

**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 Thursday, April 9, 2009, at 10:00 a.m. at the Vista Lakes Clubhouse, 8841 Lee Vista Boulevard, Orlando, Florida.

Present and constituting a quorum were:

John Rose	Chairman
Randy Holihan	Vice Chairman
James Shelton	Assistant Secretary
Ron Cumello	Assistant Secretary

Also present were:

Brenda Burgess	Manager: Moyer Management Group
Scott Clark	Attorney
Lee Smith	Holland & Knight
Barry Roy	Engineer: Bowyer-Singleton
Nicole Bolinger	Leland Management
Gary van der Laan	Leland Management

FIRST ORDER OF BUSINESS

Roll Call

Ms. Burgess 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 March 12, 2009 Meeting

Ms. Burgess stated each Board member received a copy of the minutes of the March 12, 2009 meeting and requested any additions, corrections or deletions.

Mr. Cumello stated on the top of page 17, the word “no” should be deleted. On page 20, the word “Association” should be “District”.

On MOTION by Mr. Rose seconded by Mr. Holihan with all in favor the minutes of the March 12, 2009 meeting were approved as amended.

THIRD ORDER OF BUSINESS

Acceptance of Audit for Fiscal Year 2008

Ms. Burgess asked did everyone receive a copy of the Audit?

Mr. Rose responded yes.

Ms. Burgess stated on the front page of the *Opinion Letter*, the Auditors gave the District a clean audit opinion by stating in the third paragraph, “The financial statements referred to above, present in all material respects, the financial position of the activities of the District as of the end of last fiscal year.” The information our staff provided to them fairly represented your activities. Following this letter are all the numbers and financial notes. If you would like for the Auditor to give a presentation to you, they are available. On page 23, in the report on *Internal Control over Financial Reporting*, the Auditor did not identify any deficiencies in internal control over financial reporting that they consider to be material weaknesses. Similarly under *Compliance and Other Matters*, they disclosed no instances of noncompliance matters that are required to be reported. This means there were no material issues. On page 25 is the *Management Letter*, which gives the Auditor an opportunity to bring items to the attention of management and the Board that may not be a material weakness but nonetheless can be done better. They are also required to review certain matters by the Auditor General, one of which is whether or not the District is in a state of financial emergency. The Auditor ran all of their tests and had no suggestions or comments for the District. This is a clean audit with no recommended changes. All of you have done a great job and accounting staff has done a good job of reporting everything. If you do not have any questions, I will ask that the Board accept this audit and authorize it to be filed with the appropriate State agencies.

Mr. Cumello stated I was intrigued by the fact that the Auditor said our assets were over \$17 million. Then I wondered what those assets were as they referenced our roads and sewer systems. We had this discussion before about all of our roads being built with CDD funds, because our contracts indicate that, but these roads for the most part, were transferred over to either the City or HOA. How can the Auditor say they are assets of the CDD?

Ms. Burgess responded some of our Districts have roads while others do not.

Mr. Clark stated we need to provide this question to the Auditor so they can list the assets. Sometimes you end up with more liabilities than assets. The Audit should reflect what you actually own.

Ms. Burgess asked does it have anything to do with the fact that we are paying off the bonds and show these as assets until those bonds are paid off?

Mr. Clark responded they may feel they are required to do that, but the corresponding asset for the bonds is also the assessment receivable that pays for those assets. This is why sometimes if you have more bond debt than assets because you dedicated them, the Auditor can say we are insolvent. The answer is we are not insolvent as the bonds are not a full faith and credit obligation. They are a revenue and payment obligation so you balance your expected assessment payments in the future against your expected bond payments. I suggest sending a request to the Auditor to tell us what assets are included in the \$17 million.

Mr. Cumello stated I would like to do that because this is confusing.

Ms. Burgess stated we should do so for clarification purposes.

Mr. Cumello stated the only roads that I know the CDD currently owns are the Gentry Park and POA roads, but I do not think that is a big number from an asset value.

Mr. Clark stated you own roads, stormwater management systems and real estate in terms of the common areas and wetlands we own.

Mr. Cumello asked how would the value of those common areas be established as far as an asset? Is it based on some real estate value that is a moving target every year because the assessments and the value of land changes?

Mr. Clark responded I do not know how they would have set a value, but in some Districts you have transactions where real estate is purchased and a price is paid and then the asset is tagged at that value. The common areas were done like that, but I am not sure if any value was assigned to the wetlands. The common areas were deeded in 2005.

Mr. Cumello stated I think this is important because you were going to ask us to approve the Audit and I am confused about how we can have \$17.7 million in assets when the only property we own are the common areas and a quarter mile of roads.

Ms. Burgess stated we can ask the Auditor for further clarification.

Mr. Cumello stated I thought the water management system was turned over to the St. Johns River Water Management District and they now own it.

Mr. Clark stated I think they have an easement as opposed to ownership.

Mr. Rose asked should our Management Company know what assets we have?

Ms. Burgess responded I would presume that the Accountants provided that information to them. You have the total, which is \$17 million and it should be simple to have the dollar amounts associated with it.

Mr. Rose stated I am sure they have this information because they had to provide it to the Auditor.

Ms. Burgess stated the information is there.

Mr. Rose stated someone needs to give us that information.

Mr. Cumello stated if we can have that answer before the next meeting, we could vote on the Audit.

Ms. Burgess stated we will table this item to your next meeting. I can go back to the office and email the information to the Board by next week.

Mr. Cumello stated on page 27, item 8 of the Management Letter says “The District has not met one or more of the financial emergency conditions described in Section 218.503(1), Florida Statutes.” Is this a positive or negative statement?

Mr. Clark responded this is a positive statement. This is actually stated better than it is usually stated. Usually there is a statement that the District has not met the requirements of Section 218.503(1) and you think “*What did we do wrong.*” Those requirements are ones reported by the Auditor General as being in a State of Financial Emergency that puts you on a list, which takes years to get off of. This happens when Districts default on their bonds or when they are insolvent and not able to pay their bills. The Auditor is saying they went down their list of tests and you did not trigger any of the requirements so you are in good shape.

Ms. Burgess stated the way they worded it is misleading. We will table this item until your next meeting.

FOURTH ORDER OF BUSINESS

Manager’s Report

A. Financial Statements

Ms. Burgess stated Mr. Moyer is on vacation and sent me in his place. It is nice to meet all of you. The financials through February 28, 2009 were included in your agenda package. In regard to assessments, it looks like you are well ahead of your anticipated budget to date at 87% collected on your on-roll assessments, which is good. Several line items were over budget for year to date, but we do not believe there are going to be any issues by the end of the year. All things considered, your General Fund looks good. I will try to answer any questions on the financials if you have any.

B. Invoice Approval #105

Ms. Burgess stated Invoice Approval #105 was provided to the Board.

Mr. Shelton stated I noticed several checks were cut to residents. What were they for?

Mr. Rose responded we discussed several meetings ago that there were incorrect figures on last year's tax roll and we had to refund some assessments back to the residents. Those checks were for unclaimed funds. This was mentioned in the Audit. The Audit also mentioned that the District was doing something with those unclaimed funds. What is the Management Company doing about those funds?

Ms. Burgess responded I will need to have staff look into that and report back to the Board. We may have incorrect addresses.

Mr. Cumello asked why are we getting invoices from Servello & Son for irrigation repairs?

Mr. van der Laan responded two invoices for irrigation repairs were from the February inspection. I have the backup to those invoices and can provide them to you. We are still paying 80% less than what we were paying a year ago on irrigation repairs, which is significant.

Mr. Rose stated we had nothing and now we have an increase in repairs. What is the issue?

Mr. van der Laan responded part of the reason for the increase is we are switching over all of the new planting beds to the lower water usage. We expected this increase. That is why we left additional money in the irrigation line item for this fiscal year. In the long term, we are going to save money and are ultimately going to meet our goal of reducing the amount of water we are using. I suspect there were some repairs. Probably a large percentage was for the changing of irrigation systems. For example, we installed a buffer line along Chickasaw and \$1,000 was spent for irrigation.

Mr. Rose stated over the past couple of months, we had almost no repairs and now we are spending \$1,000 in repairs. There were also a couple of systematic replacements in heads. Something has changed.

Mr. van der Laan stated I will look into it. Just keep in mind that a year ago you were running \$10,000 a month in repairs, so we have made some substantial improvements.

Mr. Cumello stated my concern is when we agreed to bring them on as a contractor, it was our understanding they would be responsible for any irrigation heads they destroyed as they performed their work, so we did not see these invoices until now. Are we paying for broken irrigation heads?

Mr. van der Laan responded no. I get the details and did not see any broken heads, but I can look again to see exactly what they are charging for.

Mr. Cumello stated I would appreciate it! I noticed we are getting a lot of invoices from Gentry Park. Is there a reason why?

Mr. Rose responded a couple of months we agreed to pay 60% of their electricity on their monument lighting. We also agree to pay the same for their irrigation repairs. For the longest time we were not getting the invoices.

Mr. Cumello stated on one, we are being charged for June, July, December, January and February billing dates. Are they back billing us?

Mr. van der Laan responded it looks like they forgot to bill for June, July, December, January and February.

Mr. Rose stated we prefer that they bill us on a more periodic basis.

Mr. van der Laan stated June and July is when we started managing Gentry Park.

Mr. Cumello asked does Servello & Son perform their landscaping?

Mr. van der Laan responded yes.

Mr. Cumello stated we received an invoice for repairs on our irrigation line.

Mr. van der Laan stated that was for the main reclaimed line damaged under the monument wall. There are two separate irrigation lines leading to the reclaimed; one is for Gentry Park and the other is for the CDD. The CDD line is for all of the common areas between our buildings.

<p>On MOTION by Mr. Cumello seconded by Mr. Rose with all in favor the financial statements for the period ending February 28, 2009 and Invoice Approval #105 dated March 30, 2009 in the amount of \$78,910.39 were approved.</p>
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C. Discussion of Action Item List

Ms. Burgess stated the action item list was provided to the Board. Are there any comments or additions? I discussed with Mr. Moyer earlier about the letter we wanted to send to eight commercial parcels encouraging them to participate in the operation and maintenance expenses. We sent this out a couple of weeks ago and I have copies of those letters. I do not recall if I sent copies to the Board by email. We gave the property owners until May 1 to make

an annual payment of \$958 per parcel or start billing them quarterly for \$239.50 after May 1. We will see what response we get.

Mr. Cumello asked do you have documentation of the Pine Castle Jeep Range issue?

Ms. Burgess responded I received some documentation from the Recording Secretary, but did not make any additional copies.

Mr. Cumello asked can you make sure Mr. Clark receives those documents?

Ms. Burgess responded the documents I received are dated October 12, 2006 and November of 2007.

Mr. Clark stated I will send them to you.

Ms. Burgess stated I will forward the documents to everyone by email. I apologize for not doing this sooner. I can also have the Recording Secretary check the 2005 minutes to see if anything turns up. If the Board has any items to add to the action item list, please feel free to email me or Mr. Moyer.

Mr. Rose asked did Mr. Moyer handle item five?

Ms. Burgess responded I spoke to Mr. van der Laan prior to the meeting. I knew about the easements we were trying to get from Vista Park Investors and another individual near the column, but I was not familiar with any of the property owners and where the properties were located. Mr. van der Laan and I will discuss this matter further. Apparently this is a two to three year old issue.

Mr. Cumello stated it is not the Vista Palms homeowners, but the Vista Lakes homeowners.

Ms. Burgess stated the word “revove” should be “remove”.

Mr. Cumello stated this actually has to do with the Warwick homeowners, not Vista Palms.

FIFTH ORDER OF BUSINESS

Attorney’s Report

Mr. Clark stated if you recall, we had a lengthy conversation about the Pine Castle Jeep Range issue at the last meeting and I was asked to follow-up on several items. One was to call the developer’s Attorney. I called Mr. Lee Smith and we had a lengthy conversation. However, Mr. Smith tried to pretend that he was not in the room. He obviously heard the conversation and knew the phone call was coming and had some time to consider it. I posed the question to him about whether the developer wanted to enter into a conversation with us about this matter. When

we initially talked he said he was not sure and they were discussing it. We spoke yesterday and he advised me the developer did not want to enter into a conversation with us. I do not know if Mr. Smith wants to elaborate more on this.

Mr. Smith stated I do not think so.

Mr. Clark stated the Board asked me to consider issues related to the liability of the CDD under the EPA superfund types of liens. While I cannot give you a definitive answer that there is no such liability, I spent some time on the EPA site trying to get a flavor of what they were doing and saying about it. I did not find the Maryland case that was brought up by Mr. Cumello at the last meeting. However, there was one instance where it appeared the EPA had cleaned up a site based on varying emissions. This was a difficult situation because it involved a munitions manufacturer who improperly disposed of some of the waste on its own site. It is clear they were doing a cleanup and were going to seek some type of recovery from the manufacturer. There is a lot of activity on their site regarding buried munitions. It seems the responsibility for that was divided between several agencies who perhaps did not know what the others are doing or did not completely talk about it. The Army Corps of Engineers is taking responsibility for abandoned sites that have gone into private ownership, such as this one, whereas the EPA is taking on more responsibility for existing government owned sites that are in the process of being abandoned or transitioned over to some other use. I did not see anything that indicated to me that they were taking action to try to put these sites on their superfund list and impose liability onto other people. That being said, the administration has changed recently and obviously different people are in charge who have different agendas. Therefore, this is subject to change. I do not see an effort by the EPA at this point to come after people like us with this type of problem. They are more focused on trying to find the money to do the cleanup and figure out a remedy. That is where we are at.

Mr. Cumello stated I would like to get more information because we had another meeting with the Army Corps of Engineers on March 31. They intend to publish their Time Critical Report, which is the work they performed in 2007 and 2008 in Warwick, Odyssey Middle School and Tivoli Gardens. That is still being cleared by the Department of Defense and being reviewed by the Florida Department of Environmental Affairs. We are waiting for this report to be issued, which is expected out this Spring. They said it is anywhere from 600 to 700 pages. They are currently working on their second report, which is the investigation they are currently

undertaking. The draft will be out by the end of the year and will have their recommendations. At this point in time, we are waiting for their findings. They will still not release any soil or water testing action reports because they are still being reviewed by the State. This information will be coming to us in the near future.

Mr. Clark stated we had a report saying some munitions were found on CDD property.

Mr. Cumello stated in the conservation area among us, Odyssey Middle School and Tivoli Gardens, they found a number of objects, which they removed. Our right-of-entry expired and they had to stop work because of the water. They asked for it to be renewed. I took the liberty of renewing it in between Board meetings and I have a copy of the renewal.

Mr. Clark stated I looked at it.

Mr. Cumello stated I asked Mr. Clark whether there would be any issues since they are back in those conservation areas. There are eight conservation areas that the CDD owns, which they have to look at. They are starting to send out letters to property owners. It was brought to my attention that a report was prepared by the United States Government Accounting Office (GAO) in Washington about this entire process, which we received a copy of today. I provided a copy to the Board members for informational purposes. However, there is an area worth contemplating in this report, which has to do with the safety environmental and unit health risk on pages 22 and 23. This is not The Orlando Sentinel talking, but the government informing us about issues with these sites. As we continue to look into this further and gather more information, I think it is worthwhile for us to look at these reports.

Mr. Holihan asked did you see where they reported that the DOD identified 2,307 potentially contaminated sites?

Mr. Cumello responded there are now actually 9,000 sites. The report is old.

SIXTH ORDER OF BUSINESS

Engineer's Report

There not being any, the next item followed.

SEVENTH ORDER OF BUSINESS

**Community Association Manager –
Agronomist Report**

A. Activity Report

B. Agronomist Report

Mr. van der Laan stated the monthly Activity and Agronomist Reports were provided in the Board's agenda package. I provided a reimbursement to Ms. Burgess from Sullivan

Properties for the 2008 maintenance. We are going to bill them quarterly and sent them a bill last week for the first quarter of 2009. At this time, they are current on all of their reimbursements.

EIGHTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Cumello stated the HOA is in discussions with the developer on some issues. There is a piece of property in Windsor, which Terrabrook/Vista Lakes LLP still owns and would like to deed over to another entity. The property is vacant and too small for any construction. I have a copy of the documentation for this property. Originally, there were two lots in Windsor; Lots 64 and 65 at the end of the cul-de-sac. For those who were on the Board two years ago, the developer came before the Board for an easement across CDD property to allow Mockingbird to build a road. As part of that activity, Terrabrook sold these lots to Mockingbird, but still retains ownership of Lot 00640. Three properties are owned by Mockingbird. The property identified as 119.61 is an open area that the CDD maintains, which is approximately 44 feet wide. They would like to deed property 00640 to either the HOA or the CDD. The property directly to the east is a conservation area. I propose that this property come under the ownership of the CDD since it is already abutting CDD property. This property has no value from a CDD standpoint since it is vacant.

Mr. Rose asked do we maintain it?

Mr. Cumello responded yes.

Mr. Rose asked what other expenses will be incurred by taking on this property?

Mr. Cumello responded I do not think we pay any taxes once it is deeded over to us.

Right?

Ms. Burgess responded I was trying to recall if Orange County assesses property taxes. I know Osceola County does.

Mr. Cumello stated it is minimal.

Ms. Burgess stated your budget for property taxes is \$1,500 and we already paid \$1,416 this year.

Mr. Holihan stated I do not have any problem with it.

Mr. Cumello moved to have Terrabrook/Vista Lakes LLP. quit claim Lot 64 in Windsor to the District and Mr. Shelton seconded the motion.

Mr. Clark asked is an assessment levied on this lot?

Mr. Smith responded I do not think it is reflected on the tax records.

Mr. Clark stated perhaps it was excluded when the refinancing was done.

Mr. Smith stated I think that is correct, but I am not sure.

Mr. Clark stated our only concern would be to make sure it is free and clear of any liens or obligations including a potential assessment. Maybe the motion should reflect that condition.

Ms. Burgess stated with final review by District Counsel.

Mr. Cumello stated correct.

<p>On VOICE VOTE with all in favor, Terrabrook/Vista Lakes LLP. will quit claim Lot 64 in Windsor to the District, subject to final review by the District Attorney confirming that the property is free and clear of any liens or obligations.</p>

Mr. Shelton asked what is a Quit Claim Deed?

Mr. Clark responded a Quit Claim Deed contains no warranties of title. The motion directed me to make sure there are no title issues. I will examine the assessment and obtain an affidavit from Mr. Smith saying the property was free of any liens. We will take care of that.

Mr. Shelton stated the CDD website lists the meeting time and the meetings for the past two years, but not the meetings for this year.

Ms. Burgess stated the agenda and minutes are listed by meeting date, but the meeting schedule should just be for this year.

Mr. Shelton stated I do not care if the other years are there, but this year is not shown.

Ms. Burgess stated I can list the meetings for the year, but there will not be a link to click. I can also verify the meetings for this year are on the website, but there should just be a list for this fiscal year.

Mr. Shelton stated I last looked at the website last week or the week before and there was only the schedule for 2007/2008. It does not hurt to put a generic time and place for the meetings on the main page. Mr. Moyer had the Board formally set the meeting schedule for this year. Do we need to vote on the change?

Ms. Burgess responded the Board already voted to change the meeting schedule to the second Thursday at this location.

Mr. Shelton stated last month and over the past several months, I have been talking about the area of cleared land on Chickasaw Trail under which there is an easement for CDD stormwater runoff. I said this was a large open area and a trail was leading to someone's backyard. Many people are cutting through there. I asked if there could be trees or other landscaping. Mr. van der Laan and I looked at the area last week and he thought the plantings would be replaced after they dig up the storm sewer.

Mr. van der Laan stated originally there were plantings placed in there along with a monitoring period where they were reviewed and supplemented. After that period, the District said it was fine, but it does not look that way now. There are more weeds. I spoke to the District Engineer and he said there would be no problem having additional plantings so long as there were a wetland species with negative vegetation.

Mr. Shelton asked can we do that?

Mr. Rose responded I do not know why we should if people are just going to knock them down again. It sounds like some people are making a purposeful path through there.

Mr. Shelton stated you can very well be right, but nevertheless, there is such a large opening there that it seems like an invitation. Plantings will discourage people from trespassing.

Mr. Rose stated we already confirmed that the plantings were replanted and they just made the path again anyway. We certainly do not want to replant the same plantings because history has just proven that they will just do the same thing.

Mr. Shelton asked why is there a large open grassy area that is nowhere else? There is no reason why this needs to be a grassy area. It is being mowed by Servello.

Mr. Rose stated it has been like that since I have been on the Board. What do you propose?

Mr. Roy responded technically it should not be mowed. No equipment should be going in or out of there.

Mr. Shelton stated I propose putting in some low cost and low maintenance plantings back there that are so they can grow wild just like everything else along Chickasaw. I was wondering if this was reasonable to do. It certainly is not a huge cost, but we are mowing an area that should not be mowed. We should let that area regress to whatever it was originally intended to be.

Ms. Burgess stated you want to provide some sort of deterrent so that people do not walk back there. Can Mr. van der Laan make sure Servello is not mowing back there?

Mr. van der Laan stated I will get with Mr. Derek Buehler. I am not sure about the area we are talking about, although I know the general area. I do not know what they are mowing.

Mr. Roy stated we can put something more concentrated up front near the road.

Ms. Burgess asked is the Board okay with the Engineer, Mr. van der Laan and Mr. Shelton working together on that with the understanding that paid staff will minimize their time?

Mr. Holihan responded yes. Please place this item on the agenda for the next meeting.

Ms. Burgess stated if you want to provide a report to the Board, please do so 10 days ahead of the meeting.

Mr. Shelton stated there is a piece of CDD land in Melrose at the end of the cul-de-sac where a homeowner would like to plant a couple of Red Maples on their own time and cost. Does anyone have any objection to the homeowner doing this?

Ms. Burgess responded the only objection staff may have is with a resident doing something on CDD property. Is he donating the trees?

Mr. Shelton responded he is going to purchase them and donate them to us.

Ms. Burgess stated in other Districts, people donate their excess landscaping to the CDD and we will use it in different areas. Because it is CDD property and due to liability issues, we typically have the contractor install the trees, but it does come at a price.

Mr. Cumello stated my only concern would be whether or not the area is irrigated and has utility lines.

Ms. Burgess stated that would all need to be checked before anything is planted.

Mr. van der Laan stated I can tell you there is no irrigation out there.

Mr. Cumello stated conceivably there could be power or telephone lines running around the cul-de-sac.

Mr. van der Laan asked will the homeowner take care of the watering until the trees get established?

Mr. Shelton responded I assume so.

Mr. Cumello asked how big is the easement?

Mr. Roy responded 10 feet adjacent from the back sidewalk.

Mr. Cumello stated there can be anything under that easement.

Mr. Roy stated there can be power lines, cable or telephone lines.

Ms. Burgess asked is the homeowner in a hurry to do this now or is he willing to wait?

Mr. Shelton responded I assume so.

Ms. Burgess stated if Mr. Shelton does not mind working with staff, we will do some research and provide a formal proposal in writing.

Mr. Cumello asked is there a requirement to look for electrical lines and cables in easements?

Mr. Roy responded you should call the State Sunshine line.

Ms. Burgess stated anyone who installs anything calls that number and the utility company goes out to mark all of their utilities.

Mr. Shelton asked if the homeowner wants to donate two trees, should he call the utility companies?

Mr. Roy responded if he is going to plant them, he should call someone to locate the lines anywhere in that area within 10 feet of the sidewalk for his own safety and to protect the liability of the CDD.

Mr. Shelton stated I have a feeling this is going to scare him off.

Ms. Burgess asked does he need written permission from the CDD through a Use Permit or Use Application to work on CDD property?

Mr. Clark responded at a minimum, we should send him a letter giving him permission to do this along with the website and phone number for him to contact the utility companies so it does not come back to us.

Ms. Burgess stated we did a Use Permit for drainage for something similar several months ago. We can give this homeowner temporary permission to be on CDD property to perform this activity.

Mr. Holihan stated we are spending a lot of time and effort to plant two trees. We should just say no.

Mr. Clark stated I think a letter from the Management Company is sufficient.

Ms. Burgess stated our concern is having private individuals on CDD property.

Mr. Shelton stated we should deny this request.

Ms. Burgess stated we can have the contractor do this. We do not want to create bad blood because we like residents getting involved in things of that nature, but this is an issue of someone being on CDD property.

Mr. Shelton stated it gives an interesting impression on the residents who want to go out and purchase trees and plant them on our property to look nice and us telling them thanks, but no.

Ms. Burgess stated we love people to be involved like this, but there are liability issues.

Mr. Rose stated we have to protect ourselves.

Mr. Shelton stated I understand, but I do not know if the residents will understand.

Ms. Burgess stated the question for the Board is whether you want to authorize the Landscaping Company to plant trees.

Mr. Rose stated if he would have just planted the trees, we would not have cared.

Mr. Clark stated unless he strikes a line.

Mr. Shelton stated it has been suggested, but I did not want to go through the conversation that follows after the fact.

Mr. Cumello stated the City is doing a lot of work on the island in Narcoossee on Lee Vista Boulevard. Do we have any idea how much damage they will cause to our irrigation system? I noticed they are removing shrubs. Who will be responsible for the re-installation?

Mr. Roy responded I have not seen the plans, but I am sure there are an approved set of plans showing the exact limits of what they are doing.

Mr. Cumello asked can you check with the City to see what they are doing and whether they are going to restore the irrigation system?

Mr. Rose responded I would like someone who is not a paid employee to check on this.

Ms. Burgess stated this will just take a phone call.

Mr. Roy stated I am sure the Project Manager at the City handles the Narcoossee improvements and they can tell you exactly what is in the Contractors scope.

Mr. Cumello asked can the District Manager check with the City?

Ms. Burgess responded sure.

Mr. Cumello stated I do not know if they impacted the irrigation system since they are now ripping up the plant bed. Is the system shut off?

Mr. van der Laan responded yes. We capped off 50 feet back off of the island. They did tell us when they started working on the center island, that the Oak Trees on the right hand side were removed and relocated. Servello spoke to the contractor and was able to remove one of the Magnolias and relocate it.

Mr. Cumello asked do we have any interest in saving some of those shrubs?

Mr. van der Laan responded the shrubs are not worth saving, but we would like to try to save the trees if we can.

Mr. Rose stated I think we need to decide if we are going to do anything about the Pine Castle Jeep Range matter and whether we need to call a public meeting. There are a lot of implications as far as if we wanted to pursue this. We expected this answer from the developer, Terrabrook, but the bottom line is we still need to do the right thing.

Mr. Cumello stated personally I would like to see what this time critical report says because it did look at part of our property. It would be interesting to see what the Florida Environmental people say about the testing they performed. Their report will tell us what they found and what direction we need to go in, which will help give us more information from a fact finding standpoint before we take the next step.

Mr. Rose stated last month we were questioning potential time limits.

Mr. Cumello stated I re-read the minutes in regard to what Mr. Clark said about the different theories about the issues and which theories would work and which ones would not. I think you mentioned the worst case was June if we continued to discuss it.

Mr. Clark stated I was careful to say on the record that this is the worst case and I do not adhere to the June 2005 date as to when we had knowledge and our rights started to run. We received some minutes that set more definitive times of when the Board first began to discuss this matter. Those would establish some dates that I will be putting on my calendar. If you start the clock four years from those dates, the Statute of Limitations runs out next year.

Mr. Cumello stated if I understand correctly from minutes found, the first discussion by the Board was in October of 2006, which pushes it back another year.

Ms. Burgess stated that was when the Attorney received the Right-of-Entry request from the Army Corps of Engineers.

Mr. Clark stated I will look at those minutes and follow up to try to nail down that notice issue.

Mr. Cumello stated I think we still have time to answer the question.

Mr. Rose stated when the time comes, I think we need to consider making this issue as public as possible and try to get as many people involved and letting them know that we want them to be a responsible company.

NINTH ORDER OF BUSINESS

Audience Comments

There not being any, the next item followed

TENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Cumello seconded by Mr. Rose with all in favor, the meeting was adjourned.

Gary L. Moyer
Secretary

John Rose
Chairman

NOTES FROM VISTA LAKES APRIL 9, 2009 MEETING:

AGENDA ITEMS FOR NEXT MEETING

- 1. Acceptance of Audit for Fiscal Year 2008**
- 2. Discussion of Grassy Area off of Chickasaw**