

**MINUTES OF MEETING
VISTA LAKES
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Vista Lakes Community Development District was held on Wednesday, March 12, 2008 at 10:00 a.m. at the offices of Leland Management, Inc., 5955 TG Lee Boulevard, Suite 300, Conf. Rm. 3002, Orlando, Florida.

John Rose
Randy Holihan
Ron Cumello
James Shelton

Chairman
Vice Chairman
Assistant Secretary
Assistant Secretary

Also present were:

Gary L. Moyer
Barry Roy
Gary van der Laan
Lee Smith
Al Kazula

District Manager
District Engineer
Leland Management
Holland & Knight
Gentry Park HOA

FIRST ORDER OF BUSINESS

Roll Call

Mr. Moyer called the meeting to order and stated all Supervisors were present with the exception of Dr. Banks.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the February 13, 2008 Meeting

Mr. Moyer stated each Board member received a copy of the minutes of the February 13, 2008 meeting and requested any additions, corrections or deletions.

Mr. Cumello stated I have corrections on pages four and six, which I provided to Mr. Moyer.

On MOTION by Mr. Rose seconded by Mr. Shelton with all in favor the minutes of the February 13, 2008 meeting were approved as amended.
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THIRD ORDER OF BUSINESS

District Manager's Report – Status of Legal Counsel Representation

Mr. Moyer stated based on Board discussion at the last meeting, we sent out letters of invitation to several attorneys. I decided not to place a notice in the newspaper because I am familiar with the attorneys in the area who have familiarity with CDDs. Mr. Scott Clark is one

such attorney as well as the one who was on Mr. Cumello's list. I added Ms. Jan Carpenter from Shuffield Lowman who is the attorney for several CDDs in the area. I asked each one to respond. Unfortunately, I gave them until Monday of next week to respond. I already received Mr. Clark's letter, but I did not want to provide it to the Board until we received all responses. We will table this item until your April meeting, at which time you will receive all letters of interest and resumes.

Mr. Cumello asked are you asking whether there is a conflict of interest?

Mr. Moyer responded I said in my letter "Vista Lakes is currently represented by Akerman, Senterfitt who also represents the Developer for the District and there is an issue, which has caused a conflict of interest for Akerman Senterfitt." Since I have time between now and the April meeting, I will e-mail the interested attorneys and ask them if they have a conflict.

Mr. Cumello asked have we officially received a letter from Akerman Senterfitt stating there is a conflict of interest?

Mr. Moyer responded yes. I have the original letter, which will be made a part of the minutes.

FOURTH ORDER OF BUSINESS

Attorney's Report – Proposed Parking Policy

Mr. Moyer stated based upon our discussion last month, Ms. Buzyniski indicated she would attend future meetings, even by phone to avoid costs being incurred. She provided the Parking Policy for the Board's discussion. It is the Board's decision as to whether to implement this policy.

Mr. Rose stated I read the policy and did not see any issues with it.

Mr. Holihan stated Section 1.2 (1) references "a conventional passenger vehicle", which is a broad term. Does this include pickup trucks and if so, how do pickup trucks relate to commercial vehicles? Today, pickup trucks are four door vehicles under 21' in length. Are motorcycles prohibited as reflected in Section 1.3 (7) on Page 2? How do fancy electric cars apply to this policy? In Baldwin Park, people are driving around in electric cars. As everyone is fully aware, gas prices are going to continue to escalate, at least through the summer and electric cars can become an issue.

Mr. Moyer responded we probably need to add this under permissible vehicles. I do not think we are trying to stop electric vehicles from being used.

Mr. Holihan stated correct. I am not a fan of motorcycles but at the same time, you have people paying \$20,000 for Harleys, which they consider to be more beneficial than a car.

Mr. Shelton stated you cannot ban motorcycles. Some people use them as their main means of transportation.

Mr. Holihan stated Section 2.1 on Page 3 says if recreational vehicles, boats and trailers need to be parked temporarily in a unit owner's driveway, they need to give notice to the Managing Agent and are limited to 18 hours. Is this consistent with the City's policy for the parking of trailers? You should be consistent with the City regulations.

Mr. Moyer stated I do not think the provisions in this policy were compared to the City codes; they came from the HOA documents. We can certainly compare these provisions with the City code if the Board so desires.

Mr. Holihan stated the problem we are having with some of the language is some unit owners do not have driveways, guest spots or assigned parking spaces. We need to look closely at this language. The CDD owns the Gentry Park streets, which has some public parking areas. Where the owners park is within private property. Therefore, the issue we have is with public parking on the CDD streets. As far as I know, the CDD also owns property on the south side of Lee Vista where there is no parking permitted and it is not designed for parking.

Mr. Rose stated I thought this matter was brought before us because of the commercial parking in Gentry Park.

Mr. Holihan stated correct. This is an open street owned by the CDD, which has cutouts being used by people who live across from the Gentry Park town homes.

Mr. Rose stated correct.

Mr. Holihan stated the language needs to be changed to omit "unit owner's driveway."

Mr. Rose stated they have driveways.

Mr. van der Laan stated there are some driveways in the rear of the buildings along Chickasaw. They are long enough to allow for the parking of two vehicles.

Mr. Holihan stated this is not CDD property.

Mr. van der Laan stated correct.

Mr. Holihan stated this needs to be addressed in the Gentry Park HOA Parking Policy, not the CDD Parking Policy.

Mr. Moyer stated correct, which would already be covered.

Mr. Cumello stated this is a Gentry Park issue, even though no parking is permitted on the south side of Lee Vista where the banks and day care center are, which is owned by the POA. We need to clean up the language to where it is not specific to any type of unit or guest parking. I also suggest we have an attachment to the policy defining the streets we are referring to, so it is clear there is a small subsection of the community owned by the CDD, which this policy would apply to. The only problem we had with commercial vehicles was they were not owned by the residents. For example, we had tractor trailers parked on Saratoga, just north of Publix by Gentry Park, which is owned by the CDD. We want our policy to have language for towing a commercial vehicle immediately, if it is parked on a CDD street without notification.

Mr. Rose stated we posted towing signs.

Mr. Cumello stated for no parking on Saratoga at any time, but Gentry Park had a problem with people parking in these cutouts for overflow parking.

Mr. Rose stated we have signs posted saying "Commercial vehicles will be towed at owner's expense."

Mr. van der Laan stated I do not believe there are any signs along Bristol Channel at the cutoffs.

Mr. Rose stated I am positive there are signs posted.

Mr. van der Laan stated I do not think there are any "No Commercial vehicle" signs.

Mr. Kazula stated to my recollection, there are no signs along Bristol Channel. Having no signs and wanting to put some up are what prompted the creation of this document. The signs you are referring to are the posted signs for no overnight parking between certain hours but there are no commercial vehicle signs.

Mr. Holihan stated Mr. Cumello made the comment about being able to tow without notification. If I am reading the policy correctly, under Section 3.1(6) there is a provision for "Notice of Right to Appeal." You are going to give them notification with an appeal date. It seems to me we are setting ourselves up for a problem.

Mr. Cumello stated this is why I do not think the way the policy is written addresses the problem. The problem Gentry Park and Horizons brought to the Board was overnight commercial parking on CDD property and the fact we placed signs on Saratoga saying no parking was allowed at any time. People are now starting to park commercial vehicles along

Bristol Channel where the cutouts are. We are trying to eliminate all commercial parking on these streets.

Mr. van der Laan stated I agree. I think we should tailor this policy to what we want, but it is too broad for what you are trying to achieve. From our standpoint, what you are getting ready to do is making them move off of one street and into the shopping center.

Mr. Cumello stated we had a problem there too.

Mr. Holihan stated we do not have any qualms about towing. We are rigid on this.

Mr. Shelton asked do we actually tow vehicles?

Mr. Holihan responded in a split second. The area is totally marked and we have no problems towing vehicles.

Mr. Moyer stated what protects you is having posted signs.

Mr. Holihan asked can the CDD have a towing company install no parking signs?

Mr. van der Laan responded once the policy is adopted, we could post the signs. This conversation came about six to seven months ago when we found out in order to post signs, there needed to be a written policy prohibiting the parking of commercial vehicles.

Mr. Holihan stated then we can go to a towing company and have them install the signs.

Mr. Moyer stated this leads me to believe this policy is too full of appeals and notices and representations by attorneys.

Mr. Holihan stated it is too complicated. We just need a simple document prohibiting parking.

Mr. Cumello stated all we need is a two page document referencing the types of vehicles, that cannot be parked. This is our policy. Then we can just implement the policy.

Mr. Moyer stated the only thing we need to come to a conclusion on, which was raised earlier in our discussion was pickup trucks. Many people use pickup trucks as their standard form of transportation.

Mr. Cumello stated I do not think this even becomes an issue because you are dealing with no parking. It does not matter whether it is a resident truck.

Mr. Rose stated we are talking about the streets in between the town homes where residents park their vehicles at night. They are allowed to park there. What you are trying to avoid is the big commercial trucks.

Mr. Holihan stated the semis were moved off of Saratoga to the cutouts along Bristol Channel.

Mr. Rose asked are they parking between the town homes as well? I see work trucks, which we discussed before.

Mr. Holihan responded work trucks are not an issue. You are referring to trucks parked on Westcott Cove, the street in between the two rows of buildings. No overnight parking is permitted between 9 a.m. and 5 p.m. The area we are having difficulty with is on Bristol Channel Way. This does not mean from time to time commercial vehicles are not parking on Westcott Cove, but during daytime hours they could be there for legitimate reasons.

Mr. Cumello stated sure. What we are talking about is having no commercial parking on any CDD road.

Mr. Holihan stated Westcott Cove is a CDD road.

Mr. van der Laan stated other than Bristol Channel, there is no parking. If you are parking on Westcott, you are actually in the street and we can tow. Bristol Channel has cutouts where the commercial vehicles are parking.

Mr. Moyer stated Ms. Buzyniski defined commercial vehicles in the policy as being longer than 21' and higher than 8' or any vehicle with commercial lettering.

Mr. Shelton stated commercial lettering that is not covered. In the gated areas, you can have a commercial vehicle. My neighbor drives a landscaping truck, which he parks in his driveway because he has a magnetic cover so you do not see the lettering. This seems reasonable.

Mr. Rose stated there should be no visible professional markings.

Mr. Cumello stated the prohibited vehicles are listed under Section 1.3, with the exception of motorcycles as discussed earlier.

Mr. Shelton asked what is the objection to powered scooters and motorized bikes?

Mr. Moyer responded none. In this case, I suggest deleting item seven under Section 1.3.

Mr. Rose stated the resident can place the items listed in item seven in their garage. These are small items.

Mr. Shelton stated the reason we are disallowing commercial trucks is for the overall look and feel of the neighborhood. Does a motor scooter or moped detract from the overall look of the neighborhood?

Mr. Rose responded I think it does.

Mr. Cumello stated if someone wants to park those items on their driveway and then see them the next day, they are mistaken.

Mr. Shelton stated it is a self-correcting problem.

Mr. Cumello stated exactly.

Mr. Shelton stated I do not think we should put in rules that do not gain us something. I am in favor of deleting item seven from Section 1.3.

Mr. Moyer asked are there any objections?

The record will reflect there was no objection from the Board to delete item seven from Section 1.3.

Mr. Moyer stated we will make the policy simpler and bring it back before the Board. Alternatively, we can put this policy into place and the Board can simply approve it as discussed and authorize staff to make the necessary changes. Then Mr. van der Laan can go out and post the signs. It is up to the Board.

Mr. Shelton asked is it legal to send a copy of the policy from your office by e-mail?

Mr. Moyer responded no. I can provide it to the Board by e-mail but there still needs to be a motion by the Board for us to proceed, subject to any further comments. If I receive any comments, I will bring it back to the Board. If not, we will implement it within a week of this meeting.

Mr. Cumello asked is there an assumption for our attorney to turn this around in a week?

Mr. Moyer responded I was going to rewrite the policy, if this is alright with the Board.

Mr. Cumello stated I have no objection as we will have this quicker from a timing perspective.

Mr. Moyer stated I will send this to Ms. Buzyniski and ask for her comments.

<p>On MOTION by Mr. Shelton seconded by Mr. Holihan with all in favor the Parking Policy prepared by Ms. Buzyniski was approved, subject to further comments by the Board and Staff and Mr. Moyer was directed to finalize the policy and implement it in the ensuing week.</p>

Mr. Moyer stated Ms. Buzyniski was also working on the easement with the day care center. I have not received a copy of the easement, but I received an email from Ms. Buzyniski regarding who should be responsible for maintenance. In my mind, the day care center will

continue to maintain the easement area and the CDD will be responsible for the improvement we constructed, which was the pylon. Is this your understanding, Mr. van der Laan?

Mr. van der Laan asked what pylon are we constructing?

Mr. Moyer responded for the day care center. We are not constructing it. Our pylon encroaches their property.

Mr. van der Laan stated I understand. We are currently maintaining it now so it makes sense to continue the maintenance. I do not see why this would change anything.

Mr. Moyer stated I would not think so.

Mr. Rose stated we are currently maintaining a portion of their area but Mr. Moyer just said something different.

Mr. Moyer stated we are maintaining it now and will continue maintaining it.

Mr. Cumello stated someone was supposed to make contact with them.

Mr. Moyer stated once I received the document, I was going to contact them.

Mr. Cumello asked did Mr. Roy get in touch with you regarding whether or not he spoke to them about accessing this area for our gate controller?

Mr. Moyer responded he did not contact me.

FIFTH ORDER OF BUSINESS

Engineer's Report

Mr. van der Laan stated the bollard installation the Board approved at the last meeting was completed. However, they ended up installing six instead of the 10 approved and the bill was reduced. Once they installed six bollards, Mr. Roy and I looked at them and discovered it completely covers the entire easement area in Champlain and there was no need to install the remaining four bollards.

SIXTH ORDER OF BUSINESS

**Community Association Manager –
Agronomist Report**

- **Horizon Easement Agreement**

Mr. van der Laan stated the Agronomist Report for February was distributed with the agenda package. One amendment to this is the receipt of a letter yesterday from Newland Communities regarding the construction-related invoices on the irrigation repairs, which we sent to them late last year. They felt almost all of the invoices were not construction related, although I had gone through and marked the construction-related portions and were also identified on the

reports from Sprinkler Repair. I will contact them within the next day to try to get this worked out and will provide an update to Mr. Moyer by email.

Mr. Rose asked will you remind them their employees tracked this?

Mr. van der Laan responded yes. It is clearly marked on the invoices. They basically said they already sent one check to us, which Severn Trent Services will research for me, but they already told me they did not receive it. I will have to get more information from Newland Communities. Out of the remaining \$8,000, they agreed to pay \$176. The invoices clearly break out what was construction related and what was not. I will have to find out what their justification is.

Mr. Rose asked are they ever going to complete the mulching?

Mr. van der Laan responded yes. We have been moving forward in sections. As you know, we found two additional islands on the POA side, which are owned by the CDD, which we were not aware of. We still have a portion of mulch coming to us.

Mr. Rose stated I did not realize until I went out walking the other day, but the trees along Lake Bedford had not yet been mulched. We already discussed the area in the northeast corner in front of CVS Pharmacy.

Mr. van der Laan stated correct.

SEVENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Cumello stated we continue to incur damage on Lee Vista Boulevard by CVS Pharmacy in the turn lake onto Narcoossee Road. Obviously people like to drive up onto the grass instead of staying on the street. I would like to have our Engineer or Manager look into the types of improvements we can do there to prevent this damage from occurring. I believe Mr. van der Laan is familiar with the issue.

Mr. van der Laan stated my initial thought is to install a removable post into the ground. I am trying to identify why we are having this problem. The thinking is there are 18 wheelers coming out of the CVS parking lot and making a right-hand turn. In the process, they are going onto the median and causing the damage. From what I understand, this stamped concrete area has been extended twice in the past. This could be as simple as extending the median a couple of feet, but I am reluctant to do so until we know why we are having this problem. It seems every time the median is extended, the problem moves with it. I thought a temporary post would

certainly stop any passenger vehicles from driving up onto the median. If the post was damaged, we would know for certain that the large trucks were making the turn and hitting it.

Mr. Cumello stated I know the left-turn lane gets congested in the morning rush hour causing people to pull up as close as they can to the left hand side. Also, many school buses make this turn because the school bus yard is at the end of Narcoossee Road. I would not be surprised if the school buses were ripping up the median because they are making this turn every day. Right now, we need to come up with a solution to how we can fix the median because the hole is 12" deep and 2' wide. If you can provide us with a recommendation at the next meeting, that would be great. I have been asked to bring a request to the CDD Board from the HOA Board regarding the removal of "Newland Communities" from the sign on the east and west sides of the fountains. The HOA Board wants to remove Newland's name from the fountains. I do not know what Newland's position would be, but I assume it is the Board's position to do this at this point in time. I was asked to bring this item before the CDD Board and I have done so for discussion purposes. I think these are the only two places where Newland's name remains in the community.

Mr. Rose asked why do we care?

Mr. Cumello responded some people care because of the negative press Vista Lakes is getting right now.

Mr. Rose stated we should remove the name "Vista Lakes."

Mr. Cumello stated that probably would be better.

Mr. Shelton asked what does the negative press have to do with Newland?

Mr. Cumello responded I do not know, but I was asked to bring this matter before the Board.

Mr. Rose stated I do not see a compelling reason to waste our time or energy, unless anyone else wants to.

Mr. Holihan stated if you remove Newland's name, it is not going to have any impact. I think it is money the Board does not need to spend. In addition, you would have to ask Newland if we have any obligation to keep their name on the signs. I think this is an unnecessary effort.

Mr. Shelton stated I do not care one way or another.

Mr. Rose stated thank you for bringing this item before us, but we respectfully decline the HOA's request.

Mr. Cumello asked have you signed the agreement, which should have been sent to you according to the minutes from the last meeting?

Mr. Rose responded I have not received it.

Mr. Cumello stated we need to track down where the agreement is so we can execute it.

Mr. Shelton stated some residents in Melrose wanted to install pedestrian gates to block the sidewalks, although they have been repeatedly been made aware that it does not add to the level of security as there are other ways to access the community. At one point, this was a hot subject and Mr. van der Laan sent out petitions to the residents. We need 24.3 petitions or 30% of the 81 residents and we currently have 25. Therefore, we would like to move forward. I understand the Board needs to set a public hearing in order to proceed.

Mr. Moyer asked do you have an estimate of the cost?

Mr. Shelton responded yes.

Mr. Cumello stated I thought under the agreement, the HOA would handle this as it is no longer a CDD issue. This was the purpose of the agreement. Under this agreement, the HOA had the capability to do those assessments and proceed quicker than the CDD. Once the agreement was in place, the assessment could be collected through the HOA.

Mr. Shelton asked did the HOA come up with a procedure?

Mr. Cumello responded only the HOA Board can answer this question.

Mr. van der Laan responded I received an estimate for \$5,000.

EIGHTH ORDER OF BUSINESS

Audience Comments

Mr. Kazula stated I would like to thank the Board for all the great work they are doing.

Mr. Rose asked was the landscaping in Gentry Park completed?

Mr. Kazula responded no. Mr. van der Laan is currently working on it.

Mr. van der Laan stated most of the sod replacement has been completed. In fact, STS sent an invoice to Newland Communities who agreed to pay \$7,000 towards this project. To date, we spent \$10,000. Some areas need additional resodding. I am going to walk the property next week with Servello & Son. I believe Mr. Kazula has already walked through the property with a supervisor. They are going to fertilize the remaining areas. They know what areas have come back and we are going to see how the remaining areas react in order to determine how much more needs to be completed.

Mr. Rose asked are you happy with the progress so far?

Mr. Kazula responded the progress is wonderful. Thank you once again!

NINTH ORDER OF BUSINESS

**Financial Statements and Invoice
Approval #92**

Mr. Moyer stated the financial statements and Invoice #92 were provided to the Board.

There being no questions,

On MOTION by Mr. Shelton seconded by Mr. Holihan with all in favor the financial statements and Invoice Approval #92 dated March 2, 2008 in the amount of \$101,757.37 were approved.

TENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Shelton seconded by Mr. Holihan with all in favor the meeting was adjourned.

Gary L. Moyer
Secretary

John Rose
Chairman