

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, January 22, 2013 at 10:30 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:

Bernie Reed	Board Supervisor, Chairman
Jay Williams	Board Supervisor, Vice Chairman
Paul Martell	Board Supervisor
Jim Brown	Board Supervisor, Assistant Secretary
Joe Fulghum	Board Supervisor, Assistant Secretary

Also present were:

Melissa Dobbins	District Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping Green & Sams, P.A.
Hassan Kamal	District Engineer, BSE Consultants

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' Special Meeting held December 4, 2012

Mr. Reed requested a correction on page one to the spelling of Mr. Mahan's first name.

The Board approved the minutes as amended.

On Motion by Mr. Williams, seconded by Mr. Brown, with all in favor, the Board approved the Minutes as amended of the Board of Supervisors' Special Meeting held December 4, 2012 for Heritage Isle at Viera Community Development District.

THIRD ORDER OF BUSINESS

Ratification of the Operations and Maintenance Expenditures for November 2012 and December 2012

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board ratified the Operations and Maintenance Expenditures for November 2012 in the amount of \$49,134.85 and December 2012 in the amount of \$32,250.99 for Heritage Isle at Viera Community Development District.

(Mr. Martell joined the meeting already in progress.)

FOURTH ORDER OF BUSINESS

Consideration of the Appointment of Board of Supervisors'

Mr. Reed read into the record a request from Mark Greenberg to pull his name out for consideration.

Kenneth Bonin, Judith Gendron, Marvin Kantor, Roger Teurfs, and Harold Mcanulty presented information on their experiences for the Board.

The Board decided to vote individually for the top two candidates and then select one from that list. The top two candidates were Kenneth Bonin and Roger Teurfs. The Board voted again for only one of these remaining candidates. Kenneth Bonin received three votes and Roger Teurfs received two votes.

The Board appointed Kenneth Bonin to Paul Martel's general election seat.

On Motion by Mr. Reed, seconded by Mr. Brown, with all in favor, the Board appointed Kenneth Bonin to Paul Martell's general election seat for Heritage Isle at Viera Community Development District.

Ms. Dobbins gave the Oath to Kenneth Bonin.

Mr. Earlywine reviewed Sunshine Laws and Public Records Law for the new board member.

(Mr. Martell left the meeting.)

FIFTH ORDER OF BUSINESS

Consideration of Easement Agreement of Gazebo

Mr. Earlywine reviewed the easement agreement and mentioned that we have asked the club owner to provide a legal description. This gazebo will continue to be maintained by the clubhouse.

The Board of Supervisors' approved the Easement Agreement of Gazebo subject to the attachment of the final legal description.

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board approved the Easement Agreement of Gazebo subject to the final legal description being prepared and attached for Heritage Isle at Viera Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Arbitrage Rebate Calculation Report Series 2004 A&B – September 30, 2012

Mr. Earlywine reviewed the report. The report reflects a negative cumulative rebate amount of \$(602,504.48).

On Motion by Mr. Brown, seconded by Mr. Reed, with all in favor, the Board accepted the Arbitrage Rebate Calculation Report Series 2004 A&B through September 30, 2012 for Heritage Isle at Viera Community Development District.

SEVENTH ORDER OF BUSINESS

Consideration of Annual Infrastructure Inspection Work Authorization

On Motion by Mr. Williams, seconded by Mr. Brown, with all in favor, the Board approved the Annual Infrastructure Inspection Work Authorization for Heritage Isle at Viera Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Resolution 2013-02,
Declaring a Policy to Coordinate
Infrastructure Planning**

This item was tabled until the next Board of Supervisors' Meeting.

NINTH ORDER OF BUSINESS

**Consideration of Irrigation and Pump
System Monitoring and Maintenance
Proposal**

The Board of Supervisors approved the one year maintenance contract with Hoover Pumping Systems not to exceed \$2,790.00

On Motion by Mr. Brown, seconded by Mr. Reed, with all in favor, the Board approved the one year maintenance contract with Hoover Pumping not to exceed \$2,790.00 for Heritage Isle at Viera Community Development District.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Earlywine updated the Board concerning the additional water usage at the clubhouse. He stated that after further analysis of the water usage at the clubhouse the difference was not significant enough to change the cost share ratios in the irrigation upgrade agreement. The Board agreed to leave "as-is."

Mr. Earlywine stated to the Board that the Trustee tentatively agreed to the Developer's request to change the True-up process and make it base on consideration of a future development plan as opposed to a debt per acre analysis. He said that the parties are continuing to negotiate the various terms of an agreement that would resolve the outstanding true-up.

Mr. Earlywine also updated the Board that it was brought to the staff's attention that Lennar was making improvements that were affecting CDD property. He stated that the District Manager's office sent a letter to Lennar informing them to cease these improvements until the District can review and approve them.

Mr. Earlywine stated that Lennar wants to expand the lake across from the clubhouse which the CDD owns. Lennar will need an easement. Board discussion ensued. The Board of Supervisors' gave the Chair authorization to execute final easement.

On Motion by Mr. Williams, seconded by Mr. Brown, with all in favor, the Board authorized the staff to prepare and the Chair to approve, the final easement for construction work associated with the pond west of the clubhouse for Heritage Isle at Viera Community Development District.

B. District Engineer

Mr. Kamal updated the Board that permits were submitted to the county for the north entrance sidewalk improvement. He should have approvals in early February and the work will start immediately.

Regarding the Cease and Desist letter, Mr. Kamal spoke to Lennar concerning putting together a protocol which would include the CDD to be notified of any improvement that will connect to CDD property. There will be an inspection done prior to work starting and after work is completed by the District Engineer. Mr. Kamal will bring back the protocol to the next meeting.

Board discussion ensued.

The Board gave the Chair authorization to consult with Lennar and give authorization for them to continue work at his discretion in the interim between meetings, providing that the District Engineer will do the inspections.

On Motion by Mr. Brown, seconded by Mr. Reed, with all in favor, the Board authorized the Chair to consult with Lennar and gave authorization for Lennar to continue work at his discretion in the interim between meetings for Heritage Isle at Viera Community Development District.

C. District Manager

She updated the Board that the pressure washing is underway and the contractor does believe he will finish on time.

She also noted that the benches were received but were of very poor quality. We are reviewing switching them out to a commercial grade.

She updated the Board that the HOA has requested that the Pet Stations be managed by the CDD again since they truly only subcontract out the service.

The Board of Supervisors approved the termination of the current Pet Station Agreement with the HOA and assigned the service to be amended to Tropic-Care's Agreement.

On Motion by Mr. Brown, seconded by Mr. Reed, with all in favor, the Board approved the termination of the current Pet Station Agreement with the HOA and assigned the service to be amended to Tropic-Care's agreement for Heritage Isle at Viera Community Development District.

- D. Tropic Care
- i. Consideration of Landscape Installation Proposal for Common Areas, Phase 2 and Phase 4, West Berm

The Board of Supervisors' directed that this proposal needs to be reviewed by the HOA ~~and landscape committee.~~

On Motion by Mr. Brown, seconded by Mr. Bonin, with all in favor, the Board directed that the Landscape Installation Proposal for Common Areas, Phase 4, Madeira be reviewed by the Home Owners' Association for Heritage Isle at Viera Community Development District.

- ii. Consideration of Landscape Installation Proposal for Common Areas, Phase 4, Madeira – Hedge Request

The Board of Supervisors' requested the District Engineer to research if there are any specific landscape design plans for the community before they reach a decision. The item was tabled until the next meeting.

ELEVENTH ORDER OF BUSINESS

Audience Comments and Supervisor Requests

An audience member had a concern about golf carts and bicycles on sidewalks.

An audience member had a concern about dust coming from power line road.

An audience member had a concern about the cease and desist letter. The audience member suggested that Lennar sign off on work they do on CDD property. The same audience member is also upset that his tax funds are going towards the North Entrance improvement.

An audience member had a concern with the time lapse for landscape proposals going to the HOA landscape committee.

Mr. Reed asked if there was a fishing policy. Ms. Dobbins stated that the previous board did decide that there would be no fishing, boating, etcetera on CDD ponds, but there is no formal policy. Mr. Earlywine suggested that he could draft one for the next meeting.

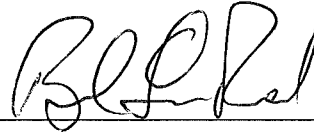
TWELFTH FOURTEENTH ORDER OF BUSINESS

Continuance

On Motion by Mr. Brown, seconded by Mr. Reed, with all in favor, the Board continued the Meeting of the Board of Supervisors' to February 26, 2013 at 1:15 p.m. for Heritage Isle at Viera Community Development District.



Secretary/Assistant Secretary



Chairman/Vice Chairman