

# MINUTES OF MEETING CELEBRATION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Celebration Community Development District was held Tuesday, January 19, 2010, at 6:30 p.m. at 851 Celebration Avenue, Celebration, Florida.

Present and constituting a quorum 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
Jan Carpenter	Attorney: Shuffield, Lowman & Wilson
Mark Vincutonis	Engineer: Hanson Walter
Brenda Burgess	Moyer Management Group
Garth Rinard	Davey Tree
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 meeting.*

## **FIRST ORDER OF BUSINESS**

### **Call to Order**

Mr. Akey called the meeting to order at 6:30 p.m.

## **SECOND ORDER OF BUSINESS**

### **Roll Call**

Mr. Moyer called the roll and stated a quorum was present for the meeting.

## **THIRD ORDER OF BUSINESS**

### **Pledge of Allegiance**

Mason Moore led the *Pledge of Allegiance*.

## **FOURTH ORDER OF BUSINESS**

### **Approval of the Meeting Agenda**

Mr. Akey reviewed the agenda and requested any changes.

## **FIFTH ORDER OF BUSINESS**

### **Public Comment Period**

There being none, the next order of business followed.

## **SIXTH ORDER OF BUSINESS**

### **Consent Agenda**

**A. Minutes of the November 10, 2009, Special Meeting; November 16, 2009, Maintenance Facility Workshop; November 17, 2009, Regular Meeting; and December 10, 2009, Special Meeting**

**B. Invoices and Check Register (Including Ratification of November and December Invoices Paid to Shuffield Lowman)**

Mr. Akey reviewed the Consent Agenda, and requested any corrections, additions, or deletions to the minutes.

On MOTION by Mr. Moore, seconded by Mr. Carlson, with all in favor, approval was given to the Consent Agenda.

**SEVENTH ORDER OF BUSINESS**

**Action Items for Board Approval**

**A. Waiver of Rights to Levy Assessments on the Library Parcel in the Civic Corridor**

Ms. Carpenter reviewed the waiver of rights of the CDD to levy assessments to the County on the library parcel in the civic corridor.

Mr. Akey asked do we know cost of what the impact is?

Mr. Moyer stated the only part that would be affected is the maintenance assessment. The Celebration Company (TCC) will pay off the capital assessment. The annual maintenance assessment for the library site is \$5,626.11.

Mr. Akey asked do we need to make a decision on this tonight?

Ms. Carpenter stated Osceola County, as a public body, is adverse to CDD assessments, and they may hold up the process if we do not agree to enter into the agreement that we will not impose assessments on that parcel.

Mr. Moyer stated I think it is also a part of Chapter 190, Florida Statutes, that we cannot assess them anyway.

Ms. Carpenter stated Osceola County has requested a specific agreement from the CDD not to impose assessments.

On MOTION by Mr. Carlson, seconded by Mr. Moore, with all in favor, approval was given to the waiver of rights to levy assessments on the Osceola County library parcel on the civic corridor, as discussed.

**B. Ratification of One-Year Extension for ZE Tours Use Application**

Mr. Moyer reviewed the request from ZE Tours to renew their use application for a one-year extension.

Mr. Akey asked can we cancel this at anytime?

Mr. Moyer stated yes. The Board approved this application in three-month increments, which we have done a couple times. I have not heard any complaints from

the community, and Mr. McGowen requested the Board consider a one-year permit instead of a three-month permit.

Mr. Sunnarborg stated we put some conditions on those three-month permits, such as their staging, and other things. Will those be included in the one-year permit?

Mr. Moyer stated yes.

Mr. Sunnarborg stated I have heard no complaints and he has performed as we expected.

On MOTION by Mr. Sunnarborg, seconded by Mr. Carlson, with all in favor, approval was given to ratify the one-year extension for the ZE Tours use application.
--

### **C. Consideration of ASCAP License Agreement**

Mr. Moyer stated when I reviewed this agreement and looked at the things that were involved, I did not think we needed to be a party to this agreement. The District does not sponsor any of those types of events. Mr. Merritt's attitude was that we do not know who may come at us and from what direction. For a small amount of money, we can cover ourselves, similar to an insurance policy.

Ms. Carpenter stated it is easier to pay \$305. To compare the risk of the District ever having music playing that was not licensed, it is probably easier to pay it and not have to worry about it.

Mr. Sunnarborg stated Market Square is our property. Do we have music playing there?

Mr. Smith stated no. There are speakers on the esplanade, which is CDD property.

Ms. Carpenter stated it sounds like we have music playing on property that the District owns.

Mr. Collins stated most of these are events that Lexin sponsors. Do they have to pay this as well?

Ms. Carpenter stated they probably have to pay it also. Lexin probably has to pay this fee for music playing on their property. These groups generally send letters to anyone who is playing copyrighted music on their property.

Mr. Moore stated it sounds like Lexin may already be paying for us since it is one system.

Mr. Smith stated that is how it was originally setup. Lexin operated the system and was dealing with the ASCAP agreement fees.

Mr. Sunnarborg stated if there are speakers on our property and we are playing copyrighted music, I think we have to pay the fee.

Ms. Carpenter stated it would cost more to prepare a letter claiming that we should not pay it, instead of just paying it and making sure District property is covered.

Mr. Akey stated I would also like to ask Lexin if they are paying the fee.

On MOTION by Mr. Moore, seconded by Mr. Sunnarborg, with all in favor, approval was given to the ASCAP license agreement and fee, as discussed.

## **EIGHTH ORDER OF BUSINESS**

## **Staff Reports**

### **A. District Manager**

#### **i. Financial Statements**

Mr. Moyer reviewed the financial statements, which are included in the agenda package and are available in the District Office for public review during normal business hours.

Mr. Moyer stated as of January 11, 2010, we have collected almost 83% of our assessment levy for this fiscal year. Last year at this time, we had collected 81%, so we are right on schedule and there is nothing out of the ordinary to report.

#### **ii. Complaint Log**

Mr. Akey stated the log has about 80 to 90 calls, and I did not see anything serious. They were pretty routine matters.

Mr. Sunnarborg stated I submitted some items for the call log and I am happy to say the system works.

Mr. Akey stated I submitted some items, as well, and most everything was handled in a timely manner. For the viewing audience, if you submitted a call that has not been answered, please send us a friendly reminder. Calls and emails sometimes get lost.

### **B. Field Operations**

#### **i. Monthly Highlight Report**

Mr. Smith reviewed the field highlight report, which is included in the agenda package and is available in the District Office for public review during normal business hours.

Mr. Smith stated we will make it clear to the contractor to prune only dead fronds on the palms, as recommended by Mr. MacCubbin. I appreciate his report; it was very thorough. It is nice to have his observations since he is an expert.

**ii. Alley Paving**

Mr. Smith stated we have started beginning work efforts for the alley paving in West Village and Lake Evalyn. We sent a letter to the residents in advance. We will put the map on the website along with the schedule. We have not received the contractor's full schedule yet. We started doing the concrete preparation work, including some curb repairs to get the site ready for the milling and the overlay. During the milling period, we will not fully restrict access to the alley. When we lay the asphalt, the alley will be closed the day it is laid and the following day. That will help keep the tacking down. The process should go fairly quickly since these alleys were built better than those in Celebration Village and North Village.

Mr. Akey asked is the punch list complete for North Village?

Mr. Smith stated yes, and we made final payment to them. There are a couple areas that have birdbaths, but that will happen because some alleys are so flat in North Village. The rule of thumb is, if the water is gone in 24 hours, then it is not a problem. That is the case with most of them in North Village.

**iii. Boardwalk Trail Signs**

Mr. Smith stated I distributed some sample signs and the first one is what is already in place at Lakeside Park at the pool, which is brown and looks a little more rustic, at a cost of \$160 each with our wording "caution: boardwalks may be slippery at anytime." These will be installed at the entrance to all the boardwalks and it will be about half the size of the one at Lakeside Park. The other sample is like the trail system signs that we already have of the white sign with green letters with the dog and girl on the top. If we use just the green and white square without the top, it is about \$150. They will be on poles and I will use existing sign poles. They will be shorter, about the height of the rail. We are looking at about 30 signs if you want one at the entrance to every boardwalk on both sides. The signs with the topper will run about \$250 to \$300.

Mr. Sunnarborg stated in consultation with the ARC chairman, we prefer the sign with the topper. What is the approximate size?

Mr. Smith stated the size would be 12 x 12 just for the square box without the topper.

Mr. Drew Locher stated even with the topper I think it is a reasonable size. You want people to see it and identify it. Will they be on the same aluminum, powder-coated posts?

Mr. Smith stated I will use my aluminum sign posts.

Mr. Locher stated the problem we have seen using kindorf or other materials, it looks terrible. If you use aluminum with the green paint, that is a much better look. You want people to see the signs.

Mr. Moore asked are we overusing the dog with the child logo?

Mr. Locher stated it does not have to be the same topper. You can come up with other options, including two kids running or a bicycle or something of that nature.

Mr. Moore stated maybe we can use some without the tops.

Mr. Locher stated these signs last a very long time.

Mr. Akey stated I will ask Mr. Smith, Mr. Moore and Mr. Locher to meet and discuss these ideas and present their suggestions at the meeting next month.

Mr. Smith stated some of the trail signs that are already installed have mile markers on them. We could add mile markers on these, as well.

Mr. Collins stated that is a great idea.

Mr. Carlson stated I would like to authorize up to \$7,500 for the signs.

Mr. Sunnarborg stated we only approved \$4,000 last month.

Mr. Carlson stated I think they should make the decision of what the sign looks like, up to \$10,000.

<p>On MOTION by Mr. Carlson, seconded by Mr. Moore, with all in favor, approval was given for staff to proceed with boardwalk signs, not to exceed a total cost of \$10,000, in consultation with Mr. Moore and Mr. Locher of the final design.</p>
---

#### **iv. Artisan Park Retaining Walls**

Mr. Smith stated there are still some questions on the chain link fence at the Artisan Park retaining walls. I priced a four-foot chain link black or green coated fence that will be behind the existing plant material so you should not see it much. I can even lower it to three feet, which will be just as effective and the costs will not change that much.

Mr. Carlson stated a number of residents commented on those areas where it is easy to fall over those walls, so we need to do something.

Mr. Locher stated we had the same issue behind the Artisan Club condominiums, and we were required by TCC at a great expense to put in powder-coated aluminum. I have no objection as long as it is in a discrete area.

Mr. Smith stated the difference is where we have the aluminum railing, there is a sidewalk adjacent to it. With these retaining walls, there are no pedestrian walks adjacent to it.

Mr. Locher stated I do not have any pedestrian walks in the Artisan Club locations.

Mr. Smith stated they do run along backyards, so you do have some have pedestrian activity back there. Originally, St. Joe installed the plant material to be the buffer, which was originally considered to be the right thing to do by engineering practices, or else put up a railing.

Mr. Locher stated the County dictated a lot of those things. Is it meant to be a safety barrier to keep someone from falling off or a car from driving through?

Mr. Smith stated it is to keep someone from walking through plant material and falling off.

Mr. Locher stated the last thing I want to see is a chain link fence, but in that scenario, if we are going to buffer it with a hedge in front, I do not have any objections.

Mr. Smith stated we have used chain link for similar purposes in the community, so there is a precedent, such as at culverts on Celebration Boulevard.

Mr. Locher stated I think there is a combination of chain link and aluminum.

Mr. Moore stated we associate chain link with the school

Mr. Locher stated there are areas all over town where chain link has been used, but I think they are non-residential areas that are off the beaten path.

Mr. Smith stated we will enhance the plantings in front of it.

Mr. Moore stated we do want to keep the aesthetics of the community in mind. I think that is a good compromise. If we use chain link, we want to enhance the plantings. We should not be able to see the chain link.

Mr. Collins stated I do not want to see any chain link through the plantings.

Mr. Carlson stated the house on Stickley backs up to that wall and they will look at the chain link fence. That needs to be one consideration.

Mr. Smith stated we will use three-gallon viburnum along that area. On the other side, we planted holly shrub which will be taller than the fence. The spartina is in front and

when we trim it, you can see the fence. On Stickley, I will install a viburnum hedge in the front. The areas to be addressed are 711 feet on Wilde and 267 feet on Stickley.

Mr. Sunnarborg stated I think we need to mock this up and look at it.

Mr. Smith stated I will use black chain link on the small section on Stickley and let you know when it is finished so you can take a look at it.

**v. Plant Replacements**

Mr. Smith stated I would like to request a designated amount of money for plant replacements and bed enhancements to replace frozen plant material, somewhere in the amount of \$15,000 to \$20,000. It will be a separate budget line item for plant replacements, and I will bring a report each month of how much we are spending out of that total dollar amount.

Mr. Akey stated I recommend not to exceed \$25,000.

Mr. Sunnarborg stated we should get a handle on this problem quickly and also not to complicate Girard's startup and transition.

On MOTION by Mr. Sunnarborg, seconded by Mr. Moore, with all in favor, approval was given to designate \$25,000 for plant material replacements and bed enhancements, with a monthly report provided to the Board on the breakdown of the budget line item.
---

**C. Attorney**

There being nothing to report, the next item followed.

**D. Engineer – Roadway Progress Report**

Mr. Vincutonis reviewed the roadway progress report, which is included in the agenda package and is available in the District Office for public review during normal business hours.

**E. Chairman – Update on Joint CDD/CROA Issues**

Mr. Akey stated we will propose Thursday, March 11, 2010, as the date for the joint CROA/CDD workshop. I will ask Ms. Wasson to confirm that date with the CROA Board.

**F. The Celebration Company's Representative**

Mr. Parker stated regarding the chain link fencing for Artisan Park, I recommend you send that through the ARC committee at CROA. We originally installed chain link fences at Eastlawn and Aquila Reserve, and we ended up removing them and putting in aluminum.

Mr. Sunnarborg stated at the last CJC meeting, I asked Mr. Kelly on the signs that still say Model Home Sales, and he indicated you will follow up on that.

Mr. Parker stated I discussed that with Mr. Smith. We will remove them and flip the slats over for now. It will create a few vacancies, and we made some phone calls to interested entities.

Mr. Sunnarborg stated we received the good news that the County Commission approved the civic corridor plat. We would like a copy of the plat documents. What is the best way for us to obtain a copy?

Mr. Parker stated they have not been recorded yet. We are within days of having them recorded and then I can distribute copies.

Mr. Sunnarborg asked is there anything new on the cell tower?

Mr. Parker stated we met with Mr. Moore and Mr. Joossens today. TCC has reviewed a location at the high school for the cell tower. After reviewing it with management, driving it and going to other locations and viewing them, we have a report with a request to have a 200- to 225-foot tower. After our review, we came to the consensus that we have more homework and investigation to do to be sure there are no other alternatives out there and that this is the best location for it. We are meeting with some others, including carriers, and we will be researching this further.

Mr. Moore stated Mr. Parker has spent a lot of work on this, and there is a lot of work still to be done. They are looking at all the options. If you are going to put one in, it has to increase coverage for all residents, community wide.

Mr. Parker stated ideally, there has to be better cell coverage in the community, and we have been working toward that for a long time. There are three different carriers downtown that we have been able to provide. We want to be sure if a tower goes at the high school, that there will be benefit for the whole community. If not, then all we have done is installed a tower that does not do much good for the community.

Mr. Carlson stated we appreciate the effort and we would like to have the highest level of cell service in our community. There are a lot of areas where we cannot get cell service. We appreciate whatever can be done.

**NINTH ORDER OF BUSINESS**

**Updates and Discussion Items**

**A. Update on Maintenance Facility**

Mr. Collins for the next meeting, I would like to have an action item to follow through with the contract with TCC to acquire that land. We have a term sheet that has

been approved by this Board. The main reason for moving ahead is we have a new landscape contractor as of our last meeting, who will be mobilized February 1, 2010, and we need for them to have a location onsite. The current site that Davey is using is designated on the plat as the CROA site. I would like to get Girard on the site designated for the CDD. In talking with TCC, they currently own that land and they would prefer that we deal with our landscape contractor and not be involved. So they are looking for us to acquire the land. They are also looking to move as quickly as they can now that the plat is approved and the contract is finalized with the library. I would like to move forward in acquiring that land. We have provided information on the estimated costs for development, but this action would be to acquire the land for a temporary facility for our landscape contractor. It is not for the purpose of building a permanent facility.

**B. Discussion of 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. Collins stated I noticed that some trees are getting a lot of moss and prickly things, and they do not look as healthy as other trees. Is that a tree in decline that needs to be replaced? Is there something we can do to recover those?

Mr. MacCubbin stated in most cases, the live oaks will have Spanish moss and lichens. It is just the right environment for them and it is not abnormal. When a plant starts to decline for whatever reason and the moss and lichen start to build up more, most of us would think that the moss and lichens are doing something to the tree, when they are not. It is just the opposite; they grow up better and build up better at that point. We can remove the moss and lichens, but it does not mean the tree will do better. At that point, I look at what else is going on with the trees and why it is declining. Perhaps it is being flooded or it has a poor root system to cause the declining condition.

Mr. Akey asked you looked at some of the crepe myrtles in the residential areas?

Mr. MacCubbin stated yes, and the trend today is to let them take their natural shape. You take out old seed heads, take off suckers from the base, but you try to maintain that tree shape. In previous years, some people were pruning them way back. Most communities are now allowing them to go natural. The severe pruning started when they planted crepe myrtles in the wrong location, but the solution is not to trim it completely back but to plant the appropriate crepe myrtle. Of all the trees you have here, those crepe

myrtles are the ones that can handle those small sidewalk strips the best, but by the same token, you do not want to over plant crepe myrtles. The pruning that you are doing now is what we call standard or acceptable for crepe myrtles. That is ideal.

Mr. Akey asked the trees on Waterside with excessive trimming, will they come back?

Mr. MacCubbin stated they should all come back even though they have been trimmed excessively; live oaks are very hardy.

Mr. Akey stated we will plan to do this report annually and ask Mr. MacCubbin to come out twice a year for a day to observe and opine on how we are trimming the trees.

Mr. MacCubbin stated I am always available for you to call or ask questions.

**C. Discussion of Sidewalk Closings for 2010**

Mr. Akey stated I would like to know if the sidewalk is going to be closed along Celebration Boulevard. Are there trucks coming in by the urgent care facility?

Mr. Parker stated Willmark has some site work going on now. I have not seen them crossing equipment over the sidewalk. They have located their equipment on their site.

Mr. Locher stated they open the gates to let the equipment in and then they shut the gates behind the equipment.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next order of business followed.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

Mr. Moore stated the catholic church opened since our last meeting, and I want to congratulate them. I also want to thank TCC working with us during construction. It was a smooth construction. We chose Girard as the District's new landscaping contractor for the CDD. I want to thank Davey for their work and their years of service. They will still be working for CROA so they will still be in the community. Next month, the community will start seeing new trucks and a different company performing our landscaping. We wish them well.

Mr. Sunnarborg stated I would like to ask Kate Kolbo and Eddie Snell from RCID to join us at our next meeting to discuss stormwater quality and management. I think by then, Mr. Smith will have met with Mr. Snell and you can give us a presentation as well as have a conversation with Ms. Kolbo about where we go for stormwater. I also want to wish Mr. Moore a happy birthday today.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Moore, seconded by Mr. Sunnarborg,  
with all in favor, the meeting adjourned at 7:45 p.m.

---

Tom Sunnarborg, Secretary

---

Cliff Akey, Chairman