

# MINUTES OF WORKSHOP CELEBRATION COMMUNITY DEVELOPMENT DISTRICT

A workshop of the Board of Supervisors of the Celebration Community Development District was held Tuesday, January 19, 2010, at 3:30 p.m. at 851 Celebration Avenue, Celebration, Florida.

Present from the Board were:

Cliff Akey	Chairman
Paul Collins	Vice Chairman
Tom Sunnarborg	Secretary
Lee Moore	Treasurer
Bruce Carlson	Assistant Secretary

Also present were:

Gary Moyer	Manager: Moyer Management Group
Brenda Burgess	Moyer Management Group
Brian Smith	Severn Trent Services
Residents and members of the public	

*This is not a certified or verbatim transcript but rather represents the context and summary of the workshop.*

## **FIRST ORDER OF BUSINESS**

### **Call to Order**

Mr. Akey called the workshop to order at 3:30 p.m.

## **SECOND ORDER OF BUSINESS**

### **Roll Call**

Mr. Moyer called the roll.

## **THIRD ORDER OF BUSINESS**

### **Discussion Items**

#### **A. Letter from Davey Tree Regarding RFP 2009-100**

Mr. Garth Rinard reviewed the letter sent to the District regarding RFP 2009-100 specifically related to the Board's discussion of Davey Tree's staffing levels. Mr. Rinard also distributed some additional materials supporting their reported staffing levels.

Mr. Akey stated I do not think anyone meant to imply that staffing levels are inappropriate.

Mr. Collins stated I want to try to explain what I said. I felt like I came across being argumentative and hostile, and I apologize for that. I do not question you or your company's integrity. I can understand how you felt like I was, but that was not my intent. I have been on this Board for almost four years, and this bid is the most important decision that I have been a part of. This bid is half of our operating budget. When it

comes to spending money, I am extremely cautious. As I saw the process unfolding, my hope was that we would get competitive bids and that your bid would be the lowest or within 10% of the lowest bid. I have never had any question about the quality of the work you do, and I appreciate everything you do for this community. My hope was that you would be the lowest bidder, but when we received the bids, it presented a difficult decision for us. Some of the bids seemed like the right number and at first I thought Girard's bid was not going to work. First, we need to maintain quality and the second is price. Then my approach was to ask if a company can do quality work for their price. I had some spirited discussions with Mr. Smith. A friend of mine has been in commercial landscaping business for many years and does consulting work, and I reviewed the bids with him to see if I was missing something. The third thing I did was a tour of the operations. Based on what I said, I know it sounded like I was going to get you by counting staff members. My purpose in counting staff was to see how many people were out there. I was trying to get a general sense if Girard can do this work for the money. How much time is spent on CDD areas and CROA areas? How is their productivity? Are they just out there standing around? I am not in a position to say I saw the absolute number of employees, and I hope I did not say that. People are on vacation or might be in places that I did not see. I tried to be thorough, and I did it a few times to make sure I was not missing anything. The biggest discrepancy was in the shrubs, and I investigated how many we had in the field. From all that, I came away convinced that Girard could do the work for their price. At our meeting when all three of you made your presentations, Girard was in here a long time, and we asked them a lot of difficult questions. When Davey was interviewed, it was clear to me that your presentation was to discredit Girard, that they cannot do the work for their price. When we discussed mulch, you said their mulch number was too low, when I thought it was pretty reasonable. It may have sounded like I was challenging your integrity, and that was not my intent. I was just questioning the number for mulch that you provided, and I did not think it was not the right number in my mind. What we should not have done was to ask all the parties to leave the room when one was presenting. I took on the role of defending Girard, and they should have done that. Their bid will save almost \$1 million for this community, and I was driven by that, and I did get out of line. I feel bad that you think I was questioning your integrity. I do not feel that way at all and I feel awful about that. I know the incredible work that you

have done for this community and that I know you will continue to do that for CROA. I wanted to explain my actions and I hope you accept my apology.

Mr. Rinard stated yes, and thank you. We left that meeting with the feeling that our integrity had been called into question. As we tried to absorb everything later, we originally thought that protesting the award would be the only avenue to clear the record. We simply just wanted the opportunity to say that we do not agree with the assessment the way we interpret it, and we wanted to enter that into the record. We understand the Board's decision and the reasoning behind it. I appreciate your comments.

Mr. Akey stated I have been in Mr. Rinard's position many more times than I have been on this side. I will second Mr. Collins's expertise and his background. He watches our money very closely and I trust his judgment. This was a very tough decision. We will move forward from here, and we hope to continue to be friends.

**B. Transition to Girard for Landscaping Services and Weekly Conference Call**

Mr. Smith stated we have not gotten the tree replacements report for the agenda tonight, but I will ask Mr. Rinard to provide a brief summary of where they are.

Mr. Rinard stated we are completed in all areas except for Yew Court and one tree on Croton. They are Bradford pears. We are trying to locate the pears but they are in short supply in the State. The total number of trees is six, which is the balance of the tree replacement list. There is a warranty tree in Artisan Park on Celebration Avenue. We have the tree and we will be replacing it in the next week or so. It was delayed due to the cold weather.

Mr. Smith stated from our original tree audit, it should be completed by the end of the month but it may overlap with Girard's start date. I explained that to everyone and told Girard that there will be some things that Davey will continue to do onsite from handshake agreements in finishing these tree replacements. Everyone understands. The transition should be smooth. Both parties said they will do everything they can to help.

Mr. Akey stated we are transitioning contractors effective February 1, 2010. The key point I want to make is we maintain quality. My impression is that Girard will have an account manager onsite. If we are going to miss things or stumble, I want to be sure the five members of this Board hear about it as soon as possible. I do not want to hear it from a resident first. If Mr. Smith has a weekly meeting with them and keeps us updated, that is fine. We are not going to watch it daily, but I want to be sure if something goes awry that we are on top of it.

Mr. Collins stated my experience is that the key person is the supervisor. The key is if someone is not working out, we go to Girard. I know Mr. Smith wants to maintain a good working relationship with the supervisor, but we go to them if there is an issue.

Mr. Smith stated I do not have a problem with that. The property comes first. I meet with them twice a week right now, so I will meet with them daily in the beginning. They will start out strong and they make a good showing at first, but my concern is at the end of the year. That is when we will definitely need to keep meeting. We need to keep them moving during the summer when it is crucial. Russ Simmons is my assistant and he will also meet with them often. Mr. Simmons runs the irrigation system and he knows this site very well. He is on site five days a week and he is very diligent with our contractors. I think they will do fine in the beginning, but we need to see how they manage themselves at the end of the year. Our goal is for them to be successful, and we will assist as best we can. If something comes up, I will immediately meet with Mr. Akey. If you hear anything, please let me know immediately.

Mr. Moore stated we just had a deep freeze, so in March, residents will blame someone if we do not address the freeze issues. If we kept Davey, they would have a plan to make the town look better, which may be things that were not budgeted and not part of their scope of services. There may be things we need to discuss now with Girard.

Mr. Smith stated they will be eager to have additional services that they can bill for. We should create a plant replacement budget now, and we will use that for replacements throughout the fiscal year. I will report how that money is being spent in our monthly reports. Davey has agreed to do all the sod replacement on Celebration Avenue in the spring, as they do every year, from 417 to the bridge and anywhere else, at their cost.

Mr. Akey asked does it make sense for you to provide those numbers at the February meeting or do you want to request that tonight?

Mr. Smith stated you can authorize that tonight for \$20,000.

Mr. Moore stated I think we need to be proactive. Residents will say it looks bad. I would like to authorize the expenditure now so you do not have to come up to us for every replacement.

### **C. Future Use of Maintenance Facility**

Mr. Moore asked are we letting Girard use the new maintenance facility site?

Mr. Smith stated I talked with Jim Parker about the use of the future maintenance facility site for Girard to use as a lay down, basically some place where they can keep a

mulch trailer, dumpsters, and containers and use it for parking. They have a small space at the storage unit on Celebration Place. Mr. Parker does not have full authorization to let us do that at this time, although he thinks we can do that. I think we will look for a lease agreement with TCC for a portion of that property for the future CDD maintenance facility, which is 200 feet farther beyond where the CDD compound currently is. They can park on the gas easement and they can use that area and there is appropriate entrance and egress. They know it is only a possibility until Mr. Parker gives us the authorization.

Mr. Moore asked what is Enterprise CDD doing for landscaping?

Mr. Moyer stated they awarded their contract to Davey. The current contract with Davey was about \$230,000. Davey's price came in at \$118,000 and Girard came in at \$200,000.

Mr. Collins stated Girard said they were losing clients to Brickman, the highest bid we received.

Mr. Sunnarborg asked what is the status of Girard's contract?

Mr. Smith stated it has been executed. There were no changes or amendments.

Mr. Sunnarborg stated there are some reports that you normally include in our highlights that come from Davey. Do you expect those same reports from Girard?

Mr. Smith stated yes.

Mr. Sunnarborg stated I think we all have varying levels of apprehension to their getting off to a good start. Whatever you need from us, please ask. Perhaps they need to come to our first few monthly meetings or we have weekly conference calls. We all want them to be successful, but if they are not, we want to know sooner than later.

Mr. Carlson stated I see them often in the community getting to know the community and looking at every piece of property, so they are doing their homework.

Mr. Smith stated their supervisor has been here every day. They will have an assistant supervisor here also and I am comfortable with him since I know him from other projects.

Mr. Moore stated a maintenance facility would benefit us greatly, and I think that is something we should push for and do whatever we can to work toward getting them a headquarters here. When CROA chose Vila & Son, the transition was the challenge. I am glad to hear Girard is in town already. I think Girard is starting off very well, but I do not want them to hit a stumbling block; if we can help in anyway to get them a shared facility, then we should.

Mr. Smith stated Mr. Parker is eager for us to move ahead with that maintenance facility. Even if we can just acquire the property, we can put up a fence and provide a site for their equipment.

Mr. Collins stated the contract was signed with the library. It is clear in the contract that the library will pay for the infrastructure to get all the utilities to the library, and then CROA and everyone else will tie off that. Our infrastructure costs should tie to what the engineer provided. They are in due diligence so they will be taking the next couple months to check environmental issues and other things. They have three years to start building a facility. Before we can build a permanent site, the library has to be completed. Mr. Parker would prefer that we deal with Girard than TCC deal with them. Mr. Parker would like to move forward as quickly as possible with the CDD acquiring the land. At the next meeting, I would like to bring all our information to move ahead with the term sheet. One issue was knowing the cost to build the infrastructure, but for now we will still have a temporary site to allow Girard to occupy the site.

Mr. Sunnarborg stated it would be easier to separate the acquisition from the long-term plan. If it is an easy acquisition by swapping, we can do that. Once we have the property, we can do a lease to the vendor.

Mr. Collins stated that is Mr. Parker's preference. I would like to put that on the agenda as an action item.

Mr. Sunnarborg stated Ms. Carpenter can get started on the necessary documents and we can consider it at the February meeting.

Mr. Moore stated we do not have to do any infrastructure improvements if we are just acquiring the land.

Mr. Collins stated one of the big questions is what will happen with the CROA land. We cannot build anything permanent until CROA decides what to do with their piece.

Mr. Moore stated if we are going to discuss this with them, they will want to know the infrastructure costs, for fill and everything else associated with it. That is what is stopping them now.

Mr. Smith stated Davey is currently located on future CROA property. Mr. Parker will allow them to stay there until CROA decides what to do, since they already have a lease in place.

Mr. Moore stated one thing to discuss with CROA at our joint workshop is even though we are calling it CROA's property, TCC still owns it and they could deed it to us

or CROA. It may not be the best thing for the residents for it to be a CROA facility. If it is a CDD facility, then it would help the County get more parks in the western end of the County.

Mr. Smith stated the CDD can also get grants, whereas CROA cannot.

Mr. Moore stated it may be smarter for us to be the owner and let them operate it.

Mr. Collins stated I think TCC went to CROA because it is designed to be a park.

Mr. Moore stated we should do what is best for the community. I think TCC tends to go to CROA because it has been a long-standing relationship with them, and if CROA owned it, it would be a private park.

Mr. Carlson stated I agree that the intent was to have the parks be private for Celebration residents. If the CDD owns it, then it is a public park. I think the community needs to make that decision.

Mr. Moore stated I went to the County's park and recreation meeting. If it is a CDD park, it would be public but we can charge a fee for non-residents to use the park. We can work something out, but it needs to be the best use for the community. We need to discuss that with CROA, including the costs and what we want to do with the land.

Mr. Carlson stated the thought originally was to have parks be private for residents, and I think that is still how the community feels.

Mr. Akey asked does Harmony have CDD parks?

Mr. Moyer stated yes, and they are public parks. The way other CDDs have addressed that is to adopt a rate that anyone can come and be a "member." It is an annual rate of \$1,000 or similar number.

Mr. Moyer asked do we have a big problem or a little problem with frost damage?

Mr. Smith stated it is a good-sized problem, but it will be a lot of plant replacement. We need to see how the turf comes back, which normally does very well. The aquatics around the pond will come back, although it will not look very nice for now. My estimate is \$20,000 for plant material that we lost, which includes enhancing beds. The pampas grass will come back fine. We lost some bougainvillea. The rest of the material is hardy and will look bad for a while. The top will get burned, but it will come back.

Mr. Akey stated before I signed the contract, I talked with Rick Girard, and they said they were set to mobilize. On the weekend, Davey has an employee from 7:00 a.m. to noon, and we still need that coverage on the weekends. We had a dead deer on the road

last week, as well as other animals periodically. We need to make sure Girard knows they need to clean those up quickly.

Mr. Smith stated the Davey employee will still be here for Enterprise CDD. During our drive-through with Girard, I pointed out the people who pick up trash and dead animals, so we rarely see dead animals on the road. I indicated those are big issues in the community, and they are very aware of the trash issue.

**D. Joint CROA/CDD Workshop**

After a brief discussion, Mr. Akey will offer March 9 and 11 with the CROA Board for their availability for a joint workshop at 6:30 p.m.

**E. News Racks Along U.S. 192**

Ms. Carpenter stated I spoke with the County Attorney after you all were emailed the survey letter, which has been in the works to send out for some time but it is not reported related to the other sign issue.

Mr. Akey asked did the County tell you the first time they had any document or anything that referenced that survey coming out.

Ms. Carpenter stated no.

Mr. Akey stated that is my question to Jo Thacker. I would like to see when they were first planning this.

Ms. Carpenter stated I spoke with Ms. Thacker and it has gone from her office back to Fazie Khan, where they are drafting an amendment to the contract. Once they are close to having something ready to distribute, they will send a copy to us as part of our global records request. They agreed that there were some issues in the contract that needed amending and they are trying to do a global amendment to resolve all the issues. She thought that the issues that Celebration was concerned with would be addressed but they were not specific as to the other amendments. I asked if they had any comments related to the letter sent to the County Commission, and I have not heard back.

Mr. Sunnarborg stated Street Outdoor sent a letter to the County Commission dated December 21, 2009, objecting to our request to have those signs removed. It also said a couple other things, including that they have worked hand in hand with Hector Lizasuain to revise the contract that they have taken a month or more to do and have submitted to the County. I think we should be allowed to see that draft.

Ms. Carpenter stated the County is working on the amendment but I was not aware Street Outdoor was working on it. I will ask for copies referred to in the letter. As part of

our public records request, we should have received a copy and we will make that request again.

Mr. Sunnarborg stated paragraph four talks about 22 additional signs that have already been permitted by the DOT and that the County is holding up their installation with the vendor. I have the same problem with this as I did in my first round of objections. There is no limit to the total number of these signs in the contract or the Ordinance, but they are supposed to use a justification process. I would like to see the justification process that was used for the four we are objecting to because they were not on the original list, and where are these 22 additional ones going?

Ms. Carpenter stated I think we need to break it into a couple pieces. The first is the ones in the Celebration right-of-way because the CDD was a party to the original agreement. Celebration does have some interest in the ones located in the front of Celebration. As a public records request, I think it is appropriate to ask for the records, but as far as justification for all the sites, the other 22 are around the County. As a member of the public, anyone is welcome to ask the County.

Mr. Sunnarborg asked can we confirm that there will be no more coming into our area of jurisdiction?

Ms. Carpenter stated yes.

Mr. Sunnarborg stated I am doing my best to let Ms. Carpenter take the lead on this issue. I had lunch with Commissioner Harford recently where we discussed a number of things, including this, but I will try not to get us into trouble.

Ms. Carpenter stated with the public records request, because of some comments, they were pursuing the records in anticipation of litigation. It did put an edge on that public records request. It does seem reasonable, given the fact that there is an agreement, for the CDD to be concerned. Ms. Thacker and Mr. Khan are well aware of the concerns and they are trying to address them. There are other issues that came up unrelated to the signs that were unrelated to Celebration, so they are trying to do a global amendment. They did act as if they were very interested in resolving all the issues and were well aware of them. We will stay on top of them. I will push them this week on the public records side for the documents referred to in this letter and if there has been any response on behalf of the Commissioners or the Board.

## **F. Staff Resources for 2010**

Mr. Akey stated I would like Mr. Moyer and Mr. Smith to look at 2009 and all the work to be accomplished, see where you are, and come back to us in February with your request for additional staff, if it is needed. We are an aging community and I want to stay ahead of the curve.

Mr. Sunnarborg stated if there are additional resources we need because we are getting older and we cannot catch up on something, I am willing to listen to a proposal to add a staff member. If you think we need to expand our staff by ½ or 1 full-time equivalent to manage Girard, differently than we were managing Davey, give that some thought and let us discuss it. At some point, we ought to talk about the long-term strategy for succession. What is the backup plan if something happens to Mr. Smith? Are you grooming anyone?

Mr. Smith stated Mr. Simmons is my assistant. If I am not available, you call Mr. Simmons.

Mr. Moyer stated I have been blessed by having staff that I have hired stay with me for a very long period of time. I hired Mr. Smith in 1994 when we started construction. We hired Mr. Simmons and Ms. Burgess in 1996. Jeb Stuart and Todd Kendall, the electricians, have been here for 10 years, and Alan Desrosiers has been here 8 years.

Mr. Smith stated the order of succession is to call Mr. Simmons and then Mr. Stuart. Both have good management skills. I agree that I would like to add another staff member. One of my staff members has a terminal illness in his family, so he is in Puerto Rico for a month. I do not know if he is coming back. We may need to hire someone in his place, but that is already an existing position. I would like to hire an additional employee and a mule. I need to get someone painting the signs and the street signs. The person painting the fixtures is set in that function. Mr. Desrosiers does the sidewalk grinding. I will need to replace Jose for concrete work, who is in Puerto Rico and was doing an excellent job. The concrete replacement is pretty well caught up and grinding will continue.

Mr. Akey stated tree trimming got behind last year and at a certain point, you do not get more productivity.

Mr. Smith stated I will use outside contractors to paint the shade structures, not my staff. The bumper around the town center lake needs to be replaced. We can discuss replacing it or pulling it off and patching it. I will bring proposals for that in February as well as a couple other rehab items downtown. I will also suggest more items for our

capital projects budget. My staff is very good about noticing work that needs to occur around the community.

Mr. Moore stated the school fence seems to be on CDD property.

Mr. Smith stated yes, in one location around the light pole.

Mr. Akey stated it is at the K-8 school but it still leaves access for us to get to the pole.

Mr. Moore stated it is in the wrong location.

Mr. Smith stated it does not bother us. It makes sense why they put it there.

Mr. Akey stated I looked at it and I can live with it. I do not like hanging the signs in the front for parking.

Mr. Moore stated there are a couple issues. They are supposed to have that fence open for residents to walk through, which is a CROA issue. People from soccer and baseball practice are climbing over the fence. Even if we are fine with it, do we need to have them sign an agreement if they are putting something on our property?

Ms. Carpenter stated we can ask them for an easement just to show us they have insurance over it. I do not think we care if there is a title exception since we are both public entities, but we may want to ask for a letter agreement for them to acknowledge that the fence is on our property and they have insurance if there is an accident.

Mr. Moore stated it looks odd to me that it is around a light pole. Someone messed up somewhere because they would have had to have done a survey.

Mr. Smith stated the guy in the field probably made the call because of the slope. It works better where it is and that is where I would have put it.

Ms. Carpenter stated if you want to give me a sketch, I can make that request of the County Attorney and request them to acknowledge that they know the fence is there and that they have insurance.

Mr. Smith stated I will provide a map and a picture of the pole.

Ms. Carpenter stated that will be sufficient. I do not think we need to do anything formal, but we should at least ask them to acknowledge it.

Mr. Akey asked what about the advertisement signs that they hang on the fence?

Mr. Moore stated if it was a fence on CDD property, that would be our issue. No one has said anything to them, but perhaps Mr. Tomsick can approach them.

Mr. Tomsick stated I have spoken with them and it has been a spotty response, at best. The signs I have spoken with them are on a broom handle with a sign taped to it that

says not to get out of your car when picking up your children. Their response is they have a plan to put in permanent signs, and I had that conversation well over two years ago. It may be in light of their financial situation, but they are not responsive to anything. Half the lights are burned out in the parking lot, and they are not responding to that. They did not respond to moving the fence that projects out in the ball field and goes nowhere. We asked them to remove that fence and maintain the other fences, but there has been no response. I pay less attention to the high school because this K-8 school was supposed to be an integral part of the community, a neighborhood school and it seems to be moving to an armed encampment facility. I think they are abdicating their responsibility in terms of having an aesthetic impact on the surrounding community, which I think is a lack of money.

Mr. Collins asked are they obligated to follow the home owners covenants?

Mr. Tomsick stated no, not really. It has always been based on the community's mutual relationship with them.

Mr. Akey stated I do not mind if signs are up for one night and then they come down.

Mr. Moore stated those are the ones on the fence. What about the bandit signs that they put around school grounds? Those bother me. If I am a business owner, I ask why their sign is allowed and the church's sign is not. I understand hanging the Papa John's signs on their own fence, but putting it on our property out outside their property, then I want to know why other businesses in town cannot.

Mr. Sunnarborg stated there are two entities in town that are not subject to either CROA or CNOA: the golf club and the school. If we could convince CNOA to take them on as new members with a different dues structure or no dues but subject to follow the rules, I think that is the way to get it done. I have not talked with Matt Kelly about the school, but I have about the golf club. There did not seem to be any excitement about that idea, but I think that is the way to get it done. It has nothing to do with the CDD, but if we can clean up those issues, it would make it easier for us to enforce the rules on our property.

Mr. Akey asked as chairperson of the covenants committee, would Mr. Tomsick be willing to make a courtesy visit to the school with another CROA and a CDD member to talk with them about the issues and share our thoughts?

Mr. Tomsick stated we can certainly share that message. It never hurts to have those kinds of discussions.

Mr. Akey stated the high school ought to be able to pickup trash on the inside of their fence. Perhaps we could make a courtesy visit to both of them.

Mr. Sunnarborg stated I am your representative on the CJC, and I will bring this up if you would like me to at their next meeting.

Mr. Akey stated that is fine.

Mr. Moore stated yes, I would like you to do that. I will ask Richard Joossens to make sure CROA locks and unlocks those gates around the school so kids do not climb over the fence. They are supposed to do that after 5:00 p.m. and on weekends, and they are not doing it regularly. It is not just a soccer issue, but a bigger issue for the rest of the community. It is not unlocked unless someone calls CROA to open it. The basketball courts at the school are available to residents after 5:30 p.m. on weekdays and on weekends, and CROA is thinking about moving the courts from Lakeside Park and forcing everyone to use the ones at the school, which I do not agree with. It is more about security because they think there is a non-resident element at Lakeside Park.

Mr. Akey stated Mr. Sunnarborg will meet with the CJC, and Mr. Tomsick and I will meet with Dr. Kennedy at the K-8 school as well as the high school to introduce ourselves.

Mr. Carlson stated I have tried to contact them several times and I do not receive responses.

Mr. Akey stated we will try again.

#### **G. Emergency Contact Numbers**

Mr. Akey asked did you check the lift station the other night? The alarm was going off.

Mr. Smith stated yes, Roger Mitchell responded to that. If there is an emergency or the lift station alarm is going off after hours, call the emergency number that is on the lift station or call our emergency number and they will call the supervisor who is on call.

Mr. Akey stated we need to be sure the message on 407-566-1935 gives the emergency number. Whoever receives a call needs to answer the phone.

Mr. Smith stated the person who receives the call is the utility on-call person. If he gets a call that there is a car accident and a light pole is down, he calls me first. His second call is Mr. Simmons and his third call is Mr. Stuart. One of the three of us will respond. They will even call the Davey staff and then call me about some issues.

Mr. Akey stated the message on the phone now specifies to call that number only if it is a utility emergency.

Mr. Smith stated I thought we changed that message. I will check on that.

Mr. Sunnarborg asked is the utility phone always answered?

Mr. Smith stated yes, they have a service to answer the phone. It will not go to voice mail.

Mr. Sunnarborg stated when we had the hard freeze, one of my neighbors kept calling and it kept going to voice mail. He did not leave a message, so he called me to vent his frustrations. The phone was not answered.

Mr. Akey asked does the answering service call the on-call person's cell phone?

Mr. Smith stated yes, and we always have a utility staff member on call after hours.

Mr. Akey stated we need to make sure someone answers the phone and someone needs to call you back if it is an emergency.

Mr. Sunnarborg stated I understand what you are saying about a utility emergency, but if someone is having an emergency, they do not care if it is Enterprise CDD or Celebration CDD.

## **H. Ordinances**

### **i. No Parking on the Grass**

### **ii. No Soliciting**

Mr. Akey stated for these types of items, we would need to work with the County in order to get an Ordinance for people not to park on the grass, similar to what Indian Wells has.

Mr. Sunnarborg asked what is the proper terminology for the District to have a local Ordinance?

Ms. Carpenter stated it would be a rule that is adopted through rulemaking. Mr. Akey is referring to a County ordinance so that it can be enforced by the sheriff. Osceola County does not have a County-wide ordinance saying you cannot park on the grass on private property. It would be trespassing. Some municipalities have an Ordinance that addresses that, but Osceola County does not, so you would need an Ordinance to lay out the areas where this applies. We would have to go to the County and request they pass an Ordinance for the District.

Mr. Sunnarborg stated this is a great idea. There is a laundry list of things in the CROA covenants that we wish were more enforceable, like a car parked the wrong way.

Mr. Tomsick stated Dick Quinn started this on road-related issues and it was a dead end.

Mr. Sunnarborg stated he wanted to provoke a bigger solution. I would like to work with the County to pass local Ordinances that make our own covenants more enforceable.

Mr. Tomsick stated I was excited about what he was doing because I did not see it as an encroachment on downtown's right to exist. There is an opportunity for this community to have the County be engaged.

Mr. Sunnarborg stated we can start small with easy ones to work through the process.

Ms. Carpenter stated that makes a lot of sense.

Mr. Carlson stated do not just say we want Ordinances; there has to be a reason, and the reason could be that there are a lot of violations.

Mr. Akey stated I agree. We can brainstorm with Mr. Tomsick on what to include and bring it to the Board to discuss. We can prioritize the ones that we want to pursue. We may not want to do anything, but at least we have considered it. we can discuss it with CROA at our joint workshop and if all of us agree on the ones we want to pursue, then we approach the County.

Mr. Moyer stated I think it is a great idea, but one word of caution: with every Ordinance comes a sign.

Mr. Moore stated I agree and have already thought about no parking on the grass. I would rather have cars on the grass than having the six signs saying not to park on the grass.

Mr. Carlson stated I was going that same direction. If they are safety issues and we have to do something, that is fine. If we do not have to do something about them or they are not safety issues, leave it alone.

Mr. Akey stated I agree.

Mr. Moore stated Mr. Akey should meet with Mr. Tomsick and bring the list to a joint workshop with CROA.

### **I. Street Sweeping**

Mr. Akey stated I received some phone calls about the effectiveness of the program on the smaller streets.

Mr. Moore stated it was on my list but we did not discuss it. Personally, I question the effectiveness of it also. We needed it during construction but perhaps it serves a bigger purpose in other areas.

Mr. Smith stated we are only doing it once a month. It is effective and a few people called about the reduced schedule. Every week was too much, and so was every two weeks. I get a lot of complaints this time of year when there are leaves on the ground. Some residential landscaping companies will remove the leaves, but it is nice to have them sweep monthly. It keeps the leaves out of the drains.

Mr. Akey stated I talked with Don Fischer at County Code Enforcement, but you do not have to sweep much down my alley unless someone does a lot of renovation work at their home and they leave a mess. Mr. Fischer has agreed to help us with that issue and have his inspectors inspect the sidewalks and curbing before they sign off that the work has been completed.

Mr. Moyer stated street sweeping does help relative to the pollutants that go into our drainage system and our efforts with RCID, and street sweeping is important in that regard.

Mr. Tomsick stated with them now putting specific numbers on the contaminant levels that you will have to meet, I think we do need to pay attention to that. Maybe the community needs to be aggressive to allow the street sweeper to be effective. He is not effective if you have car parking where he needs to sweep. We need to look at ways to encourage people not to park on the street the evening before the sweeper comes by. I think that is a lost opportunity on this once a month basis.

Mr. Joossens stated I agree, but you need a place to park. Some residents have four cars.

Mr. Moore asked does Lexin perform the street sweeping downtown?

Mr. Smith stated no, they have blowers and vacuums.

**J. Mosquito Contract RFP**

Mr. Akey asked does the mosquito control contract expire this year?

Mr. Smith stated it expires October 1, 2010.

Mr. Moyer stated we renewed it in 2008 so there are no more renewals.

Mr. Akey stated if it expires in October, we probably need to go out to bid in June or July.

Mr. Carlson stated we had discussions on the chemicals that are used. There is a tremendous amount of literature on permethrin. One resident I spoke with has multiple myeloma, and he said there is a new study that says there maybe some link from permethrin to multiple myeloma. I am passing that to the Board to forward to Clarke to

see if they have any information on that. Usually it is a high exposure level that creates problems. Is there any new literature that we should be aware of?

Mr. Akey stated I still look at Sherry Burroughs as the key person to ask first, and then ask Ray Parsons. Ms. Burroughs goes to those conferences.

Mr. Carlson stated I would like to get back with this resident on that question.

Mr. Akey stated Mr. Smith and I will talk with Ms. Burroughs.

#### **K. Traffic Device Signs**

Mr. Smith stated the County has their signs, and we will pick ours up on Friday, so I will then have all four signs. I will meet with Mr. Akey to confirm the locations. I will have my staff look at them to see about developing a program where we will drop sleeves in the ground with a box to lock them, so we can move them to different locations. They are all self contained. They are solar panels so we can move them around as we need to. I anticipate they will be installed by the end of next week. I would like to get 10 locations from the safety committee.

#### **L. Progress Energy Meeting**

Mr. Akey stated we have a meeting scheduled with Progress Energy a week from Friday. This is a courtesy meeting. At some point, the electrical boxes will need painting. Another item to discuss is street light repairs, although there are not very many.

#### **M. Comcast Meeting**

Mr. Smith stated when they are doing repairs, they block streets and alleys and drive up on our grass.

Mr. Akey stated SmartCity does the same thing, and they also leave their trash lying around.

Mr. Moore stated the regional manager for SmartCity lives in town, so if you have issues with them, we can talk to him.

Mr. Akey stated we will have the regional manager for Comcast come out once or twice a year just to stay connected with Mr. Smith.

#### **N. Hogs**

Mr. Akey asked do you have more traps set?

Mr. Smith stated all six traps are out. We cleared out Arbor Circle and Roseville Corner. We continue to trap them.

Mr. Sunnarborg stated on a related topic, we discussed irrigation on the side slopes of lakes. Because of the hog problem and because we will have ongoing issues with RCID in terms of trying to keep chemical counts down, we have areas where we can cut

irrigation back even further. There are areas that are irrigated for no reason or areas that have St. Augustine that we cannot really see. I would be interested in your assessment where you continue to replace the grass, such as on Stickley. Unless you are on foot, you cannot see down that slope, so why should we continue to replace the grass. Can we put in pampas grass or something else that does not require as much irrigation and that hogs do not dig up every week. That will allow us to cut back on irrigation and reduce spraying reuse water directly into the wetlands. For all those reasons, let us work on a plan of areas that can be gradually cut back: maintenance costs, irrigation, chemicals.

Mr. Smith stated we are in the process of doing that now. Mr. Simmons has 50% of the community cut back, for example, from top of slope to water's edge. He is shutting all of them down. Between the sidewalk and the water, there are rotors and since we cannot adjust those down, he turned all those off. The rotors on the backside that are spraying into the wetland or near a pond are now shut off. The only ones that are on are between the sidewalk and the curb and everything else is off. His concern is that if it dies and it is continually mowed, we will have erosion problems. At the top of the slope and the water's edge, we both agree that water will wick up and those areas will be fine. Wherever we have a problem with St. Augustine, we will replace it with Bahia or pampas grass or spartina. We are reviewing the whole project now.

Mr. Sunnarborg stated keep track of how much we are cutting back so we can tell RCID the progress we are making.

Mr. Smith stated I have a meeting with Eddie Snell tomorrow morning regarding the North Village ponds. He will bring some of his reports and we will see where we are on the stormwater quality. In the North Village ponds, we have a problem with the outfall into the canal behind the wall. He is getting some high levels, so we are looking to do some alum treatments to the North Village ponds.

#### **O. Tree Trimming**

Mr. MacCubbin reviewed the tree survey report, which is included in the agenda package and is available for public record in the District office during normal business hours. The report is also posted on the District's website.

Mr. Akey asked in your review of the Washingtonian palms along Celebration Boulevard, did you notice if they were 9:00 to 3:00?

Mr. MacCubbin stated most of them are 9:00 to 3:00 and some were 10:00 to 2:00. I would recommend pruning the Washingtonian palms from 8:00 to 4:00 instead of 9:00 to

3:00, but in no case should there be anything green removed. That allows the green palm fronds to manufacture food for the tree that feeds the root system. That helps with resistance to disease.

Mr. Akey asked does Davey have 9:00 to 3:00 in their scope?

Mr. Smith stated yes, and they are pretty consistent about doing that. If there are additional dead branches in there, he takes them out and occasionally they will take out one too many, which changes the whole look of the tree. I can change the scope to have them just remove dead fronds, since they prune them three times a year.

Mr. Sunnarborg stated since Girard will be doing this going forward, this might be a good opportunity to start over. We discussed this a year ago with Davey and I thought there was going to be a change, but as I watched them, I thought they were over pruning again. We can start fresh with the new company and there should not be any confusion after our last conversation.

Mr. Smith stated I will instruct them to remove only dead fronds.

Mr. Sunnarborg stated I thought this report was excellent, and I would like to do this perhaps once a year. I would like to post this report on our website so that our citizens know what our objectives are and what our practices will be. I think we should also send this to CROA as a courtesy. The recommendations need to be made clear to Girard. I would like to see if Girard can report on these things in their monthly reports to us against these specific recommendations that Mr. MacCubbin is making. I have the perception that those Washingtonian palms continue to be over trimmed on Celebration Boulevard. Sharon Fowler was the original landscape architect, and she and I chose 660 matched palms. We went all over the State to find these trees, so their health and sustainability are close to my heart. We did it years before there was any development out there at a huge expense to The Celebration Company. Over the years, I think the intent got a little distorted. The intent was that they all match and that they all look trimmed and well cared for, not that they were completely pruned and stripped of the petticoat, but as long as they are attractive, healthy and consistent.

Mr. Smith stated when we took acceptance of them and received the original scope of services from PBS&J, they said they wanted the boot line going straight down the road.

Mr. Sunnarborg stated somehow between the architect and the engineer, whoever wrote the specifications did not make that clear. But we have an opportunity with a new vendor to make them look clean, healthy and consistent.

Mr. Smith asked should we cleanup the hanging boots?

Mr. MacCubbin stated I have no problem removing the boots, just do not prune anything green. What does bother me are a couple of the palms that have more than one-third of the trunk being eroded away over time. That is one you should replace because it can easily snap.

Mr. Sunnarborg stated the idea of pruning trees into shapes should not be done. It is not horticulturally correct, but it was never the intent of any architectural design. Everything is supposed to look like it was natural and that it was here before 1940 before anyone thought of doing that kind of maintenance. There is no need for anyone to do any tree topping.

Mr. Collins stated regarding crepe myrtles, my impression is that if you trim them, the colors are brighter. Is that correct?

Mr. MacCubbin stated I never heard that. They do flower better if you take off the old seed heads. They should not be pruned back heavily. The crepe myrtle has a very nice shape to it and it will flower freely.

Mr. Akey stated on Celebration Boulevard, some of the palms still have stakes.

Mr. MacCubbin stated for most trees, we pull them after a year. Those are large palms, so I would evaluate them after a year. Look at the ground and the rooting. Those palms are close to the sidewalk, which will restrict some root growth and will give you problems. I would leave the stakes on for two years. If they are not rooted into the ground by that time, they will not ever be. In some of those areas, it is really wet and that keeps the trees from rooting down, also. A number of them are below grade, and they will be less likely to develop a healthy root system. I dug down and some are 8 to 10 inches below grade. The pine straw has been piled up so you cannot tell unless you take a closer look. When they are being installed, especially in damp areas, make sure they are at grade or a little above so they can get good rooting.

Mr. Collins stated we seem to have problems in North Village where trees are not very healthy and they get spindly.

Mr. MacCubbin stated I did not notice any more problems in North Village than you had elsewhere.

Mr. Smith stated they do not grow as well in North Village as they do in other locations because of the soils there. When they developed North Village, the ground was very hard and the soil was a hardpan clay. That is why they sit in a bucket and it takes

them a long time to root down. The only way around it is to over dig the hole, put in some sand and then add good soil so it will root out farther. We have the same problem on Celebration Place where they all used to fall over every time there was a storm. So we dug bigger holes and they started to root down.

Mr. Akey stated overall we do not receive a lot of complaints considering the size of the community. We do get complaints that Celebration Boulevard was over trimmed, and I think we did.

Mr. MacCubbin stated you can dig a bigger hole but you still have a plug in it, and when it rains, it becomes like a bathtub with a plug in the bottom. If you plant the tree a little higher, up to 6 inches, it has a better chance of developing a successful root system. I will take another look at those.

Mr. Akey stated we should do this kind of report once a year and then maybe twice a year, you can come out for an afternoon or a day and do a spot check. I think that would be well worth our time.

Mr. Moyer asked when you did your analysis in the leaning Washingtonian palms on Celebration Boulevard, how many problems do we have?

Mr. Smith stated we have just a few, maybe six. We tried to straighten them and what I found does the best is to soak the soil, rather than digging them up and try to restand them. We soak the soil and reguy them and come back and do it again. Some of them have been successful but they are sitting in the middle of a field. When there are more buildings on Celebration Boulevard, we will be fine.

Mr. Sunnarborg stated there are several places where we need palm tree replacements eventually. Does it make some sense to work on those replacements now and just move the ones that are troublesome to other locations?

Mr. Smith stated I brought that up years ago and was told to hold off on replacing them until development is a little more complete. I have always wanted to replace them, and I replaced five this week. Three are dead because of lightning strikes and I am not sure about the other two. I am replacing those and moving some others. I would like to start replacing them a few at a time, maybe five or ten a month. When I order them, the more I order, the cheaper they are.

Mr. Sunnarborg stated I am not suggesting we doing them all this year, so that we do not have the financial shock of that cost all at once. Maybe it makes sense to start filling them in gradually.

Mr. MacCubbin stated you should do that in the warmer months so they will take better.

Mr. Sunnarborg asked are you getting good matches?

Mr. Smith stated yes.

**P. Cell Phone Tower**

Mr. Sunnarborg stated I would like to add this to the agenda for our regular meeting so that we can discuss this with Mr. Parker.

**Q. Osceola County Sign Survey**

Mr. Sunnarborg stated I believe everyone saw a copy of the sign survey. I called Amy Templeton who sent the survey. I simply asked her who received a copy of the survey, and she said landowners whose property is adjacent to U.S. 192 only. This is like asking school kids how many days they want to go to school. There is nothing good that can come out of this, other than a loosening of the sign standards. I would like to respond to this. Unfortunately, the deadline is Friday. I would like the Board's input, in light of our other signage battle. I will not take offense if you tell me to stand down, but I think because of our inclusion in the interlocal agreement, we have a right to say something. I think we should say that we should have been invited because we are adjacent to U.S. 192, and before you loosen any of these standards, you need to repair all the signs that were damaged in the 2004 hurricanes that are still sitting there, and that it is the job of your planning and zoning department to create standards, not loosen standards, because of an individual's perception of what an economic emergency is. I would like for us to respond and maybe it should come from Ms. Carpenter. I do not think we should let this go unanswered.

Mr. Akey stated I am comfortable with you drafting a reply. I applaud your efforts.

Mr. Moore stated I am fine with it. I read it and I was surprised that we did not have much time to respond. I think we should send a response. No one else will respond except those landowners who want signs.

Mr. Sunnarborg stated I wanted to ask Commissioner Harford the background on this. There are business owners on U.S. 192 who feel this is an economic emergency and they want to do be able to install more signs. They do not enforce the rules they have, and now they want to loosen them. The results of the survey will not come back saying to tighten up the standards. The only answer they will get, given the people they sent it to, will be to loosen them. They will take that to the County Commission and say that they polled the

community, and this is what the community wants. I will finish my draft and forward it to Ms. Carpenter for Mr. Moyer's signature.

Mr. Joossens stated I am also preparing a response on behalf of CROA.

**R. Sidewalk Closings**

Mr. Akey stated going forward, when Lexin requests permits, let us gently remind them to cleanup trash.

Mr. Moyer asked do you want them to come in again and make their presentation to us about their annual events?

Mr. Akey stated I have mentioned to them that when they run cords across the sidewalk, they need to tape them down to minimize trip hazards.

Mr. Moore stated since it is a new year, let us ask for their schedule for 2010.

Mr. Sunnarborg stated when Mr. Collins raised this issue last year, he asked them to review their plans for the year.

Mr. Collins stated in a meeting I had the other day, we were talking about cooperation issues. The point to remind them is that we are permitting them to use our property. We want to help them, but I think they assume they can do whatever they want on our property. The point is not to say that we want certain event, but I want to reinforce to them we are generously allowing them to use our property.

Mr. Moyer stated we can invite them to the February meeting.

Mr. Collins stated I think there are concerns sometimes about their cooperation.

Mr. Akey stated I will meet with Michael Nuñez separately and invite him to a meeting to give us an update.

Mr. Moyer stated it makes my job a little easier as they submit applications for their events. If you know the schedule, then I know you are aware of the events.

**S. Other Miscellaneous Items**

Mr. Akey stated as you drive down Celebration Boulevard and in front of the fire station, there are some orange cones near the curb that have been there a long time.

Mr. Akey stated the crew that was in doing roadwork on Saturday for Enterprise had a sticker on their vehicle that said "Enterprise" so that the community patrol would not think it was an abandoned vehicle. That is something to think about.

Mr. Akey stated people who park in the alleys and blocking the alley should be logged. Eventually it will be something where we need an Ordinance so that if someone is parked in the alley, we can call the sheriff to have them removed.

Mr. Collins stated that problem is getting worse.

Mr. Moore stated CROA can send them something.

Mr. Sunnarborg asked can the sheriff just have them move their vehicle?

Mr. Akey stated the sheriff usually says there is nothing they can do.

Mr. Moyer stated that is District property. Unless it is a fire hazard, I do not think there is anything the sheriff can do.

Mr. Akey asked want can the District do if someone is blocking the alley?

Ms. Carpenter stated you can send them a letter. If traffic can still go by the vehicles, we probably cannot do much.

Mr. Akey stated but they have to go on someone's grass to get by.

Mr. Moore stated CROA can fine them because they are not parked in their designated parking spot.

Mr. Akey asked what if a home owner has a construction company doing work at the house and he leaves his car parked there all day? There are some of those situations, and then some people just leave their cars blocking the alleyway.

Mr. Sunnarborg stated if there was an emergency, the fire truck would not hesitate going down the alley and would push the cars out of the way.

Mr. Akey stated if the District office gets calls regarding people blocking the alley, just log them in the phone log and we will see if it is something to be looked at.

Mr. Akey stated Mr. Moore had asked about directional signs at 417 directing people to the high school and other locations. We also want to let people know we have parking at Stetson. Joe Bitar will do an observation and make a report with some suggestions and a sketch and present it to us.

Mr. Moore stated when you get off S.R. 417, people want to know where the high school is instead of going through downtown.

#### **FOURTH ORDER OF BUSINESS**

#### **Other Business**

Mr. Collins stated we are getting ready for another audit, and usually the auditor has a pre-audit meeting. I will contact her to schedule the meeting.

#### **FIFTH ORDER OF BUSINESS**

#### **Audience Comments**

There being none, the next order of business followed.

**SIXTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

There being none, the next order of business followed.

**SEVENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Carlson, seconded by Mr. Sunnarborg, with all in favor, the meeting adjourned at 6:00 p.m.
---

---

Tom Sunnarborg, Secretary

---

Cliff Akey, Chairman