

**MINUTES OF MEETING  
VIERA STEWARDSHIP DISTRICT**

The Board of Supervisors of the Viera Stewardship District held a Public Hearing and a Regular Meeting on August 17, 2022, at 9:30 a.m., at The Viera Company, 7380 Murrell Road, Suite 201, Viera, Florida 32940. The public was able to participate via Zoom or mobile app, at <https://zoom.us/j/95618690725?pwd=SFY0d1NDaFcyY0RJTIRSZTY0cVdqZz09>, Meeting ID: 956 1869 0725, Passcode: 814292, or telephonically at 646-931-3860, Passcode 956 1869 0725.

**Present were:**

Todd J. Pokrywa	Chair
Amy Mitchell	Vice Chair
Cathleen Conley	Secretary
Christopher Wright	Assistant Secretary

**Also present were:**

Craig Wrathell	District Manager
Ernesto Torres	Wrathell, Hunt and Associates, LLC (WHA)
Lauren Gentry	District Counsel
Hassan Kamal (via telephone)	District Engineer
Paul Martell	Treasurer
Jay A. Decator, III	The Viera Company
Michael Arnold	The Viera Company
Ben Wilson	The Viera Company
Bill Lites (via telephone)	Zev Cohen & Associates, Inc. (ZCA)
Eva Rey	Community Manager

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Wrathell called the meeting to order at 9:32 a.m.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Supervisors Pokrywa, Mitchell, Conley and Wright were present. Supervisor Bissett was not present.

**THIRD ORDER OF BUSINESS**

**Public Comments (limited to 3 minutes per person)**

There were no public comments.

**FOURTH ORDER OF BUSINESS**

**Approval of June 8, 2022 Special Meeting Minutes**

The following changes were made:

Line 25: Change “The Viera Company” to “Treasurer”

Line 82: Change “his” to “her”

Line 175: Change “conservation area” to “Conservation District”

Regarding Line 235, Mr. Kamal mentioned Mr. Pokrywa and Mr. Lites having a conversation after the last meeting that the period requiring annual monitoring of the burrowing owls has ended, pursuant to the regulatory permits, but that Mr. Lites would continue with minimal monitoring of the burrowing owl preserve and maintain field notes, to the extent necessary to provide information in connection with the Viera DRI Development Orders to provide bi-annual reports.

**On MOTION by Mr. Wright and seconded by Ms. Mitchell, with all in favor, the June 8, 2022 Special Meeting Minutes, as amended, were approved.**

**FIFTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2022/2023 Budget**

- A. Proof/Affidavit of Publication**
- B. Engineer’s Report**

The following change was made:

Page 3, Maintenance of Burrowing Owl Preserve/Conservation Easement: Change “Owls and Bald Eagle Conservation Easements” to “Owl Conservation Easement”

**On MOTION by Ms. Mitchell and seconded by Mr. Wright, with all in favor, the Engineer’s Report dated August 2022, as amended, was approved.**

- C. Resolution 2022-08, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Wrathell distributed and presented the latest version of the proposed Fiscal Year 2023 budget. He noted the following:

- Page 2, “Excess/(deficiency) of revenues over/(under) expenditures”: Use of \$16,327 in surplus funds to offset assessment increases is reflected.
- Regarding the Interlocal Agreement with East Viera CDD and the HOA for canal maintenance and, if appropriate, a new “cost share” budget line item amount and description will be added to Page 1 Revenues. Excess revenue will be used to build up fund balance.

Mr. Wilson noted the cost share amount is calculated by percentage; he will email the Agreement to Mr. Wrathell.

- Regarding the Fiscal Year 2022 budget, Mr. Wrathell stated that the Accounting Department will reclassify a few Ecor invoices coded to the “drainage system” budget line item to the “canal maintenance” budget line item.
- A new “Contingency” budget line item will be created and funded by cost share revenue to avoid a budget amendment in the future.
- Page 5, Ecologist: Incorporated new descriptive language from Mr. Lites.
- Added new line item for a Field Operations Manager
- The capitalized interest period expires November 1, 2023. Debt assessments will be collected one year in advance of the payment due dates.

**On MOTION by Ms. Mitchell and seconded by Mr. Wright, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Ms. Mitchell and seconded by Mr. Wright, with all in favor, the Public Hearing was closed.**

Mr. Wrathell presented Resolution 2022-08.

The following changes were made to the proposed Fiscal Year 2023 budget:

Page 1, Revenues: Insert “cost share amount” and description budget line item for East Viera CDD and HOA canal maintenance. Excess revenue will be used to build up fund balance.

Page 2: Insert new “Contingency” line item to be funded by cost share revenues.

**On MOTION by Mr. Wright and seconded by Ms. Mitchell, with all in favor, Resolution 2022-08, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023, as amended and subject to outcome of Cost-Share Agreement for canal maintenance; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. Wrathell presented Resolution 2022-09. Regarding the frequency of off-roll assessment billing, Ms. Gentry stated billing is quarterly instead of monthly.

**On MOTION by Mr. Pokrywa and seconded by Mr. Wright, with all in favor, Resolution 2022-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Presentation of Audited Annual Financial Report for the Fiscal Year Ended September 30, 2021, Prepared by Berger, Toombs, Elam, Gaines & Frank**

Mr. Wrathell presented the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2021 and reviewed the pertinent information. The Auditor ruled a finding in the prior year and this year, due to expenditures exceeding budget, which will not occur going forward since a new "Contingency" budget line item was created. There were no deficiencies in internal control or no instances of noncompliance.

**VIERA STEWARDSHIP DISTRICT  
EIGHTH ORDER OF BUSINESS**

**August 17, 2022**

**Consideration of Resolution 2022-10,  
Hereby Accepting the Audited Annual  
Financial Report for the Fiscal Year Ended  
September 30, 2021**

**On MOTION by Mr. Pokrywa and seconded by Ms. Mitchell, with all in favor,  
Resolution 2022-10, Hereby Accepting the Audited Annual Financial Report for  
the Fiscal Year Ended September 30, 2021, was adopted.**

**NINTH ORDER OF BUSINESS**

**Consideration of Thirteenth Amendment  
to Aquatic Maintenance Services  
Agreement Between Viera Stewardship  
District and Ecor Industries, Inc.**

Mr. Wrathell presented the executed Thirteenth Amendment to the Ecor Industries, Inc., Aquatic Services Agreement, which included the additional areas highlighted in Exhibit A to the existing maintenance contact. Ms. Gentry noted that the services of Nautique Dosing increased from \$1,600 to \$1,700, which was not highlighted in the Exhibit.

**On MOTION by Mr. Pokrywa and seconded by Mr. Wright, with all in favor, the  
Thirteenth Amendment to the Ecor Industries, Inc., Aquatic Maintenance  
Services Agreement, for additional monthly Sonar® herbicide treatments  
highlighted in Exhibit A and the cost increase for the Services of Nautique  
Dosing, was ratified.**

**TENTH ORDER OF BUSINESS**

**Discussion: Viera Wilderness Park, Annual  
Utilization Program Checklist - Fiscal Year  
2023/2024**

Mr. Lites presented the executed Viera Wilderness Park (VWP), Annual Utilization Program (AUP) Checklist for Fiscal Year 2023/2024. He reported that A. Duda & Sons, Inc. (ADS) did a great job the past two years on the north end of VWP Stage 2 to about the two-mile canal. The focus next year is on the south, by the power lines. ADS will no longer provide burn services in the Conservation District and will only manage rural districts. The VWP Habitat Management Plan (HMP) will incur burn costs this year, which will be used as a benchmark to plan the burns for Fiscal Year 2023 and to include in the Fiscal Year 2024 budget.

**On MOTION by Ms. Mitchell and seconded by Mr. Wright, with all in favor, the Viera Wilderness Park, Annual Utilization Program Checklist, was ratified.**

**ELEVENTH ORDER OF BUSINESS**

**Update: BSE Consultants Inc., 20-Year Stormwater Management Needs Analysis Report**

Mr. Kamal reported the 20-Year Stormwater Management Needs Analysis Report is 60% to 70% complete. He anticipates emailing a draft late next week. It was noted the deadline to submit the final Report to the County was June 30, 2022 but there is no record of being fined for late submissions.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Roadway Acquisition Documents (under separate cover)**

Ms. Gentry distributed and presented the roadway acquisition documents for Pineda Boulevard-Segment H1 and Lake Andrew Drive Segment F1. The Developer is contributing these improvements to the District and does not expect any payment from the District. Improvements will be conveyed to the City of Cocoa, Florida and Brevard County, accordingly.

**On MOTION by Mr. Wright and seconded by Ms. Mitchell, with all in favor, the Roadway Acquisition Conveyance Documents, in substantial form and subject to Staff review, and authorizing the Chair to finalize and execute conveyance documents to the appropriate local governmental entities, including the City of Cocoa and Brevard County, when appropriate, were approved.**

**THIRTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of June 30, 2022**

**On MOTION by Ms. Mitchell and seconded by Mr. Wright, with all in favor, the Unaudited Financial Statements as of June 30, 2022, were accepted.**

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel: KE Law Group, PLLC**
- B. District Engineer: BSE Consultants Inc.**

There were no District Counsel or District Engineer reports.

A Board Member asked about the PUD Amendment application. Mr. Kamal stated he is reviewing the application and backup documents and expects to submit it to the County by the end of the week.

**C. Environmental Consultant: Zev Cohen & Associates**

Mr. Lites reported the following:

- Closing a Notice of Compliance in the PCT Area by Lake Andrews that was resolved by re-planting trees, which ties into the PUD Amendment, is underway.
- The Burrowing Owl Habitat Protection (BOHP) Report was submitted to the Florida Fish and Wildlife Conservation Commission (FWC). The District only needs to monitor the habitats and submit a report every two years.

Mr. Lites discussed working with the Property Manager on resident requests for a tree in a PCT area to be removed, which differs from their recommendation to keep it, as it serves as a habitat. Due to budget constraints, he is postponing a request to write a paper on the benefits of this until the next fiscal year.

**D. Community Association Manager: Eva Rey**

There was no report.

**E. District Manager: Wrathell, Hunt and Associates, LLC**

- **NEXT MEETING DATE: TBD**
  - **QUORUM CHECK**

Staff will coordinate with the Chair to schedule the next meeting. Outlook calendar invites will be sent as meetings are scheduled.

**FIFTEENTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

**SIXTEENTH ORDER OF BUSINESS**

**Public Comments**

No members of the public spoke.

**SEVENTEENTH ORDER OF BUSINESS**


**Adjournment**

**On MOTION by Mr. Pokrywa and seconded by Mr. Wright, with all in favor, the meeting adjourned at 10:45 a.m.**



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Secretary/Assistant Secretary



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Chair/Vice Chair