

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**HERITAGE ISLE AT VIERA
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of Heritage Isle at Viera Community Development District was held on **Tuesday, February 28, 2012 at 10:35 a.m.** at the Brevard County Government Center, located at 2725 Judge Fran Jamieson Way, Building C, Viera, FL 32940.

Present and constituting a quorum:

Walter Beeman	Board Supervisor, Chairman
Jay Williams	Board Supervisor, Vice Chairman
Jim Brown	Board Supervisor, Assistant Secretary
Paul Martell	Board Supervisor, Assistant Secretary

Also present were:

Melissa Dobbins	District Manager, Rizzetta & Company, Inc.
Robbie Cox	Associate Director of Financial Services, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping Green & Sams, P.A.
Hassan Kamal	District Engineer, BSE Consultants, Inc.
Darcie Madison	Representative, Leland Management
Tony Romano	Representative, Tropic-Care
Brett Sealy	MBS Capital Markets

Audience Members

FIRST ORDER OF BUSINESS

Call to Order

Ms. Dobbins called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

Consideration of the Minutes of the Board of Supervisors' Meeting held November 22, 2011

On Motion by Mr. Williams, seconded by Mr. Beeman, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held November 22, 2011, for Heritage Isle at Viera Community Development District.

THIRD ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures for November 2011 and December 2011

On Motion by Mr. Beeman, seconded by Mr. Williams, with all in favor, the Board ratified the operation and maintenance expenditures for November 2011 in the amount of \$44,565.77 and December 2011 in the amount of \$42,281.51 for Heritage Isle at Viera Community Development District.

FOURTH ORDER OF BUSINESS

Ratification of Special Assessment Revenue Bonds Series 2005, Requisition 164, 166 and 167

REQUISITION NO.	PAYEE	AMOUNT
164	B.S.E. Consultants	\$2,821.81
166	B.S.E. Consultants	\$1,293.54
167	B.S.E. Consultants	\$462.50

On Motion by Mr. Beeman, seconded by Mr. Martell, with all in favor, the Board ratified Special Assessment Revenue Bonds Series 2005, Requisitions 164, 166 and 167 for Heritage Isle at Viera Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Arbitrage Rebate Report,
Series 2005 as of October 31, 2011**

Ms. Dobbins reviewed the report and stated that the report reflects a negative cumulative rebate amount of (\$199,589.89).

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board accepted the Arbitrage Rebate Report, Series 2005 as of October 31, 2011 for Heritage Isle at Viera Community Development District.

SIXTH ORDER OF BUSINESS

Discussion of Sidewalk Pressure Washing

Ms. Dobbins reminded the Board of Supervisors that at the last meeting the Board had ceased pressure washing specific residential street sidewalks until further bids were received. However, due to a high volume of calls from residents concerned for their safety the Chairman approved to continue pressure washing upon request.

Ms. Dobbins stated that she had received bids in the past and was having difficulty for them to bid again, but David Mahan from the clubhouse was supposed to be attending the meeting to propose a schedule for pressure washing.

Discussion ensued.

The Board of Supervisors tabled this item until the next meeting and requested that staff again retrieve bids for pressure washing for once and twice a year.

SEVENTH ORDER OF BUSINESS

**Consideration of Updated Disclosure of
Public Finance**

Mr. Earlywine explained this disclosure is required under Chapter 190 and what is being presented today is an updated version. The Board of Supervisors requested more time to review for comments and to table this until the next meeting in March.

EIGHTH ORDER OF BUSINESS

**Consideration of Resolution 2012-01,
Instructing the Brevard County Supervisor
of Elections to Begin Conducting the
District's General Election**

Ms. Dobbins stated that this resolution will allow the CDD to work with the County on proceeding with the General Election process through their offices. The resolution indicated that Seat 4, which is currently held by Walt Beeman and Seat 5, which is currently held by Paul Martell will go through the General Election process.

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board approved Resolution 2012-01, Instructing the Brevard County Supervisor of Elections to Begin Conducting the District's General Election for Heritage Isle at Viera Community Development District.

NINTH ORDER OF BUSINESS

**Review of Legacy Boulevard Landscaping
Visibility Analysis**

Mr. Kamal reviewed the Legacy Boulevard Intersection Sight Distance Engineered Analysis.

He highlighted some major points regarding a stop sign that is obstructed by a tree by the north entrance. He would recommend that the tree be removed.

Mr. Kamal also pointed out that there are about 6 out of 8 intersections that do not need modifications. At this time he needs to first run his suggested options by the County and work with Tropic-Care on what areas need to be maintained at a certain height. He will report back to the Board once he has further information.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Earlywine stated that the Developer is still working with the Trustee on restructuring the True-Up process. However, with the plat just recently having been recorded, the District has an obligation to move forward with prosecuting its rights. Toward that end, a notice of unpaid special assessments is in the process of being recorded against the Lennar property, and a true-up invoice is in the process of being issued to the Viera Company. In order to avoid the expense of foreclosure, among other reasons, Mr. Earlywine recommended that the Board authorize foreclosure, but allow the landowners some additional time to work through the issue before a foreclosure complaint would be filed.

On Motion by Mr. Williams, seconded by Mr. Beeman, with all in favor, the Board authorized District Staff to move forward with foreclosure, for Heritage Isle at Viera Community Development District.

Mr. Kamal and Mr. Earlywine updated the Board that Lennar is requesting a PUD reclassification at the North East corner of the project. Mr. Kamal mentioned that Lennar has communicated that this area will be removed from the PUD, it will not be age restricted and the number of units will be reduced from approximately 500 to approximately 200. This area will still be part of the CDD and there will be shared common elements they will benefit from and will be assessed for through the operation and maintenance budget.

Mr. Earlywine noted that the CDD is still reviewing any potential impact on the CDD, but the True-Up mechanism will require the Developer to pay the debt service assessment on units not being built so no homeowner's debt service assessments will increase as a result of the PUD reclassification. The operation and maintenance assessment would be spread out due to fewer units being built. Staff has requested specific information from the Developer regarding the operations and maintenance assessments.

Discussion ensued.

Mr. Beeman recommended that all residents contact their County Commissioners to help express concerns to the zoning Board and to request that they require the Developer to disclose the impact numbers to the residents prior to approval being made.

B. District Engineer

1.) Update on Infrastructure Maintenance and Bridge Inspection

Mr. Kamal gave an update that 4 out of the 5 bridges were inspected. He is requiring them to provide a detailed report once completed for the Board to review.

Mr. Kamal also updated the Board of Supervisors that after they approved the proposal from Gunstruction to repair the sidewalks, gutters and drainage lines they had to decline their bid due to health issues. Mr. Kamal is currently negotiating with the other bidders and hopes to have a new bid by the next meeting.

2.) Update on Funston Circle Control Structure

Mr. Kamal stated that he reviewed the cost for 2 wider control structures for the north and south locations of the District. This will remove water faster and lower the pond water 2-3 inches. Both units will cost approximately \$7,000. He also states that he will be reviewing with Lennar on any possibility to expand the lake off Funston. The Board of Supervisors approved the purchase of the 2 control structures.

On Motion by Mr. Williams, seconded by Mr. Beeman, with all in favor, the Board approved the purchase of the two control structures for the north and south locations of the District for Heritage Isle at Viera Community Development District.

Mr. Kamal updated the Board of Supervisors that he is still in the process of working with the Water Management District on transferring the CUP Permit into the CDD's name from the clubhouse. The Compliance Report is not due until 2014, but the data the past couple of years has been inconsistent. Tropic-Care has now been keeping records of water usage. In the meantime staff will review with Hunter if the proposed price for the master control irrigation system is still available now that the transferring of the permit is close to being finalized.

C. District Manager

Ms. Dobbins updated the Board of Supervisors that the fountain at the south entrance has been approved for a motor repair, but parts are on back order.

She reviewed with the Board of Supervisors that 4 out of 5 of the doggie stations need to be replaced due to heavy rusting. Ms. Dobbins recommends ordering aluminum receptacles, which will reduce rusting.

Ms. Dobbins informed the Board of Supervisors that residents have requested benches around the Funston pond. The Board instructed to review which parks do not have benches and to get a cost estimate.

Ms. Dobbins also informed the Board of Supervisors that residents living off Broderick have complained about the Bahia sod along the pond bank. Mr. Romano explained that this area and one other area within the District has Bahia instead of St. Augustine sod. Bahia unfortunately gets infested with weeds easily and if treated will leave the area with just dirt. Mr. Romano also mentioned the other location doesn't have irrigation. The Board requested him to present a cost on replacing the sod and to install irrigation for these areas.

Mr. Cox introduced Brett Sealy, Investment Banker with MBS who would like to speak to the Board regarding refinancing opportunities. Mr. Sealy presented the Board of Supervisors with an overview regarding the potential for refinancing the Series 2004A Bonds. At this time MBS would review all options at their cost for the District and report back their findings in March.

ELEVENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

There were no supervisor requests.

A resident requested a liaison between the CDD and State Government entities so their concerns are expressed.

A resident indicated that homes off Broderick have "flooding" or drainage issues, which Lennar has admitted to.

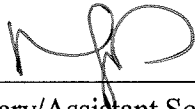
A request for more communication to residents was made and that meetings be held at the clubhouse.

A resident does not understand why Lennar won't just continue to build age restricted homes and questioned the length of time on landscape warranties.

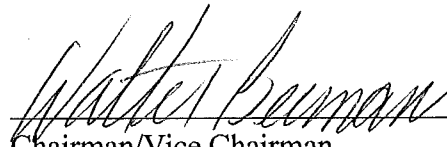
TWELVTH ORDER OF BUSINESS

Adjournment

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board adjourned the Meeting of the Board of Supervisors at 1:00 p.m. for Heritage Isle at Viera Community Development District.



Secretary/Assistant Secretary



Chairman/Vice Chairman