost some plant material. The wax myrtles have started to die, so we started cutting them back. I agree that we need to start planting that area on a regular schedule and then keep replanting. Wax myrtles do not work. Cedars work but I am not sure why we lost two. Pine trees work for a little while but as they grow, you lose the understory buffer. I was thinking of planting viburnum shrubs. They are inexpensive, hearty and drought tolerant but not in the current plant palette. Currently we have oak trees, cedars and wax myrtles. As cedars get older, they do not look good and they do not do what we are looking for. I would like to install the viburnums and add some cedars to make the area looks nice. I am getting a proposal from Weber to do that work. I can start before the next meeting if you want to authorize the work within a certain dollar amount.

Ms. Palmer asked is it cheaper for us to purchase the plant material and then have it installed?

Mr. Smith stated Home Depot cannot order them but I can see about setting up an account at Forest Hills to purchase the plants. My staff can then install them.

Ms. Incandela stated I do not want to make him wait until the next meeting to approve this.

Ms. Palmer stated I want to get something heartier there. I think going with Forest Hills will give us a better product.

Mr. Smith stated regarding the drainage area between Sweetspire and Patrician by the lift station, there is an area that in the back that goes to the wetlands. The whole area is for drainage, and it is intended to take water from those homes out to the wetland. They mow back in there when it is dry, but it is not detail mowing. I will have Weber clean that up the next time they are out.

Ms. Incandela stated it is not an area that will look like our other common areas, but it can be improved upon.

Mr. Smith stated it is intended to stay somewhat natural but we will keep it mowed down a little.

Mr. Frawley stated they cannot get in there during the summer because it is too wet.

Ms. Incandela stated regarding the soccer field, there was a suggestion we received because it was an unused piece of community property and we thought of ways to get more community use out of it. The whole goal of doing things in this community is to satisfy the residents and their children to get the most enjoyment as possible. The number of people who live there would likely be the ones using the property more than anyone else in the community. If they do not want the property improved upon, I do not see going forward with it. It will be more expense to us and more maintenance for us. I do not see that many children using it anyway.

Mr. Mihalic stated the comments were overwhelmingly in opposition.

Ms. Incandela stated the property will stay as it is for now and we will work to get the weeds under control.

SEVENTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

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

Mr. Mihalic stated the general fund for miscellaneous collection fee shows a negative variance.

Mr. Moyer stated those are monies we paid to the tax collector for the certificate sales. The reason it is shown as a negative is because there is no line item for it in the budget. It is a percentage of what we levied on the tax roll. The year-to-date budget should have been equal to the expenditure.

Mr. Mihalic stated the September ending balance for the capital projects fund, there is \$15,845 for construction in progress. What construction are we doing? Will that put more money in our reserve?

Mr. McGrath stated we were going to close out that account as we discussed at the last meeting.

Mr. Moyer stated the fund balance ending was \$4,383, and the \$15,845 was paid to Engineered Homes in settlement for the trees. The \$4,383 is money to the District and when we close this account, that will be transferred into the general fund.

Mr. McGrath stated on the cash and investment report, we have an operating fund A and operating fund B restricted. We earn no interest on fund B. Is that a requirement?

Mr. Moyer stated two years ago, the State Board of Administration split that fund into performing assets and nonperforming assets. Fund B is nonperforming so they do not put a value on it and they do not know how much they are going to earn.

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. Mihalic stated Ms. Palmer has some uncashed checks.

Mr. Moyer stated we can reissue those checks if they are stale dated.

Mr. McGrath stated we have spent a lot of money to ACT and also to Smart City. Home Depot has an invoice for pressure washing. Did we rent a machine?

Mr. Smith stated I bought parts for pressure washing the Sweetspire fence and for the recreation center.

Mr. McGrath stated on the check register by fund, Mr. Ortiz has a different fund number than the other staff.

Mr. Smith stated he is full-time and the others are part time.

On MOTION by Mr. Mihalic, seconded by Mr. McGrath, with all in favor, approval was given to the check register.
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C. Consideration of Engagement Letter with Berger Toombs et al. to Perform the Audit for Fiscal Year 2009

Mr. Moyer reviewed the engagement letter with Berger Toombs et al. to perform the audit for fiscal year 2009 in the amount of \$9,325.

On MOTION by Mr. Mihalic, seconded by Ms. Palmer, with all in favor, approval was given to the engagement letter with Berger Toombs et al. to perform the audit for fiscal year 2009 in the amount of \$9,325.

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.

Mr. McGrath stated the date of many items should be September instead of November 10. The action starts last month.

Ms. Burgess stated I believe that is the date the recording secretary prepared the report, so we will change that going forward.

Mr. Moyer stated we will close out the soccer field issue.

Mr. Mihalic asked will we get the financial information done correctly next time? I mean in terms of alphabetizing the invoices and not sending them in such large files.

Mr. Moyer stated yes.

Ms. Palmer asked for the speed bumps, have we looked into that? The Oaks now has them. Michael Magruder is now on that Board and I know him well.

Mr. Smith stated I talked with Mark Vincutonis at Hanson Walter who also is the engineer for Remington and Celebration. In Remington, the County decided they are private roads for a public purpose and because they are maintained by a private entity, they were able to put them in. We fit in that same situation, so there is a precedent there.

Ms. Palmer stated the Oaks is in a CDD, also.

Mr. Moyer stated half is in the city and half is in the County.

Ms. Palmer stated they are on The Oaks Boulevard past the gatehouse that is not used, as well as farther down the boulevard.

Mr. Smith stated I called Joe Bitar at the County and left a message. In my dealings with the engineers and County, I do not think we will have a problem. I will have Mr. Vincutonis give us drawings and create locations for these, and then I will present that to Mr. Bitar. If he approves it, then we can install them.

Mr. Mihalic stated I want a hump, not a bump.

Ms. Palmer stated it is the same as in downtown Kissimmee and the Oaks and they have held up very well in Kissimmee.

Ms. Incandela stated I used to be a fan of speed humps, but I have since changed my opinion. I do not see a reduction. The people who are a problem will still be a problem. They will still be speeding but for shorter intervals in between the humps, and it is a problem for the rest of us. I want to know the impact we are going to have before we do them. I really find them to be a big inconvenience. In Kissimmee, I see them speeding in between the humps and I think they will still do it here.

Ms. Palmer stated they are not very expensive and I would like to test them toward the basketball area on Brighton Lakes Boulevard. This is an area where kids dart out into the roadway.

Mr. Mihalic stated if we do Brighton Lakes Boulevard, we have to do Chapala so they are still slowed down and they will not use Chapala to bypass Brighton Lakes Boulevard.

Ms. Incandela stated we cannot put speed humps throughout the whole community. They are supposed to be at designated intervals in short areas where you have a problem, and they have to resolve the problem. I do not think, in our setup, that will provide any benefit to stop people from doing this.

Mr. McGrath stated I agree personally. I hate the idea of having speed humps that I have to drive over. I do not like driving over them. However, in this is something that is going to affect every home owner in the community. Before we put together a program, we should get the input of the people it will affect every day. For us to make a decision on what we personally think, if there is not a rush, let us find out.

Mr. Mihalic stated Mr. Smith wants to get a plan.

Ms. Palmer stated if they approve us having them, I still think we test them in one area. We need to have something for the community to decide if it works, so they will have something to compare to at a small expense.

Mr. Mihalic stated I think we need to try it. I do not like them but I think we have to do something to control the speed.

Mr. McGrath stated I am against them and I think we need to see if the community is in favor of them or against them.

Ms. Palmer stated not doing anything is not the answer. We do not have any control over people speeding, but perhaps we put one right here because of the amount of foot traffic at the recreation center.

Ms. Incandela stated I would like to hear input from other communities and how it has impacted their situation.

Mr. Smith stated they are working and that is why they are using them. The other thing that works is a radar speed sign.

Mr. Mihalic stated I lived in a residential area where they put those in, and the kids started driving faster to see how fast they could go, and then someone stole it. It had the opposite reaction.

A Resident stated Brighton Lakes Boulevard is wide, and they will drive in the middle of the speed hump.

Ms. Palmer stated it has to go across the whole roadway.

Ms. Incandela asked is there any damage to the roadway when you remove it?

Mr. Smith stated it would just take a minimal fill with asphalt.

Mr. McGrath stated I would be against it.

Ms. Incandela stated I would like to look into it further.

Mr. Smith stated we can have the engineer to do a drawing at a minimal cost and then I will take it to the County to see if they will approve it.

Ms. Incandela stated people who are speeding are well aware of the fact that they are speeding, and those humps will not impact them at all.

Mr. McGrath stated we are affecting the 95% or more who drive like they are supposed to, which is why I am against it.

Mr. Mihalic stated a lot of our laws are that way.

A Resident asked have you contacted law enforcement?

Ms. Palmer stated yes, and they do check for people stopping at stop signs and speeding.

Mr. McGrath stated they are great about coming out here when we request them. One thing they want us to do, whether it is speeding or a loud radio or someone who does not look right, is to call them to give them a reason to come into our community. Please continue to do that.

Ms. Incandela stated there is also a crime watch in the community, and they are very effective.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Crumbaker stated we did a review of the old school parcel with regard to land uses. Initially it was identified as low density residential land use application. The plat indicated it was designated as a school site. We could not locate where that transition occurred. With regard to uses for that parcel, there are four steps to convert that parcel to use it for a park or a daycare or something of that nature. One, we need to meet with County staff regarding the entitlement. Two, we need to submit a PUD. Three, we need additional use approval as to how we want to use that property. Four, we replat it to identify the use. We also need to get a release from the School Board for any commitments that have been made with regard to uses of the site. The School Board determined they are not going to use that site for a school, and in reality that site is too small for a school. If the CDD Board is able to come up with some arrangement with the developer to acquire it or obtain title to that property, with regard to the low intensity use of a park or daycare, because of concurrency, I do not think there is any issue and I think we can work with the County to change that land use to whatever you would like.

Mr. McGrath asked could someone put homes on that property? It is not restricted to schools?

Mr. Crumbaker stated right now there is a designation of low density residential, but the plat and other approvals identify it as a school parcel. It is possible for the County to amend the plat to change the designation. As it exists today, it is designated as a school site.

Ms. Palmer asked if they did that and changed it to housing, would they be required to join our association and pay association dues because of where they live is within the District?

Mr. Crumbaker stated it is within the boundary of the District and clearly, that parcel benefits from the improvements that were constructed with the issuance of bonds and it benefits from the District's maintenance programs. There will probably be a reallocation of the assessment so they will pay their proportionate share

Ms. Palmer asked is low density considered single family housing?

Mr. Crumbaker stated they have not formally changed the land use designation for that parcel. I think they could change it. Because it is designated as a school site under their comprehensive plan, they may not be able to make such an amendment. If they were

considering multi-family versus single-family, the only limitation is that it has to be low density residential.

Mr. Mihalic asked if they were to do that, would we have any input into the design of the homes to fit in with what we already have?

Mr. Crumbaker stated the District has no control over design or architectural controls. That is a function of the HOA to the extent that they have that control.

Mr. Moyer stated Steve Hiss emailed me several weeks ago and the feel of the email was that he is closing out his account with the bank and they were trying to figure out what to do with that parcel and would we be interested in it, either as a donation or buying it. Clearly, we do not have funds to purchase it. If you are interested in receiving it as a donation, I will email him tomorrow.

Ms. Palmer stated I think it would be fair to say that in exchange for their donation, we will use it for only park or recreational facilities for the District, no profit or housing, to make it clear that it is for the benefit of the District and the residents.

Mr. Moyer stated I will email that to him and I will let you know his response.

Mr. Crumbaker stated if there is a tax liability or if they are not going to pay taxes for this upcoming year or if they want to take a tax loss on the property through a donation, there may be some motivating factor that may warrant them getting rid of the property in lieu of watching tax certificates accrue or it being taken through tax deed.

Mr. McGrath stated I checked in September, and the taxes of about \$3,500 had not been paid on that property as of September. I have not checked recently.

Ms. Palmer asked if we accept it as a donation, what is our tax liability or would it be taxable land if it is used for recreation?

Mr. Crumbaker stated the outstanding taxes would have to be paid by the private party but they may not agree to pay them. It may be conditioned upon our funding the tax liability. I do not recall if Osceola County has determined that a CDD is exempt from property taxes, but I think they just value our property at \$1.00.

Mr. Moyer stated going forward, we would not pay because we would file for the exemption.

Mr. Crumbaker stated that is correct. If it is acquired prior to January 1, the exemption would be going forward.

Ms. Palmer stated the amount is \$3,425.02 due as of September 14, 2009.

Mr. McGrath stated the parcel id is 18-26-29-2622-0001-00E0 and the address is 4050 Brighton Lakes Boulevard.

B. Engineer

i. Retention of Hanson Walter as District Engineer

Mr. Moyer stated Hanson Walter sent a letter that identifies their hourly rates. This is not a contract or a retainer. We only pay for the hours that we use. I sent a termination letter to CH2M Hill, advising them that we were terminating their contract. I am asking the Board to approve the fee schedule for Hanson Walter.

Mr. McGrath stated comparing the proposed rates from CH2M Hill, Hanson Walter staff members are all at a slightly lower rate.

On MOTION by Mr. McGrath, seconded by Mr. Mihalic, with all in favor, approval was given to the hourly rates for Hanson Walter for fiscal year 2010.
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ii. Consulting Engineer's Annual Report

Mr. Moyer stated we are required to do this annually pursuant to our bond document, and it is included for your information. On the items they identified, Mr. Smith will follow up with Mr. Vincutonis.

C. Field Operations – Monthly Highlights

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. Mihalic asked how often do we replace the television remotes?

Mr. Smith stated not very often. This is the first time we have replaced them.

Mr. Mihalic stated my concern about the sign is at the bottom where it refers only to damage caused by children, I would like to see that we are not responsible for any damage or injuries by anyone, not just children.

Ms. Incandela stated this sign is just a policy with respect to minors in the fitness room, and it is not designated to provide for all of our liability policies. Those are in the rules and policies, and everyone who uses these facilities agrees to those policies. This sign was designated specifically for minors and I think it serves that purpose. I do not want to put more in it than we need to. I think our liability policy is clear in the documents.

Ms. Palmer states I think it should say by or to children.

Mr. Frawley stated we have also left out other parts of our current policy.

Mr. McGrath stated this is specifically related to children.

Ms. Incandela asked if we say damage caused by or to children, does it exclude damage caused by a child to an adult?

Ms. Palmer stated no, it is all covered.

Mr. McGrath stated it does not preclude our other policies still being in force.

D. Update from Gerry Frawley

Mr. Frawley stated on Mr. Smith's list, they added a motion sensor light to the kiddie pool, which is off right now. I looked at the camera and when that light comes on, we can now see what is going on and it works really well. We created a document where every day the security staff faxes a daily report as to the equipment and it works well. The umbrella sign needs to be installed before it disappears. The HOA bought a coffee pot for any meetings in the building. Mr. Smith's staff removed the No Parking signs at Kariba Court leftover from the sales office. People still cannot figure it out and they still park between the two where the school bus is. Mr. Smith's staff painted an arrow on the curb to hopefully help. The men's room door is still loose and can be opened if you push hard enough. We need to fix the door because they are just kicking it in. Kids come in here in the dark and maybe because of those bathrooms where they can hide, which is another reason to fix the doors. The push button to exit through the gate never disables. If you jump over the fence, they open the door and a lot of people can come in. Hopefully, the flood light will deter that from happening.

Ms. Palmer stated I would like to wait and see how it works with the flood light, in case someone gets stuck in here.

Mr. Smith stated they have to be able to exit, just like the fitness room has an emergency exit.

Mr. Frawley stated regarding Mr. Moyer's email to Mr. Hiss, he may not respond as much as calling him on the phone.

Mr. Moyer stated he responds by email very quickly and responsibly. I will add a note that he can call me to discuss it further.

Mr. Frawley stated in 2004 with the hurricanes, the water came up high enough on this pond, it was well above the entire structure and it created a whirlpool. There is no cage over it to prevent something from stopping it up.

Mr. Smith stated some of these do not have a skimmer. All these homes sit on pads and there is a swale between every house. If the pond stages higher, water runs between the houses and into the street.

Mr. Mihalic stated that is why we have floods on Chapala because the water has no place to go.

Mr. Smith stated it still does not flood the houses. The way the ground is with the park there, it goes out through the park or between the homes into the wetland before the homes would flood. It does not drain as fast as you would like, but it was still a 100-year flood. None of the houses flooded and they are still above the water line. I will review all the drain structures with Mr. Vincutonis to make sure they are in compliance.

NINTH ORDER OF BUSINESS

Audience Comments

There being none, the next order of business followed.

TENTH ORDER OF BUSINESS

Supervisor Requests and Comments

Mr. Mihalic asked what is going on with Mr. Ortiz? I am hearing rumors that there is a third person here and that he is not doing much.

Mr. Smith stated Mr. Ortiz came to me several weeks ago and told me he is having personal issues, and I told him he cannot bring those issues here. He is having trouble getting to work because he does not have a vehicle. Anytime he is going to be late or if he is not going to be here, he needs to call us so we can get a replacement. He has been somewhat satisfactory on that. He does not call us every time he comes in late but we will watch the cameras to see when he arrives. Ms. Fuentes is documenting his hours, but there is an issue here. Do we want to work with him or not. We do not have a CDD employee policy on discipline. I would like the Board to suggest a policy to us, something simple. We need to get control and get him under control because he is affecting everyone. I understand his situation, but as Mr. Olmo said, he has a great grasp on the kids and it is wonderful.

Ms. Palmer stated he is the only one who treats the kids like they are human beings and just explains the reality to them. He does not spy on them or assume they will all do something wrong. There is mutual respect with those teenagers.

Mr. Mihalic stated I am not worried about Mr. Ortiz as much as I am that we are paying someone to do nothing. When we hired the staff, the Board participated in the interviews. There is a third person that we do not know. If we are paying Mr. Ortiz and he is not doing anything, why is he here?

Mr. Smith stated we have two other people and we cut a third person's hours because of that fact, and we got grief from the home owners for doing that. Marlon was not performing, so I cut his hours.

Ms. Palmer stated I think it is appropriate for you to tell home owner that he is not performing to the Board's standards and if they disagree, they can come to the Board and bring up that issue.

Mr. Frawley stated I think you have the people reversed. I see Marlon working all the time.

Mr. Smith stated Geinor performs tasks that I give him, and he is full-time at VillaSol. Marlon is Mr. Ortiz's replacement. Geinor comes in on his days off to help out. He is wonderful, and he always shows up on time.

Mr. Mihalic asked what good is it if he shows up and does nothing?

Mr. Smith stated the attendant is to be a body here in case something happens, to keep control and to do some light work. Geinor is older and does not have to do as much in VillaSol, whereas there is more maintenance at Brighton Lakes. He always shows up on time and helps but he does not do a lot of work because he does not know this place as well. What he is here to do is to babysit when one of the other two are not here, and I have a problem with the other two not showing up when they are supposed to. Mr. Ortiz did not show up here on time today but he is here now.

Mr. McGrath stated Mr. Ortiz is a great person and a great find. We cannot change the past and what we have to do now is figure out from today on what to do. Mr. Smith writes him up related to tardiness. If he has difficulties now or if he has had them for the past two months, if it is not solved, it cannot continue. The best guy in the world does no good if he is not here.

Mr. Smith stated I agree.

Ms. Palmer stated in this economy, there are qualified people looking for jobs who are willing to do anything we ask them to do.

Mr. McGrath stated if there is something Brighton Lakes can do to help, that is great and I am fine with that. If he does not come in every day on time, we have to fire him and he has to know that is coming.

Ms. Fuentes stated we have spoken to him verbally many times.

Ms. Palmer stated it needs to be in writing.

Mr. Mihalic stated he also needs to sign it that he has read it.

Ms. Palmer stated my problem with the other gentlemen is that our primary users are youth. If we do not have someone who can relate to them and who does not automatically think they are the root of all evil, that will not work and it will be a bigger problem. Every time there is an incident, it is not when Mr. Ortiz is here; it is one of the other attendants. They cannot relate to the kids and they will walk all over you. Maybe we look for a part-time person who can fill in and you can start utilizing him.

Mr. Smith stated I agree. I appreciate Geinor because he is always here. He has some rapport and is a gentle soul and they respect him because of his age. If there is a major problem, he immediately calls me.

Ms. Fuentes stated most complaints we have received are with Marlon.

Mr. Mihalic stated if we have a problem with Marlon, we need to replace him.

Ms. Palmer stated we owe them both the opportunity to correct their behaviors. Meet with them individually and do a written performance review with their signature, indicate what they are doing and what we expect in return, and if not, list the consequences, which include further disciplinary actions up to and including termination.

Mr. Smith stated we have a policy we want to bring to the Board on how to proceed.

Ms. Palmer stated for now, I think you write them both up, you come up with a policy and bring it to us at the next meeting. If they have not gotten better, by the next meeting, we will determine the next course of action.

Ms. Incandela stated some policies are so strict with three violations and you are fired. I would like it to be on an individual basis, so we send a letter that states that their tardiness has interfered with the operations of the community center and it has been brought to the Board's attention. List the requirements to show up on time and what our requirements are, and then we hope the problem improves.

Mr. Mihalic stated I disagree. If you do not put in finite numbers, they will know if someone has more chances than they do. You include finite numbers so that they know the rules and know what they have to follow no matter who they are.

Ms. Incandela stated more than three disciplinary actions require you to come before the Board for further explanation, so that gives an opportunity for the Board to decide.

Ms. Palmer stated I like that.

Mr. Mihalic stated I agree with that.

Ms. Incandela stated it seems that the problems we have is all recreation-center related. Most of it is after hours or when the attendants are not here. We should consider

adding hours to the attendants and maybe having two full-time people instead of part-time staff. On occasion, the overnight problem may be alleviated with the sensor lights. It seems to me that it will be a worthwhile investment to add hours to staff.

Ms. Palmer stated I have a concern with the budget.

Ms. Incandela stated I do, too. We have managed to save in some line items, and the cost of an extra employee would alleviate complaints and issues we have during the day. This center is the heartbeat of the community, and it seems that most of the issues and complaints we have would be helped by adding an employee for a few more hours a day

Mr. Mihalic stated we will still have problems late at night.

Mr. Smith stated there is not a lot of vandalism. They jump the fence but they are not doing damage while they are here.

Ms. Palmer stated we need to light this area better as our first priority, and working with the security company so that they will investigate if they see the lights go on. We will give them the authority to leave the gatehouse to check this out.

Ms. Incandela stated I agree with you and the lights might take care of a lot of the overnight issues. I think those daytime hours are important to cover when there is heavy use in the pool and there are a lot of kids and people here.

Ms. Palmer stated summer vacation is a good time, as well as spring break or weekends.

Ms. Incandela stated a lot of the complaints are during the day when our attendant is not here.

Mr. McGrath stated I want to have three strikes and you are out.

Ms. Palmer stated no, after three strikes, they come to the Board for further disciplinary action, which may include termination.

Mr. Smith stated we will draft a policy and email it to you prior to the next meeting.

Mr. Mihalic stated talk to them in the meantime and put it in writing to confirm what you discussed, and they sign it.

Mr. McGrath asked what do you do if they come to us?

Ms. Palmer stated I do not know because I do not know the situation.

Ms. Incandela stated I would inquire as to the reasons.

Ms. Palmer stated if we find out that it is an issue we can work with but they were embarrassed, I do not know that we want to automatically fire them if they have been great until then. We may have a total slacker and after three strikes, they are out.

Mr. McGrath stated the Board does not micromanage; that is what the manager is for.

Mr. Mihalic stated we are not micromanaging; they handle it three times and then it comes to the Board.

Mr. McGrath stated the fourth step would be termination after their three strikes, and I am saying to make termination the third step. When you are talking about attendance and tardiness, those can be quantified. They are here or they are not.

Mr. Mihalic stated I do not disagree with you, especially when you are a large company. But when we have only two people, we have to look at the situation with more compassion.

Ms. Palmer asked what do you do with someone who is late once for two months and then goes four months without being late? If he then misses another day, that is his third strike and he is out?

Mr. Smith stated I will bring it to the Board before I ever terminate an employee.

Mr. McGrath stated if someone is tardy once a month, that is not a problem. I do not know if it his fault, but 100% of our staff is not here.

Ms. Palmer stated we will review the policy and figure out what we want to do.

Mr. Mihalic stated we do not have any guidelines that we have issued to them.

Ms. Palmer stated we need to issue that to them before we do anything.

Mr. McGrath stated you do not have to, but you can.

Ms. Palmer stated that is the fair thing to do.

Mr. McGrath asked if one of the security guards is not doing his job, do we interview them?

Ms. Palmer stated no, they are not employed by us. They are a contractor.

Ms. Incandela stated the field staff are the ones that are the most affected, and if it is out of control, they will check with us first but they may take the appropriate actions without the Board's authorization. If it gets to that level, I would trust their judgment.

Ms. Palmer stated when it comes to the third party vendors, they gave then several strikes, and then brought it to Board and we chose to terminate them.

Mr. Moyer stated the policy we bring you will address more than tardiness; it will address drug use, and other standard items, and it will be comprehensive.

Mr. Frawley stated he has no car and drives his bike from Poinciana, but he bought a car and in the next pay period he has to pay the balance so I anticipate this issue will be resolved. All his issues were because he did not have a car.

Ms. Palmer stated I give him credit for riding his bike.

Mr. Mihalic stated I agree.

Mr. McGrath stated we made great progress getting KUA to bill Brighton Lakes but I notice Engineered Homes on the bills, and I hope that is the end of that. Now that the phone bill is sent to us, can we get quotes from someone else to provide phone service?

Ms. Fuentes stated we received numbers from Embarq and there is not much difference for basic service.

Mr. Mihalic stated Embarq is the only supplier of service out here.

Mr. McGrath stated we are getting a newsletter, and it will not cost the HOA or the CDD any money. We will ask that Board members submit a couple articles.

Mr. Olmo stated we will start it in January as a quarterly newsletter, and we want to have a section for the HOA and the CDD so that you can highlight your issues in the same newsletter. We will coordinate with the CDD for the content. We will start with two pages, and we have our own distribution process.

Mr. Mihalic stated the newsletter is fantastic. The resident who we thought was destroying signs has moved to Cocoa Beach.

Mr. McGrath stated on December 12, the HOA will have a holiday safety celebration, and we would like permission to decorate this room.

ELEVENTH ORDER OF BUSINESS

Other Business

There being no other business, the next order of business followed.

TWELFTH ORDER OF BUSINESS

Adjournment

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

Michelle Incandela, Chairman