

**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, August 14, 2014 at 10:00 a.m. at the Vista Lakes Clubhouse, 8841 Lee Vista Boulevard, Orlando, Florida 32829.

Present and constituting a quorum were:

Ronald Cumello	Chairman
Renee Hale	Vice Chairperson
Gary Schuett	Assistant Secretary
Frank Sebestyen	Assistant Secretary
Jason McCright	Assistant Secretary

Also present were:

Gary Moyer	District Manager
Scott Clark	District Counsel
Barron Roy	District Engineer
Brian Smith	Field Manager
Numerous Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Moyer called the meeting to order. The record shall reflect all Supervisors and staff are present.

SECOND ORDER OF BUSINESS

Public Comment on Agenda Items

A resident stated I brought it up before and I would like to have some documentation stating anyone in the entire area can enter through the gates and utilize the facilities. We discussed this before. I had issues personally with people coming in and I know there is nothing we can do about it. Otherwise, I say take the gates down.

Mr. Moyer stated this goes back many years. My recollection was the District did the subgrade and the drainage collection system, but the actual asphalt on the roads was done by the developer. Is that your recollection?

Mr. Roy responded it was not part of the CDD funding. Curbs, subgrade base and the drainage collection system were all CDD-funded.

Mr. Moyer stated Mr. Clark can take a look at that, but in other communities we differentiate between drainage improvements and roads. We look at the basics of the road which has a drainage collection system, but not as a road because the asphalt surface which is the road was paid for by the District. In this case it would have been transferred to the HOA. In theory, the HOA can control their asset which is the asphalt, but again it is a sensitive area because we are dealing with tax exempt bonds and the IRS saying these items need to be public.

Mr. Cumello stated I think there is confusion here. The roads were transferred from the developer to the HOA by plat, and if you go on the county website you will see the owner is the HOA for the gated communities and what the CDD has always said in the past is, the public has access to CDD property, so they can walk in. It is not the CDD's role to stop people from entering through the gates.

The resident stated I would just like something in writing so when people ask me about it, I can tell them.

Mr. Cumello stated it is always in the minutes. It will be in the minutes again now.

The resident stated I would like to have some type of documentation indicating we have to allow anyone and everyone into our community.

Mr. Cumello stated the CDD does not control the roads in the gated communities. We cannot take a position on that. However, if you are referring to the area around the lake which is CDD property, then our position is the public is allowed. It is public property. That is the law.

The resident asked where is this explained?

Mr. Cumello responded it is in the Florida Statutes. Which Florida Statute states this?

Mr. Clark responded you are not going to find a number which states that, but you are going to find decades of case law which talks about public property and rights to public property.

The resident stated I would think it would be different if you are in a shopping area with a parking lot or something which is more public, as opposed to a CDD gated community.

Mr. Cumello stated here is the difference in my view and Mr. Clark stop me if I am wrong. The CDD is a government agency. We are elected officials. We are no different than the City of Orlando when it comes to public property. Is that correct?

Mr. Clark responded yes.

Mr. Cumello stated that is the law we follow. A parking lot for Publix is private property. They can do whatever they want, but they want people to come in. We are a government agency by law.

Mr. Clark stated where the issue is confusing I think is while people think how it is right to handle public property around the ponds located in my community, that does not mean they have the right to enter your gate and use your streets, so if someone suggested you cannot get into the pond, I do not think that, but if they trespass private yards to get in there someone else has to control that. We do not have the authority over roads and private property.

THIRD ORDER OF BUSINESS

**Approval of the Minutes of the
May 8, 2014 Meeting**

Mr. Moyer stated each Board member received a copy of the Minutes of the May 8, 2014 Meeting and requested any additions, corrections or deletions.

The Board suggested minor corrections which will be reflected in the amended Minutes.

There being no further discussion,

On MOTION by Mr. Cumello seconded by Mr. Schuett with all in favor, the Minutes of the May 8, 2014 Meeting were approved as amended.

FOURTH ORDER OF BUSINESS

**Public Hearing to Adopt the Budget for
Fiscal Year 2015**

Mr. Moyer stated the record will reflect that prior to the commencement of our regular meeting, we held a workshop. We went through this budget as a Board. Certain issues were raised regarding expenditures that we are incurring in this Fiscal Year which need to be researched, but the bottom line of this budget is that we are not proposing any increase in our assessments on the residents of Vista Lakes. As we gain additional information through the operations and we answer some of these questions to the extent that we need to reallocate the budget, we can do that in the normal course of business as a budget amendment. With this brief explanation, we will open the Hearing for any comments from our public.

Hearing no comments from the public,

On MOTION by Mr. Cumello seconded by Mr. Schuett with all in favor, the Public Hearing to consider adoption of the Fiscal Year 2015 Budget was declared to be closed.

There were no further comments from the Board.

A. Consideration of Resolution 2014-03 Adopting the Budget for Fiscal Year 2015

Mr. Moyer stated this is a Resolution by 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, 2014 and ending September 30, 2015 and referencing the maintenance and benefit special assessments to be levied by the District for said Fiscal Year. If the Board chooses to adopt the budget, this would be the vehicle to do so.

Mr. Cumello asked for clarification, is this with the changes we discussed from our earlier workshop?

Mr. Moyer responded yes sir.

Mr. Cumello MOVED to adopt Resolution 2014-03, as stated above.

Mr. Clark stated perhaps you can express those changes on the record of this meeting.

Mr. Cumello stated that was to create the new line item for holiday lighting and to research the irrigation issue.

Mr. McCright SECONDED the prior motion as discussed.

There being no further discussion,

On VOICE vote with all in favor, Resolution 2014-03 Relating to the Annual Appropriations of the District and Adopting the Budget for the Fiscal Year Beginning October 1, 2014 and Ending September 30, 2015, and referencing the Maintenance and Benefit Special Assessments to be Levied by the District for Said Fiscal Year was adopted subject to inclusion of the new line items as discussed at the prior Workshop.

B. Consideration of Resolution 2014-04 Levying Assessments for Fiscal Year 2015

Mr. Moyer stated I have Resolution 2014-04 which by heading is the Resolution levying and imposing a non-ad valorem maintenance special assessment for the Vista Lakes Community Development District for Fiscal Year 2015.

There being no comments or questions,

On MOTION by Mr. Sebestyen seconded by Mr. Schuett with all in favor, Resolution 2014-04 as stated above, was adopted.

FIFTH ORDER OF BUSINESS

Staff Reports

A. District Manager

i. June 2014 Financial Statements

Mr. Moyer stated the update as I mentioned in the workshop is we now received the first iteration of tax certificate sales for all of our non-ad valorem assessments collected by the Tax Collector except for \$5,000, and on the overall expenditures as we go through this we are \$108,000 under budget. Keep in mind, however, three-fourths of that \$108,000 comes from the \$83,000 we budget for reserves and the rest is from savings within the various line items for the budget.

ii. Check Register and Invoices

Mr. Cumello stated I want to ensure we have the action item to follow up with the City of Orlando on the collection for the streetlights. It has been outstanding for the entire year.

Mr. Moyer stated yes sir.

Mr. Cumello stated I did not see any Home Depot CDD charges. What is the status?

Mr. Smith responded we were denied by Home Depot to get a credit card. Our office will determine whether it was submitted incorrectly or what is going on.

There being no further discussion,

On MOTION by Mr. Cumello seconded by Mr. Schuett with all in favor, the Check Register and Invoices were approved.

iii. Consideration of Fiscal Year 2015 Meeting Schedule

Mr. Moyer stated your meeting schedule will be advertised one time as required by Chapter 189 of the Florida Statutes, and all we are proposing is to keep the same schedule we currently operate under which is November 13, 2014, February 12, 2015, May 14, 2015 and August 13, 2015, with the understanding that if something happens with the need to call a special meeting, the law permits us to do so even if it is outside of this schedule and all we have to do is advertise it seven days in advance of that meeting. If we need more than just the base schedule, we can certainly add additional meetings.

There being no further discussion,

On MOTION by Mr. Schuett seconded by Mr. Sebestyen with all in favor, the Fiscal Year 2015 Meeting Schedule was approved.

- B. Field Operations**
- i. Field Management Report**
 - ii. Action Items List**
 - iii. Resident Call Log**
 - iv. Horticultural Update**
 - v. Servello & Son Landscaping Update**
 - vi. Vertex Water Features Update**
 - vii. Aquatic Systems Update**

Mr. Smith stated outside of these reports, the only major work we have coming up is the Home Depot wall. I need to contact the homeowners in the area where I set the storage blocks for collecting our equipment. The gentleman I have working on it is a temporary employee who does a good job. He has been with us for quite some time and he is finishing the entire wall project for me in another community and we will get him over here. We will probably start him on Monday or Tuesday of next week and we will be installing a new irrigation line along the whole length of the wall and getting repairs done to it. The Home Depot card slowed us down, but I think we are ready to proceed.

Mr. Cumello asked are we going to paint it the same color?

Mr. Smith asked do you have a preference? I was just going to go with a basic color. It is not going to be the rosy color it is now, but more of a flat brownish type color.

Mr. Cumello asked is it a light color?

Mr. Smith responded it is going to be darker.

Mr. Cumello stated we approved at the last meeting a not to exceed amount of \$20,000. Do we think we are going to come in under that?

Mr. Smith responded I think that amount will do a major portion. If it does not I will come back to the Board. I think we are probably just purchasing paint, which is the only thing I really could not calculate. I do not know how much the wall is going to take. We may put one coat on it and we are done, but I will bring that back to the Board if I have an additional expense.

Mr. Cumello stated at the last meeting, we did not know what the cost of the irrigation would be, for the line we are talking about, but I think you said you were going to take it from the line item for irrigation. What is the status of the Hastings Fence we approved?

Mr. Smith responded we are going back and forth with Ms. Eichorn on a letter. We will get that finalized and get that letter back to her for formal approval of what we want to put there. I know we do not necessarily need it, but I just want to get the paperwork correct with her. There is a wooden fence up in Hastings Landing. It is a wooden fence along one of our pathways with brick columns, and in between there is painted wooden fencing which is starting to decay and fall apart. We are going to replace it with a white PVC stockade fence.

C. Attorney's Report

Mr. Clark stated I do not remember whether this was provided to the Board. We provided it to Mr. Moyer's office, and received a response to our request to take title to the wetland property. In response they say they respectfully decline the offer and they noted the acquisition of real property in interest therein can be exercised only at the discretion of Congress.

Mr. Sebestyen asked what have we offered to the Army Corps?

Mr. Clark responded we wanted to give it to them.

Mr. Sebestyen asked what if I offered you \$2 for it? Would you give it to me?

Mr. Clark responded I would think we cannot. You are not a government. We have this in the classification of government rules which we discussed earlier, when we dispose of property, we can do a couple of things. We can give it to another government which will hold it for the same use we are holding it for or we can get it appraised, sell it at fair market value or go into an auction. The Board may entertain an offer to pay whatever the appraisal price might be.

Mr. Sebestyen stated if we really do not want the property or if it is too risky, perhaps we may go through the process and sell it to someone who would be interested in it.

Mr. Clark stated we can look into the process if the Board wants to do that.

Mr. Sebestyen stated anyone would take a liability or loss.

Mr. Cumello stated there is no value to it.

Mr. Sebestyen stated there may be no value to it now, but we do not know what is going to happen.

Ms. Hale stated there may be someone like a developer who has a lot of wetland property.

Mr. Schuett asked where is it located?

Mr. Clark responded it is next to the school.

Mr. Cumello stated it is at the east side of the school.

Mr. Clark stated there is a conservation easement on it.

Mr. Smith stated as far as we know the developer has an easement over it.

Mr. Clark stated it has a nominal value. The other alternative would be to talk to the Water Management District, but I suspect their answer is going to be the same.

Mr. Schuett stated the purpose was not the value of the property. The purpose to doing this to my understanding was to get rid of a liability in the event something blows up there, so if that were the case than almost any amount of money would be sufficient to try to sell it to someone else.

Mr. Clark stated you probably could come in with a free quote.

Mr. Moyer asked does there have to be a price if we put it out for auction?

Mr. Clark responded I think it would be smart for us to appraise and have a reserve on the auction, but I need to get that worked on.

Mr. Cumello asked would you have to do a disclosure?

Mr. Clark responded I think so.

Mr. Cumello stated I think the opinion was a notice of a hazardous condition.

Mr. Clark stated I think it was whatever was in the disclosure.

Mr. Schuett stated if a motion is required, I would like to make a motion to look into that.

Mr. Clark stated a motion is not required, you just direct me to look into the options for auctions.

Mr. McCright stated the letter says the acquisition can be exercised only at the discretion of Congress. Do we want to take this up with our congressional representatives to see if they can direct the Department of Defense to take this back considering they made the mess in the first place? Does that language *give us an out*?

Mr. Clark responded I think it was intended to *give them an out*. We know how administrative agencies follow the direction of Congress. If you want to make a request, we will pursue it.

Mr. Moyer asked Mr. McCright, are you suggesting you would contact them?

Mr. McCright responded I can initiate contact. I do not have any contact with our Congressmen, but it is still a constituency request which I have to act on.

Mr. Clark stated we will likely get some response. It is an election year. We may get a thank you for your letter, and a response, *we are looking into it*.

Mr. McCright stated the Board has no interest in continuing to have DOD take this.

Mr. Schuett stated perhaps we should look at them as a buyer of last resort. If anyone offers to take it in the private sector, we would be more than happy to do so.

Mr. McCright asked could we sell it to a private entity?

Mr. Clark responded we can sell it to a private entity as long as we believe we were getting fair value for it.

Mr. Cumello stated my view is we are asking you to take a look at it.

Mr. Clark stated you have given me some direction to look into different alternatives.

The next item that I want to discuss deals with the Passaic Parkway and I will refer to this plat as a visual of what we are talking about. I contacted Mr. Yeager. I spoke only to people in his office and not him to see if he had an interest in conveying the property to us, but I discovered some other things while I was looking to get this back which I think would be interesting. The property you are looking at which are pieces of several tracts of the plat, was sold by the developer to Mockingbird in 2006. There were agreements between the developer, Mockingbird and the city requiring an access point for the Mockingbird property and I think the thought was ultimately to the connector road which has been discussed for a long time. When the sale or transfer was made, there was an access utility easement granted by Mockingbird in favor of Terrebrook Vista Lakes, LLP and the Vista Lakes Community Development District, and one of the questions was do we have the right to maintain it since we do not own the property? This easement specifically gives the CDD the right to maintain medians, curbs, utilities, landscaping and other improvements located within the easement area. It goes on to say in Paragraph Three under Construction Maintenance that the grantee, which is us, shall have the right to maintain the easement area commensurate with the maintenance standards of the Vista Lakes community. The grantor, that

is Mockingbird, shall reimburse grantee for the cost of such maintenance each calendar quarter within 15 days after notice of the amount due from grantee. The grantee shall provide an itemization of such maintenance costs and reasonable back-up information. If the grantor does not reimburse grantee within 15 days, it starts to accumulate interest at 18%. It has been six years or so and I do not recall that we ever talked about sending an invoice to Mockingbird for the maintenance costs associated with Passaic Parkway, but I think we should be. We are talking about maintenance and our concerns about maintaining something we do not own, but we actually have the right to maintain it and we have the right to charge them the reasonable maintenance costs which are tied to the standards of the community.

Mr. Cumello asked can we do improvements and bill them back for improvements, which is the issue the residents have?

Mr. Smith responded yes, to keep it up to the standard which would also be an enhancement.

Mr. Clark stated we have the right. What do they want us to maintain?

Mr. Cumello responded there is an island which is not well maintained as far as landscaping goes and on the east side there is no landscaping.

Mr. Clark asked would it be replacement?

Mr. Cumello responded yes.

Mr. Clark stated replacement of landscaping is part of the maintenance process, so I think it would cover replacing up to the standards of the community.

Mr. Cumello asked in your discussions with the Yeager Organization, are they in favor of disposing of it?

Mr. Clark responded I do not know. I have only gotten to some people not at Yeager's level and they commented they would pass it along to him. I have a specific proposal that said the CDD would like to discuss ownership.

Mr. Cumello stated perhaps you can tell them under the existing agreement we believe we can bill back to date for the maintenance costs and we are going to upgrade it which is one choice, and we can pay for that going forward or they can transfer the ownership to us and not worry about it.

Mr. Clark asked can we generate a number for a back bill?

Mr. Cumello responded yes, we could.

Mr. Clark stated the back bill may have some problems since we were supposed to bill them quarterly, but certainly if we say we have some things we have to do to bring it back up to standard, here is our estimate and we want you to know we are going to proceed with this and then we will send you an invoice that you need to pay within 15 days. If you want to own it, I think that is a good pathway to get there, but having them pay for it may be better.

Mr. Cumello stated I am thinking they will make the decision whether they want to transfer it or not, but our experience with Mr. Yeager over the years has been different. We may get one invoice paid for, but we may never see another invoice paid for.

Mr. Clark stated 18% is a good investment.

Mr. Cumello stated I think we should estimate the cost to maintain it since the date of the agreement and regardless of what it says, we can push back on that and estimate an upgrade cost from Servello to upgrade it to the standards and perhaps they will come back and say we will upgrade it. They will keep it and upgrade it and it will not cost anything. In other words, *put the ball in their court*.

Mr. Clark stated we will have District management come up with some past expenses and we need Mr. Smith to come up with a proposal of some type to bring it up to standards and if you get me those numbers, I will get those numbers to Mr. Yeager and would like a check.

Mr. Cumello stated we have a similar problem at the end of Windsor where two lots were transferred to Yeager and it is at the end of the cul-de-sac which has nothing on it except weeds and it was the same idea. They were going to put a road in from Narcoossee into this new development, and the question is do they really think they are ever going to develop that property and that they want to keep the property?

Mr. Clark responded that would be a question for him.

Mr. Cumello stated it is a business decision he has to make, since the property is ground zero. That is my feeling. Just give them a bill.

Mr. Sebestyen stated I hear that, but I think the other point is a good one if they have the money they owe us for maintaining the property. Again, we should not be against taking over the property. I know you say it is difficult to collect money from them, but let them own it and pay us for maintaining it. It is a good deal.

Mr. Cumello stated you are getting the benefit from it, like CVS and Walgreen's, which is Yeager's property by the way on the Walgreen's side, and we basically asked about contributing

to the cost of the monthly maintenance and they all told us no. I am just saying, that is the attitude we get from them. I do not think they are going to eventually build that, but that is a decision they are going to have to make.

Mr. Clark stated we would not interfere with that if you wanted to transfer property. There is an access easement on record which would transfer and it would still be available for you to develop, and based on his agreement with the City, he cannot take that away even if he wants to develop the property.

Mr. Cumello stated I think it would be in our interest to transfer it to the city if he was to transfer it to us, and treat it like Lee Vista Boulevard. We provide landscaping for the city on Lee Vista Boulevard and Chickasaw. Therefore, we do not need to retain ownership forever.

Mr. Roy stated I remember when that agreement was being struck and the city at that time specifically said we will not have a public road in that tract to service a private community. The road to nowhere is basically what they looked at. They may change that opinion now, but no was the original information we got from the city.

Ms. Hale asked would it service the church?

Mr. Cumello responded yes.

Mr. Clark stated it is not a public road. It is a privately-owned access.

Mr. Roy stated in fact, there may be a similar agreement down in Windsor as far as charging for maintenance.

Mr. Clark stated there is an easement there, but I did not find a maintenance provision.

Mr. Cumello asked who signed that agreement by the way? Was it Debra for the CDD, who was the developer at the time?

Mr. Clark responded yes.

Mr. Schuett asked as a first step, why don't we see how much money we can get and determine what they are interested in?

Mr. Clark responded I have direction to proceed.

Mr. Cumello asked did we close with the HOA on the 60/40 agreement?

Mr. Clark responded the last I heard, we developed an exhibit for it and the physical document is out of my hands and need signatures. Just make sure that it got signed. I think the language was worked out.

Mr. Cumello stated I have not signed anything yet.

Mr. Clark stated you need to get that signed.

A resident stated the map on the CDD's website showing Vista Lakes and its ownership, incorrectly indicates Passaic Parkway is maintained by the HOA instead of the CDD.

Mr. Cumello stated the only thing we know is the developer cuts the grass because that was mentioned at the last meeting.

Mr. Moyer stated we will check on this.

D. Engineer's Report

Mr. Cumello asked is there anything to worry about along Narcoossee with the water?

Mr. Roy responded I have not seen anything.

SIXTH ORDER OF BUSINESS

Discussion of HOA/CDD Cooperation

Mr. Moyer stated we had a discussion at our last meeting dealing with coordination and cooperation between the District and the HOA. I do not have anything specific, but we put it on the agenda in case there were items the Board wanted to bring up or direction you wanted to give to staff.

Mr. Cumello stated it was my understanding the HOA has a representative they were going to send to every meeting. No one is here and generally, to have that topic of communication, we do need some HOA Board members.

SEVENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Cumello asked did we need to make a motion on the irrigation we discussed in the 9:00 Workshop to replace the existing system?

Mr. Moyer responded my recollection of our discussion was that you were going to come back with specific proposals.

Mr. Cumello asked do we need a motion on that?

Mr. Moyer responded no. Staff will do the research and come back to the Board.

Mr. Smith stated in the meantime, we will make the minor adjustments to the irrigation lines.

EIGHTH ORDER OF BUSINESS

Audience Comments

Ms. Molly Wong stated I am trying to build a pool and I would like to utilize access of this vacant property which is apparently owned by the CDD and there is no irrigation on that property. It is grassland and the truck needs to drive through it for a week to dig. I contacted the HOA and

they said that is CDD property, and according to the bylaws you cannot use that property for pool-building purposes. I am begging and pleading for approval, and I will replace the grass if it gets damaged on that property, but they are really just passing through. I have a picture of it if you would like to see. It is really just vacant grass.

Mr. Smith stated as soon as you enter you go through the wetland and it is almost straight ahead.

Ms. Wong stated I already got approval from my neighbor because I will be passing through their backyard to get to my backyard, but there is hardly any space between the two houses for the truck to go through, and that is the only thing holding me back.

Mr. Cumello stated you have a house on each side of your property if I remember correctly.

Ms. Wong stated yes.

Mr. Cumello stated there is a CDD property on the left side next to your neighbor. We have a conservation area behind your house and your neighbor's house. How is the truck going to get past your neighbor? Is it going to go through the neighbor's yard or through the conservation area?

Ms. Wong responded no, it is going to go straight through the neighbor's yard and I have a signed consent for them to do so.

Mr. Cumello asked do they have a fence?

Ms. Wong responded yes, but they have a double door fence and they would take down a part of that fence and part of my fence and they would proceed in a straight shot to the back.

Mr. Cumello asked what is your address?

Ms. Wong responded my address is 5876 Covington Cold Way.

Mr. Clark stated what we have done in the past with situations like this, is just do a simple temporary access license which we do not need to record. We ask the contractor to give us a Certificate of Insurance along with an obligation to restore property to the condition it was in. We can help out with something like that.

Mr. Cumello asked is the grass Bahia or St. Augustine?

Ms. Wong stated it is Bahia and there is no irrigation or anything.

Mr. Cumello asked how do you cover an agreement to re-grade the property since the truck is going to basically dig it up?

Mr. Smith responded they are going to be going across the city sidewalk and there also could be damage to that sidewalk, but I think we require a deposit on it.

Mr. Clark stated you could do that as well.

A resident asked there is no danger to the wetlands, is there?

Ms. Wong responded no because we are going through my neighbor's backyard.

Mr. Smith stated the conservation area starts right at the property line and there is a slope off of there so I do not think they would drive a truck down.

Ms. Wong stated no.

Mr. Cumello stated the conservation area is totally filled up and comes right up to their property line from what I saw.

Ms. Wong stated the reason I am building a pool with a screen is because I cannot enjoy my backyard.

Mr. Cumello asked how long would it take to put together a simple agreement?

Mr. Moyer responded I do not know whether Mr. Clark wants to make it a license. We already have a permit form that has a variety of indemnifications which hold harmless the District and identifies performance standards. We have a good form already. It is just a matter of what the deposit would be to take into account the issues you are talking about.

Mr. Cumello asked would that be acceptable to you?

Ms. Wong responded yes. Are you referring to a deposit for the sidewalk?

Mr. Cumello responded I am referring to a deposit for the grass for restoring it back and any damage.

Ms. Wong stated I will put back the real grass. They said they only need two days to drive through because they are only using my neighbor's backyard for two or three days to access it and once that is done, they will just pass through my fence on my property.

Mr. Cumello stated the only issue is someone has to come back and restore it before they plant the seed, whatever they do. I do not have a problem if we come up with an agreement.

A Resident asked what is the property used for anyway?

Ms. Wong responded it is vacant and there is no irrigation.

Mr. Cumello stated there is probably 30 to 50 small slices of land like that.

Mr. Moyer asked how much would a small bulldozer cost to get in there if she did not or the contractor did not restore it and we had to get in and push dirt around?

Mr. Smith responded it would cost approximately \$1,000.

Mr. Moyer asked are you OK posting a deposit with us?

Ms. Wong asked would I get the deposit back if I replace everything according to the agreement?

Mr. Moyer stated that is correct.

Mr. Smith stated you should have the pool contractor put that in as part of his proposal to reestablish and re-sod that area.

Ms. Wong stated they are not going to do that because it is already in the contract that I would be responsible for re-sodding my neighbor's backyard.

Mr. Smith stated you should get a landscaper to do it rather than us coming back, that way you can get your deposit back.

Ms. Wong stated I have no problem putting down a deposit as long as I do the work and I get my deposit back.

Mr. Moyer stated that is correct.

Ms. Wong stated I will fully restore it.

There being no further discussion,

On MOTION by Mr. McCright seconded by Mr. Schuett with all in favor, issuance of a license to authorize a truck going through CDD property was approved subject to the owner restoring the land in the appropriate manner.

Ms. Wong asked how soon can we proceed?


Mr. Moyer responded you may proceed almost as soon as you give me the check. I will send our standard form permit to Mr. Clark for his review, so it will probably be early next week.

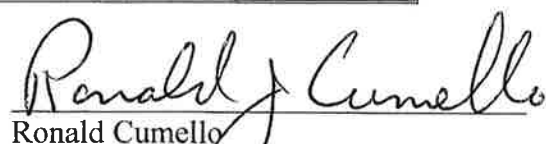
NINTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Cumello seconded by Mr. Schuett with all in favor, the meeting was adjourned at approximately 10:53 a.m.


Gary Moyer
Secretary


Ronald Cumello
Chairman