

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 on Wednesday, July 22, 2020 at 2:00 p.m. at the Faith 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
William 'Bill' Oakley	Secretary
Jo Walsh	Treasurer
Melinda Thomsen	Assistant Secretary

Also present were:

Jason Showe	District Manager
Tim Melloh	General Manager
Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Bedwell called the meeting to order at 2:00 p.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Mr. McCarthy: If you wish to speak, you are allowed three minutes and then you will be given a warning when 30 seconds are left.

Tony Volpe, IRCC: I thought that I would talk to you today about some things that we worked on in the past, specifically, Woodside Park. Part of the plan was to put a dog park and a picnic pavilion. I asked before, "Who wants this?" Nobody has ever given me an answer. So, it's important to understand what somebody wants. Secondly, I also asked if you have done a survey to find out who wants this. To be quite frank, if these items are built, how will it be maintained? It will be operational. Where is that money going to come from? Then how will the bond or taxpayers be paid back for building this? It's a return on investment. We talked about that before. I'm concerned about this for a lot of reasons. I don't see a lot of people in that park, but the

people I do see are from the neighborhood next door, which correct me if I'm wrong, is not part of the CDD. So, the people that are paying the tax for it, received very little benefit if they are not using it. The presumption would be if they don't want it, why are we asking them to pay for it? If you build these items, given the Corona virus, how are you going to make sure it is clean? Secondly, associated with that statement, is liability. Whether you realize it or not, if someone gets the Corona virus and it's presumed that it came from here, there is a liability situation.

Mr. Showe: 30 seconds.

Mr. Volpe: It hasn't surfaced yet, but I assure you, as we go forward, they will start servicing it. So again, this is something that I'm asking you to reconsider. Thank you.

Mr. McCarthy: Thank you for your comments, Tony. Anyone else?

Steve Colasinski, Herons Landing: There is a public hearing scheduled for August 27<sup>th</sup> at 6:00 p.m. What is the intention of that hearing?

Mr. Showe: It is for the adoption of the annual budget as well as the rules and rates of the CDD. We have that public hearing annually.

Mr. Colasinski: Thank you.

Mr. McCarthy: Thank you for your comments.

Peter Carnesale, IRCC: I have a few questions. Since the court case was settled on July 17<sup>th</sup>. How does that affect the pending bond? Related to that, what does it look like now? How has it changed? What is the amount of the bond? What is the total cost with interest and fees? What is the breakdown on where the funds are going? I know what it was originally because that was printed. Secondly, when will the minutes from January through June be uploaded to the website? There is nothing there since January. So, we have gone half a year without uploading any minutes onto the website; although, we have a spot for them to be posted. Also, based on the law, regular meeting and workshop minutes and are supposed to be on there as well as the shade meeting minutes, once the court case is settled. I don't see any of that posted. Thank you.

Mr. McCarthy: Thank you for your comments. Anyone else?

Rob Dale, Osprey: Yes. My question is directed to Jason. I am reading straight out of the government and sunshine manual, Section 286.011(2) of the Florida Statutes, requiring that the minutes of the meeting of a public Board, be promptly recorded and open to public inspection. Workshop meetings are not exempted from this requirement. "Prompt" is defined as at once or without delay. Is there a reason why we are not posting minutes?

Mr. Showe: I can get them posted. That's not an issue. We are required to provide those when requested, and we can certainly do that. We don't have minutes of the workshops, but we have recordings. Those can be requested.

Mr. Dale: You posted those every month prior to January and then all of a sudden are not posting them.

Mr. Showe: The draft minutes are posted with the agenda package that's typically on there, but we will make sure that they are all posted.

Mr. Dale: Okay.

Mr. McCarthy: Thank you for your comments.

Ms. Walsh: Jason, there were a couple of meetings that we did not have.

Mr. Showe: Correct.

Ms. Walsh: At the beginning of the year, there was nothing but telephonic and Zoom meetings.

Mr. Dale: I understand that, but January was the last posted meeting minutes and we are in July. I guess the other part of the issue is never once have I seen workshop minutes posted.

Mr. Showe: The Board doesn't have workshop minutes. The workshop is recorded, but no action is taken by the Board. So, there are no minutes of those meetings.

Mr. Dale: The requirement of law is that they be summarized even if they are not the full minutes and be posted.

Mr. Showe: I will check with our counsel on that. That is not the interpretation we had. We never transcribe workshop minutes. We have the recordings and if requested we will provide them. I will work with District Counsel.

Mr. Dale: Thank you.

Mr. McCarthy: Anyone else?

Jim McSeveney, Herons Landing: I don't see anything showing what the bond was passed for, the amount, interest rate, what facilities are in the bond and the amount. I think if it was passed last week at that meeting, I apologize for not being there, but that information should've been shared. It was not even shared today. So, I see that as something that is not transparent on what this Board is doing by not sharing this information. If I'm wrong, that is my mistake, but I don't see it.

Mr. Showe: I can address that if the Board would like. We posted those documents on the website. There was very limited information, but there was active litigation until the 17<sup>th</sup>, when the bonds were closed. The final Engineer's Report and final Assessment Methodology, which were approved by the Board, were posted in accordance with the Settlement Agreement.

Joe Henry, Herons Landing: With regards to that report, does it break down what is in fact maintenance and what is an improvement in so far as what is being requested in the bond?

Mr. Showe: There is a full breakdown in the Engineer's Report of all items and their project costs within that bond.

Mr. Henry: Specifically, what is needed to maintain the golf course and what is going to be improved?

Mr. Showe: All of the details are in there. I'm not sure I understand what the difference is.

Mr. Henry: Is it for maintenance and improving?

Mr. Showe: There's nothing in here that's a maintenance cost. They are all improvements.

Mr. Melloh: There is nothing in there for the day-to-day ongoing maintenance.

Mr. Henry: Replacing the sprinkler system, due to dead plant material, is maintenance. Putting in a fountain, is an improvement. Is it broken down that way?

Mr. Showe: The legal definition is it's an improvement. We are buying a capital item and installing it, so that's an improvement under the definition.

Mr. Henry: Thank you.

Mr. McCarthy: Anyone else?

Tim Bianchi, Auburn Lakes: Regarding the dog park that Tony discussed, apparently you guys don't talk to the other associations. Why would we have two dog parks in Viera East? You might want to talk to them before you start spending money.

Mr. Oakley: I went to the last VECA meeting and they said that they are not going to do it.

Mr. Bianchi: That's not what they are saying. They are explaining to residents to do just what you were saying.

Mr. Oakley: I went to the VECA meeting. Jim was also there. He is a Board Member.

Mr. McSeveney: I am a VECA Board Member and that information is not correct in any way, shape or form to take any initiative to build a dog park.

Mr. Bianchi: If you don't have minutes, simply put on your database or web base that you don't have minutes. It would eliminate the questions of why your minutes are not on the website. Regarding the lakes, for the love of Jesus, I don't know what's going on. Did you cancel the contract with ECOR because you guys have a problem? There is stuff on the lake. I don't know what it is. I don't know what's causing it. I work at NASA and I don't deal with environmental issues, but there is something wrong with our lakes and you guys need to get with ECOR and find out what is going on. There are whole bodies of foreign material floating across the lakes. There are dead fish. I don't know what is going on, but someone needs to look into that.

Mr. Showe: Do you have a specific lake?

Mr. Bianchi: Yes, all of the lakes in Auburn Lakes. I have been reading somewhere that there are fish kills all over Viera.

Mr. Showe: It's more than just Viera East. This time of year, because of the heat, it's typical.

Mr. Bianchi: I have lived on a lake since 2004 and it never happened before. I don't know what's happening.

Mr. Melloh: It's probably the temperature. We can look into the depletion of oxygen. It's happening on the west side also.

Mr. Bianchi: Something is happening. This is like a hydrilla type of thing. I don't know what's going on.

Mr. Melloh: Okay.

Mr. McCarthy: Thank you for your comments.

Mr. Oakley: You said that we don't talk to the other associations. Is that your assumption?

Mr. Bianchi: Sort of. I was the President of VECA and we reached out to you guys a lot.

Mr. Oakley: Tony and I met with a nice lady from the IRCC and they are in the process of putting in a dog park. So, there is one other community that is considering a dog park, specifically for their residents. What we are proposing is for all of the residents. I have to disagree with Tony's stated that there is never anyone at Woodside Park, but I saw several people there this morning. The other day when I was down there, I saw a soccer game out there.

So, there are people that are using Woodside Park. I see them all the time. Other people drive there in their cars, park and take their dogs out and walk in the dog park.

Mr. Bianchi: Is a dog park planned for Woodside Park?

Mr. Oakley: As far as we know, yes.

Mr. McCarthy: Would anyone else like to speak? If not, the public comment period is closed.

### **THIRD ORDER OF BUSINESS**

### **Staff Reports**

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

Mr. Melloh: I only have a couple of items. We aerified the greens on July 13<sup>th</sup> and 14<sup>th</sup>. This morning we did our post aerification, top dressing. Everything is looking good and everything is healing just fine. We have our Rounds and Revenue Report. We are good on revenues for July; making \$700 daily per day, which is what we made last year. Of course, last year, we had more rain than this year.

Mr. McCarthy: Does anyone have any questions for Tim on the golf course?

Mr. Bedwell: I played golf this morning and there is definitely four to five feet of yellow stuff.

Mr. Melloh: It's algae. It's been treated with an algicide. Typically, this time of year, you have a lot of algae growth. Once ECOR sprays it, there's no place for it to dissipate. Typically, it dissipates when we have heavy rains. In the last couple of weeks, we haven't had heavy rains for it to dissipate. We will take a look at Auburn Lakes and talk to ECOR. We have an in-person meeting with the Vice President of ECOR next week and I'll ask them about that.

Mr. Bianchi: Don't include just Auburn Lakes. It's all of the lakes running up Clubhouse Drive over to Osprey.

Mr. Melloh: We have 85 lakes and you just mentioned Auburn Lakes.

Mr. Bianchi: That's where I live.

Mr. Melloh: We have to look at the overall picture. ECOR sprays, but they can only do that so frequently. Sometimes when you spray the algicide, we have a lot of rain after that. We will talk to ECOR to make sure that everything is where it should be. That concludes my report.

**B. Attorney**

This item was omitted.

**FOURTH ORDER OF BUSINESS**

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

**A. Approval of Check Register**

On MOTION by Ms. Walsh seconded by Mr. Oakley with all in favor Checks #3938 through #3960 from the General Fund in the amount of \$35,183.49 were approved.

On MOTION by Ms. Walsh seconded by Ms. Thomsen with all in favor Checks #75 and #76 from the Capital Reserve Fund in the amount of \$11,275 were approved.

On MOTION by Ms. Walsh seconded by Mr. Bedwell with all in favor Checks #27836 through #27916 from the Golf Course Fund in the amount of \$81,972.86 were approved.

**B. Balance Sheet and Income Statement**

Mr. Showe: No action was required by the Board.

**FIFTH ORDER OF BUSINESS**

**Supervisor's Requests**

Mr. McCarthy: David?

Mr. Bedwell: No.

Mr. McCarthy: Melinda?

Ms. Thomsen: No.

Mr. McCarthy: Bill?

Mr. Oakley: Yes. I have a few items. First, I would like to thank Tim for having the trees trimmed at Woodside Park. They look a lot better. Where are we at with opening the playgrounds? I know we put it on hold. I didn't know if there were any new comments. I just wondered what the update was.

Mr. Melloh: We are still waiting for our legal team to give us the okay.

Mr. Showe: I think we discussed that a few meetings ago. We were waiting on Board direction on your comfort level for opening that. The guidelines that we have been given from both the insurance and the State, there are things you can do to open it up should you choose to. That in no way is a recommendation from them to open it up. We provided Tim the language for the signage that we are using at other properties. It is really up to the Board. If you choose to open it, we can post the signage and go ahead and open those up, but it is really up to the Board's discretion.

Mr. Oakley: What does our insurance company say about it?

Mr. Showe: We have to post signage that indicates the need to self-sanitize, a limit of ten people in the facility, use at own risk, if you are sick don't come here, general language similar to what you see at stores. We provided the language to Tim.

Mr. Oakley: Tim, if we do open it up, could we have our crew sanitize it once a day prior to it being opened in the morning?

Mr. Melloh: We can do that Monday through Friday, but we don't have the ability on Saturday and Sunday, unless we approve overtime.

Mr. Oakley: At some point in time, I think the Board might want to re-look at this issue.

Ms. Thomsen: Can we close it on the weekends?

Mr. Showe: I don't see why not.

Mr. Melloh: That's why we decided to keep it closed, because there are other options for people to use some other parks in the area. Ours is pretty small.

Mr. Oakley: On the sign, can you say, "Open Five Days a Week/Closed Saturday and Sunday?"

Mr. Showe: Sure.

Ms. Walsh: We would sanitize Monday through Friday.

Mr. Melloh: We are putting a sign up that says, "Self-Sanitize."

Mr. Oakley: That's something we can talk about at the next workshop.

Mr. Melloh: That's where we are with it. With the virus spiking, I don't know if that's something you want to take on right now. We will do whatever the Board asks us to do. That's where we left it at the last meeting.

Mr. Oakley: That's all I have.

Mr. McCarthy: Jo?



Ms. Walsh: I'm good. Thank you.

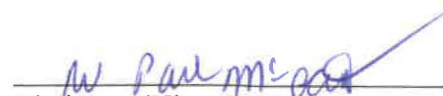
Mr. McCarthy: If anyone would like to have a question answered, Tim Melloh is our General Manager. He has been with us for a little over five years. His job is solving problems. There are a lot of moving parts to it and there's always something going on and always some type of a problem. He is more than willing to speak to Homeowner's Associations. He has done that in the past. He is very receptive to someone coming into his office and you can spend an hour to an hour-and-a-half there to iron things out. It is very difficult to solve a problem and I realize it's very frustrating for you in a three minute period, but Tim is available. You simply have to make an appointment and he would be more than happy to discuss any problems you might have.

#### **SIXTH ORDER OF BUSINESS**

#### **Adjournment**

On MOTION by Mr. Bedwell seconded by Ms. Thomsen with all in favor the meeting was adjourned.

  
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Secretary/Assistant Secretary

  
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Chairman/Vice Chairman