

**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 Thursday, August 11, 2011 at 10:00 A.M. at the Vista Lakes Clubhouse, 8841 Lee Vista Boulevard, Orlando, Florida.

Present and constituting a quorum were:

Randy Holihan	Vice Chairman
James Shelton	Assistant Secretary
Ron Cumello	Assistant Secretary
Dr. Harold G. Banks	Assistant Secretary

Also present were:

Gary L. Moyer	Manager: Moyer Management Group
Scott Clark	Clark & Albaugh, LLP.
Barry Roy	Engineer: Bowyer-Singleton
Gary Van der Laan	Property Manager

FIRST ORDER OF BUSINESS

Roll Call

Mr. Moyer called the meeting to order at 10:05 A.M. and stated that all Supervisors were present with the exception of Mr. Rose.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the July 14, 2011 Meeting

Mr. Moyer stated that each Board member received a copy of the minutes of the July 14, 2011 meeting and requested any additions, corrections or deletions.

Mr. Cumello asked since we did not have a quorum for the last meeting, should we be approving the May minutes as well?

Mr. Moyer responded yes.

Mr. Cumello asked since the July 14 meeting was not a formal meeting, is it correct to approve the minutes?

Mr. Moyer responded we are required to record the meeting, but since there was not a quorum of the Board and we did not take any action, I do not think any action is necessary.

Mr. Clark stated there was no action taken, but the proposed minutes say there was a quorum. They should be revised because there was no quorum. The Board can determine whether or not they want to approve them. I agree that it is not required.

Mr. Moyer stated we will make the amendments that Mr. Clark indicated to reflect that there was no quorum.

On MOTION by Mr. Cumello seconded by Pastor Banks with all in favor the minutes of the May 12, 2011 meeting were approved.

Mr. Clark stated there were minutes from February and April.

Mr. Moyer stated those were approved in May.

Mr. Cumello asked are we going to approve the July minutes?

Mr. Moyer responded I suggest that we have a motion to have the Board accept them to be made part of the District record.

Mr. Cumello stated instead of saying “Present and constituting a quorum” say “Present were” and delete the second order of business, which are the minutes. On Page 4, the third sentence from the bottom where Mr. Clark “responded yes”. That was me. On Page 7, where Mr. Roy stated “I think you are referring to the fact that there are no annual flowers”. That was Mr. Van der Laan.

On MOTION by Pastor Banks seconded by Mr. Holihan with all in favor the minutes of the July 14, 2011 meeting were accepted as amended and will be made a part of the official record.

THIRD ORDER OF BUSINESS

Public Hearing to Consider the Adoption of the Budget for Fiscal Year 2012

A. Fiscal Year 2012 Budget

Mr. Moyer stated the budget was provided in your agenda package. You may recall that in April, we submitted the preliminary budget to the Board and decided to have a workshop at the July meeting. Mr. Cumello asked staff to look at the budget to see if we could tighten it up and give him the economic circumstances that everyone is faced with and reduce the budget by five percent. The version of the budget before you today does reflect a reduction in assessments of five percent. Those reductions were all across the board in administrative, field, landscaping and reserves. In regards to reserves, we had the Reserve Study updated and it reduced the

Reserve Fund requirements so we were able to save almost \$20,000 on one line item. The remaining reductions came from certain adjustments in engineering, recognizing that if we do any heavy engineering work, the money will come from the Renewal and Replacement Fund. We also reduced Attorney's Fees by several thousand dollars to reflect where we are currently in this fiscal year as well as some decrease in tree trimming and plantings. There were no significant changes. We just found some savings and tweaked our budget to accomplish the five percent reduction. I suggest that we open the meeting at this time for public comments since this meeting was advertised as a public hearing. Not hearing any comments, we will take any questions from the Board.

Mr. Cumello stated I know that we are competing the water quality contract and landscaping contract. Do these numbers reflect our expected expenses?

Mr. van der Laan responded we do not anticipate an increase for any of those items.

Mr. Moyer stated hopefully there will be some savings.

Mr. Holihan asked are you rolling over the landscape contract?

Mr. Roy responded it is being re-bid.

Mr. Holihan asked what is the landscape number based on?

Mr. Roy responded it is based on the current contract and conversations we had with vendors. We do not anticipate it being higher and as Mr. Moyer mentioned, there may be a reduction.

Mr. Moyer stated the landscape maintenance business is still competitive from what we have seen in other bidding situations.

Mr. Holihan stated I agree, but at the same time, the landscape business was driven by fuel for the most part and who knows where fuel costs are going to go.

B. Consideration of Resolution 2011-03 Adopting the Fiscal Year 2012 Budget

Mr. Moyer stated if there are no other questions, Resolution 2011-03 by title is:

"A RESOLUTION OF THE VISTA LAKES COMMUNITY DEVELOPMENT DISTRICT RELATING TO THE ANNUAL APPROPRIATIONS OF THE DISTRICT AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012 AND REFERENCING THE MAINTENANCE AND BENEFIT SPECIAL ASSESSMENTS TO LEVIED BY THE DISTRICT FOR SAID FISCAL YEAR."

Staff will complete the blanks in this resolution on the District's behalf to reflect the General Fund and Debt Service Fund [contracts with the Trustee and bondholder].

On MOTION by Mr. Holihan seconded by Mr. Cumello with all in favor Resolution 2011-03 as stated above was adopted.

C. Consideration of Resolution 2011-04 Levying and Imposing the Non-Ad Valorem Assessments for Fiscal Year 2012

Mr. Moyer read the Resolution 2011-04 into the record, which by title is:

“A RESOLUTION LEVYING AND IMPOSING A NON-AD VALOREM SPECIAL ASSESSMENT FOR THE VISTA LAKES COMMUNITY DEVELOPMENT DISTRICT FOR FISCAL YEAR 2011/2012”

This is the resolution that we send to the Tax Collector along with the assessment roll for 2012.

On MOTION by Mr. Shelton seconded by Mr. Holihan with all in favor Resolution 2011-04 as stated above was adopted.

Mr. Cumello stated on the commercial properties, there are two to three lots that have not yet been sold. How is this factored into the budget? Does more money come to the CDD or is that already taken care of?

Mr. Moyer responded it is already taken care of because it is on the tax roll.

Mr. Cumello stated there are 10 properties that the developer still owns.

Mr. Shelton stated there are 11 lots.

Mr. Cumello asked are they being charged?

Mr. Moyer responded absolutely.

Pastor Banks stated even the church is charged, which I do not understand because if I looked at all of the houses, each owner is charged \$400 per lot. The church is paying a lot more.

Mr. Holihan stated I agree.

Pastor Banks stated we are a benefit to the community.

Mr. Moyer stated it is all calculated by formula based upon the amount of land you have and whether it was sold as residential or commercial.

Pastor Banks stated it was originally not supposed to be a church.

Mr. Cumello stated it was originally residential.

Pastor Banks stated then we should be paying residential taxes.

Mr. Cumello stated but then you would have to pay for each of those houses.

Mr. Moyer stated I will have our Assessment Department look into that.

Mr. Clark stated the Board has the ability to look at the methodology from year to year and determine whether there are inequities. They can be addressed, but the assessments have to go somewhere else.

Mr. Moyer stated six units have been assigned to that parcel.

Pastor Banks stated those units are approximately \$400 per lot in Warwick.

Mr. Moyer stated in total, you are paying \$4,200 for operation and maintenance and \$3,800 for debt service.

Mr. Cumello stated that works out to \$700 per lot times six lots.

Pastor Banks stated I probably will not get anything, but I thought I would mention it.

Mr. Moyer stated that is consistent with Warwick. It is straightforward multiplication.

Mr. Cumello stated it would nice if we knew what the methodology was. I do not think we have reviewed it in years.

Mr. Moyer stated I can circulate the methodology.

FOURTH ORDER OF BUSINESS

Manager's Report

A. June Financial Statements

Mr. Moyer stated we provided the financial statements through June 30. In terms of collections of our non ad-valorem assessments, we have not received \$50,805 from the Tax Collector. However, we received a distribution yesterday of \$16,000. So the delinquent assessments are in process.

Mr. Cumello asked does it ever count as bad debt?

Mr. Moyer responded the way that this is handled is if no one purchases those certificates, which I find hard to believe in a community like Vista Lakes, after a period of time and through a process, it would become County property.

Mr. Clark stated the process includes going on a list of lands for a period of time where anyone can purchase them at a good price.

Mr. Cumello asked for the tax certificate value?

Mr. Clark responded yes. Any unpaid taxes from all of the taxes in a subsequent year have to be paid.

Mr. Holihan stated as well as the interest attached to it.

Mr. Clark asked why wouldn't the CDD go forward to acquire those properties and then sell them to get their money?

Mr. Moyer responded the law provides that you can do that if that is something you want to follow-up on.

Pastor Banks stated I am looking at those and thinking that is the thing to do.

Mr. Cumello stated you only want to turn the property over to recover your costs.

Mr. Holihan asked are you talking about purchasing the tax certificates?

Mr. Cumello responded I am talking about purchasing the property.

Mr. Holihan stated buying the property takes five to seven months. Unless you are purchasing tax certificates full-time, I am not even sure you can participate. I learned this year that there are companies out there that have computer programs that go to every county and buy up everything they can. You have to be faster than their computer.

Mr. Clark stated but the properties that remain after the end of the process and have not been purchased will not be in that situation because for whatever reason those companies decided to pass on those lots.

Mr. Cumello asked do you have a listing of how many properties are sitting out there where the tax certificates have not been sold?

Mr. Moyer responded I can get you that information. I can give you a printout with the location and folio numbers.

Mr. Cumello stated you have properties that are abandoned every year and the mortgage holders do not want to go to a final judgment on them because they do not want to write off the asset. When people are not living there, the mortgage holder is not getting paid, the CDD is not getting their taxes and the HOA is not getting their fees. You have to move these properties along at some point.

Mr. Moyer stated that is on the revenue side. On the expenditure side, through nine months we are \$30,000 under budget. That is tight, but we are still positive.

B. Check Registers

Mr. Moyer stated the check registers were provided to the Board. After the Board's review, I would ask for a motion to approve.

On MOTION by Mr. Holihan seconded by Mr. Shelton with all in favor the check registers for June were approved.

C. Discussion of Action Item List

Mr. Moyer stated the Action item List was provided to the Board. On the Reserve Study, with Mr. Van der Laan's assistance we did not identify any immediate capital projects, which we reported at the last meeting. They were all included in the budget you approved.

Mr. Cumello stated in looking at the 2012 Reserve Study, there is \$78,783 set aside for walls, masonry inspection and partial re-jointing. Is there any expectation that we will have to do any of that work in the next year?

Mr. van der Laan responded we actually just completed some of that work, approximately \$9,000. I do not anticipate \$78,000 worth of work, but we are definitely at a time frame where we are going to need to work on some of those walls.

Mr. Cumello asked is that an activity for 2012, which starts on October 1 and should there be some type of inspection of these walls and a report of which walls need to be re-jointed?

Mr. Roy responded yes. With the failure we just had last month, that is part of the process. This was an immediate repair that needed to be done just past the fountain. I asked a brick company to take a look at all of the walls in October and come back to the Board with a recommendation.

Mr. Cumello stated I think the action on this item is an Inspection Report on the repair.

Mr. Moyer stated we will change the action item list. There were several items for our District Engineer to take a look at. One dealt with FDOT four laning Chickasaw.

Mr. Roy stated our highway guys found no indication that the County has the four laning in their five year program.

Mr. Holihan stated I have not heard anything and have not seen a 20 year plan.

Mr. Roy stated they did not see anything on the books for the four laning.

Mr. Shelton asked is re-surfacing of Chickasaw in the plan?

Mr. Roy responded there is 20 feet at the north end of Vista Lakes that is owned by Orange County, just past Newport. The rest is owned by the City of Orlando. The City has already done a portion of the roadway, but they indicated that was the extent of what they were going to do. I did not check the City's plan regarding the four laning going south.

Mr. Cumello stated item four was in regards to discussion on the City purchasing the right-of-way on Narcoossee in order to expand the roadway from two to four lanes. I believe \$4 million was paid to the property owners.

Mr. Clark stated I think the context was the amount the CDD could get for CDD property.

Mr. Roy stated the eminent domain was for Narcoossee.

Mr. Cumello asked have you done a search into the City files for Chickasaw?

Mr. Roy responded I had an employee in my office who monitors Orange County’s work for design purposes to see if anything was proposed because they wanted to do the design, but they did not know of any upcoming work.

Mr. Holihan stated there is also a schedule for Orange County that shows a five year and 20 year traffic improvement plan.

Mr. Cumello stated at the last meeting, it was mentioned that the County sent someone out to do an inspection and they informed our maintenance staff that there was a plan to expand Narcoossee from two to four lanes.

D. Consideration of Fiscal Year 2012 Meeting Schedule

Mr. Moyer stated each year we need to publish a meeting schedule at least one time in the newspaper. We propose keeping the same meeting schedule we are currently operating under with the meeting dates of November 10, 2011, February 9, 2012, May 10, 2012 and August 9, 2012. If we need to meet more frequently as the business requires it, I will get everyone together and advertise a special meeting. There is a procedure for doing this, which is seven days prior to the meeting.

On MOTION by Pastor Banks seconded by Mr. Cumello with all in favor the meeting schedule for fiscal year 2012 as stated above was approved.

FIFTH ORDER OF BUSINESS

Attorney’s Report

There not being any, the next item followed.

SIXTH ORDER OF BUSINESS

Engineer’s Report

Mr. Roy stated in regards to the observation deck (AKA fishing pier), the City was supposed to issue the permit last week. The contractor went down to the City to pick it up on Monday and there were new items on the list. One of them was from the Fire Department

requiring fire extinguishers on the fishing pier and handrails. It has been determined that this is an observation deck, not a fishing pier since it would not have boats and yachts moored to it. Therefore, fire extinguishers will not be required, but the contractor has to put that note on his submittal to get that comment removed. He met with SJWMD and drafted a letter to them and expects to receive a letter back saying that no permit is required for reconstruction of the observation deck. He plans on hearing from the City today or tomorrow. So the scheduled start for Tuesday is now next week. It is a never ending process.

Mr. Cumello stated I do not think the rest of the Board members are aware of what we have gone through in the past two weeks to get the permit with the Army Corp. of Engineers issue.

Pastor Banks asked why are they involved?

Mr. Roy responded it came up that the observation deck was within the moratorium area for any permits because of the Pinycastle/Jeep Range issue. Mr. Cumello provided a document that the City prepared showing the limits of the moratorium area. The deck is probably 25 feet south of the limits. Therefore, that item was no longer required. The Fire Department was under the assumption that this was a pier with motor boats and yachts tied to it after they were told that no boats were allowed on the lake. However, it still requires a letter to change the comment on the computer.

Mr. Moyer stated that is why there are no shovel ready projects.

Mr. Cumello stated the issue that surfaced from that conversation, because we had to convince the City that the pier/observation deck was outside of the footprint, was the City now had the position that anything within the footprint had to be cleared of munitions. The question before us is who is going to clear the lake. We have two ponds, one by Odyssey School on the south side of Lee Vista Boulevard and the other on the north side of Vista Lake that sits in the footprint. We were going back and forth because the Army Corp. of Engineers has been silent on the issue. My position was that the residents were not going to pay for the clearing. The question is whether we should be sending a letter to the Army Corp. of Engineers insisting that they come up with a plan to clear both of those waterways at their expense and not ours. I am coming from the point that if anytime in the future, we are forced to go into either of those lakes to do any type of maintenance, whether dredging or restoring the storm drain outlets, it seems to me that the City is not going to give us a commitment.

Mr. Clark stated if you apply through the City for any type of permit from the observation deck north or east, if you are part of that moratorium area, you are going to need a letter from an approved soil testing lab to make sure there are no munitions.

Mr. Cumello stated I do not know how you do scanning 30 feet under the water. I am questioning whether we should send a letter to them demanding some action. Their position is going to be that this is a City problem and not their problem because the City did the temporary stop work order.

Mr. Clark stated the temporary stop work order is not permanent.

Mr. Cumello stated it is permanent until that property is cleared, either by the Army Corp. of Engineers or by the property owner. Here is where we are at.

Mr. Clark stated the idea would be to send a letter to the Army Corp. of Engineers demanding that they take action to clear the ponds.

Mr. Cumello stated anything north of Lee Vista Boulevard; they have lifted the stop work order.

Mr. Clark stated the result of that would be for them to declare the lakes as cleared.

Mr. Cumello stated they would have to come in to do something to clear it and provide the letter to the City.

Mr. Holihan stated we can send a hold harmless letter.

Mr. Cumello stated the City's attorneys have made the decision based on what happened. They are not going to issue permits because of the liability associated with it to do work on any of these properties unless the property is cleared.

Mr. Shelton asked has the City cleared everything within the footprint except for those two ponds?

Mr. Cumello responded all they have done is cleared the area north of Lee Vista Boulevard. They have not lifted the restriction on anything south of Lee Vista Boulevard, unless the property has been cleared by the Army Corp. of Engineers.

Mr. Shelton asked has some of the property been cleared by the Army Corp. of Engineers?

Mr. Roy stated some of it has not.

Mr. Cumello stated some residents have not provided an Access Agreement. Mockingbird is not cleared. All of the Warwick properties have been cleared on paper.

Mr. Shelton stated so all of the property within Vista Lake except the owners who have not given permission have been cleared except for the ponds.

Mr. Cumello stated no. In regards to Vista Lakes, 108 properties in Warwick and the church have been cleared. That is all. The conservation areas have not been cleared as well as the two lakes.

Mr. Moyer asked is everyone in agreement for Mr. Clark to write the letter and move forward?

There was consensus from the Board.

SEVENTH ORDER OF BUSINESS

Community Association Manager

A. Activity Report

B. Agronomist Report

C. Lake Report

Mr. Van der Laan stated a copy of the monthly Activity, Agronomist and Lake Reports were provided to the Board in the agenda package. The only item I have to add has to do with the bids for landscape maintenance. We set a deadline to have those in by the end of this month in order to present to the Board in September.

Mr. Cumello asked how is this going to work since we do not have a Board meeting in September?

Mr. Moyer responded we can always call a special meeting.

Mr. Cumello stated the lakes are starting to look horrible again with the heat.

Mr. Van der Laan stated we obtained some quotes, but the pricing was higher than what we were currently budgeted. We are waiting for more information from the companies.

Mr. Cumello stated from a resident viewpoint, the fact that we continue to get this pond scum, you have to get a recommendation from a contractor who is going to control it. I know you cannot eliminate it, but you can control it. We spent \$30,000 to put aerators in every lake. One is still pending.

Mr. Van der Laan stated four are still pending.

Mr. Cumello stated we need to put this item back on the action item list. The whole concept was that we were going to put the aerators in the ponds because it was going to help the oxygen level and keep down the growth of the ponds as we received many complaints from

residents. We need to get a contractor who is committed to controlling the ponds because the current contractor is not controlling them.

Mr. Van der Laan stated we also need to look at other options. I do not know that chemically alone we are going to be able to keep them at the level we are used to. We get algae blooms and changes in the oxygen level that causes these issues. There are plantings that we can install that can help.

Mr. Cumello stated if there is an option in the proposal where they provide basic services and optional services; I would be willing to consider those optional services as a Board member.

Mr. Van der Laan stated that is what we asked for.

Mr. Cumello stated the invoice for the west fountain was \$49,000. I am questioning whether or not we received \$49,000 worth of effort. We already discussed that any future improvements need to have Board approval so this does not happen again because this is a lot of money.

Mr. Van der Laan stated \$49,000 was not just for the fountain.

Mr. Cumello stated it was not clear.

EIGHTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Shelton asked where are we on the smaller observation deck removal?

Mr. Moyer responded we put that item on hold and it is still on hold. We will not remove the canoe dock until they are authorized to do that work. This is something that will need to be done one way or the other by March of 2012.

Mr. Shelton stated I thought we decided over the last couple of months that at the last Board meeting we were going to make a decision to reconsider our decision to remove it.

Mr. Moyer stated the Board can certainly take this under consideration at any time.

Mr. Shelton stated I suggest we take it under consideration. There is no reason to wait. The residents would like to know what is happening.

A resident stated my uncle wanted to know about the dock situation. He wants to keep the dock.

Mr. Roy stated I recall discussing that we were going to quantify the exact cost with making it ADA compliant and re-decking it. Were we going to check into the requirement for parking for ADA compliance? There is no parking at any observation deck or canoe dock.

Mr. Clark stated after we spoke about this matter at the last meeting, I was comfortable that we did not have to provide handicapped parking since we do not provide non-handicapped parking.

Mr. Shelton asked can you look into the costs?

Mr. Roy responded the minimum cost was \$4,000 to install a 150 foot long sidewalk that was at proper grade to access the dock and \$3,300 for the re-decking. The cost for removal was \$800.

Pastor Banks stated if you make it handicapped accessible and it is a dock, a wheelchair can get caught in the slats of the dock.

Mr. Roy stated not on new decking because the spaces are closer together.

Mr. Clark asked is there a railing?

Mr. Roy responded there is no rail. That \$3,300 was strictly for the re-decking. I will check with the contractor, but there was no proposal for rails. Then it cannot be used as a canoe launch facility.

Mr. Clark stated there is a rail requirement in the ADA requirements.

Mr. Roy stated on the observation deck, there is a height requirement on the rail, there is supposed to be 25 percent of the area at a lower elevation to allow handicapped access to fishing and a requirement for a tow rail.

Mr. Moyer stated so you are saying if you follow the ADA requirements to put a railing, you no longer have a launching facility for canoes.

Mr. Roy stated yes. You basically have to re-build the dock.

Mr. Cumello stated you do not have a turn radius for a wheelchair.

Mr. Roy stated the supports are not for a wooden handle/rail.

Mr. Cumello stated so we do not have a clue on what it would cost to tear it down and re-design it to make it compliant with ADA.

Mr. Roy stated we have until March.

Mr. Clark asked is that one of those stock work areas?

Mr. Cumello responded it is on the south side of the lake. I am not in favor of revisiting our decision. I do not see spending \$8,000 at a minimum to redo the dock. If the Board was going to invest this much money, there are other improvements we can do. As I said at the last

meeting, we could put a fishing or observation deck on this lake and people would get more use out of it.

Mr. Clark asked do you want to consider selling it to the HOA?

Mr. Cumello responded absolutely not.

Mr. Clark asked why not?

Mr. Cumello responded because the HOA has a requirement that 75 percent of the residents have to vote to remove or change the dock. The CDD Board makes that decision. The HOA is locked in. We cannot remove anything.

Mr. Moyer stated I think the suggestion that Mr. Cumello was making is if we gave it to the HOA, you would not do anything with it except leave it exactly the way it is because you are not under the same ADA requirements.

Mr. Cumello stated we would have to repair it.

Mr. Clark stated eventually you would have to repair it without upgrading it.

Mr. Cumello stated we need an Access Agreement between the HOA and the CDD because it would be HOA property. I thought we cannot sell a CDD asset.

Mr. Clark stated we can sell it for value and you determine value in different ways depending on the circumstances. But in this instance, I do not think it would be a stretch for this Board to declare it a liability. It has no value and it is at least an \$800 liability plus the cost to remove it. I do not think you need to stretch very much to convey it by an agreement to assume the maintenance of it.

Mr. Cumello stated so even if we can transfer ownership of it under some mechanism; we need an Access Agreement to have an HOA asset on top of CDD property. Then when the HOA has to spend money to repair it, it is our cost to put a barge out there and restore CDD property that we damage. There is no benefit for the HOA.

Mr. Clark stated I am not advocating that. I thought it was something we have not explored as a solution.

Mr. Cumello stated we have. We should go down a list of all the things that have to do to make that happen. The HOA Board can consider it, but there is no benefit to them.

Mr. Shelton stated whether the CDD keeps it or it is deeded over to the HOA, when I voted to remove it, I was under the impression that the cost had been reduced. Since then, there has been a lot of interest from people who use it. I think the Board needs to take this into

consideration rather than just removing it because it is too expensive to fix when we spent \$45,000 on the fountain. Now you are taking away an amenity that has been a part of Vista Lakes. When the vote was taken, the assumption was that no one was using it and it was falling apart. That is not true. I am not in favor of removing it. Amenities cost money.

Mr. Moyer asked do you want to put this on a future agenda to consider or take action today?

Pastor Banks responded I would like to discuss this matter further at the next meeting.

Mr. Shelton stated Mr. Rose indicated in an email that considering the energetic feedback from residents, I suspect he might vote in favor of it. I suggest waiting until he is available.

Mr. Holihan stated I suggest having Mr. Van der Laan put together an estimate; one if the HOA owned it and the other if we have to bring it up to ADA requirements and discuss this at the next meeting. In regards to the liability to the CDD, maybe we can give it to the HOA with the money to make repairs.

Mr. Clark stated I have a problem with giving them money.

Mr. Holihan stated if we could show them the liability and tell them that we have residents who want it, then the CDD has the obligation to come back and look at it.

Mr. Clark stated I think we can show it is a liability equal to the cost of removal. To repair it with public money and then give it to them, creates other problems.

Mr. Cumello stated we had an experience with our pool where we were forced to change the drains. We argued that this was a private pool, but the Attorney on the HOA side turned around and said it was not by law. We had to replace the drains according to a Federal statute. Even if the HOA was to consider this, the HOA would have to turn it over to their Attorney to make a determination of whether the ADA applied to us because we now have experience with being forced to do things based on the statute.

Mr. Clark stated maybe there is a different definition between the two regulations.

Mr. Cumello stated we need an opinion because if the HOA agrees, we end up with the same problem.

Pastor Banks stated I support tabling this matter until the next meeting when we are able to have the information we requested.

Mr. Cumello asked is this an action item?

Mr. Moyer responded we will place this item on the next agenda for discussion.

Mr. Clark stated you should do something because the last Board action was to table this matter based on comments received. At the last meeting, we were going to re-consider Board action.

Mr. Shelton stated either officially or unofficially, we need to decide not to do anything yet.

Mr. Clark stated you tabled a prospective action that you decided not to table. Here we have taken action, but need to suspend the action if it was already taken.

On MOTION by Pastor Banks seconded by Mr. Holihan with all in favor the discussion on the observation deck was tabled until the next meeting.

Mr. Cumello stated I would like to get an estimate of what it would cost to build an observation deck on this lake.

Mr. Roy asked where would you put it? The slopes on the lake are not as gradual as the other lake.

Mr. Cumello responded it should be either off of Central Park or Newport. I propose off of the back side of Newport because that is where the residents live. I do not know if there is an easement or access easement.

Mr. Roy stated there is a drainage easement. I can see if there is an access easement.

Mr. Cumello stated I disagree with the use of the canoe dock. If we are going to spend \$8,000 to \$10,000, the residents should get more value out of this dock. The Board should consider all options.

Mr. Shelton stated your proposal is to take a dock that benefits the Carlisle residents and putting in an observation platform to benefit the Newport residents. I do not think that is particularly fair. It is going to be less visible in Carlisle.

Mr. Cumello stated if we are going to look at our options either removal, bringing it up to grade or something else; we should have all of the options on the table. These are the only two lakes that are large enough for docks.

Mr. Moyer stated we will bring some information back to you.

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 Holihan seconded by Mr. Cumello with all in favor, the meeting was adjourned.

Gary L. Moyer
Secretary

Randy Holihan
Vice Chairman