

MINUTES OF MEETING
CELEBRATION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Celebration Community Development District was held Wednesday, January 18, 2006 at 6:00 p.m. at Celebration Town Hall, 690 Celebration Avenue, Celebration, Florida

Present and constituting a quorum were:

Richard Quinn	Chairman
Peter Crow	Vice Chairman
Steve Katz	Secretary
David Stofcik	Supervisor

Also present were:

Gary Moyer	District Manager: Severn Trent Services
Larry Walter	Engineer: Hanson, Walter & Associates
Matthew Forbes	Walt Disney Imagineering
Brian Smith	District Manager's Office
Rick Woodville	District Manager's Office
Brenda Wright	District Manager's Office
Alicia Mongiovi	
Members of the Public	

FIRST ORDER OF BUSINESS

Mr. Quinn led the Pledge of Allegiance.

Pledge of Allegiance

SECOND ORDER OF BUSINESS

Mr. Quinn called the meeting to order.

Call to Order

THIRD ORDER OF BUSINESS

Mr. Moyer called the roll and noted a quorum was present.

Roll Call

FOURTH ORDER OF BUSINESS

Mr. Alex Morton stated I live at 921 Jasmine. Thank you for getting the trees in and you are doing a fine job, but we do have one tree that is still missing on Jasmine. I have a comment and it is not really about the CDD, it is more about the Enterprise CDD. We need to get out more information to the public of Celebration in reference to not only the meetings, but also special meetings. I know the Enterprise CDD had a meeting recently. I found out today by Debbie Porter, that they advertise in the Sentinel. I am offering right now, at no

Public Comments

charge to publish any information relating to the Celebration CDD and the Enterprise CDD for public knowledge. When you have a special meeting people need to know about it, as well as regular meetings. Another suggestion is to try to be more visible on the Front Porch.

Mr. Quinn stated we appreciate that and as you know we have been waiting patiently for the Town Hall folks to come back to us with a proposal to integrate the District on the Front Porch. Ms. Wright if you could get to Ms. Wasson or Amy Norsworthy to see if they can tell you where Tim Duncan is with that proposal. On behalf of the Board I thank you for offering to publish the notices of the Board Meetings in your newspaper. I think that is an important community service.

FOURTH ORDER OF BUSINESS

Approval of the December 28, 2005 Meeting Minutes

Mr. Quinn stated before we get to the approval of the minutes of the December 28, 2005 meeting, due to an unavoidable medical situation with staff, the October and November meeting minutes have not been finalized yet. We talked to Ms. Wright before the meeting and we can anticipate those for the next meeting.

Ms. Wright stated the November meeting is completed and October is almost finished.

Mr. Quinn stated I had a few editorial comments to the minutes and I will give those to Ms. Wright after the meeting.

Mr. Katz stated on page 11, the paragraph starting with my name, on the sixth line, the word “similar” needs to be before Nash. On page 16, second paragraph, it says that I want to sit down and meet with them and it should be “I want Mr. Moyer and Mr. Crow to sit down.” On page 18, the last two paragraphs that say I was speaking, was not me.

Mr. Quinn stated it was me speaking.

On MOTION by Mr. Crow, seconded by Mr. Stofcik, with all in favor, approval was given to the December 28, 2005 meeting as amended.
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FIFTH ORDER OF BUSINESS

District Manager’s Report

A. Approval of invoices

1. Check Register of invoices paid

- 2. Approval of Attorney invoices from Hopping Green & Sams**
- 3. Approval of Engineering invoices from Hanson Walter**

Mr. Moyer stated in your agenda package is the check register, attorney invoices and the engineer invoice. I would ask the Board's consideration of these items.

Mr. Quinn stated I have a question on the first page of the check register. It is item 2956, fourth item down on the page. It is a check in the amount of \$843.75 to the Celebration Joint Committee and I want to know what it is for.

Mr. Woodville stated it is the rental for this room.

Mr. Quinn stated in the middle of the report, item 2975 dated 12-1-05, it is a check in the amount of \$525 to the Walt Disney Imagineering for District Representative Services. I was not aware that they performed any services for us.

Mr. Moyer stated that includes bills for attendance of these meetings, support and other things.

Mr. Forbes stated the \$525 is for the Board asking me to compile plats, which we did and furnished to the District.

Mr. Katz stated there was supposed to be a bill presented before a check was cut, just like any other professional performing services. We have those as separate bills.

Mr. Moyer stated that might have been something I did not pick up on and I was not aware of that, but if that is the desire of the Board we will go ahead and segregate the District Representative's bills just like engineering and attorney.

Mr. Katz stated that would be my desire because I would like to see what the bill is for opposed to just the dollar amount.

Mr. Quinn stated I agree because otherwise we have to ask.

Mr. Katz asked are we going to invoice the services having to do with Carlyle?

Mr. Moyer stated yes.

Mr. Katz asked have we submitted them a bill yet?

Mr. Moyer stated we have submitted them a bill as of October and we are in the process of getting the rest of the time charges from Ms. Stuart to submit another bill.

Mr. Katz asked have they paid the other bill?

Mr. Moyer stated not yet.

On MOTION by Mr. Crow, seconded by Mr. Stofcik, with all in favor, approval was given to the Attorney and Engineering invoices and check register as presented.

B. Consideration of Engineering Agreement Form

Mr. Forbes stated as each fiscal year begins for the District, there is CDD Engineering Services for capital improvements. In recent years there has been little, if any, activity on the capital side; however, the agreement for the CDD Engineering Form of Services is quite old and staff felt that it would be appropriate to re-issue the agreement form, which is attached to the letter, to be put in place so that if there are capital services needed from the CDD Engineer, that a Work Authorization would be issued, detailing the services for the Board's consideration and approval.

Mr. Quinn asked correct me if I am wrong, but are the CCD Engineering Services currently being provided by Mr. Walter and his firm?

Mr. Moyer stated you have two types of engineering; one is the general engineering of the District, which Mr. Walter does provide and the other is related to capital projects and PBS&J is still the engineer of record on a lot of these issues such as water management, roads and things of that nature. I talked to Mr. Walter before the meeting and it makes sense to have the engineer of record continue until we get the roads turned over and accepted by the County. That is the purpose of this Work Authorization, to pick up those types of items on an hourly basis. It is not under a fixed fee contract, it is on an as-needed basis that we would request the service and they would then bill us for it.

Mr. Quinn asked they would work only at the Board's specific request?

Mr. Moyer stated yes.

Mr. Walter stated just as a clarification, I agree that we need to maintain and do those engineering records and you might want to call this an Engineer of Record Agreement Form instead of the CDD Agreement Form to keep the confusion from occurring.

Ms. Wright stated as a matter of procedure, we will still provide these invoices separately in your agendas for approval.

Mr. Quinn stated I understand that and appreciate it, but before they do any work that creates an invoice, I want the Board to know what we are asking PBS&J to do so that they are

working strictly and solely at our discretion and not going off and doing District things that they think need to be done and then coming back and asking us to pay for it.

Mr. Forbes stated in your consideration on the page that includes the contract additions, item number six, under, that you modify that so that the District is the owner of any deliverables generated from within this contract as stated.

Mr. Quinn stated that is certainly consistent with the standard practice of works for hire and becomes the property of the person that is doing the hiring.

Mr. Katz stated I recall on another occasion we had to review their form and we discussed that the limit of liability was not just how much we paid them, but that is in this contract. Mr. Moyer there has to be another contract that we worked on with them that we made changes to.

Mr. Moyer stated the only other contract that I recall was authorizing work related to the acceptance of the roadway turnover, which is probably the most recent contract we would have with PBS&J.

Mr. Forbes stated as amended, yes it is.

Mr. Quinn asked Mr. Katz on behalf of the Board, could you go back through this contract and if there are any other things that you see that Mr. Moyer needs to tweak?

Mr. Katz stated yes, but I think we should put off approving it until next month.

C. Consideration of Engagement Letter from Shuffield Lowman for legal services

Mr. Moyer stated as a follow up to our meeting last month with Mr. Tom Lang and his associate, Mr. Colt Little, I requested him to provide us with a fee proposal letter, which is included in your agenda package that identifies the hourly rate. Unlike what we had with Ms. Stuart's firm, there will not be any retainer or monthly fixed fee; this will simply be on an hourly basis for the time that he spends on District business.

Mr. Quinn asked does anyone have any comments or questions?

Mr. Katz stated I think it is fine and I am glad we had the opportunity to have him here. I would like to request, since we are trying to be a little frugal, that he only deal with Mr. Moyer. Normally, the Board deals directly with the District Manager. Whenever Mr. Moyer is either directed by this Board to pursue a legal matter or something comes up where Mr. Moyer needs to obtain legal advice, he would be the one to deal directly with the attorney and that way the attorney will not feel as though he has five or six people to deal with.

Mr. Quinn stated I certainly agree with that. I think that was very well said and is the process that the Board should be taking when we deal with any contract or outside entity and make use of the District's support staff, their services and Mr. Moyer's expertise.

Mr. Katz stated since we have moved away from having a developer agenda, there probably is not much need to have them involved in discussion of the agenda, unless there is something we have on the agenda that pertains to the developer. He would only be on an as-needed basis during the month.

Mr. Stofcik stated I spoke to some of the representatives at Bonnet Creek, one of the other groups that he represents and they had nothing but positive things to say about Mr. Lang. I have a meeting with them next week and I will get more detail, but they said it was a very good firm, very responsive and cognizant of all the relative issues and they have a good relationship with him.

Mr. Quinn stated I was certainly impressed by the way he handled himself at the last meeting.

Mr. Crow stated in the letter from Mr. Lang it says "our services will be rendered at the direction of the CDD Board or District Manager," so he will not be getting calls from the Supervisors. I would be quite happy to underline that and modify the contract.

Mr. Quinn stated just change the word "or" to "through" and it solves the ambiguity.

On motion by Mr. Crow, seconded by Mr. Stofcik, with all in favor, approval was given to retain the firm of Shuffield, Lowman to provide legal services to the District.
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D. Consideration of recommendation from Audit Selection Committee regarding auditing services for fiscal year 2005

Mr. Quinn stated the Audit Committee met on Monday, January 9, 2006 and all three members of the committee, Ms. James, Mr. Woodville and I met to discuss the Audit Ranking Criteria and to also direct staff on publication of the RFP. As a result of that meeting, we established a set of audit criteria. The five different categories were, the ability of the personnel, experience, understanding the scope of work, the ability to furnish required services and price. Each one of those had a maximum point value of 20 points with a maximum score of 100 points. The notice was published and the RFP was sent out. We received four

responses by the deadline of 10:00 a.m. this morning. We received a fifth response later in the day that missed the deadline and we chose to consider that response anyway. The responses that we received were from Hoyman Dobson & Company, Bray, Beck and Koetter, Dufresne & Associates, Grau & Company and Dibartolomeo, McBee, Hartley & Barnes. The Audit Committee met this afternoon at 5:00 p.m. and Mr. Woodville and I were in attendance, Ms. James was out of town. We reviewed all of the proposals, we ranked them independently by Mr. Woodville and myself and our rankings agree on the number one, the number four and the number five proposals. We flipped on numbers two and three, but at end of the discussion, the committee made a motion to move the recommendations forward to the Board to retain the firm of Hoyman Dobson & Company as the auditor for the fiscal year 2005. We are presenting this recommendation to the Board for the Board's discussion and approval.

Mr. Crow asked why did you choose that firm?

Mr. Quinn stated in the five categories, Hoyman Dobson & Company was the lowest price. As far as the ability of the personnel and experience they had the highest score. Their understanding of the scope of work and their ability to furnish the required services in the timeframe required, they were the highest ranking in four of those five categories. They were the only one of the five proposals that actually gave us a fixed date on when they would provide us with the audit.

Mr. Crow asked Mr. Moyer are you familiar with this firm?

Mr. Moyer stated they are currently the auditors for Celebration and have been for the last three years. Based upon the work that they have done for us, I would concur with the committee's recommendation.

Mr. Quinn stated under timeline of workload they reviewed the existing workload for the upcoming year's engagements and assured the Celebration audit will be done in a timely manner and propose to begin the audit in February or March, as soon as the District is ready, or to issue a report by the end of April for the May 2006 Board meeting. Two of the proposals said they would issue the report in time for us to make the 12-month deadline on our fiscal year and two of the proposals did not give us a date.

Mr. Katz stated Mr. Moyer, assuming we go with Hoyman Dobson & Company, we know now that we are not going to have our audited financial statements done by March 31 for disclosure, so we are going to have to go ahead and prepare a statement.

Mr. Moyer stated yes.

Mr. Katz stated I would not put a definitive date of May in the statement, I would just say that we are not going to have them done by March 31.

Mr. Moyer stated we have a standard form that we have used in the past to do that.

Mr. Katz stated I think it is a smart move to stay with the same firm and I would also encourage the committee to start earlier next year.

Mr. Moyer stated none of what the committee has done or the processes that the Board or the District followed, is the critical path in the completion of the audit. It is not what you have done that is delaying the completion of the audit, it is the reality that we do not have September 30 year end financial statements to turn over to the auditor to begin the audit work.

Mr. Katz stated next year we should choose our auditor in July so they can get going before November.

On motion by Mr. Crow, seconded by Mr. Stofcik, with all in favor, approval was given to retain the firm of Hoyman, Dobson & Co. to provide auditing services to the District.
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SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being no report the next item followed

B. Engineer

Mr. Walter stated we had a meeting between my staff and the District staff. Mr. Smith was there and I understand that Apac is going to be coming back with a proposal to do the paving. There was a meeting with Albritton Williams to make the minor repairs on the roadways and hopefully soon, we will bring the Apac information back to you and get the paving and resurfacing done on the alleys. Osceola County will be out tomorrow to finally inspect the rest of the roads except for two. If all goes well tomorrow, the final acceptance can be put on the next agenda and there will only be two roadways left at that point, which are Acadia and Longview. The crosswalk for the school was approved by the County and the school has also prepared a safe route to school plan for children and the County is reviewing that to see if perhaps there are some other things that might need to be done.

Mr. Quinn asked when do you anticipate the paving of the alleys will start?

Mr. Walter stated that is one of the things that Mr. Smith is going to come back with a schedule. I do not know if he has set the date, but that is going to be part of the proposal when it comes back. At one of our Board meetings a couple of months ago, you talked about garbage trucks and some other issues on the alley ways at that time and there was some mention about widening the alleys and some other things, but I have not heard anymore about that. I assume that has been taken care of by using smaller trucks so we do not have to widen the alleys because that is a completely different thing that we have Apac set up to do. We could do some minor things, but any major widening in those alleys would have to go through a completely different process.

Mr. Quinn stated I do not believe that it has been addressed. I know that the CROA Board is attempting to get a contract. The trucks that come down my alley are the same size as the trucks that have been coming down my alley for the last 18 months to two years and they do not fit on the alley way.

Mr. Crow stated Jim Ryan, who is a member of CROA is here and my understanding is there has not been a request for bid put out.

Mr. Jim Ryan stated I think that is correct. There was a proposal to put an RFP and it was a replication of the existing proposal. Some of the people on the CROA Board thought that since we had a problem with the current provider, to replicate the RFP that created the problem was not a good idea and we are trying to call some people and looking at what alternatives there might be to assure that the trucks that are utilized by the collector are appropriate for the alley ways and the radius turns. It is not easy to get CROA or the residents and the trash collector all on the same page, but we are working towards that.

Mr. Crow stated there has not been any significant change in moving forward on this at all.

Mr. Ryan stated the CROA Board has a meeting next Tuesday and I assume that will be one of the items that we will be talking about.

Mr. Quinn stated if you could take this conversation back to the CROA as well, the process of the District getting the repair of those alley ways started is well underway. There is an end point to the discussion that needs to occur.

Mr. Ryan stated I think you mentioned at a recent meeting that perhaps there should be a meeting between CROA and the CDD to make sure that we all are moving in the same direction. I will remind CROA on Tuesday of your suggestion.

Mr. Quinn stated we attempted at one point in time to get a meeting together between the two Boards and we could not get the people there that needed to be there.

Ms. Wright stated the holiday schedule messed everything up so I talked with Matt Kelly as far as his participation and we thought after the holidays was a better time to try to put that together. I will find a date.

Mr. Quinn stated sooner rather than later. If your Board is meeting on Tuesday, our next meeting is the middle of February, but we do have a workshop date at the beginning of February. I think we have let the process run too long and we need to get the groups together so we can at least get a dialogue going. If you can get to CROA to see if we can schedule something in February, that would be great.

Mr. Walter stated regarding the storage compound you approved a contract and the County would prefer that the driveway be in the center of the property instead of on the edge of the property. We have since relocated the driveway and resubmitted the documents and they should be able to pick up the permit this week.

Mr. Quinn asked once they pick up the permit the fencing starts and everything else starts the process?

Mr. Walter stated yes.

Mr. Smith stated regarding the items that we spoke to Issa about, there is nothing that stands out. We are setting up a meeting to go over the plan and the MOT for the lift station on Front Street. If we do have a workshop in early February, we will have more information on how they plan on going about that. From our conversation today, they are going to either have to close one side of the sidewalk or the other because they have work to do on both sides of that road and in the road, so they are going to have to take up the road and do pipe work and the canal side is where they are putting the lift station and there will be quite a bit of work there. The goal is to keep two-lane traffic, so they are going to come up with some plans for that.

Mr. Quinn asked in your discussions with the folks at Carlyle, item #8, the crossover walkway between Parking Lot A and Campus, I have a half dozen people who have called and asked me if that is a permanent walkway and if it is why is not ADA compliant.

Mr. Smith stated it is not a permanent walkway. They have handicapped access out to the sidewalk. It is more of a convenience and at some point it will be turned into a sidewalk. There is a private sidewalk on the other side that belongs to the hotel and if that sidewalk can connect where that boardwalk is going across, to make it a natural sidewalk through those bushes and connect to the existing sidewalk that is in the hotel's parking lot, that is something they are going to consider.

Mr. Quinn stated as long as it is a permanent solution from that side of the lot and it does not include steps.

Mr. Smith stated it does not. Tree replacement is going well and we are on schedule to complete Celebration Village next week. We have West Village starting on January 30.

Mr. Crow asked when will Longmeadow be done?

Mr. Smith asked I am leaving that up to CROA. They are the ones who are doing the park and currently they are doing painting and some rehab work on all of the condos around Savannah Square. They are using the park for a lay down area and there is quite a bit of construction going on in that area, so when they are done with those condos and the rehab, they are going to begin on the park. When they start the park the trees will go in at the same time because we are going to use Vila & Son who is doing CROA's park work and at the same time they are going to install our trees and that way you can field adjust the tree locations.

Mr. Crow asked what is the timeframe?

Mr. Smith stated I do not have a timeframe for what their schedule is. They will probably be done with the condos the first or second week of February and shortly thereafter they begin on the park.

Mr. Quinn stated hopefully CROA is communicating with the residents of Longmeadow of why everybody else is getting their trees.

C. District Representative

There being no report the next item followed.

SEVENTH ORDER OF BUSINESS

Supervisor Requests

Mr. Katz stated I do not think I would encourage us to have a workshop just for the sake of having one. It would be helpful if we could avoid it.

Mr. Quinn stated I would agree with that; however, we are at the beginning of what looks to be very energetic and convoluted construction, repair and replacement season and I think it would be in everybody's interest, not only the Board, but also the community, to have a workshop so we can make sure we are all on the same page as to what we are doing and when.

Mr. Katz stated our next meeting is February 15 and it might be helpful to do that then.

Mr. Quinn stated we have a workshop slot for February 1

Mr. Katz stated I will be out of town that day.

Mr. Smith stated there will not be much change before February 1; February 15 would be better.

Mr. Quinn stated it might very well be that the meeting on February 15 is going to be an action-packed meeting.

Mr. Katz stated regarding the check we write to the Joint Committee, what is going to happen to the room that you are in? Are we going to be able to use it for our meeting or do we need to find a place?

Mr. Quinn stated this room stays.

Mr. Katz asked does Town Hall still have the lease or do we pay the County?

Mr. Quinn stated I am not familiar with the lease or what the terms of it is. My understanding from the Board of County Commissioners Meeting in December was that the proposal that the Osceola County Board of Commissioners adopted was for the library to go into the second floor and for the first floor to stay under the control of the CJC, which means that everything that is on the first floor basically stays as is except the 85 boxes and computer parts that are in the back of the room now, need to go somewhere else.

Mr. Katz asked this is still going to be a public meeting room?

Mr. Quinn stated that is my understanding.

Mr. Crow stated we had discussed having Mr. Moyer talk with Matt Kelly about the Celebration Boulevard roadway connector. Has he had an opportunity to do that?

Mr. Moyer stated I had a good meeting with Mr. Kelly yesterday and we talked about the issue and basically came back to what I think you all are familiar with and that is whether

there is a need for the road, based upon sound traffic engineering. To the credit of Mr. Kelly, his desire is, if there is a need, The Celebration Company is committed to build the road and if there is not a need, there is probably no reason to build the road and if that is the case there would not be any reason for the District to undertake that work and spend Celebration CDD money for that purpose. Basically he is saying that if there is a need they will step to the plate and build the road. It comes back to determining what the need is.

Mr. Katz asked who decides if there is a need?

Mr. Moyer stated that would be done by a traffic study that is done by a licensed engineer.

Mr. Katz stated it really comes down to who decides whether or not there is a need or not and it comes back to the same old traffic study idea.

Mr. Moyer stated that is exactly right. It is a more complex and difficult issue than just what we might think about putting a road in there. Again, if the road goes in there as Mr. Kelly indicated in his presentation to the Board, the reason it was there in the first place was to connect it to the west side over I-4, so if the road goes in The Celebration Company will go back and look at doing the bridge over I-4 to connect to the west side and from our perspective is that really in the interest of the Celebration CDD on the east side to have the west side access into Celebration over I-4. It is more complex than just a simple "yes, let us build the road or not build the road." Mr. Kelly was absolutely forthcoming in wanting to help the District to the degree that The Celebration Company can do that. Contrary to a lot of understanding or assumptions in the community, The Celebration Company does not have any immediate plans on that road, the right-of-way or the property. If it is not a road there are certain community facilities that would fit on the property that is left over that I think The Celebration Company would be open to entertain those uses. The conclusion of the meeting is there really is not a conclusion and they are still open to what that traffic study would indicate as to whether there is a need or there is not a need.

Mr. Quinn asked would he be opposed to conducting a traffic study to determine the answer one way or the other?

Mr. Moyer stated they are required to do that as part of their Development Order.

Mr. Crow asked is that done annually?

Mr. Moyer stated I think it is every three years, but it is actually according to a schedule that is in the Development Order.

Mr. Walter stated it is a trigger based on Disney's monitoring, which they do every year as to the impact. Let us say the density is not there and the monitoring shows that the road is not degraded to the level of service and would another transportation study be needed, so they could go until that was an indication.

Mr. Crow asked when was the last study done?

Mr. Walter stated I do not know when the last transportation analysis was done and I do not know what time of year they are doing their monitoring, but I can find that out for you, because that monitoring is public record.

Mr. Crow asked do they choose when they want to do it?

Mr. Walter stated the way they are doing it in most cases is under the DRIs, but they look at it at the peak time and not normal daily activity. They are looking for the worst episodes.

Mr. Quinn stated the documents that you prepared for us earlier last year has the complete description of what the monitoring process is, when it is done and how the statistics are calculated.

Mr. Walter stated my guess is, right with where the situation is, there is no indication for the monitoring or that they need to do a re-evaluation at this point at the Transportation Center, it has not reached those thresholds yet.

Mr. Crow asked how is that triggered?

Mr. Walter stated the level of service on the roadways. In the DRI they have certain densities and when they reach certain levels of those densities, along with their monitoring, they would re-evaluate whether or not it is time.

Mr. Katz stated Mr. Moyer mentioned the fact that before we start talking about the new road that he would be amenable to doing something there with community facilities.

Mr. Moyer stated yes. They do not have any hard plans on the uses that would go on that right-of-way, although he believes that those parcels that would be opened up would be appropriate for some community facility.

Mr. Katz asked could we just assume for now that the road requirement is not going to go away, but perhaps if it is not needed today, a two lane road or country road could be put in so that community recreational facilities might be available on the parcels back there rather than having it sitting there and doing nothing.

Mr. Moyer stated no specifics; they are just open to consider those types of uses.

Mr. Katz asked would that be something that we could take advantage of without it being anything permanent just for now, like a soccer field or something?

Mr. Moyer stated I will be glad to talk to him about it.

Mr. Quinn stated I think it makes sense. I think one of the things that we probably should do and perhaps this is a topic for discussion when we sit down with the CROA, is one thing to talk about is recreational facilities, but I think it makes a much stronger argument for the discussion if you can actually have a prioritized list of the kinds of facilities and the benefits that you would like to see there so you do not go into the meeting empty-handed. Mr. Crow stated we are talking about the property that would set adjacent to the right-of-way and not on the right-of-way, is that right?

Mr. Moyer stated the land you are talking about is the right-of-way.

Mr. Crow stated my understanding was that there was a much wider area at certain points in this right-of-way that would be useful. Is that the intention?

Mr. Moyer stated my understanding from Mr. Kelly was that piece of property is only 225 feet wide.

Mr. Forbes stated maybe at the longest end. The Celebration Company sold the golf course and when that was done that border was defined. It is pretty much linear, east/west and linear parallel to the southern right-of-way of State Road 417. I would say the most of it is 140 feet wide and 160 feet wide.

Mr. Moyer stated there is a gas line in there as well.

Mr. Forbes stated that is 50 feet, but it is not 160 feet all the way across. It might amount to about 200 feet in some areas or less.

Mr. Moyer stated on the eastern end it is a wider area and at one time I think CROA was looking at doing some sort of a building on that.

Mr. Crow stated it is usable property and it would not block the right-of-way, which would leave us with that linear piece down there if at some time we wish to see this road built.

Mr. Forbes stated there is a 200-foot wide corridor from Campus Street to Celebration Avenue, it is an east/west orientation. That corridor has been designated as a roadway right-of-way totally; there is no right-of-way plus road, so if you take the entitlement documents as is, it is road or dirt; one or the other. The ability to build that road and development, I believe will have constraints and will not fit.

Mr. Crow asked are we talking about foreclosing the possibility at anytime of building this road.

Mr. Moyer stated if you use it for something I would say that is correct. You would have to abandon it.

Mr. Crow stated we are talking about abandoning the right-of-way at this point.

Mr. Katz stated I am talking about the fact that right now that land is sitting there without any use and it has the designated use of being a road or not being a road over the next 20 years. We are not going to be able to change the traffic study and it goes back to being done by someone who has the confidence of the County to make those decisions, so until that traffic study says that there needs to be a road, which The Celebration is committed to build, I am suggesting that we use the land.

Mr. Quinn stated you can do a lot of recreational use on that land.

Mr. Katz stated until it needs to be a road.

Mr. Quinn stated you can put a gravel driveway back to the soccer field and down the road if it is decided that it needs to be a road. It is only when you start to put structures up that you get in the way and I do not think any of us are really talking about that.

Mr. Katz stated there are structures there already. I suggest we start using it and put a little country road in there and continue monitoring the traffic, study the requirements and get that road built when it is supposed to be built.

Mr. Moyer stated I will be glad to get back with Mr. Forbes and have that discussion, but that would take a process where they would have to go back to the County and change the Development Order.

Mr. Stofcik asked is there going to be any additional development or discussions on the pedestrian crossing on Celebration Avenue by the Carlyle project?

Mr. Smith stated PBS&J is going to do a new design and as soon as they get that they will give it us and we will mail it to the Board members and hopefully we will have it for the next Board meeting.

Mr. Quinn stated at the last meeting we talked about adjusting the path of the sidewalk and one of the issues that came up was how far you can move the sidewalk. In driving through other parts of town, there are other areas where there are sidewalks that are very close and there are a couple of places where they are coincidental with the curb. How much can we

move the sidewalk before we have to put something up like we did on Celebration Avenue where it crosses over by the golf course? We will actually have to put up a barrier to keep the pedestrians and cars separated.

Mr. Smith stated we can move all the way up to the back of the curb and in the back of the curb you have to have at least a six-foot walk and that is what they are considering, taking an eight foot walk and they are going to make a transition down to where the driveway is, go six feet across and then transition back to the eight feet. The bridge railing went up on a request from the home owners and the Board and it was not part of the original design and it was a little precarious to go across there on a bicycle with traffic speeding back and forth. From my understanding, I do not believe there is any requirement to put up any kind of barrier there. You also have to understand that they are going to be parking there, so the traffic is going to be away from the curb.

Mr. Walter stated I had some conversations with Bill about the intersection and I reviewed the sight distances with him from a vehicular standpoint and they meet all of the County requirements for sight plans. One of the concerns that I talked to Bill about was pedestrian traffic and we have this concern every time we have a right in and right out only because when you approach the intersection and you know that you are only going to turn right, your concentration and your attention is to the oncoming traffic to the left. Unless you are very careful, anything approaching from the right, you do not immediately pick up on. I talked to him about that and about ways for the driver to be aware that there might be something approaching from the right. As you approach, you look to the left, there is nothing coming, you start to move to the right before you take into consideration your right side view. He is looking at a couple of things for me and I will check back with him to see if he has come up with any options. One of the options that I think might work is, if you are familiar with the County Courthouse where they have pedestrian crossing, lights flash in the roadway to tell the drivers that there is someone in the crosswalk. I recommended that he at least look at something like that, so he is looking at some of those things to see if they are practical.

Mr. Stofcik stated we did that in one or two spots in the Hotel Plaza Boulevard on two of the major crosswalks at the Hilton and the Wyndham and it seemed to work.

Mr. Walter stated as soon as someone breaks that eye, which might be out of the sight distance, the lights flash along the front of the sidewalk and only the driver see those and they

see them when they are looking to the left and automatically the lights tell them to look to the right because there is a pedestrian crossing the walk. That is something that might need to be considered to protect the kids that are coming in from the right side. It becomes more of a concern in the later evening.

Mr. Quinn stated I am going to request that the email correspondence from Mr. Moyer to the Board updated January 6, 2006, entitled Timeframe and Procedures for Incorporation and the associated attachment called Incorporate a City, be included into the minutes of this meeting without me having to read them aloud.

The following is the language in the above referenced email:

Section 190.047 provides:

- 1) Upon attaining the population standards for incorporation contained in s.165.061, any district wholly contained within the unincorporated area of a County shall hold a referendum on the question of whether to incorporate. However, any district contiguous to the boundary of a municipality may be annexed to such municipality pursuant to the provision of Chapter 171.
- 2) The Department of Community Affairs shall annually monitor the status of the district for purposes of carrying out the provisions of this section.

If DCA made such a determination that the Celebration CDD met the above incorporation criteria this year, there are two opportunities to hold a referendum. It can take place at the time the 2006 primary election is held which is September 5, 2006 and the ballot question would have to be submitted to the supervisor of elections no later than July 21, 2006, or the referendum could take place at the general election in November in which case the ballot question would have to be provided no later than September 5, 2006.

A. Why Incorporate?

The primary reasons given by cities which have incorporated over the last fifteen years are:

- (1) The city wanted to provide a service that they could not receive authorization to provide through other means.
- (2) The city wanted to create its own comprehensive plan to guide its specific land use and growth decisions.
- (3) The city wanted its own form of government and have its own home rule power (power of self government) where it would no longer be controlled by the county.

B. The Basics

Section 165.061, Florida Statutes, sets forth the basic requirements for incorporating a new municipality, other than through the merger of existing municipalities. To incorporate a new municipality, the following conditions must be met:

- (1) It must be compact and contiguous and amenable to separate municipal government.
- (2) It must have a total population, as determined in the latest official state census, special census, or estimate of population, in the area proposed to be incorporated of at least 1,500 persons in counties with a population of 75,000 or less, and at least 5,000 population in counties with a population of more than 75,000.
- (3) It must have an average population density of at least 1.5 persons per acre or have extraordinary conditions requiring the establishment of a municipal corporation with less existing density.
- (4) It must have a minimum distance of any part of the area proposed for incorporation from the boundaries of an existing municipality within the county of at least 2 miles or have an extraordinary natural boundary which requires separate municipal government.
- (5) It must have a proposed municipal charter which:
 - (a) Prescribes the form of government and clearly defines the responsibility for legislative and executive functions. (The four types of city government to choose from are set forth below.)
 - (b) Does not prohibit the legislative body of the municipality from exercising its powers to levy any tax authorized by the Constitution or general law.
- (6) In accordance with article I, section 10 of the Florida Constitution, the plan for incorporation must honor existing solid-waste contracts in the affected geographic area subject to incorporation. However, the plan for incorporation may provide for existing contracts for solid-waste collection services to be honored only for 5 years or the remainder of the contract term, whichever is less, and may require that a copy of the pertinent portion of the contract or other written evidence of the duration of the contract, excluding any automatic renewals or ever-green provisions, be provided to the municipality within a reasonable time after a request to do so.

C. Four Forms of Government to Choose From (*1)

- (1) Council-Weak Mayor: key officials include the mayor and his or her council, also referred to as the commission. The office of the mayor is usually rotated among the elected council members on an annual basis. Other than acting as ceremonial head of government at public functions, the mayor's authority is not different from that of the other council members. The council holds the collective power over administration, decides policies, and creates laws. (Examples: Bradenton, Port St. Joe).

- (2) Council-Strong Mayor: the mayor may have veto power over council legislation and has executive power to carry out policies, manage daily operations, make appointments, and prepare budgets. Although they have no administrative power under this form of government, council members help formulate and decide city policy. (Examples: Jacksonville, Tampa).
- (3) Commission: this is a rarely used form of government under which each member of the elected body also oversees the administration of one or more of the city departments. For example, one commissioner may be responsible for the city's finances, and another for the city's parks and recreations services. The elected body acts collectively for legislative purposes, and individually for day-to-day administration. (Example: South Pasadena).
- (4) Council-Manager: this is the most prevalent form of government, under which the mayor presides over council meetings, makes appointments to boards, but has little, if any role, in day-to-day municipal administration. The mayor's position is sometimes filled by election or by council appointment. Council members decide policy and create laws, but unlike the other three forms of government, the council-manager form has a city manager. The city manager is appointed by a majority of the council for an indefinite term and can be removed only by a majority of the council. City managers are responsible for municipal administration, as well as supervising and coordinating departments, appointing and removing directors, and making regular reports to the council. (Examples: Tallahassee, Gainesville).

D. Obtaining "Legal" Recognition of New Municipality

To legally incorporate a city, the proposed area must receive approval from two entities – the Legislature through special act, and the citizens of the proposed area.

- (1) Proposed charter must be adopted by a special act of the Legislature upon determination that the following standards set forth in (2) are met.
- (2) The proposed area must conduct a feasibility study and submit to Legislature 90 days before the first day of the regular session of the Legislature during which the municipal charter would be enacted. The feasibility study shall contain the following:
 - (a) The general location of territory subject to boundary change and a map of the area which identifies the proposed change.
 - (b) The major reasons for proposing the boundary change.
 - (c) The following characteristics of the area:
 - (i) A list of the current land use designations applied to the subject area in the county comprehensive plan.
 - (ii) A list of the current county zoning designations applied to the subject area.
 - (iii) A general statement of when actual development is expected to begin, if known.

- (d) A list of all public agencies, such as local governments, school districts, and special districts, whose current boundary falls within the boundary of the territory proposed for the change or reorganization.
 - (e) A list of current services being provided within the proposed incorporation area, including but not limited to, water, sewer, solid waste, transportation, public works, law enforcement, fire and rescue, zoning, street lighting, parks and recreation, and library and cultural facilities, and the estimate costs of each service.
 - (f) A list of proposed services to be provided within the proposed incorporation area, and the estimated costs of such proposed services.
 - (g) The names and addresses of three officers or persons submitting the proposal.
 - (h) Evidence of fiscal capacity and an organizational plan as it relates to the area seeking incorporation that, at a minimum, includes:
 - (i) Existing tax bases, including ad valorem taxable value, utility taxes, sale and use taxes, franchise taxes, license and permit fees, charges for services, fines and forfeitures, and other revenue sources, as appropriate.
 - (ii) A five-year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance, and budgets.
 - (i) Data and analysis to support the conclusions that incorporation is necessary and financially feasible, including population projections and population density calculations, and an explanation concerning methodologies used for such analysis.
 - (j) Evaluation of the alternatives available to the area to address its policy concerns.
 - (k) Evidence that the proposed municipality meets the requirements of section 165.061. (as set forth in Section A, above).
- (3) When the Legislature approves the incorporation of the area by special act, the approval will be contingent upon the proposed area receiving approval from its citizens through a simple majority vote. Stated simply, a simple majority of registered voters in the area must approve the incorporation.
- (4) The charter must be also approved by the citizens of the incorporated area through a referendum. Some cities conduct this vote at the same time the citizens vote on incorporation, other conduct it through a separate vote at a later time.
- (5) The citizens must elect the council-members, mayor, etc., depending on which form of government the city chose. This can be done at the same time as the votes in (3) and (4), or at a later date.

E. Funding Available for the City

A municipality has access to the following sources of revenue/funding: (*2)

- (1) Taxes Levied by the City: Which of these taxes to levy is a policy decision of the city contained the city's charter. If the city believes it could be economically viable without these taxes, it does not have to levy them.
 - (a) Ad Valorem (property) taxes
 - (b) Communication tax (on telecommunications projects, such as cable, telephone, direct-to-home satellite, and related services)
 - (c) Public Service Tax (on utility services, such as electric, natural gas, water, and wastewater)
 - (d) Occupational License Tax (tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction)
- (2) Intergovernmental Revenue: These taxes are levied by the county (i.e., the city does not have authority to levy the tax). However, the city receives a portion of the tax based on a formula or interlocal agreement. It is under this category that the city receives a portion of the gas tax.
- (3) State Revenue Sharing: If the city meets the qualifications of this program, the city will receive a portion of state revenue. Approximately 90 percent of cities meet the qualifications. This revenue is derived from a small portion of the state's general revenue, which includes a portion of the state sales tax and alternate fuel decal fee (*3)
- (4) Fees: The city has constitutional authority to impose its own fees. Fees are legally different than taxes (e.g., impact fees)
- (5) Grants from federal or state government: Only a small percentage of cities qualify for these grants.

F. Can a City Cross County Lines?

No statute or constitutional provision exists that prohibits a city from crossing county lines. However, the Legislature frowns on these cities and has refused to approve the incorporation of a city that crosses county lines since at least 1970. Presently, three cities exist that cross county lines, but these cities were approved many years ago. These cities are Longboat Key (incorporated in 1955), Marineland (incorporated in 1941), and Fanning Springs (incorporated in 1965).

- (*1) This information is derived from the Florida League of Cities website, www.flcities.com/legislative/cities_dvd.ch1.asp
- (*2) The examples of the types of taxes that may be levied or shared with a municipality listed above is just a sample of those most commonly received by a local government. The Florida Legislative Committee on Intergovernmental Relations publishes a complete description of all local taxes that may be levied or otherwise received by a city each year in its Local Government Financial Information Handbook. This handbook is available at the LCIR's website. www.fcn.state.fl.us/reports.html
- (*3) The alternate fuel decal fee is collected, for example, when a farmer uses an alternative source of fuel other than gas, such as ethanol.

Mr. Quinn stated this is for the minutes of this meeting. This email was sent after last month's meeting and I would like to have this email and the attached document incorporated into the minutes of this meeting without me having to read them aloud.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Crow, seconded by Mr. Stofcik, with all in favor, the meeting adjourned at 7:15 p.m.

Steve Katz, Secretary

Richard Quinn, Chairman