

**MINUTES OF MEETING
VIERA STEWARDSHIP DISTRICT**

The Board of Supervisors of the Viera Stewardship District held a Special Meeting on June 19, 2024 at 9:30 a.m., at The Viera Company, 7380 Murrell Road, Suite 201, Viera, Florida 32940. Members of the public and Staff may join via computer or mobile app at <https://us06web.zoom.us/j/82602808838?pwd=qaRZSolmrBh97aqHn0MyjJsalmEOJs.1> or via conference call at 1-305-224-1968, Meeting ID: 826 0280 8838, Passcode: 555372 for both.

Present were:

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

Also present:

Craig Wrathell	District Manager
Ernesto Torres	Wrathell, Hunt and Associates, LLC
Jason Middleton	Wrathell, Hunt and Associates, LLC
Jennifer Kilinski (via phone/Zoom)	District Counsel
Hassan Kamal (via phone/Zoom)	District Engineer
Bill Lites (via phone/Zoom)	Zev Cohen & Associates, Inc. (ZCA)
Gaston Hayworth	ZCA
Ben Wilson	The Viera Company
Karen Esposito	The Viera Company
Jay Decator	Consultant to the Viera Company
Eva Rey (via phone/Zoom)	Community Manager
Paul Martell	Treasurer
Aaron Fontinel	Resident
Theodore Veet	Resident

FIRST ORDER OF BUSINESS

Call to Order

Mr. Wrathell called the meeting to order at 9:30 a.m.

SECOND ORDER OF BUSINESS

Roll Call

Supervisors Pokrywa, Mitchell, Conley and Wright were present. Supervisor Bissett was absent.

THIRD ORDER OF BUSINESS**Public Comments (limited to 3 minutes per person)**

- **VSD Retention Ponds #203 and #204**

Mr. Wrathell stated that residents Aaron Fontinel and Theodore Veet are present and previously expressed their concerns about specific retention ponds.

Mr. Kamal provided the following update:

- He reviewed the documents that were forwarded. Staff has been very helpful in providing updates and showing the status of the two lakes in question.
- He recently met with the contractor and its diver squad, reviewed a series of inter-connecting pipes that run between the lake system and discovered several locations that have a significant amount of silt buildup in the pipes. There were no blockages in the other pipes upstream, towards the north.
- Staff prepared an exhibit that shows the interconnection in Lakes #203 and #204; water from the larger system is not penetrating into those two smaller ponds because of the obstructions. A scope of work for cleaning the pipes and the structures within that system was prepared.
- Pricing was requested from the contractor for the specific work; vac-trucks will be used to pull the material out. A quote is expected by the end of next week.
- As soon as an estimate/quote is received, Staff will coordinate with District Management about the pricing and decide how to proceed.
- Because the exact location of the obstructions is isolated in the initial inspection, there were considerable cost-savings, with a minimum ½ day charge.
- Regarding the request and the Neighborhood Association recommendation to add sod along the two lakes, the expectation is that, once the obstructions are removed and the pipes are functioning properly, the lake levels will stabilize with the larger system.

- After the obstructions are removed, Staff will monitor the water levels and re-evaluate if any additional grading or sodding needs to be done in those areas.
- Staff asked the contractor for the price to also include minor re-grading around the flared end sections where pipes enter the lake and sodding of those areas, as some of those areas fluffed off during subsequent construction, which is how dirt infiltrated the end of the pipes.
- Staff anticipates, in addition to cleaning the pipes, having to pull some of the dirt back from those so they do not continue to silt up in the future.
- Staff's recommendation is to proceed with the work once a quote is received in the following week.

Mr. Pokrywa thanked Mr. Kamal for his recommendations and Mr. Wrathell for providing the information to the District Engineer. He agreed with the need to clean the pipes and evaluate the stormwater function; however, in his opinion, it is clear, as it relates to all of the areas within neighborhoods, that the Neighborhood Association is responsible for the maintenance of the upland areas. He thinks the District's budget has been structured in such a fashion that the District is not responsible for maintaining the upland areas. He noted that the Declaration specifically states, in Section 7, that the drainage system is part of the Stewardship area and shall be maintained, operated and repaired by the District, in compliance with all terms and conditions set forth in the permit or permits issued with respect to the District drainage system or any portion thereof by the St. Johns River Water Management District (SJRWMD), notwithstanding the foregoing, the Neighborhood Association, if it owns the tract containing the lake, pond or water area shall be responsible for the maintenance of the upland portion of such area, located within the tract owned by the Neighborhood Association. So, the belief is that the District is responsible for the stormwater pipes and functioning of the stormwater system, the Neighborhood Association is responsible for the maintenance of the upland area and the District needs to be consistent across all areas that the District is responsible for because that is how everything was structured and how the budget was developed and applied.

Mr. Wrathell clarified that Mr. Kamal will address the drainage issues, not the land side. He asked if a motion authorizing Mr. Kamal to take the next step is necessary.

Ms. Kilinski asked about the order of magnitude. Mr. Kamal stated he is unsure of the cost. He guessed that it will be a lump sum price; however, some tasks might be billed hourly. Once a quote is obtained, he will alert District Staff and the Chair for their review and approval before proceeding.

Ms. Kilinski stated she does not anticipate another Board meeting until the budget public hearing in August and asked if the Board is comfortable authorizing the Chair to proceed between meetings, as long as the bid is reasonable. The contract is in place and this item would be presented for ratification in August.

Mr. Fontinel stated he and Mr. Veet represent 39 other homeowners. He voiced his belief that the as-builts for Ponds #203 and #204 are upstream from #205 and asked Mr. Kamal to confirm that cleaning the pipes in #203 and #204 will cause water to drain into #205, if the sod line in #203 and #204 is set up per code. If it is the responsibility of the HOA, he asked if, once the project is completed, he should seek the Board's for permission to impose an assessment on all the homes for the repairs if it was properly conveyed to the CDD at turnover. Mr. Kamal stated the lakes are upstream; that system is interconnected with a series of equalizing pipes and are all controlled by one control structure that is set at the same elevation. So, anything hydraulically connected to that control structure is regulated by the elevation of that structure. Currently, the water is not flowing back into the ponds because of the obstructions. From a hydraulic standpoint, once those obstructions are removed, the water will find its own level and level out with the other lakes. Regarding the original placement of the sod, the requirements for construction of the lakes and prior to acceptance by both the owner and the County, the minimum requirement is, plus the sod, the lake banks from the normal water level up to the top of the bank. The reason so much slope is being exposed is because the water levels are consistently lower in those lakes because of the obstructions. When the water level returns to the control elevations, there will be less dirt exposed.

Mr. Veet asked if it will be homeowner's responsibility to take care of the grading around the pipes after they are cleaned, to prevent re-occurrence. Mr. Kamal stated the maintenance of the stormwater system will be part of the pipe-cleaning project.

On MOTION by Ms. Mitchell and seconded by Mr. Wright, with all in favor, authorizing the Chair to coordinate with District Staff and the District Engineer on the prospective repairs to VSD Retention Ponds #203 and #204, and authorizing the Chair to review and execute the contract for repairs, once a reasonable bid is secured, subject to ratification at the next meeting, was approved.

FOURTH ORDER OF BUSINESS**Approval of November 8, 2023 Special Meeting Minutes**

The following changes were made:

Line 13: Delete "via phone/Zoom" after "Amy Mitchell"

Line 29: Change "Bumgar" to "Bumgarner" and insert "resident" after "Bumgarner"

Lines 67, 73 and 85: Change "Meridian" to "Stadium"

Line 170: Delete "in perpetuity"

On MOTION by Mr. Wright and seconded by Ms. Mitchell, with all in favor, the November 8, 2023 Special Meeting Minutes, as amended, were approved.

FIFTH ORDER OF BUSINESS**Ratification Items**

Mr. Wrathell presented the following:

- A. Ecor Industries, Inc. Sixteenth Amendment to Aquatic Maintenance Services Agreement**
- B. Thirteenth Modification and Amendment to Duda/District Canal System Drainage Easement**
- C. Brewer Paving & Development, LLC First Addendum to the Agreement Regarding Stormwater System Repair**

- D. A Viera Wilderness Park – Annual Utilization Program Checklist – Fiscal Year 2024/2025
- E. A. Duda & Sons, Inc. Amendment to the Master Agreement for Land and Habitat Management Services
- F. A. Duda & Sons, Inc. Work Authorization No. 4 [Environmental Maintenance Services]

On MOTION by Ms. Mitchell and seconded by Mr. Wright, with all in favor, Ratification Items A through F; as listed and discussed, were ratified.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2024-01, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Brevard County Supervisor of Elections Conduct the District’s General Elections; Providing for Compensation; Setting forth the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

Mr. Wrathell stated the verbiage in Resolution 2024-01 references a Community Development District (CDD); however, the statutory citation should be for the Stewardship District (SD). The title can be amended at a later date. Seats 2 and 4, currently held by Supervisors Bissett and Wright, respectively, will be up for election at the November 2024 General Election.

On MOTION by Mr. Wright and seconded by Ms. Conley, with all in favor, Resolution 2024-01, as amended, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Brevard County Supervisor of Elections Conduct the District’s General Elections; Providing for Compensation; Setting forth the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-02, Approving the Proposed Budget for Fiscal Year 2024/2025; Addressing Transmittal,

**Posting and Publication Requirements;
Addressing Severability; And Providing an
Effective Date**

A. Presentation of Engineer's Report for O&M Assessments (to be presented at Budget Adoption Hearing)

Mr. Wrathell presented Resolution 2024-02. He reviewed the proposed Fiscal Year 2025 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2024 budget, and explained the reasons for any changes.

Mr. Wrathell will have "Supervisor Compensation" included as a discussion item on the August agenda.

The following changes were made to the proposed Fiscal Year 2025 budget:

"Property appraiser" line item: Increase from \$2,881 to \$3000

"Ecologist: monitoring & miscellaneous" line item: Increase from \$15,000 to \$18,000

"Contingency" line item: Reduce to offset the increase under "Property appraiser"

"Wetland/habitat maintenance VWP, Stage 1": Expand the textual description of the expenditure.

On MOTION by Mr. Wright and seconded by Ms. Mitchell, with all in favor, Resolution 2024-02, Approving the Proposed Budget for Fiscal Year 2024/2025; Addressing Transmittal, Posting and Publication Requirements setting a Public Hearing on August 21, 2024 at 9:30 a.m., at The Viera Company, 7380 Murrell Road, Suite 201, Viera, Florida 32940, Addressing Severability; And Providing an Effective Date, as amended, was adopted.

EIGHTH ORDER OF BUSINESS

**Consideration Helena Agri-Enterprises, LLC
Master Ground Application Agreement**

Mr. Wrathell presented the Master Ground Application Agreement.

Mr. Lites stated the Agreement allows the District to contract with Helena Agri-Enterprises, LLC directly, as needed, to do work in the District, under the current budget.

On MOTION by Mr. Pokrywa and seconded by Mr. Wright, with all in favor, the Helena Agri-Enterprises, LLC Master Ground Application Agreement, was approved.

NINTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of April 30, 2024**

On MOTION by Ms. Mitchell and seconded by Mr. Wright, with all in favor, the Unaudited Financial Statements as of April 30, 2024, were accepted.

TENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Kilinski | Van Wyk PLLC**

Ms. Kilinski reminded the Board Members to submit Form 1 electronically with the Commission on Ethics, rather than sending them to the local SOE office. The required four hours of ethics training must be completed by December 31, 2024.

Asked about a new bill that passed, Ms. Kilinski stated that a law recently passed that requires Special Districts to adopt goals and objectives on an annual basis. There is no guidance in the law about how to develop the goals and objectives; rather, the law simply states that they must be developed and recorded annually on District websites. Staff will circulate sample goals and objectives ahead of the August meeting.

Mr. Wrathell recommended keeping the goals and objectives as simple as possible.

B. District Engineer: BSE Consultants Inc.

Mr. Kamal reported the following:

- Annual pre-storm season inspections are underway and should be completed within the next few weeks. A summary report will be provided at a future meeting.
- Staff will coordinate to address any deficiencies that are identified.

C. Environmental Consultant: Zev Cohen & Associates

Mr. Lites reported the following:

- Staff is in its fourth year of maintaining and managing Stage 2 VWP and monitoring and reporting to the Army Corps of Engineers, which is where the mitigation comes from.

➤ Staff started organizing a burn, as part of the Habitat Management Plan, but the conditions were too dry so the team is waiting for the weather to humidify before proceeding with the burn.

D. Community Association Manager: Eva Rey

There was no report.

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

- **7,872 Registered Voters in District as of April 15, 2024**
- **NEXT MEETING DATE: TBD**
 - **QUORUM CHECK**

The next meeting will be held on August 21, 2024 at 9:30 a.m.

ELEVENTH ORDER OF BUSINESS

Board Members' Comments/Requests


There were no Board comments or requests.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Conley and seconded by Ms. Mitchell, with all in favor, the meeting adjourned at 10:46 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair