

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 special meeting of the Board of Supervisors of Heritage Isle at Viera Community Development District was held on **Monday, September 12, 2011 at 10:00 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
Joe Fulghum	Board Supervisor, Assistant Secretary
Jim Brown	Board Supervisor, Assistant Secretary

Also present were:

Melissa Dobbins	District Manager, Rizzetta & Company, Inc.
Robbie Cox	Financial Consultant, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping Green & Sams, P.A.
Hassan Kamal	District Engineer, BSE Consultants, Inc.
Darcie Madison	HOA Representative

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 August 3, 2011

Mr. Brown noted that the sixth order of business on page three needed to have a word corrected to read "water". It was also noted that the sentence starting with "Mr. Kamal presents" in the tenth order of business on page five needed to be rephrased to clarify that last year's report was able to identify many repairs, which were then fixed. Those results last year should conclude that this year's cost will be much lower. The minutes were approved as amended.

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held August 3, 2011, as amended for Heritage Isle at Viera Community Development District.

THIRD ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures for July 2011

Mr. Brown commented that while the first partial payment to the pressure washing vendor was made, some sidewalks still have markings and are not completely cleaned.

Ms. Dobbins noted that the sidewalk maintenance is an item that needs to be discussed and asked the Chairman if he would like to discuss this at this time. Mr. Beeman, Chairman, approved and stated that there are a few items that need to be reviewed.

The first item for review is the decision to pay Marvin E. Fritz the second portion of his pressure washing proposal. The District has paid 50% but the vendor has updated the District that he under bid the job and that multiple "hot spots" are a constant problem and that he is not going to keep going over areas that he has cleaned. Ms. Dobbins noted that staff and resident's continue to see that many streets are not finished, which doesn't conclude that he is finished.

Discussion ensued.

Mr. Williams stated that he believes the vendor abandoned the project and does not feel he should get paid the full amount.

Mr. Earlywine advised the District to send Mr. Fritz a termination notice informing him of this decision to terminate the existing contract and hold the remaining \$2,500.00 payment on account of the fact that the work has not been preformed.

On Motion by Mr. Fulghum, seconded by Mr. Williams, with all in favor, the Board approved the District sending notification to Mr. Fritz informing him of the decision to terminate the existing pressure cleaning contract, and to hold the remaining \$2,500.00 payment for the contractor's failure to perform the work, for Heritage Isle at Viera Community Development District.

In the second item for review, Ms. Dobbins stated that there is a need to clean specific areas that have constant drainage or raised sod issues. Proposals were also presented for annual cleaning and/or use of Vesta onsite staff at a rate of \$32.00 per hour to perform services as needed.

The Board of Supervisors directed staff to continue to investigate why and/or which areas are having such issues and retrieve more proposals for annual cleaning, but in the meantime use Vesta for cleaning areas as needed.

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board approved staff investigate which areas need additional cleaning due to having constant drainage issues, retrieving more proposals for annual cleaning, but continue to use Vesta for cleaning services in the meantime at a rate of \$32 per hour, as needed for Heritage Isle at Viera Community Development District.

On Motion by Mr. Brown, seconded by Mr. Beeman, with all in favor, the Board ratified the operation and maintenance expenditures for July 2011 in the amount of \$27,588.94 for Heritage Isle at Viera Community Development District.

FOURTH ORDER OF BUSINESS

Ratification of Special Assessment Revenue Bonds Series 2005, Requisition #161-#163

REQUISITION NO.	PAYEE	AMOUNT
161	Kirby Electric Co.	\$17,133.88
162	B.S.E. Consultants	\$5,308.00
163	B.S.E. Consultants	\$3,718.90

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board ratified Special Assessment Revenue Bonds Series 2005, Requisitions #161 for Kirby Electric Co. in the amount of \$17,133.88, Requisition #162 for BSE Consultants in the amount of \$5,308.00 and #163 for BSE Consultants in the amount of \$3,718.90 for Heritage Isle at Viera Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Heritage Isle Temporary
Access Easement Agreement**

Ms. Dobbins reported that a pool contractor has made a request to access CDD property to install a pool at a resident's address. An agreement was presented that would grant the access on the terms stated therein.

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board approved the Temporary Access Easement Agreement by and between the Heritage Isle at Viera CDD and Salvatore J. and Nancy Gianfortune and Martin Pools for Heritage Isle at Viera Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Audited Financial
Statements for Year Ended September 30,
2010**

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board accepted the Audit Financial Statements for Year Ended September 30, 2010 for Heritage Isle at Viera Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2011-06
Setting Dates, Time and Location for
Regular Meetings**

The Board selected the 4th Tuesday at 10:30 a.m. and Resolution 2011-06, Setting Dates, Time and Location for Regular Meetings was approved, as amended.

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board approved Resolution 2011-06 Setting Dates, Time and Location for Regular Meetings, for Heritage Isle at Viera Community Development District.

EIGHTH ORDER OF BUSINESS

Consideration of Partial Termination of Easement within Phase 7

Mr. Kamal noted that the developer has proposed to the County a plat for Phase 7A of the Project, and has requested that the District's drainage and maintenance easements be terminated so that the plat may be approved by the County.

On Motion by Mr. Williams, seconded by Mr. Brown, with all in favor, the Board approved the Partial Termination of the District's Maintenance Easement within Phase 7 with authorization for the Chairman to execute the final form of any related documents and subject to District Staff's review of the matter for Heritage Isle at Viera Community Development District.

NINTH ORDER OF BUSINESS

Consideration of Fountain Repair and Maintenance Proposals

Ms. Dobbins stated that it has been brought to the District's attention that the four fountains in the front ponds are the responsibility of the CDD.

Currently there are two fountains in need of repair. Ms. Dobbins has one proposal for one fountain which stated the repair could range from \$1,700.00 to \$2,500.00.

On Motion by Mr. Beeman, seconded by Mr. Williams, with all in favor, the Board approved the necessary fountain repairs not to exceed \$5,000.00 for Heritage Isle at Viera Community Development District.

TENTH ORDER OF BUSINESS

Public Hearing Regarding 2005 Debt Assessment and Replat

On Motion by Mr. Beeman, seconded by Mr. Fulghum, with all in favor, the Board opened the Public Hearing Regarding 2005 Debt Assessment and Replat for Heritage Isle at Viera Community Development District.

Mr. Earlywine reviewed that at the time of the original levying of the 2005 series assessments there were four unit types contemplated. This past spring the Developer replatted Phase 6 and converted certain 50 foot lots into 60 foot lots, which 60 foot lots were not part of the original methodology. The purpose of today is to figure out how much to assign to this new product type on a per unit basis.

Mr. Cox reviewed the final report and stated that the assessments are based on a flat rate and on benefit of infrastructure improvement.

Mr. Earlywine asked Mr. Cox a series of questions with reference to the two requirements for the special assessments to be valid which Mr. Cox confirmed.

An audience member had a question regarding the method of assessing buildings (condominiums) that aren't built yet.

An audience member had a question regarding the location of the north property.

An audience member had a question regarding the ability to refinance.

On Motion by Mr. Beeman, seconded by Mr. Williams, with all in favor, the Board approved Resolution 2011-09, Regarding the 2005 Debt Assessment and Replat in substantial form for Heritage Isle at Viera Community Development District.

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board closed the Public Hearing Regarding 2005 Debt Assessment and Replat for Heritage Isle at Viera Community Development District.

ELEVENTH ORDER OF BUSINESS

**Public Hearing Regarding Fiscal Year
2011/2012 Final Budget**

On Motion by Mr. Beeman, seconded by Mr. Williams, with all in favor, the Board opened the Public Hearing regarding Fiscal Year 2011/2012 Final Budget for Heritage Isle at Viera Community Development District.

TWELVTH ORDER OF BUSINESS

**Consideration of Resolution 2011-07,
Adopting the Final Budget for Fiscal Year
2011/2012**

Ms. Dobbins reviewed that the total operation and maintenance budget is \$564,075.00. She stated that the major reason for a slight increase was due to the CDD starting to pay for street lighting utility off Legacy Boulevard.

Discussion ensued.

An audience member requested that the District review actual when creating the budget.

An audience member requested an update on if trees will be replaced next to first pond on east side of south entrance.

An audience member had a question regarding the reserve amounts and the possibility of using the reserves to decrease the budget.

An audience member questioned the collection method and if the current budget was fully collected.

On Motion by Mr. Williams, seconded by Mr. Brown, with all in favor, the Board closed the Public Hearing on the Fiscal Year 2011/2012 Final Budget for Heritage Isle at Viera Community Development District.

On Motion by Mr. Beeman, seconded by Mr. Williams, with all in favor, the Board approved Resolution 2011-07, Adopting the Final Budget for Fiscal Year 2011/2012 for Heritage Isle at Viera Community Development District.

THIRTEENTH ORDER OF BUSINESS

**Public Hearing Regarding the Imposition
of Operations and Maintenance Special
Assessments for Fiscal Year 2011/2012**

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board opened the Public Hearing Regarding the Imposition of Operations and Maintenance Special Assessments for Fiscal Year 2011/2012 for Heritage Isle at Viera Community Development District.

FOURTEENTH ORDER OF BUSINESS

**Consideration of Resolution 2011-08,
Imposing Special Assessments and
Certifying an Assessment Roll**

Mr. Earlywine stated that the resolution reviews the method to collect assessments.

Mr. Earlywine asked Mr. Cox a series of questions regarding the validity of the special assessments, which he confirmed.

On Motion by Mr. Brown, seconded by Mr. Beeman, with all in favor, the Board closed the Public Hearing Regarding the Imposition of Operations and Maintenance Special Assessments for Fiscal Year 2011/2012 for Heritage Isle at Viera Community Development District.

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board approved Resolution 2011-08, Imposing Special Assessments and Certifying an Assessment Roll for Heritage Isle at Viera Community Development District.

FIFTHTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Earlywine noted that the Phase 8 assessments are delinquent; however, he has received approval from the Trustee that the Trustee has no objection to the District's acceptance of a late payment. He is requesting approval from the Board of Supervisors for District Staff to issue an estoppel letter to Lennar Homes, LLC regarding the delinquent assessments, which representatives of Lennar Homes, LLC have indicated will be paid by September 23, 2011.

On Motion by Mr. Beeman, seconded by Mr. Williams, with all in favor, the Board approved District Staff issuing an estoppel letter to the Lennar Homes, LLC who has indicated they will make payment of the delinquent assessments by September 23, 2011 for Heritage Isle at Viera Community Development District.

B. District Engineer

Mr. Kamal updated the Board of Supervisors that he will have proposals for repairs, based from his inspection report, by the next meeting.

He also updated that Phase 7 construction continues and platting will begin.

C. District Manager

Ms. Dobbins noted that the next scheduled Board of Supervisors' Meeting is scheduled for Tuesday, November 22, 2011. She also updated the Board of Supervisors that the contract with Aquatic Systems for pond maintenance will expire at the end of this month. Aquatic Systems offers to renew at the same rate and terms. The Board of Supervisors approved the renewal.

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board approved the renewal of the Aquatic Systems contract at the same rate and terms for Heritage Isle at Viera Community Development District.

SIXTEENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Mr. Brown asked for an update on getting benches in the park anchored down.

An audience member asked for a status update on who will be maintaining the driveway aprons. District Staff stated that the aprons are not the CDD's responsibility. The District is currently waiting for the HOA to update them if they want to enter into an agreement for the CDD to assist the HOA with this responsibility.

An audience member asked for an update on the master irrigation system. District Staff will request an update from Tropic-Care on alternative vendors and options. An audience member requested an update on doggie bags and wanted to know if the CDD will be providing them.

Discussion ensued.

The Board of Supervisors approved to cease services on providing small dog station bags at all pet stations.

On Motion by Mr. Williams, seconded by Mr. Fulghum, with all in favor, the Board approved to cease services to provide small dog station bags for Heritage Isle at Viera Community Development District.

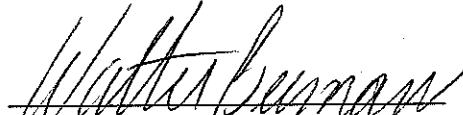
SEVENTEETH ORDER OF BUSINESS

Adjournment

On Motion by Mr. Beeman, seconded by Mr. Williams, with all in favor, the Board adjourned the Meeting of the Board of Supervisors at 12:00 p.m. for Heritage Isle at Viera Community Development District.



Secretary/Assistant Secretary



Chairman/Vice Chairman