

MINUTES OF MEETING  
VIERA EAST  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Viera East Community Development District was held Wednesday, October 26, 2016 at 2:00 p.m. at the First Lutheran Church in the Multi-Purpose Room, 5550 Faith Drive, Viera, Florida.

Present and constituting a quorum were:

Paul McCarthy	Chairman
David Bedwell	Vice Chairman
Vincent Anella	Assistant Secretary
Jo Walsh	Secretary
Bob Fritsch	Treasurer

Also present were:

Jason Showe	District Manager
Tim Melloh	General Manager
Brian White	GMS
Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. McCarthy called the meeting to order at 2:00 p.m.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the September 28,  
2016 Meeting**

On MOTION by Mr. Fritsch, seconded by Mr. Bedwell, with all in favor, the minutes of the September 28, 2016 meeting was approved.
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**FOURTH ORDER OF BUSINESS Unfinished Business**

**A. Discussion of the Master Equipment Lease**

Mr. Melloh: We need a motion to approve the lease that we discussed at the workshop for the utility vehicles in the amount of \$510.35 for the five vehicles for the maintenance crew and the CDD.

On MOTION by Ms. Walsh, seconded by Mr. Fritsch, with all in favor, the Master Equipment Lease for the utility vehicles was approved.

**FIFTH ORDER OF BUSINESS New Business**

**A. Consideration of Agreement with UPS for Pod Placement**

Mr. Melloh: I sent you all out and got everyone’s opinion on this. This is for the \$2,000 that UPS is willing to pay us to put the pods down in the maintenance compound and we have done this for several years.

Mr. Showe: It is the same form we have used in the past we just updated the years.

On MOTION by Ms. Walsh, seconded by Mr. Fritsch, with all in favor, the agreement with UPS for pod placement was approved.

**B. Discussion of Lake Transfer with DOT**

Mr. Showe: We sent out the email that we got from the Attorney and it came from the Viera Company to our Attorney. As part of the Settlement Agreement that we approved in 2011 there were some parcels that the District has agreed to take over at certain points in time. They are looking for us to trigger some of those because they are building the intersection there on Murrell and 95. If you read the Settlement Agreement it is contemplated in there that we will take those parcels over when it is time. We already maintain both the canal and the lake in that proximity, which is in the Settlement Agreement. At this stage we are both waiting for our master District Counsel to look over the documents that we are going to be asking to be approved. We also asked our environmental team to look at the impacts and the Engineer. I do not have any of those responses at this stage so I am not prepared to have you guys do anything at this point. I don’t feel comfortable presenting anything to you right now.

Mr. Bedwell: Do we take care of this area now?

Mr. Showe: The lake we do not but the canal and another adjacent lake is part of the Settlement Agreement. It does say that we would take ownership of that parcel at such time as the completion of the project.

Mr. Bedwell: So there is an increase cost in maintenance?

Mr. Melloh: They are going to reconfigure that lake and it is the lake by what they call the eagle's nest. Our expense is simply going to be to mow a couple of patches around that lake every four to five weeks. We already are in that area mowing the canal. We will just have to increase our contract with Ecore to get the algae and plants out of it.

Mr. Bedwell: Ecore will be the big expense.

Mr. Melloh: Yes but I don't think it will be that much. We are getting a quote on that to find out what the amount is.

Ms. Walsh: Are we thinking maybe four man hours a month?

Mr. Melloh: I can't even imagine it being that much.

Mr. Bedwell: Will this happen in this Fiscal Year?

Mr. Showe: I think they are going to want us to approve the documents in advance because I don't think they can move forward with their permitting process until they have shown that we have concurred with the moving forward.

Mr. Bedwell: Will the cost impact our General Fund budget?

Mr. Showe: I don't think you are even going to notice it. It depends on how long it takes them to construct it and actually get it all done. It may be a while until we see it.

Mr. Anella: Can we get a drawing to look at it to see what the structure is going to be and see how it effects getting in there? I am assuming if they are doing that they are probably going over that lake.

Mr. Melloh: It is in one of those diagrams. There are two colors to the diagrams and it will show what it is. I did leave the drawings with Ed and we didn't see that there would be any issues. One thing that we both said is that we want to insure that whatever we do there that we do not want to interfere with the eagles nest. I don't know if the environmental people will mow the backside of that lake but it doesn't look like it is being mowed right now.

Mr. Anella: Are you allowed to get close to that eagles nest to mow?

Mr. Melloh: We will have to find out.

Mr. Anella: I didn't think any human being was allowed to be within so many feet of the nest.

Ms. Walsh: I think it is 50 feet.

Mr. Fritsch: Where that lake is they are putting basically an overpass over it. Our guys would have to go underneath the overpass to maintain this water. To me we need something that is going to show this a little more detail. If we are going to be accepted and be committed to maintain it we need to know exactly what we are agreeing to.

Ms. Walsh: They are going to have easements and stuff that is going to be DOT, right?

Mr. Fritsch: We don't know until we see the drawing.

Mr. Bedwell: Is this lake going to drain like the other lakes?

Mr. Melloh: Yes it will drain from that lake into the canal.

Mr. Bedwell: Hopefully the banks are in good shape.

Mr. Showe: We will take all of the comments to our experts so they can answer those questions. I don't have anything at this point to present to you.

Mr. Melloh: We will get better drawings for you.

## **SIXTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. General Manager's Report**

##### **CDD Report**

Mr. Melloh: We have normal day-to-day operations going on. Last week I gave everyone a copy of Kevin Erwin's report and I put another copy in the agenda packet in case anyone had questions. Chris is more of a direct to the point type of guy and the guys are doing a great job out there. He did flag some stuff as he always does and helps Ed identify the things that need to be sprayed out on the field. He identified some homeowners that have been infringing on the preserve and we are taking care of that. Last week at the workshop we showed you the signs that we are going to be putting up. Next week we are going to start to send out our brochure to help educate people who live on the preserve as to what they can and cannot do. We are being very proactive and putting out a lot of educational material there to prevent there. Are there any questions? We did send out a certified letter and he has seven days to respond so I will keep you updated on that.

Mr. Anella: What happens if he does not respond?

Mr. Melloh: I will meet with Jason and find out what we can do.

Ms. Walsh: What is our remedy?

Mr. Melloh: We've never gone down that road before so I do not know.

Mr. Showe: I don't know if you have checked with the County or not of any permits that he may have pulled or the HOA in terms of if he had prior approval. All of those individual entities would also have a stake in that as well because I'm not sure if that is a structure that is allowed without a County permit.

Mr. Melloh: I did talk to the HOA and they did not know anything about this so there was no approval there. I haven't been able to find out where to go to find out if the County approved that because they would have to come out and inspect that and they would find out that it is not on the property.

Ms. Walsh: They would've known that right away.

Mr. Showe: You may just want to call the County Code Enforcement and ask them if they can come out and inspect the property and see if everything is up to County Code. If those things are not done and the County has found it then they may take care of the issue for us. I would doubt that the County would allow anyone to build a structure on our property.

Mr. Melloh: That is a good idea.

Mr. Showe: I would give them a call and send them a picture. Let them know that we believe it is on our property and have them come out and inspect it and they may solve the problem. I find it strange that the County would have approved that structure to be built without a permit and on our property.

Mr. Anella: It is amazing that he doesn't realize that he needs approval to put that up.

Mr. Showe: Generally contractors will not build anything without making sure that you have permission.

Ms. Walsh: That was my first thought so this might be a DIY project.

### **Golf Operations Report**

Mr. Melloh: The course is in great shape and the greens speed is 9.3 and that is exactly where we want them. The guys are doing a great job from the storm clean up. The daily fee and revenue report for October but of course we were shut down for four days at the beginning of the month due to Hurricane Matthew. Through October 25<sup>th</sup> we are ahead of budget still and we

have done so well on the days that we were open. The only thing trailing behind is the average dollar per round of golf and that increases as daylight and decreases in people not being able to play later in the day. I think we are doing really well and does anyone have any questions?

Mr. McCarthy: I think it is important to say that Scott, Wes, and their crew has done a tremendous job in terms of what they have cleaned up after the hurricane. Tim had the foresight to have them do some extra things while they were out there working to take out some shrubbery that had no benefit and so forth. The course has now what I would call a very clean look to it and it is a step in the right direction. Please pass that on to them.

Ms. Walsh: Also the quick turnover that they did to get the place cleaned up and us back open because we were open before a lot of other golf courses were. Keeping those things up gets that revenue in so thank them for that as well.

Mr. Melloh: I know Turtle Creek our next door neighbor, I don't think they opened back up until three or four days after we did.

Mr. Bedwell: You said the greens speed is 9.3 and what is it going to be when it is gone?

Mr. Melloh: Right now to be honest with you the ways we get the speeds up are through heavy applications of plant growth regulators and through height cut of 125. As we get closer to seeing that the grass is going to slow down even further we will raise the height cut and back off on the growth regulators to keep the speed up there. That is why we stimpmeter the greens regularly lets us know where we are. About six or seven weeks ago we weren't getting the speed that we wanted so we increased our growth regulator and so we have the greens where they need to be.

Mr. Bedwell: Are we getting a hand mower in case we have to hand mow #7?

Mr. Melloh: We will have an extra mower and if we have to set that up differently we will. The easiest way to do that is skip a mowing day if #7 gets out of control.

**SEVENTH ORDER OF BUSINESS**

**Treasurer's Report - Consideration of Financial Statements**

**A. Approval of Check Register**

On MOTION by Mr. Fritsch, seconded by Ms. Walsh, with all in favor, the General Fund check register in the amount of \$71,854.40 was approved.

On MOTION by Mr. Fritsch, seconded by Ms. Walsh, with all in favor, the Capital Reserve Fund check register in the amount of \$1,950 was approved.

On MOTION by Mr. Fritsch, seconded by Ms. Walsh, with all in favor, the Golf Course Fund check register in the amount of \$139,324.83 was approved.

Ms. Walsh: Have we moved the money now? Are we all in one bank?

Mr. Showe: I think it is in process. It wouldn't be reflected on these financials.

**B. Balance Sheet and Income Statement**

Mr. McCarthy: Jason did you find out when the new Board members are going to be seated?

Mr. Showe: I did verify that it is November 22, 2016 and that is the first day that they can take a term. That does fall after your regularly scheduled November meeting so essentially they wouldn't be able to participate as Board members until that first meeting in December. Also, I sent you all an email about Brian and we found out that he is no longer going to be a full-time employee with GMS. He has found another opportunity that is good for him and his family. We have a commitment to you guys to do the financials and we discussed that with Brian. He is willing to at least try to do some part-time work and fill the same functions for the District he just wouldn't be onsite like he currently is two days a week. We can go whatever direction the Board wants to go in terms of a company. We have commitment to provide those services to you but we felt this would be a win-win for both parties. He has the experience and he knows what he is doing. This isn't going to be a permanent solution and we are flexible in terms of the priorities of the Board and what you want out of us but we felt if he is willing to do that then we wanted to offer that to you guys because I think it minimizes the change and keeps things flowing the way it is.

Mr. McCarthy: This is probably not a good time to have a discussion of this and I think Tim has to do some research and see which direction he is going to recommend going. This has been a very quick thing that has happened so perhaps we hold off on it and maybe discuss it at a workshop.

Mr. Showe: His last day is November 4<sup>th</sup> so that is a challenge. If you are willing to do that until we can have that discussion then I think Brian is amenable to make those arrangements until we have a firmer answer.

Ms. Walsh: He will still be an employee of GMS and not an outside contractor?

Mr. Showe: For your purposes he would still fall under GMS and would be a part-time employee. He would perform the same services to Viera he just wouldn't be in the office two days a week.

Mr. Melloh: One of our options is we have Ines and she is very good and has some of that background. We will see what we can accomplish there.

Mr. Showe: We are flexible with all of those options and it is not a firm thing. We have always worked with the Board to make sure we meet your expectations in terms of us providing those services.

Mr. McCarthy: Tim has got to do some research and see if that is the direction that we want to go in and make a recommendation to the Board. I would just like to say on a personal basis I have been very impressed with Brian. He has been an excellent resource for me when I first came on the Board and I hate to see him leave. We wish him nothing but good luck.

Mr. Fritsch: Do we want to authorize Tim to make the decision he assumes is best so we do not have to wait until December?

Mr. McCarthy: He has to have some recommendation for the Board and we haven't had that from him yet because it has been so quick. I think we are being unfair to Tim by saying to make a direction to go in a certain way right now. I think he needs some time to evaluate the situation as our General Manager.

Ms. Walsh: He and our Chairman can do what they need to do.

Mr. Fritsch: They can work out something and bring it to us for agreement or wait until the new Board members come on and have them confirm.

Mr. McCarthy: That is a good point also. I think it is something the General Manager should discuss with each Board member in his office and see how they feel about it and go from there. Brian is leaving November 4<sup>th</sup> and I think that you are not going to be impacted negatively by him leaving immediately. Do you feel like you have enough time where the organization will continue to run efficiently?



Mr. Melloh: I do and it may be that we just use Brian until we can find a permanent solution.

Mr. Showe: If that is the plan then you could just say at this point if you want to use Brian part-time through the end of 2016 that gives you time to work on all of those alternatives. It is not a fixed thing and if you change your mind in a couple of weeks we will make whatever arrangements are needed on our end.

Mr. Melloh: I think that is good recommendation.

Mr. McCarthy: We all have the consensus that will allow Tim to go in that direction.

**EIGHTH ORDER OF BUSINESS**

**Supervisor's Request**

Mr. Fritsch: I would like a stats report on the ice machine and the other projects.

Mr. Melloh: The ice machine is on order and it will be delivered the first week of November. Phase 2 of the planting of the grass on #7 has been delayed because of the storm and also the planting of the back end of the driving range has been delayed because of the storm.

Mr. Fritsch: When are we going to do #15?

Mr. Melloh: That is a winter project.

Mr. Fritsch: Are we going to over seed the apron areas by November 15<sup>th</sup>?

Mr. Melloh: Yes it will probably be sooner than that. He is putting out pre-emergent by next week and as soon as that is down and had time to take effect. The pre-emergent will keep any rye grass that sneaks onto the greens or collars from germinating. We will be putting out the seed on all of the green slopes and tee tops on the par threes.

Mr. Fritsch: How far out are we doing to do that?

Mr. Melloh: To the cart paths so basically anything from the cart path hill and on up. The seed is actually in the warehouse on site 1 and that is where we get a lot of our products.

Mr. Fritsch: In your opinion will it help the players chip better?

Mr. Melloh: Yes and it will add to the aesthetics of the golf course. The greens themselves will not be a vibrant green color and this will give us the color and the aesthetics but more importantly it gives us the playability. When the ball is sitting on a slope you will have nice grass to hit off of. This Bermuda grass tends to get matted down and tight so it is hard to hit a wedge shot or pitch shot off of that. It will certainly add to the playability of the golf course and the aesthetics of the golf course as well.

Mr. McCarthy: Tim, this might not be a bad time to explain what you are going to do with the waste bunker on #15 and that it is being done the busiest time of the year in terms of revenue and how we are going to avoid the impact there.

Mr. Melloh: There is a drain on the right side of #15 by the green where those palm trees are. Right now we have some of that shell rock in there and it looks very nice. We have just an issue with that cart path there and the water will not drain to the drain structure. A large part it is because through the years it has built up so much silt that it absorbs all of the water like a sponge. Our plan is to come in and tie in a much larger waste area there like a waste bunker. We are going to come in and remove several sections of that cart path there and cut out along the Bermuda sod and bring in a lot of the shell rock. We will take a pavement roller and mash it down really good there so that we get a good base there so when it is done it will be very hard and the water will flow to that drain. When carts run over it they will not be making a mess of it and rutting it up. It will look good and will have a great curb appeal from the road as you go by. It is going to be a winter project when we have a little more time to do that. It will also be easier when we get into the dry season to send golf carts around the left side of the green and behind the green while we are doing that project so that it doesn't interfere with play. Since it is in house we can stop anytime if play is too much and not get the guys in harms way.

Mr. McCarthy: Which is a good thing that you will not be impacting people who are playing that hole.

Mr. Melloh: We will also put a drop area out in that fairway so if they happen to hit it in that area while we are working they can take relieve.

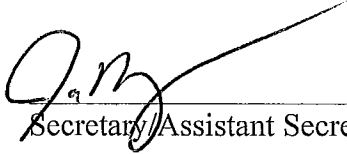
Ms. Walsh: The left side there as you come down the hill before you get to the green also gets pretty mucky. You really have to watch where you are going to put that cart path.

Mr. Melloh: That is why we have to wait until the dry season. It should enhance everything. We are going to use Ed and his crew and he has skills with a frontend loader.

**NINTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Ms. Walsh, seconded by Mr. Bedwell, with all in favor, the meeting was adjourned at 2:33 p.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman