

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, November 22, 2011 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
Joe Fulghum	Board Supervisor, Assistant Secretary
Jim Brown	Board Supervisor, Assistant Secretary
Paul Martell	Board Supervisor, Assistant Secretary

Also present were:

Melissa Dobbins	District Manager, Rizzetta & Company, Inc.
Jeremy Needham	Operations Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping Green & Sams, P.A. <i>(via speaker phone)</i>
Hassan Kamal	District Engineer, BSE Consultants, Inc.
Tony Romano	Representative, Tropic-Care Landscaping

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 September 12, 2011

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 September 12, 2011, for Heritage Isle at Viera Community Development District.

THIRD ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures for August 2011, September 2011 and October 2011

On Motion by Mr. Beeman, seconded by Mr. Williams, with all in favor, the Board ratified the operation and maintenance expenditures for August 2011 in the amount of \$38,528.54, September 2011 in the amount of \$54,410.72 and October 2011 in the amount of \$41,078.19 for Heritage Isle at Viera Community Development District.

FOURTH ORDER OF BUSINESS

Ratification of Special Assessment Revenue Bonds Series 2005, Requisition #165

REQUISITION NO.	PAYEE	AMOUNT
165	B.S.E. Consultants	\$197.50

On Motion by Mr. Beeman, seconded by Mr. Williams, with all in favor, the Board ratified Special Assessment Revenue Bonds Series 2005, Requisition #165 for B.S.E. Consultants in the amount of \$197.50 for Heritage Isle at Viera Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Arbitrage Rebate Report,
Series 2004 A&B as of September 30, 2011**

Ms. Dobbins reported that the Net Rebatale Arbitrage totaled \$(584,752.66). Based on the report computations, no rebate liability exists.

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board accepted the Arbitrage Rebate Report, Series 2004 A&B as of September 30, 2011 for Heritage Isle at Viera Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of FPL – Legacy Boulevard
Street Lighting Agreements**

Ms. Dobbins explained that these agreements with FPL will change the responsible party for the Street lights on Legacy Boulevard from the HOA to the CDD. As a reminder the CDD will start paying for the street light utilities on Legacy Boulevard in January 2012.

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board approved the FPL – Legacy Boulevard Street Light Agreements changing the responsible party from the HOA to the CDD for Heritage Isle at Viera Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Landscape Improvements
at Guerrero Drive and Legacy Boulevard**

The Board of Supervisors reviewed pictures of the intersections and discussed concerns regarding visibility.

Discussion ensued.

The Board of Supervisors directed the District Engineer to review the geometry of the vegetation along the intersections off Legacy Boulevard, for a not to exceed \$3,000 amount.

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board directed the District Engineer to review the geometry of the vegetation along the intersections off Legacy Boulevard for a not to exceed amount of \$3,000 for Heritage Isle at Viera Community Development District.

Mr. Brown requested to include reviewing the issue of traffic visibility at the North entrance due to two stop signs posted near one another.

On Motion by Mr. Brown, seconded by Mr. Beeman, with all in favor, the Board further directed the District Engineer, as part of the aforementioned work, to review the issue of traffic visibility at the North entrance due to two stop signs posted near one another for Heritage Isle at Viera Community Development District.

EIGHTH ORDER OF BUSINESS

**Discussion Regarding Master Control
Irrigation Systems**

Mr. Romano from Tropic-Care Landscaping presented two proposals from Hunter and Rainbird for a master control system upgrade. He explained that the District already has Hunter components so the price is less; in addition, he would recommend Hunter due to their 5 year warranty vs. the 2 year warranty from Rainbird.

Mr. Earlywine pointed out that the water permit is still in the club's name and since this upgrade will benefit many areas and different entities he recommends staff setting up a meeting with a representative from each entity to discuss if they are interested in a cash share agreement.

The Board of Supervisors authorized staff to work on a cost share agreement and the permit transfer based on Hunter's proposal.

On Motion by Mr. Beeman, seconded by Mr. Fulghum, with all in favor, the Board authorized District Staff to work on a cost share agreement and the permit transfer based on Hunter's proposal for Heritage Isle at Viera Community Development District.

NINTH ORDER OF BUSINESS

**Summary of Responses to 2011
Infrastructure Maintenance, Replacement
and Repair Proposals**

Mr. Kamal reviewed four bids from Gunnstruction, Brewer, Watson and Support for sidewalk and stormdrain repairs.

He also noted that on page 8, part 3 there was a repair that was bid out at the intersection of Ahern Place and Newhall Lane due to a water main break that deteriorated the road. He will touch base with the City to review the issue.

The Board of Supervisors approved the repair proposal from Gunnstruction for a total of \$27,349, but withholding the repair at the intersection of Ahern Place and Newhall Lane in the amount of (\$10,017) until the District Engineer reports back after contacting the City.

On Motion by Mr. Beeman, seconded by Mr. Brown, with all in favor, the Board approved the repair proposal from Gunnstruction for a total of \$27,349, but withholding the repair at the intersection of Ahern Place and Newhall Lane in the amount of (\$10,017) until the District Engineer reports back after contacting the City for Heritage Isle at Viera Community Development District.

TENTH ORDER OF BUSINESS

**Summary of Responses to 2011 Pedestrian
Bridge Inspection and Maintenance
Proposals**

Mr. Kammal reviewed three bids from JAMC, East Coast Docks and Erickson Marine Works to perform an inspection of all 5 wooden bridges.

The Board of Supervisors approved JAMC to provide a detailed inspection report on the pedestrian bridges in the amount of \$2,400 subject to District Counsel review of the contract.

On Motion by Mr. Williams, seconded by Mr. Beeman, with all in favor, the Board approved JAMC to provide a detailed inspection report on the pedestrian bridges in the amount of \$2,400 subject to District Counsel review for Heritage Isle at Viera Community Development District.

ELEVENTH ORDER OF BUSINESS

Update on Review of the Master Drainage System

Mr. Kamal reviewed for the Board of Supervisors that this District received about 17 inches of rain in the north end of the community during a storm in the early part of October. The District overall did fairly well, but Funston Circle received the worst effects. Due to this he was requested to look at the stormwater drainage system to verify that it is functioning properly and why the area by Funston Circle handled the storm differently.

He noted that he did not see clogging of the drains, all lakes were the same and, as such the system appeared to function correctly. It was just a rare rain event. Even though this amount of rain in this short amount of time is more than a 100 year storm and is rare, he still can't determine if/when it would happen again.

However, he stated that there are three options to at least minimize the effects.

- 1.) Review the concrete control structures by Funston Circle and possibly widen the weir so more water can be discharged.
- 2.) Review the North end control structures as well.
- 3.) Modify the internal drainage structures on Funston Circle to install a 300 foot pipe.

Mr. Kamal recommended to start with getting estimates for options 1 and 2 since this would be the least expensive approach. The Board of Supervisors approved for the District Engineer to research the cost for these items and then bring them back to the Board to review.

On Motion by Mr. Williams, seconded by Mr. Beeman, with all in favor, the Board approved for the District to research the cost to review the concrete control structures by Funston Circle and possibly widen the weir so more water can be discharged and to review the North end control structures and for these items to be brought back to the Board to review for Heritage Isle at Viera Community Development District.

TWELVTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Earlywine updated the Board of Supervisors that he received the executed declaration documents from Lennar so these items are still moving forward.

He also stated that Rizzetta & Company presented a true-up invoice to Lennar. Mr. Earlywine informed the Board that the way the indenture is written that under the true-up agreement, if the single family homes are platted first and multi family later the true-up then comes earlier, which means that you could have a true-up payment made early on, and then if the multi-family units are later completed, you would then have to address how to reconcile the prior true-up payment. Per the Developer's request he has asked the Trustee if there is a possibility to revise the provisions of the true-up.

Mr. Beeman pointed out to the audience that the true-up on the bond debt will not

impact the homeowner's debt assessments.

Mr. Earlywine also stated that the Board of Supervisors has inquired in the past if the CDD can enter into an agreement with the HOA to handle the driveway apron maintenance for them. The District's insurance carrier believed it was not a favorable idea due to the liability to the CDD. Mr. Earlywine was working to confirm this more and report back at the next meeting.

B. District Engineer

Mr. Kamal updated the Board of Supervisors that the stormwater line in phase 7 are now completed. The developer is testing and constructing the curbs now and all should be complete by the end of the year.

C. District Manager

Ms. Dobbins noted that the next Board of Supervisors' Meeting is scheduled for Tuesday, February 28, 2012. She also updated the Board of Supervisors that a termination letter was sent to Marvin Fritz regarding ceasing his pressure washing services.

Ms. Dobbins reported that the clubhouse crew was moving forward on the cleaning requests made by residents. The Board requested to finish the current list and research options again for annual cleaning.

Ms. Dobbins reviewed the preventative maintenance proposal for 4 fountains in ponds at the South entrance. The Board of Supervisors approved the proposal from Vertex for \$322.16 per quarter.

<p>On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board approved the preventative maintenance proposal from Vertex at \$322.16 per quarter for Heritage Isle at Viera Community Development District.</p>

THIRTEENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Mr. Brown had a question regarding the status of the repairs along Legacy Boulevard for street lighting. Mr. Needham reported that he has been working with FPL for months and supplies were ordered to handle the repair.

The Board of Supervisors requested to have reporting instructions on the website so that residents understand what to do when they see a street light out.

Mr. Brown also reviewed wanting to write an article to be posted in the clubhouse newsletter on topics affecting the community. Mr. Earlywine recommended

including a disclosure so residents understand it's Mr. Brown's own opinion and not representation of the CDD Board.

Sharon Straw presented a pergola construction proposal to be placed in the common park off Madeira.

Mr. Beeman suggested that the best time for the Board to review the parks along with this pergola request is at the budget meeting.

An audience member had a question regarding the storm drain system.

An audience member had a comment regarding the double stop sign at the North entrance.

An audience member commented regarding the intersection at Guerro and Legacy Boulevard noting that the Board needs to consider the audience, that many residents are older and that minimum standards might not work for this community.

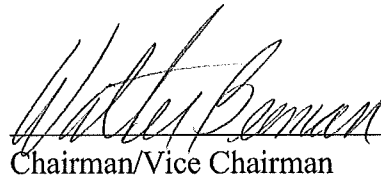
FOURTEENTH ORDER OF BUSINESS

Adjournment

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board adjourned the Meeting of the Board of Supervisors at 12:32 p.m. for Heritage Isle at Viera Community Development District.



Secretary/Assistant Secretary



Chairman/Vice Chairman