

**MINUTES OF MEETING
VIERA STEWARDSHIP DISTRICT**

The Board of Supervisors of the Viera Stewardship District held a Special Meeting on November 8, 2023, 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://us06web.zoom.us/j/86745371816?pwd=OKZ37XyNkaaPWaisj4dfowD6er8xo.1>, and telephonically at 305-224-1968, Meeting ID: 867 4537 1816, Passcode: 073610 for both.

Present were:

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

Also present:

Ernesto Torres	District Manager
Jennifer Kilinski (via phone/Zoom)	District Counsel
Savannah Hancock (via phone/Zoom)	Kilinski Van Wyk PLLC
Hassan Kamal (via phone/Zoom)	District Engineer
Paul Martell	Treasurer
Bill Lites (via phone/Zoom)	Zev Cohen & Associates, Inc. (ZCA)
Eva Rey (via phone/Zoom)	Community Manager
Jay Decator	The Viera Company
Ben Wilson	The Viera Company
Mike Arnold (via phone/Zoom)	The Viera Company
William Bumgarner (via phone/Zoom)	Resident

FIRST ORDER OF BUSINESS

Call to Order

Mr. Torres called the meeting to order at 9:33 a.m.

SECOND ORDER OF BUSINESS

Roll Call

Supervisors Pokrywa, Conley and Wright were present. Supervisor Mitchell attended via phone/Zoom. Supervisor Bissett was absent.

THIRD ORDER OF BUSINESS

Public Comments (limited to 3 minutes per person)

No members of the public spoke.

FOURTH ORDER OF BUSINESS

Approval of August 15, 2023 Public Hearing and Regular Meeting Minutes

The following changes were made:

Line 95: Change “increasing” to “previously suggested there be an increase considered for”

Line 170: Change “and” to “at the”

Line 171: Change “the Viera Company for hosting” to “The Viera Company while attending the AFCD Board Meeting.

Ms. Conley and Mr. Wright left the meeting momentarily and returned shortly thereafter.

On MOTION by Mr. Wright and seconded by Ms. Conley, with all in favor, the August 15, 2023 Public Hearing and Regular Meeting Minutes, as amended, were approved.

FIFTH ORDER OF BUSINESS

Consider Acceptance of Roadway Improvements

Mr. Torres stated that the documents are part of the Acquisition Package behind Item 6E. Ms. Kilinski stated that the acquisition is anticipated to encapsulate Stadium Parkway Segment E, which will be approved, not ratified. She noted the following:

- Working on the acquisition of several categories of improvements is underway, some of which the Board previously saw and approved the acquisition projects package. There was some retainage for the golf portions project that is in the process of being completed and is part of the requisition and ratification items.
- Approval is requested for the Stadium Parkway Segment E acquisition package, in substantial form; and authorizing Staff to continue working with the Team to finalize the appropriate documents, the cost and acquisition documents, in substantial form; and on reimbursement of the retainage balance as well as the addition of the Phase 1B improvements. The documents for Phase 1B are not in the agenda; however, the Board is familiar with the standard forms.

- The Viera Stewardship District reimbursed the CDC \$6,669,231 on July 10, 2023, leaving a balance of \$2,772,298.
- A few other improvements in Phase 1B were not contemplated at the time; the additional amount is \$1,614,296.22.

On MOTION by Ms. Mitchell and seconded by Mr. Wright, with all in favor, acceptance of the Stadium Parkway Segment E Acquisition Package, in substantial form; and authorizing the Chair to execute the final form, subject to final review by the District Engineer and District Counsel, were approved.

SIXTH ORDER OF BUSINESS

Ratification Items

Mr. Torres presented the following:

A. FPL LED Lighting Agreement – Aripeka Phase 3 & 4

B. Helena Agri-Enterprises, LLC for Cogon Grass Spraying

Mr. Lites stated that the Agreements are specifically to treat dense Cogon grass in Stage 1 and Stage 2 J4 Woods, which will help stay ahead of overgrowth. He outlined the scope of services. The effective date will be inserted into the Agreement specific to Stage 1.

C. Brewer Paving and Development, LLC Agreement for Stormwater System Repair

Ms. Kilinski stated that the Board approved a not-to-exceed amount of \$75,000 at the July 10, 2023 meeting. The final invoice amount is \$74,641.

D. Acquisition of Additional Work Product for Pineda Boulevard Segments F, G, and H

It was noted that, before the meeting, Ms. Kilinski was asked to provide updates on the amounts outstanding in the construction acquisition fund for the 2023 Series bonds for Items 6A through 6G.

Regarding Item 6D, Ms. Kilinski stated that the amount requested in the cover letter was based on the amount in the construction acquisition account at that time. As of yesterday, the actual amount is now \$15,762,564.82.

Ms. Kilinski stated that the documents are complete and in good form.

E. Acquisition of Pineda Boulevard Segments F, G, and H Phase 2 Improvements and Work Product

o Bills of Sale to City and County

Ms. Kilinski stated that the documents are complete and in good form.

F. Acquisition of Pineda Boulevard Segments C and D Widening (to be provided under separate cover)

Ms. Kilinski stated that the documents are part of the 2021 acquisition and are complete and in good form. This will be entered in the contribution log for offsetting commercial properties assessments.

G. Acquisition of Pineda Boulevard Segments F, G, and H Phases 1 and 3 (to be provided under separate cover)

Ms. Kilinski stated that the Board is ratifying the documents that were already done and approving Staff working to finalize the documents for additional costs contributable to the balance that is the retainage previously held when the District acquired the documents. These forms are in substantial form between her office and The Viera Company now.

▪ **The Viera Company Request Letter to VSD for Reimbursement from Series 2023 Bond Proceeds/Requisition for Same**

This item, previously Item 6I, was presented out of order.

Ms. Kilinski stated that the District wants to increase the amount requested for reimbursement to The Viera Company from \$15,539,410.33 to \$15,762,564.82, which will deplete the construction acquisition account. The total unreimbursed amount from The Viera Company for these improvements is \$60,148,493.94. The amount to be developed, of about \$400,000, would be entered in the contribution log for future offsets of commercial properties.

Mr. Wilson will submit a revised letter with the updated amount to replace the one in the agenda. Ms. Kilinski will submit a revised first page of Requisition Number 3 to show the new amount, which will replace the one in the agenda.

H. Zev Cohen Work Authorizations

Mr. Lites presented Items 6HI through 6HIII. He noted the following:

I. 36 Environmental Professional Fiscal Year 2023/2024

This item is for services associated with Management in The Viera Wilderness Park, attending District Board meetings and coordinating with Duda & Sons (Duda) and the contractor to ensure management is consistent with the goals of the Habitat Management Plan (HMP) and the United States Army Corps of Engineers (USACE) permits.

▪ **#38 Inspections and Miscellaneous Work by Environmental Professional**

This item, previously Item 6HIII, was presented out of order.

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This item is for services associated with inspections and evaluations, performing annual monitoring to ensure the District is consistent with the USACE permit, The Viera Wilderness Park Stage 2 and coordinates with the District and the County and guidance for the Preferred Cover Type Management within the development areas.

II. #37 Wetland/Habitat Maintenance in Viera Wilderness Park

This item is for actual targeted spraying and maintenance of The Viera Wilderness Park Stage 1 Conservation District.

These are regular annual work authorizations and all are consistent with the budget.

III. #38 Inspections and Miscellaneous Work by Environmental Professional

This item was presented following Item 6HI.

I. The Viera Company Request Letter to VSD for Reimbursement from Series 2023 Bond Proceeds/Requisition for Same

This item was presented following Item 6G.

On MOTION by Ms. Mitchell and seconded by Mr. Wright, with all in favor, Items 6A through 6I, as discussed, were ratified, and authorizing Staff working to finalize the documents for additional costs contributable to the balance that is the retainage previously held when the District acquired the documents, was approved.

SEVENTH ORDER OF BUSINESS

Consideration/Ratification of PCT Management Plan 2024

Mr. Lites stated that the updated Preferred Cover Type Management Plan 2024 will be submitted to the County’s Natural Resource Management Department and, upon approval, it will be implemented.

On MOTION by Mr. Wright and seconded by Ms. Mitchell, with all in favor, the Preferred Cover Type Management Plan 2024, was approved and/or ratified.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2023

Mr. Lites reviewed lines items that exceeded budget because they were coded to the wrong budget line item. He will work with Ms. Schackmann to prevent this from happening

again. Mr. Torres stated he will make sure the Ecor Industries invoices are sent to him for coding.

Ms. Mitchell asked if the annual audit is underway. Mr. Torres replied affirmatively and noted that the Auditor is statutorily required for it to be completed and submitted in June.

On MOTION by Ms. Mitchell and seconded by Ms. Conley, with all in favor, the Unaudited Financial Statements as of September 30, 2023, were accepted.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kilinski | Van Wyk PLLC

There was nothing further to report.

B. District Engineer: BSE Consultants Inc.

Mr. Kamal reported the following:

- Brewer Paving and Development, LLC is expecting notification from the supplier as to when the materials for the Stormwater System repair project will be available. Upon receipt, a Notice to Proceed will be issued and the contract time will continue to run. He hopes the project will be completed by the next meeting.
- Proposals were secured for a diver to inspect the stormwater ponds at Trasona to determine the problem, as the ponds are not consistent with the Master Stormwater Plan. A report will be provided at the next meeting.

C. Environmental Consultant: Zev Cohen & Associates

Mr. Lites reported the following:

- Coordination with a prescribed burn contractor is underway to target burns in all stages in the conservation district; covering about 500 acres per year for the next four years.
- An additional \$60,000 was received to prescribe burns all stages in the conservation district.
- A burn in January or February 2024 is being targeted, as winter burns are much safer then, and will be coordinating with Duda & Sons and the St. John’s River Water Management District
- The Green Environmental Management contract will forwarded once received. He will coordinate with Eva to distribute educational materials to the affected parties.

Ms. Mitchell asked Mr. Lites to notify her when the educational materials are available for distribution.

D. Community Association Manager: Eva Rey

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

There were no Community Association Manager or District Manager reports.

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

TENTH ORDER OF BUSINESS

Board Members' Comments/Requests

Mr. Pokrywa stated that The Viera Company's General Counsel, Mr. Jay Decator, is retiring on Dec 31, 2023 after nearly 30 years with the company and Mr. Ben Wilson will assume that role on January 1, 2024. He thanked Mr. Decator for his years of service.

Mr. Decator discussed steps from when they initiated the Charter, development delays due to the recession and acknowledged how the project accelerated after Mr. Pokrywa's arrival. All in attendance applauded Mr. Decator.

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

This item was an addition to the agenda.

This item will be added to future agendas.

No members of the public spoke.

ELEVENTH ORDER OF BUSINESS

Adjournment

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

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair