

MINUTES OF MEETING

CELEBRATION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Celebration Community Development District was held Tuesday, July 19, 2011, at 6:30 p.m. at the Celebration Community Center, 851 Celebration Avenue, Celebration, Florida.

Present and constituting a quorum were:

Tom Sunnarborg	Chairman
Lee Moore	Vice Chairman
Floyd McCollum	Treasurer

Also present were:

Gary Moyer	Manager: Moyer Management Group
Jan Carpenter	Attorney: Latham, Shuker, Eden & Beaudine
Mark Vincutonis	Engineer: Hanson Walter & Associates
Brenda Burgess (<i>by phone</i>)	Moyer Management Group
Jim Parker	The Celebration Company
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. Sunnarborg 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

Mr. Sunnarborg led the *Pledge of Allegiance*.

FOURTH ORDER OF BUSINESS

Administrative Matters and Announcements

Mr. Sunnarborg stated for those who are new to our community or watching our meeting for the first time, please note that the Celebration CDD (“CCDD”) is a local unit of special-purpose government created pursuant to Chapter 190, Florida Statutes. That means that we are a real, elected public government, just a special-purpose government, limited by what the law expressly allows us to do, as opposed to general-purpose governments such as Cities, Counties and States, that can do as they choose except for what is prohibited by law. We are not the Enterprise CDD, which operates the water

utility company and is responsible for the infrastructure at Celebration Place, Water Tower Place, and west of I-4. We are also not the residential (CROA) or non-residential (CNOA) property owners association. Our primary responsibilities include the financing and construction of the community's streets and alleys, street and alley lighting, stormwater management systems, walking trails, sidewalks, boardwalks, and some of the passive parks, as well as the maintenance of those same facilities, including the street trees, stormwater quality, and aquatic weed control. We are also responsible for the enhancement of some Osceola County services, such as mosquito control. Please also note that you can retrieve much more information about the CCDD, who we are, what we do, which physical areas we are responsible for versus other entities, how to get in contact with us, and access our public records on our website, www.CelebrationCDD.org.

Mr. Sunnarborg stated I have a few announcements. One, please be careful not to over fertilize or overwater your landscape. Know that there is already plenty of phosphate and nitrogen in the reclaimed irrigation water. Two, please do not wash your landscape clippings down the storm drains or allow your contractors to do so, as that additional organic matter is a primary contributor to our water quality management challenges. Three, please remember that it is not acceptable to put up signs in our CCDD right-of-way. Our staff is authorized to remove signs placed in the right-of-way without our permission. Four, please remember that the speed limit in Celebration is 25 mph unless posted otherwise, and our stop signs really do mean stop.

FIFTH ORDER OF BUSINESS

Approval of the Meeting Agenda

Mr. Sunnarborg reviewed the agenda and requested any changes.

There being none, the next order of business followed.

SIXTH ORDER OF BUSINESS

Public Comment Period

There being none, the next order of business followed.

SEVENTH ORDER OF BUSINESS

Consent Agenda

A. Minutes of the June 21, 2011, Regular Meeting

B. Invoices and Check Register

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

Mr. McCollum stated I noticed there are two checks payable to Davey Tree, and I was not sure what services they perform for us.

Mr. Smith stated we used Davey Tree to prune the trees and shrubs on South Village alleys on both sides before we paved the alleys. They had a crew on site and Girard was really busy during that time. I gave Davey Tree the opportunity to prune that landscape material. A lot of shrubs had grown out over the alleys and there were trees hanging too low for the equipment that was being used for the paving.

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

EIGHTH ORDER OF BUSINESS

Public Hearing to Adopt the Fiscal Year 2012 Budget

A. Fiscal Year 2012 Budget

Mr. Moyer stated this public hearing is required pursuant to Chapter 190, Florida Statutes. We provided the draft budget to the Board in April and discussed it in May and June. Today's formal public hearing has been appropriately advertised for the purpose of considering public comment. The budget itself is in a format that you are familiar with; it is basically the same format as we have used in previous years. The noteworthy item that we, as staff, and the Board take pride in is this is the 17th year that we have not increased our non-ad valorem assessments, which goes back to the establishment of the District in 1994. The revenues include a variety of sources, including interest income on investments; right-of-way utilization fees for electricity, telecommunications, and gas; interest earned on delinquent assessments received from the tax collector; some special assessments that are collected directly by the District; discounts and settlement fees; and other miscellaneous revenues. The total of those revenues will equal approximately \$3,360,000. The expenditures are broken down into the following categories: administrative; physical environment which deals with aquatic weed control, mosquito control, wetland management and water quality; flood control which is the drainage system; and field operations which deals primarily with landscaping work efforts. We have provided some funds that if this Board decides to proceed with the maintenance facility, we have some monies available to provide for engineering, planning, and some of the infrastructure construction that will be necessary for the maintenance facility. The District's budget is balanced with no increase in the non-ad valorem assessments.

Mr. Sunnarborg stated I will open the public hearing for any public comment.

Mr. Moore stated I think we have given the residents plenty of opportunity to review the budget and ask any questions. It has been posted on the website and in the agendas. No one has really asked me any questions about it this year. Last year they did, but not this year. I take that to mean we explained it very well.

B. Consideration of Resolution 2011-07 Adopting the Budget

Mr. Moyer read Resolution 2011-07 into the record by title.

On MOTION by Mr. McCollum, seconded by Mr. Moore, with all in favor, unanimous approval was given to Resolution 2011-07 adopting the budget for fiscal year 2012.

C. Consideration of Resolution 2011-08 Levying the Assessments

Mr. Moyer read Resolution 2011-08 into the record by title.

Mr. Moyer stated the assessment roll will accompany this Resolution that will be certified with the property appraiser for extension onto the real estate tax bills for collection by the tax collector.

On MOTION by Mr. Moore, seconded by Mr. McCollum, with all in favor, unanimous approval was given to Resolution 2011-08 levying the assessments for fiscal year 2012.

Mr. Sunnarborg stated we cannot let this occasion go by without congratulating Mr. Moyer, his staff and everyone at Severn Trent and Moyer Management Group. You are making it look easy, but we know that it is not, especially in this year with as many government entities struggling. Seventeen years in a row without an increase is worth mentioning again. Congratulations and thank you very much.

NINTH ORDER OF BUSINESS

Action Items for Board Approval

A. Audit Selection Review Committee Recommendation for Auditing Services

Mr. McCollum stated we had an audit committee meeting to review all the proposals that were received. We received eight proposals and the committee ranked them. Carr Riggs & Ingram was ranked #1, Hoyman Dobson was ranked #2, and Grau & Associates was ranked #3. The committee was unanimous with this ranking recommendation for the Board. We would like to negotiate with Carr Riggs & Ingram for an engagement letter.

Mr. Sunnarborg asked was there a summary in our agenda package for this item?

Mr. Moyer stated no, this was only going to be a report from the audit committee. If you are interested in looking at the proposals, I am happy to provide them for your review.

Mr. Sunnarborg stated no, that is not necessary. A unanimous recommendation from the audit committee is good enough for me. Hoyman Dobson has been preparing our audits for a number of years and they have done a good job.

Mr. Moyer stated they have done a very good job. I think Mr. McCollum will agree that most of the firms that responded are all qualified to prepare our audit. Hoyman Dobson was ranked #2. To their credit, Carr Riggs & Ingram had the lowest price, which is about half of what we paid for last year's audit. We are recognizing a savings by going through the bidding process. The law is pretty clear that we not select an auditor based on price alone. The committee's discussion was not just to select the firm with the lowest price. Each individual member of the audit committee spent a lot of time and reviewed each of the proposals and independently scored them. Interestingly enough, they all came up with very similar rankings, which is why the recommendation to the Board was unanimous. We are asking the Board to accept the recommendation of the audit review committee. I will go forward and provide to the Board the engagement letter for your consideration, which will include the scope of the engagement, the price of the engagement, and certain other disclosures that are necessary.

<p>On MOTION by Mr. Moore, seconded by Mr. Sunnarborg, with all in favor, unanimous approval was given to accept the audit review committee's ranking of the auditing firms as #1 Carr Riggs & Ingram, #2 Hoyman Dobson and #3 Grau & Associates, and to authorize staff to begin negotiations for an engagement letter with the number one-ranked firm.</p>
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B. Arbitrage Rebate Calculation Reports

Mr. Moyer stated when a government entity sells bonds, pursuant to the 1986 Tax Reform Act, we have to monitor whether or not we are earning more in interest on our investments related to the sale of the bonds than we are paying in the true interest cost on the bonds. That is a calculation that needs to be made on every expenditure that came from the bond funds, the time period that we held those monies, and the rate of interest we earned while those monies were under our control prior to their expenditure. It is a fairly voluminous analysis. The reports in the agenda package related to the Series 1997A

and 1997B bonds, the Series 1999 bonds, the Series 2002A and 2002B bonds, and the Series 2005 bonds. In all cases, the firm who prepared this analysis concluded that we have no arbitrage rebate liability or requirement. If we did, that money goes to the bond trustee, and every five years, we will remit any positive arbitrage to the Federal Treasury. They do not mind if we make positive arbitrage, but we have to remit it to them if we do. That has not been the case, as shown in these reports. Early on with some of these bond issues, such as the 1997 and 1999 bonds, at one time we were a little ahead of what we were paying in true interest costs. This analysis shows that for the 1997 bonds, we were allowed to earn \$1,326,000 and we actually earned \$1,043,000, so that is pretty close. The 1999 bonds were even closer; we were permitted to earn \$1,076,000 and we actually earned \$988,000. This is good news, and the trustee was actively involved in doing investments. The significant difference is that on the later bonds, the interest environment that we now find ourselves in is that we are paying 5.5% on the bonds and we are earning 1% or 2%. It is to be expected that the later bond issues do not have the type of close relationship to the arbitrage rebate that we had on the 1997 and 1999 bonds. This is provided for the Board's information. The trustee will be advised that we do not have any arbitrage rebate liability.

TENTH 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 available in the District Office for public review during normal business hours.

Mr. Moyer stated our revenues are a little below where we projected we would be this time of year. The right-of-way utilization fees are lower for electricity than projected, but that is not unusual because we usually pick up the difference during the last three months of the fiscal year. With warmer temperatures, people have higher electric bills, and the utilization fee is based on the power company's billings and we receive 6% of those billings. I would not be surprised if we end the fiscal year pretty close to our budgeted number. We are in good shape on all of our expense categories, and we are showing a positive fund balance of \$128,000 through June 30, 2011.

Mr. Sunnarborg asked has there been any response from Representative Daniel Webster on the letter sent asking his assistance with our FEMA reimbursement?

Mr. Moyer stated yes, very shortly after we provided our letter to him, we started to see much more cooperation from FEMA and the State of Florida. We are working through some issues. It is still frustrating to me that we made the appeal timely but they did not find the appeal, and now they are having some concerns about how to process an appeal that is seven years old. We are making progress and there are now people who are interested in resolving these issues.

ii. Website Statistics

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

B. Field Operations

i. Monthly Highlight Report

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

ii. Communication and Complaint Log

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

iii. Water Quality Sampling Report

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

Mr. Smith stated the arrow at the bottom of the report is our target number that we want to get to. We are under that number in almost all the categories, except for phosphate, which will continue to be a problem because of the reuse water. I discussed with Mr. Eddie Snell that we are going to do another alum treatment on ponds 3 and 4, which are the outfalls to the canal and the ponds he is most concerned about because they flow directly into the canal. The flock logs are in there and are running, but for some reason, these ponds have a high phosphate level. Mr. Snell said it could be due to the recent rains that churned up the bottom of the pond somewhat. We do need to get those numbers down to an acceptable level. We will perform another alum treatment, and that should last another three or four months and get us to the level we need to be at. We will try to address this issue with the reuse water because Mr. Snell thinks that is our biggest problem. Pond 8F is a golf course pond, and Mr. Snell is testing that one again because those numbers are too high. It could be that the golf course has reuse water flowing into

that pond. There is an irrigation head in that location, so it could have gotten off kilter and sprayed into the pond.

Mr. Sunnarborg asked what causes the fecal coliform to be at that level in Lake Evalyn?

Mr. Smith stated I asked that question of Mr. Snell, and he said that a large number of ducks that land in that pond for a day could cause that spike. There is a lot of bird activity at the pond in Lake Evalyn. We have a lake managers meeting at RCID next week, which I will be attending. I am trying to collect more information and provide it to residents to let them know they do not need to be irrigating that much right now because of all the rain we have been getting, although we have not had any the past couple days. If you start to see the turf stress, then run your irrigation for a little bit but then cut it back as much as possible because it does not do any good for your yard if you over water it.

C. Major Contractors

There being no report this month, the next item followed.

D. Attorney

There being no report this month, the next item followed.

E. Engineer

i. South Village Alley Repaving

Mr. Vincutonis stated Middlesex is essentially complete except for a couple punch list items for locations that continue to be a challenge. I will meet out there with Mr. Smith tomorrow to see what resolution we might be able to come up with to get it resolved. There might need to be some repair work or lower some inlets or something along those lines. There are three or four locations that are holding too much water.

Mr. Sunnarborg asked did the alley paving work go well and are the neighbors happy?

Mr. Smith stated yes. We received a couple complaints from home owners and we followed up with them. We broke a basketball hoop, but we repaired it. We had a complaint about a cracked driveway but it was already cracked before we got there, which we know because we videotape everything before we start work. The radius needs to be fixed in a few locations. They were very minor complaints. At the locations Mr. Vincutonis mentioned, we will need to lower the drains. It is too hard to repair that asphalt because it is almost flat. We will lower some more drains. I think we have done six so far, and we need to do two more. Overall, the contractor did a good job.

Mr. Sunnarborg stated it went well from my perspective because I did not receive a single phone call.

ii. Maintenance Facility

Mr. Vincutonis stated we submitted the plans and permit application to the County a week ago so we should be receiving their response prior to the workshop.

Mr. Sunnarborg asked what is the permit for?

Mr. Vincutonis stated it is for relocating the storage containers and dumpsters, building a fence around the property, very generic work efforts, but it will allow us to start using that property.

Mr. Smith stated we can stabilize the base, but we cannot move any dirt. Once the base is stabilized, we can move our containers and dumpsters and then install the fence.

iii. Roadways

Mr. Sunnarborg stated World Drive just prior to the Celebration Boulevard intersection has failed again. I think it is on DOT property, but this has happened before and we have contacted DOT, then they eventually get around to repairing it. I think it is time to make that contact again. I think it is simply the pavement heats up, and big trucks come down that road and literally push in the pavement and pile it up. Mr. Akey has been successful in making those phone calls before.

Mr. Parker stated I saw two men from DOT on the road looking at it yesterday so they are aware of it.

Mr. Smith stated I also have a contact person I can contact to follow up on that repair.

F. The Celebration Company's Representative

i. Cell Phone Tower on Celebration Boulevard

Mr. Parker stated there is still no executed agreement for this cell tower. The attorneys continue to work and there are several issues to be resolved. At the request of Mr. Richard Joossens, Town Hall and several residents, we raised the allowed height of the cell tower from 132 feet to 150 feet. That should improve coverage even more so.

ii. Development Issues

Mr. Parker stated the issues related to the Willmark property have been resolved. There is some work being done at the builder's compound behind the fire station. That compound has been essentially eliminated at this point and everything has been removed in preparation for the sale of that property.

G. Celebration Joint Committee (CJC) Representative

There being no report, the next order of business followed.

ELEVENTH ORDER OF BUSINESS **Updates and Discussion Items**

A. ADA 2010 Standards for Accessible Design

Ms. Carpenter stated I think this District will be in good shape as far as being in compliance with these new standards. ADA requires public entities that have public facilities to make them accessible to people with disabilities. On March 15, 2011, amendments were made to the law, and compliance is required by March 15, 2012. Generally, everything that has been constructed already is exempt as long as you complied in the past, but there are a couple sections where other CDDs and other governments are having trouble complying with. Page 2 has a list of items not exempt from these changes. The ones that staff will want to review include fishing piers and platforms. I think the boardwalk is probably fine, as well as the steps at the esplanade, but you will want to review that to be sure it is in compliance. We need to look carefully at all the boardwalk paths to be sure they are in compliance. Overall I think you are in good shape, but Mr. Moyer and Mr. Smith should review the list. Swimming pools are on that list, and the only water feature you have that fits that category is the fountain, but that is completely accessible. I want to bring this to your attention because there will be more costs in building new facilities since these requirements are slightly more stringent. Mr. Vincutonis will want to make sure the new maintenance facility will be in compliance with these new regulations, and I encourage staff to look at your existing facilities to be sure they are in compliance. If you are not sure if something is on the list, please feel free to contact my office.

Mr. Sunnarborg stated I reviewed this list and tried to think of any facilities we own that I thought might be a risk. All I could think of was the fountain, which is totally accessible.

Mr. Moore stated there is a shower, which is the only thing I suggest staff review. The button to access the shower might be too high for someone in a wheelchair.

Ms. Carpenter stated nothing in this District was of concern to me. Some of our other CDDs had some major issues that had to be included in their upcoming budgets, but nothing came to our attention in our cursory review of your facilities. We wanted to be sure staff and the Board take a closer look to be sure we did not miss something because this deadline is fast approaching for any retrofitting.

Mr. Moore asked when we do curbs, do they need those bumps? Will they go into every new intersection or whenever we repair one?

Mr. Smith stated whenever we install a handicapped ramp, we use these plates which are like a tile with raised bumps.

Mr. Moore asked is it supposed to be a different color?

Mr. Smith stated it just has to be the raised bumps.

Mr. McCollum stated those are actually going away with the 2010 standards. Florida Building Code is also supposed to be enacted December 31, 2011, trying to make them match, but they never do.

Mr. Sunnarborg stated Ms. Carpenter's memorandum encourages us to retain a professional ADA consultant. I know we have a short timeframe, but I would like staff to prepare an assessment of our existing facilities.

Ms. Carpenter stated that is also our recommendation. There does not appear to be anything requiring any major retrofit. You have no pools or other facilities on multiple levels. If you did, then we would recommend hiring someone who is specialized in ADA. In this case, staff can provide an assessment of your existing assets to be sure we did not miss anything. If there are any questions, we can answer them. If we need to hire a consultant, I am sure Mr. Moyer can provide direction in that regard.

Mr. Moyer stated generally it affects slope and width. The new width requirement is five feet, but ours are all eight feet wide, so we certainly meet that requirement. Slope can be no greater than 5% and I do not think we have anything that falls in that category.

Mr. Moore stated perhaps the ramp going to the dock if we redo that.

Ms. Carpenter stated for any work efforts going forward, we should make sure you have a copy of the new requirements because anything that is changed in the future, it will have to comply with these requirements. From a retrofitting standpoint, this list includes the only things that are not exempt.

B. Government Representative

Mr. Moore stated I created an outline of a job description and I will ask Ms. Burgess to email it to everyone so you can mark it up. This was a first draft in looking at an idea. I think this draft is pretty broad so we can refine it and discuss it further with the full Board. I think we talked about some of the things we can use this person for, even getting money from FEMA. CROA is looking to do something similar, so I think there is some synergy we can discuss between the two positions. Is our upcoming workshop just for the maintenance facility?

Mr. Sunnarborg stated it does not have to be.

Mr. Moore stated that workshop would be a good opportunity to discuss this item.

Mr. Sunnarborg stated we can have both items on a workshop agenda. I will ask Ms. Burgess to include this item on the maintenance facility workshop agenda.

C. Maintenance Facility Workshop Preparation

Mr. Sunnarborg stated I asked for this item to be on the agenda, not for a full discussion, but as we go into the workshop, I would like us all to be prepared so we can have a productive meeting. Have we gotten all five Board members confirmed for an August 9 workshop?

Mr. Moore stated I am coming off a cruise on August 8, so there is a good chance I will be here by phone, but there is a 75% chance I will be here either in person or on the phone.

Mr. Moyer stated we are not sure about Mr. Carlson either.

Mr. Sunnarborg stated this is not desperately urgent. I would like for all of us to be there.

Mr. Moore stated I agree, and participating by phone is not the best.

Mr. Sunnarborg stated I would like to have a productive meeting and get some progress. I would like this to be a planning charrette, discuss the issues and everyone's concerns, and do some planning. Bring tools, maps, scales, plans, paper and pens and move on this. I will ask Ms. Burgess to see if all the Board members are confirmed for August 9 or else find a different day.

Ms. Burgess stated since there is still some uncertainty with Mr. Moore's schedule, I will look for a different day for the workshop.

TWELFTH ORDER OF BUSINESS

Other Business and Supervisor Comments

Mr. McCollum stated I raised this issue at the last meeting. We receive use applications for use of the esplanade, and I receive a lot of phone calls in reference to safety, emergencies, security, parking, traffic control, and so forth. I usually point them toward CROA, but it seems that a lot of people are unhappy. Everyone likes the fireworks but there seem to be a lot of issues. I took some photographs from the other night showing blocked fire hydrants, blocked access, parking on the curbs, parking between light posts on the sidewalk and grass. They simply walk away when I tell them they cannot park there, and there just does not seem to be any enforcement. I tried to follow up with Town Hall to see what happens. They said the safety committee has been

disbanded. The parking events committee focuses only on Halloween. So there is really no one looking at these events. I was thinking that when we receive an application, it needs to have a safety plan. In my company, any plan or project has to be accompanied by a safety plan. We do not want any accidents or injuries. With these town events, we do not seem to have any kind of a plan. Sometimes there is police and sometimes there is no police. I am not saying we need to approve any kind of safety plan, but at least there should be some forethought and some analysis on what the plan is that could be attached with the use application. I do not think it needs to accompany every use application. The Stuff the Bus event where they were simply parking a bus on the esplanade, it could have a simple, one-line safety plan. If there is no safety plan attached to a use application, then it should be within the Board's purview to disallow the use of our facilities. I am not saying we will approve the safety plan but we should at least review it. Perhaps there will be lessons learned for the following year. If the 4th of July is a mess again, then we look back at the safety plan and see what problems or successes we had associated with that number of officers hired for the event. The majority of people like fireworks, but the town gets abused. I personally receive a lot of complaints, and since I live in Celebration Village, I experience these problems, as well. I call the District office to ask if CROA is putting up No Parking signs on any CDD properties. I called on Thursday and no one knew but said they would get back with me. I called on Friday and I received the same message. They did get put up. I called Town Hall and talked with Ms. Lori Rockel and she said they were putting them up. That was great because it helped a lot. The safety plan can be that simple, that they are going to put up No Parking signs along these roadways. You see them on Golfpark Drive, Westpark, and Arbor Circle, and they worked. In my opinion, it is only for our review. In my company, we review plans for construction sites but we do not endorse the plan. We do not assume the safety for the job, which is the responsibility of the contractor. But we review the plan and if it does not work, then we hold them accountable to their plan.

Mr. Sunnarborg stated I think it is a bold idea. I have also followed some of the comments on the Front Porch. I think there is a limited misunderstanding that the CCDD owns the streets, but we do not. We do own some rights-of-way, which include some parking in certain places, but we do not control the streets. How we might be able to assert ourselves is Lexin, who sponsors the fireworks event to benefit the town, has to use

CDD property to launch their fireworks, and we issue a permit for that activity. We are not giving them a permit to have their event or use their streets, but it is a permit to use our property for them to launch their fireworks on the back of the lake. I think we could attach a condition to our approval that they submit a safety or an emergency evacuation plan to us in exchange for our approval.

Ms. Carpenter stated I have a big concern that any plan that is submitted to the CDD even though it is not “approved” is still providing tacit approval that they are doing what we approve in the use application. The concern we have is if someone submits a plan and it does not work, there is potential liability for them to say they submitted a plan, the CDD received it, someone still got hurt. Perhaps if you know there are going to be large crowds, you could require they meet with the sheriff’s department or the fire department and provide a certification with their use application. Perhaps the fire department or sheriff’s department can make recommendations. I do not think the CDD can authorize or approve or attach conditions that look like we are accepting or agreeing are appropriate. If someone submits something that is totally inappropriate, how would we have any discretion to say yes or no.

Mr. McCollum asked by not having anything, why is that not a tacit approval?

Ms. Carpenter stated they are using our property and they are providing insurance.

Mr. McCollum stated but we know there are issues. By ignoring it, does that not make us also liable?

Mr. Moore stated the issues that we are talking about are not even CDD issues; they are primarily parking issues.

Mr. McCollum stated they are in our parks and our alleys.

Mr. Sunnarborg stated I agree with Ms. Carpenter’s point. There is the abuse that the town endures from people parking on lawns and blocking driveways and the general disruption, but there is also a life-safety issue. There is no way a fire truck or an ambulance could have gotten through downtown. I am not a safety expert, but that much is obvious. We cannot “approve” an applicant’s safety plan and then guarantee to the public that we have approved it and now we are liable for safety issues, when all we are doing is granting someone permission to use our land to launch fireworks. Mr. McCollum brings up an interesting question. Is there something we can do?

Ms. Carpenter stated my suggestion is they provide money to retain off-duty police officers or require any use application that will bring in a certain number of people or could potentially cause problems to talk with Osceola County Sheriff and get a recommendation from them on how many officers should be here to properly supervise and make sure no one is hurt. I agree that health and safety are not technically the CDD's issue, but that way, applicants will have gone to the experts who have recommended having one officer per x number of people for y number of hours, and the applicant pays for those officers.

Mr. Moore stated they paid to have six officers here. They do have to go to the County because they are closing off the street. I think the issue is obviously the big events. I agree with Mr. McCollum, but I think there is probably a different way we can go about it. New Year's Eve and the 4th of July are really the only two big events sponsored by Lexin. Halloween is a CROA event and because they have a parking committee focused on this event, things went reasonably well and can be tweaked for next year. Maybe we meet with Lexin and CROA and say that for these specific events, they need something different.

Mr. Sunnarborg stated we can ask them to attend next month's meeting and start the discussion 11 months in advance. We need to let them know we are concerned about it. We are not going to say that the safety plan they submitted is good, but it is analogous to having 10,000 people packed in this building, which is a fire problem. If you have the number of people packed into downtown that we had on the 4th of July, that is an emergency/egress/life safety problem. How do you measure that?

Ms. Carpenter stated another possible solution is for one of our representatives to talk with the Sheriff's Department and let them know the issues that happen with these certain events, and ask for their recommendations for appropriate number of officers. At least you have good information if the applicant is hiring six officers but the County recommended ten.

Mr. Moyer stated they may just close the streets. When you get to a point when this community cannot accommodate any additional traffic, you close the streets.

Mr. Moore stated I think they did that one year, having one way in and one way out. They did something completely different, but CROA was involved in that.

Mr. McCollum stated CROA invited the County to assist with that event.

Mr. Moore stated that is part of the process. Sometimes the CDD and CROA are not privy to a contract and these issues are not necessarily our responsibility, but I think we have to ask the professionals. I do not want to discourage these events. This is a great event and Lexin sponsors it at their own cost. It is great for the community.

Mr. Sunnarborg stated I agree.

Mr. Moore stated perhaps we can meet with them and try to develop a plan for New Year's Eve and discuss those issues if they do not have enough officers on site.

Mr. Sunnarborg stated the message I would send is that we love the events but there are problems. If they want us to approve using our land again, they need to show more effort on the safety program.

Mr. Moyer stated I will contact them and see if I can get them to attend our next Board meeting.

Mr. McCollum stated I understand Ms. Carpenter's concerns regarding liability, but we do not ever certify the plan; we just want to see that they have one. We can have a statement on the application that says we are not approving their safety plan but we just want to know they have a plan. I agree that we need to talk with Lexin since they are sponsoring the events. It is a great event but it gets out of hand.

Mr. Richard Joossens stated CROA paid for six additional officers and that still did not provide enough coverage for the 4th of July. These officers were supposed to prevent people from parking in the spaces that are at issue. I think we need to have a meeting after a big event with Lexin and CROA and evaluate the event. I do not think we do that enough.

THIRTEENTH ORDER OF BUSINESS

Adjournment

The next meeting is scheduled for Tuesday, August 16, 2011, at 6:30 p.m.

The meeting adjourned at 7:25 p.m.

Bruce Carlson, Secretary

Tom Sunnarborg, Chairman