

**SUMMARY MINUTES OF MEETING
CELEBRATION COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Celebration Community Development District was held Thursday, February 24, 2005 at 4:30 p.m. in Town Hall, 690 Celebration Avenue, Celebration, Florida.

Present and constituting a quorum were:

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

Also present were:

Gary Moyer	District Manager: Severn Trent Environmental Services
Thomas Tukdarian	District Manager: Severn Trent Environmental Services
Cheryl Stuart	Attorney: Hopping, Green & Sams
Larry Walter	Engineer: Hanson Walter & Associates
Matthew Forbes	Walt Disney Imagineering
Jerry Newland	St. Joe
Ariel Lovera	District Manager's Office
Brian Smith	District Manager's Office
Gillian Walker	District Manager's Office
Joe Harless	Celebration Independent

FIRST ORDER OF BUSINESS

Roll Call

Mr. Quinn called the meeting to order.

Boy Scout Troop 125 led the *Pledge of Allegiance*.

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

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Quinn thanked the Boy Scouts for attending.

THIRD ORDER OF BUSINESS

Approval of Minutes

Mr. Katz motioned to approve the minutes. Mr. Crow seconded the motion.
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Mr. Katz said he gave some corrections to the recording secretary prior to the meeting, which included changing “ECDD” to “TCC” in several places. Ms. Stuart said under the first full paragraph on page three, the second line should be “install,” not “installation,” and two lines up from the bottom of page 10 the word “summarize” should be “summary.”

With all in favor, approval was given to the January 27, 2005 meeting minutes as amended.

FOURTH ORDER OF BUSINESS

**Update Regarding Lease Agreement
for Use of The Celebration Company
Compound**

Ms. Stuart said a form of the agreement is in the agenda packet. She noted The Celebration Company said they are not interested in having a five year fixed term for the agreement and they are not willing to look to the third party vendors for liability or indemnification, as the Board requested. She said the agreement would only be with the District, no matter who the District chooses to have on that property. She added that the District could seek the appropriate indemnification from any vendor who may be using the property.

Mr. Katz said the District needs a plan to ensure the District is protected from the liability of allowing vendors to use the property. Ms. James asked whether that language was already in the vendors’ contracts. Ms. Stuart said the vendors name the District as additional insurers but she is not sure if the contract specifically references the use of the compound. Mr. Smith said Severn Trent, Albritton Williams and Davey Tree are on the property. Mr. Katz noted the District has no relationship with the vendors at this time so the vendors are there with approval from the owner. Ms. Stuart said someone may make the point that those are the CCDD’s contractors. Mr. Katz said the District’s goal should be to protect itself from lawsuits.

Mr. Smith said The Celebration Company intends to have a separate agreement with Davey Tree and Albritton Williams. Mr. Quinn asked what piece of the property would be leased to the CCDD. Mr. Forbes said the land in exhibit A of the lease agreement would be used by the CCDD, while Albritton Williams and Davey Tree would use the land to the west of that property. Mr. Quinn asked if the fence on the map is the existing fence and Mr. Forbes confirmed. Mr. Forbes said the intent is to have a lease agreement solely with the CCDD.

Mr. Quinn said that is completely differently than what he read in the agreement and he requested staff clarify the language in the agreement. Mr. Crow said his understanding is the first portion of the property beyond that gate from the Campus entrance is not the property the District will lease. Mr. Forbes said he is not sure.

Mr. Katz asked why the District is involved in the leasing process if The Celebration Company is engaging in separate leases with the other vendors. Ms. Stuart said that the District is using the property, and Mr. Katz noted that the District has no employees. Ms. Stuart pointed out the District has equipment that is being stored on that property. Mr. Smith said there are materials owned by Celebration such as street lights, piping and signage that are stored on the property. Mr. Quinn said the Board will revisit the matter once the language in the agreement has been revised. Mr. Katz inquired about the monthly cost, and Ms. Stuart said it would be \$100 a month. Mr. Katz asked whether the lease would include Enterprise. Ms. Stuart said Enterprise will not be included in the contract because Enterprise is not using the land. Mr. Smith said Enterprise uses some of the street lights that are stored on the property because the street lights are the same for both Districts. He explained that the lights are not separated by District because the Districts are only billed for the ones that they use. Mr. Katz said the ECDD would need some contractual relationship because their materials are on the property. Ms. Stuart said they would need a contract if they did not move their materials.

Mr. Forbes said he would work on the indemnification with the TCC counsel. Mr. Katz said anyone who has access to the property will be an employee of another company, so the company needs to be liable for anything that may occur on that property. Therefore he believes the District needs to make sure no expenses are paid by the District in relation to the liability of giving the vendor's access to the property.

FIFTH ORDER OF BUSINESS

District Manager's Report

- A. Financial Reports**
- B. Approval of Invoices**

Mr. Moyer said the financial report and the invoices are in the agenda packet.

Mr. Katz motioned to approve the invoices. Mr. Crow seconded the motion.

Upon inquiry from Mr. Katz., Mr. Lovera explained that check number 2577 issued to Davey Tree was for the wrong amount. Therefore to correct the error, the check was voided and a new check was issued. Check number 2594 was issued with the correct amount to replace of the voided check. Mr. Crow asked about the invoice for Republic Services for the hurricane, and Mr. Smith explained it was for a dumpster.

With all in favor, approval was given to the invoices.

C. Discussion Regarding Alley Audit

Mr. Walter said his staff is in the process of doing an audit to determine which alleys need repaired and the type of repairs that need made, noting that some alleys may not have received enough asphalt initially. He added that he received the asphalt contract from the county and gave it to the District counsel for review. He noted the pricing in the contract that is the most relevant to the District is the type-three tonnage, which is \$50.70 a ton. He said the District will probably use over 500 tons, which would be about a ton of asphalt for every nine feet. He explained that if the District did an RFP for the contract, the District would probably pay \$70 to \$80 per ton. Therefore, he suggested using the county contract. However, he said the District needs to do the project as one job to ensure it receives the lowest rate per ton of asphalt.

Mr. Katz asked if another contract would be required to do all of the alley repair work. Mr. Walter explained the contract with APEC would only be for leveling and resurfacing. Therefore, any other work, particularly drainage repairs, will need to be completed by another contractor before beginning the asphalt work. Mr. Quinn noted the District has \$250,000 in the budget for these repairs. He said he thought the project would take several years to complete. Mr. Walter said he feels the District has plenty of money for the project. Upon inquiry from Mr. Quinn, Mr. Walter explained the asphalt in alleys will be pulled with a 10 foot screed. Mr. Katz asked if Mr. Walter and Mr. Smith are also working to determine which alleys need widened and Mr. Walter confirmed. Mr. Quinn said his major concern is the inconvenience of the resident, noting he wants to make sure the residents receive the proper notification. Mr. Walter said he has not talked with anyone from APEC to see if they will give the District the same price as the county without going through the county contract.

Mr. Crow asked what the initial cost will be as the District prepares to widen the alleys. Mr. Smith said the District uses the alleys as a drainage system so there may be a need to put strip drains in the alley. Mr. Quinn said he suspects there is also some encroachment from the lawns on the edges of the roadways and Mr. Walter confirmed. Mr. Smith explained that where some alleys meet other alleys, the alley needs to widen to create enough room for a vehicle to turn.

D. Update Regarding Tree Replacement

Mr. Katz said he believes the District should plan for the funding of the tree replacement, and move forward when those funds are available. Mr. John McCarter, resident of 932 Jasmine Street, said if the District delays planting the trees, it will be too hot for the trees to survive. Mr. Quinn asked Mr. Smith what the latest date is that the trees could be planted. Mr. Smith explained trees can be planted any time of the year, as long as they are maintained properly. Mr. Quinn noted that the tree proposal includes several months of maintenance as part of the replacement process. Mr. Smith confirmed and said it also includes a one year warranty.

Mr. Quinn asked why the trees for Longmeadow are identified as “to be determined by other.” He said he believes the District needs to meet with a representative from Longmeadow and Town Hall to determine what type of tree needs to be planted. Mr. Smith said Ms. Wasson has asked a landscape architect to give her a recommendation, although she does not know what the recommendation is. Mr. Quinn said when he reviewed the tree proposal, he found it was revised to reflect species of trees that are recommended for hurricane conditions, except Longmeadow.

Mr. Quinn asked the Board if they would entertain a motion to approve the replacement program subject to the Board’s review of the species of tree chosen for Longmeadow. Mr. Crow said he first needs to understand where the financing will come from. Mr. Katz noted that there are no funds in the operating budget for the tree replacement. Therefore, the District would need to use other funds, such as capital funds, or undertake a plan of financing to gather funds. He added he believes the Board needs the specific dollar amounts allocated for the trees because they are not budgeted items. However he said the District does not know the specific numbers yet. Mr. Quinn said in the 2005 general fund budget there is \$450,000 in maintenance reserves, and \$12,000 of that has been spent. Mr. Katz said about \$1 million has

been spent and about \$500,000 more will be spent. He added that the District does not know how much money has been allocated to hurricane expenses because the District has not received all of the invoices yet. Mr. Quinn said he believes the process to implant the trees should be in place prior to receiving the reimbursement check from FEMA to ensure the process is done as quickly as possible. He added that he does not foresee a need for special assessments.

Ms. James asked if all of the money will be reimbursed. Mr. Katz said only a portion will be reimbursed and the District does not know what that portion is yet. Ms. Stuart clarified that Mr. Quinn's request is for the Board to declare its intent to replace the trees, subject to receipt of sufficient funds from FEMA. Mr. Quinn agreed and said if the funding for the tree replacement does not come from FEMA, the trees can not be replaced until other funding is available. Ms. James asked if this discussion would be better suited for the next workshop and Mr. Katz agreed. Mr. Quinn said he wants the record to reflect that the Board no longer is debating whether the District will replace the trees, but rather where the funding will come from. Mr. Crow said he believes the matter will come to a conclusion within the next six weeks. Mr. Quinn said staff needs to construct a proposal for funding the tree replacement.

Mr. Crow asked how long it will take to plant all of the trees. Mr. Smith said it will take about two months. He explained that the replacement trees will be under warranty, so if they appear as if they will not survive, they will be replaced. Mr. Smith added that many of the trees will be irrigated by homeowners. Mr. Quinn pointed out that replacing a tree that dies on a residential property is the proper responsibility of the property owner. Therefore, he said the District will replace the trees in this particular situation, although in the future that responsibility will be the homeowner's.

E. Update Regarding Signage throughout Celebration

Mr. Moyer said at the last meeting, the operator of Celebration Trolley requested the placement of signs around the community in District owned right-of-ways. The direction was for him to work with staff on the matter. However, he said that has not occurred because the trolley operator has not contacted staff. He noted that staff reviewed the signs within the District right-of-ways and found that some were there without the appropriate license agreement. Those signs were removed and the owners of the signs were informed that they must file a request for permission to place a sign in the CCDD right-of-way. Ms. Pat Wasson

filed the appropriate paperwork for the “No Soliciting” signs. Upon inquiry from Mr. Katz, Mr. Quinn said there were three signs through the community.

Mr. Katz said he would like to approve the use permits, and asked what precedent the District would like to establish with regard to the installation of the signs. He asked whether the District would like to have a license fee and a term length for the use permits. Mr. Moyer said most of the signs in other districts are removed by the owners of the signs once they are no longer useful. Mr. Katz asked how the District should determine which signs to allow. Mr. Moyer said that should be done mostly by CROA and The Celebration Company. He said an applicant must receive permission from everyone involved prior to filing an application with the District. Mr. Katz asked how the District would handle a request for a sign that never is submitted to the District because another entity denied it. He said he would like the Board to simply approve the signs, rather than decide when to grant permission.

Mr. Quinn said he believes the Board should consider whether the signs are in the interest of the general public when determining whether a sign should be posted in the right-of-way. Mr. Moyer said in the past, District did not permitted any signs on District property, except those placed by The Celebration Company. He explained that when The Celebration Company dedicated the land to the District, they reserved the right to install signs for to serve the community and sell real estate. Mr. Moyer explained The Celebration Company gave permission for most of the signs on the property. Therefore, he said, as The Celebration Company exits the community, we the District need to address that issue. Mr. Crow asked if the TCC’s right expires and Mr. Katz said it does when the Development Order expires. Mr. Moyer noted the matter could get out of hand, and Ms. James agreed. Mr. Katz said he does not believe CROA should be a buffer. Mr. Quinn suggested discussing this topic at the next workshop.

Mr. Katz noted that the “No Soliciting” sign was a result of a request by the Sheriff’s Department. Ms. Stuart explained this particular situation should be an exception to any policy that may be implemented because the request is through another governmental entity and it addresses a public safety concern.

On motion by Mr. Katz, seconded by Mr. Quinn, with all in favor, approval was given to the application for the “No Soliciting” signs.

Mr. Moyer said St. Joe is requesting permission to place their two “Model Homes” signs on Celebration Avenue for the model homes in Artisan Park, adding that one would be in the Waterside area and the other would be near Beak Street. He explained the signs were originally approved as part of The Celebration Company reservation. Mr. Katz asked whether they were replacing the old signs. Artisan Park Project Manager Paige Pierce explained that he would like to put the signs back up as soon as possible, noting that he would be willing to install new signs. He added that he is not requesting any additional signs. Mr. Katz clarified that the design of sign is adequate; however, he was simply requesting newer signs. He explained the Board should grant permission for the developer to direct the public to the model homes.

On motion by Mr. Katz, seconded by Mr. Crow, with all in favor, approval was given to the application for the “Model Homes” signs.
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SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney—Update Regarding Sidewalk Lawsuits

Ms. Stuart explained there is one lawsuit in process that is being handled by the Florida League of Cities related to a woman who allegedly hurt herself on a sidewalk in East Park. Mr. Katz requested more information, and Ms. Stuart requested a shade meeting if the Board desired to discuss the active litigation. Ms. Stuart noted she received another notice of claim regarding a woman who allegedly sustained injuries from stepping into a meter hole in the right-of-way.

Mr. Crow asked how many lawsuits were filed in the last five years regarding the District’ sidewalks. Ms. Stuart said there were about three. Mr. Katz requested the names of the plaintiffs, and Ms. Stuart replied Brought and Chauncey. Mr. Katz asked whether they were both pending. Ms. Stuart clarified that one case is in deposition and the District just received the notice of claim on the other case. Mr. Katz requested the name of the person in the settled case; Ms. Stuart responded Richardson. Mr. Katz asked how much the judgment was for, and Ms. Stuart said, “40.” Mr. Crow asked whether all of the plaintiff were residents and Ms. Stuart confirmed.

B. Engineer

➤ **Update Regarding Development of Regional Impact (DRI)**

Mr. Walter said that there are two roadways in the DRI that are not being constructed, which are the overpass and the Celebration Boulevard extension. He explained the county is undergoing the monitoring and modeling, which will determine how those two roadways will affect the transportation network. He noted that the intensity and density of Celebration have decreased; therefore those segments may not need to be constructed. He said he will continue to review the county activity, and he could write the county requesting updates on this matter, if the Board desires. The Board members confirmed their desire for Mr. Walter to proceed in that matter. Mr. Walter noted that any changes to the DRI or the Planning Unit Development (PUD) must involve a public hearing process.

Mr. Crow asked whether it was possible for the county to expand the street in front of Town hall to four lanes and remove the parking. Mr. Walter said he does not believe that will happen. However, he added, if that would happen, the county would need to hold a public hearing. Mr. Quinn noted expanding that road is an option, if the traffic exceeds the threshold and the county chooses to pursue mitigation. Mr. Walter confirmed and noted that would require a long process which would include a public hearing to revise the PUD. Mr. Katz asked whether the PUD includes Enterprise and Celebration. Mr. Walter explained that the DRI and PUD include Celebration and Enterprise. Mr. Katz asked when the last report was filed and Mr. Walter said September 2004. Mr. Walter explained that monitor and modeling is the existing counts on the roadways.

Mr. Katz asked who would be contacted if someone began developing undeveloped land within Celebration. Mr. Walter said if the property owner was going to rezone, change the land use or build a project on their property, the District would receive notification of a public hearing for that purpose. Mr. Moyer explained that if an area is designated commercial in the PUD and someone begins to build commercial structures on it, the District would not be notified of that; they would just ask the ECCD Board for a utility connection permit. Mr. Katz whether the District would be notified if development began on the undeveloped land on Celebration Boulevard. Mr. Moyer said the District would have no input in that process unless the development would require use of a District facility that would require a license agreement. Mr. Walter added when a building permit is issued that is consistent with the plan,

there is no mechanism to notify the District. Mr. Katz asked how the District is able to judge the intensity and density of the roadways if the District does not know what the vacant land will be used for. Mr. Walter said a land use plan was approved with the DRI, and the transportation network was analyzed and modeled with the consideration of those proposed uses.

Mr. Crow asked if the high school was included in the modeling and Mr. Walter confirmed. Mr. Katz asked whether building the high school changed the use of the land. Mr. Walter said although he is not certain, it is unlikely the use was changed because a change would require public notifications.

Mr. Walter said 84 of the 129 roadways within Celebration have been accepted by the county, 11 roadways will probably be accepted within a few weeks and 21 roadways are ready for acceptance, which only leaves 13 roadways that need work before they are ready to be accepted. He said the next 21 roadways will probably be accepted within the next 30 to 45 days, noting that he will send a list of the status of all of the roadways to the District Manager's Office.

Mr. Walter asked if the "No Soliciting" signs prevent the Boy Scout or Girl Scouts from selling cookies, and Mr. Quinn said no.

➤ **Update Regarding State Contract for Asphalt**

Because this item was discussed in relation to the alley audit, the next item followed.

C. District Representative

Mr. Katz asked Mr. Forbes to clarify his job description. Mr. Forbes explained that for the CCDD, he is currently working on continuing toward closure of the Beak Street repairs and he answers any questions and provides any information requested under the general service agreement. Mr. Katz asked if he had any further work in Artisan Park, and Mr. Forbes said that contract with the District has expired. Mr. Katz concluded that the District should not receive any bills from Mr. Forbes. Mr. Moyer clarified that the District will not receive any significant bills, although the District may receive bills in relation to providing information to District staff. Mr. Katz asked Mr. Forbes to provide the Board with an updated estimate of the cost for the Beak Street repairs.

SEVENTH ORDER OF BUSINESS

Discussion of March 24, 2005

Agenda

Ms. James said she will not be attending the March 24, 2005 meeting. Mr. Katz asked whether there were any items that the Board would need to take action on at the March 24, 2005 meeting. Ms. Stuart said there is an Area 5 plat that needs signed. Mr. Newland asked whether the Board could physically sign the plat at the March 24, 2005 meeting and Mr. Katz agreed. Mr. Moyer said there was some confusion regarding the request from ISSA Homes. Mr. Katz said the Board did not want to discuss the matter at this meeting because the Board wanted staff to further research the matter. Mr. Moyer explained that he was under the impression the Board did not want staff to move forward at all. Ms. Stuart said she will make a report and hopefully have that for of the March 9, 2005. Mr. Katz said he would like staff to develop several options. He added that all requests should go through the District manager, not District counsel.

EIGHTH ORDER OF BUSINESS

Supervisor Requests

Mr. Katz said the District has an ex officio seat on the Celebration Joint Committee, and he suggested Mr. Crow fill that seat. Mr. Katz explained the Celebration Joint Committee is the joint committee between the homeowner's association and the commercial association.

On MOTION by Mr. Katz, seconded by Mr. Quinn, with all in favor, Mr. Crow was appoint to the Celebration CDD ex officio seat on the Celebration Joint Committee.
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Mr. Katz asked Mr. Moyer to notify the CJC that Mr. Crow will be attending the next meeting. Mr. Crow added that they should provide him with information regarding the meeting schedule.

Mr. Katz said he invited the ECDD to have a joint workshop so the Boards can begin to work together. Mr. Quinn said he believes a joint workshop is a good idea, and asked when the meeting will occur. Mr. Katz said staff is working on the matter.

Mr. Crow inquired about the CROA park transfer. Mr. Quinn clarified that he has not signed the deeds, but rather signed the transmittal letter to CROA indicating the Board approve the park transfers. He said he will not sign the deeds until CROA sends a formal letter to the District Manager's Office stating they accept the deed because he wants to prevent

any confusion with regard to ownership in the event that the deed are not accepted. Ms. Stuart said there was some confusion with regard to who would pay the dock stamps because governmental bodies do not pay dock stamps. However, she said there is no value associated with the transfers so the dock stamps should be nominal. Therefore, she suggested the Board pay for the dock stamps to facilitate the transfer.

On MOTION by Mr. Katz, seconded by Mr. Crow, with all in favor, approval was given to authorize District counsel to proceed with completing the transfer of the parks to CROA in the quickest means possible.

NINTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Crow, seconded by Mr. Katz, with all in favor, the meeting adjourned at 6:45 p.m.

Steve Katz, Secretary

Richard Quinn, Chairman