

**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, March 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

Also present were:

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

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Quinn called the meeting to order.

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

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

Mr. Quinn led the *Pledge of Allegiance*.

**THIRD ORDER OF BUSINESS**

**Public Comment Period**

Mr. John Gephardt, resident of 509 Longmeadow Street, said he would like the Board to let the community know if the District is unable to fund the tree replacement. He also said the residents of Longmeadow looked into planting tabebuias because they are attractive and would not provide too much shade. He noted trees with a four inch trunk and a 16-18 foot height are about \$220. He said he believes the tree estimates the Board received are too costly. Mr. Smith asked whether that price was the installation cost. Mr. Gephardt said it was just the cost for the tree. Mr. Smith said once the Board makes a decision, the costs will be finalized.

He said the contractor will make sure the Board gets the best price. Mr. Gephardt noted the cost estimate he received for the tree replacement project was \$200,000 to \$250,000 compared the District's estimate of \$450,000. Mr. Quinn said he has faith that Davey Tree will ensure the District receives the best price for the trees. He also said the District needs to coordinate the tree replacement with the town because many trees from the park were damaged, adding that the town wants the look of Longmeadow Street to stay consistent.

Mr. Gephardt said the newspaper reported that the District staff and supervisors believe trees can be planted anytime of the year, although every nursery he spoke with said trees should be planted by the end of April. Mr. Quinn said Davey Tree's position is that if a tree is installed and maintained properly, it can be planted anytime of the year. Mr. Crow asked Mr. Smith if he has met with the landscape architect regarding the Longmeadow Street tree replacement. Mr. Smith said the landscape architect recommended live oaks and sycamores. He said the landscape architect said live oaks would be the best. Mr. Gephardt said most Longmeadow residents are not in favor of live oaks because they would make the street too shaded, which makes it difficult for the flowers and grass to grow. He added that live oaks require high maintenance.

Mr. Crow suggested Mr. Smith and the landscape architect meet with the Longmeadow residents to discuss the matter. Mr. Smith said Ms. Wasson has spoken with many Longmeadow residents and he intends to coordinate the tree replacement effort with her. He said the landscape architect suggested planting crape myrtles; however he believed the original request was to keep the trees consistent with the intent of the original project. Mr. Crow reiterated his request to discuss the matter with the Longmeadow residents. Mr. Smith said he intends to speak with the homeowners and Ms. Wasson before ordering any trees to ensure there is a consensus on what tree should be planted. Mr. Quinn said the Longmeadow residents should identify one or two representatives to streamline the communication. Mr. Crow suggested Mr. Smith utilize Mr. Gephardt as a representative of the Longmeadow residents.

Mr. Cliff Akey, resident of 1120 Rush Street, said as a member of the Safety Committee he would like to know to whom he should send questions regarding CDD matters. Mr. Quinn told Mr. Akey to send any emails to him because if he does not know the answer to the question, he will direct the question to someone who can answer it. Mr. Quinn added that the

traffic light coming into town is supposed to be blinking, not steady. He also said the Eastlawn Drive and Celebration Avenue intersection had a traffic light at one time, and it needs to be reinstalled. Mr. Akey inquired about the lift station on Spring Park Street and Mr. Smith told him that the lift station is under the ECDD jurisdiction.

Mr. Alex Morton, resident of 921 Jasmine, asked whether the CDD bylaws allowed for the replacement of a supervisor based upon absence. Mr. Katz said no. Mr. Moyer said the landowner representatives have attended a majority of the meetings. Mr. Morton insisted the matter be addressed. Mr. Moyer said the law does not permit the removal of a supervisor for attendance purposes. Mr. Katz added that a resident could not fill that position because the seats are reserved for the landowners. Ms. Stuart noted Ms. James indicated at the last meeting she could not attend this meeting because she would be on spring break vacation.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes**

Mr. Quinn said the minutes are not verbatim, but rather a summary of the meeting. He suggested approving the minutes without discussing any minor errors. Mr. Katz said he gives the recording secretary some minor corrections prior to the meeting, and he suggested making that practice protocol. Ms. Stuart said the Board should address any substantive corrections. Mr. Quinn agreed.

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

Ms. Stuart said she has some substantive changes to the minutes. She said the motion box on page two approves the wrong minutes and throughout the minutes the header date is incorrect.

With all in favor, approval was given to the February 24, 2005 meeting minutes as amended.

**FIFTH ORDER OF BUSINESS**

**Approval of Artisan Park Townhome  
Phase II Plat**

Mr. Katz asked the architect to briefly explain the plats. Mr. Carper said the plat contains tracts that were reserved for town homes on the original Area 5 plat. He explained that the new plat has divided those tracts into town home lots.

Mr. Katz motioned to approve the Artisan Park Townhome Phase II Plats.  
Mr. Crow seconded the motion.

Mr. Crow inquired about the status of development on those tracts. Mr. Carper said he received a variance from the county to begin building prior to recording the plat to allow for the adjustment of the lines as needed. He explained that the CCDD needs to sign the plat because the District has a special assessment lien. Mr. Katz clarified that the Board's approval of the plat is a way for the developer to let the District know there are now 11 lots on those town home tracts that the District can collect assessments on. Ms. Stuart noted the District's role in this situation is perfunctory and, once the plat is approved, there is no need for further action from the Board.

With all in favor, approval was given to the Artisan Park Townhome Phase II Plat.

## **SIXTH ORDER OF BUSINESS**

### **Discussion Regarding Tree Replacement**

#### **A. Discussion with Underwriter Regarding Funding Tree Replacement**

Mr. Katz said the District is trying to find construction funds for the tree replacement project and other future projects. He said he is working to free up money from the 1994 bond issue while refinancing the bond issue. Ms. Kiser presented an analysis of the possibility of refinancing the 1994 special assessment bonds. She noted the call protection for the bonds expired last year. She added that the interest rate for the bonds decreased from 6.00 percent to 4.31 percent. She said she does not recommend refinancing unless there is a savings of at least three to five percent, and she noted the District's savings exceed that percentage. She explained that a public hearing would be required to refinance the bonds because the principal amount would increase. She said the District's upfront savings would be about \$550,000. She said there would be no change in the maturity date or the debt service, which means there would be no increase in the annual payments. As a result, she said she believes refinancing would be beneficial to the District.

Mr. Katz said the District must also consult Standard & Poors, which is the company that rates the bonds, to find out if the District can receive an A rating. He also suggested using the

money in the debt service reserve fund to purchase a surety bond. He added that there is a fee of about \$2,500 that the District would need to pay to Prager, Sealy & Company if the District chose to proceed with refinancing the bonds and then later changed that decision.

Mr. Quinn asked whether there is a window of opportunity for refinancing the bonds. Mr. Katz said the payments are made in May and November of each year. Thus, the District has the opportunity for refinancing every six months. He suggested closing the bond issue in June to get the lowest interest rate and provide the District with funding for its immediate needs. He said the District would know the new debt service schedule by that time.

Mr. Morton asked whether the bonds were tax free and Mr. Katz confirmed. Mr. Gephardt asked why the District was having a call protection for 10 years. Ms. Kiser said the refunded bonds will not have call protection. She added that the District will not extend the term of the debt to the residents. Mr. Quinn reiterated that the maturity date and the annual assessments will not change and Ms. Kiser confirmed.

Mr. Katz suggested presenting the bond purchase agreement at the regular Board meeting in May, which will allow the Board to close in June. Ms. Stuart said there will be action prior to May. Mr. Quinn asked if this action requires a public hearing and Ms. Stuart confirmed. Mr. Katz said the public hearing would be to let the residents know the principal amount will increase, but because the interest rate will decrease, there will not be an increase in the assessment.

On Motion by Mr. Katz, seconded by Mr. Crow, with all in favor, the Board authorized Prager, Sealy & Company to proceed with refunding the 1994 bond issue, with the assistance of Mr. Katz.
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**B. Update Regarding Species for Longmeadow Tree Replacement**

Because this discussion occurred in the public comment period, the next item followed.

**SEVENTH ORDER OF BUSINESS**

**Discussion Regarding Use of CCDD  
Vacant Land**

**EIGHTH ORDER OF BUSINESS**

**Update Regarding The Celebration  
Company Lease Agreement**

Mr. Moyer noted the Discussion Regarding Use of CCDD Vacant Land and the Update Regarding The Celebration Company Lease Agreement are related items. He explained that

The Celebration Company has decided to lease separately with Davey Tree and Albritton Williams. He said he feels the District should sign the one-year lease. However, in light of the Board's request for Severn Trent Services to provide the District with indemnification, he said he could ask Severn Trent Services to sign the lease for the area if the Board desired him to do so. Mr. Katz said he would like Mr. Moyer to ask Severn Trent Services to sign the lease agreement. Mr. Moyer said in response to the Board's concern about needing a permanent location for the compound, Mr. Kelly said he would be willing to work with the District to identify an alternate location. Therefore, Mr. Moyer said he believes the Board is not in a position to respond to ISSA Home's request. Mr. Moyer said he would update the Board next month.

## **NINTH ORDER OF BUSINESS**

### **District Manager's Report**

#### **A. Financial Reports**

Mr. Moyer said the financial statements are in the agenda packet. Mr. Quinn noted the Combined Balance Sheet indicates there is \$1,063,864 in the maintenance reserve. Mr. Lovera said Mr. Katz requested he leave \$100,000 in the checking account and transfer the remaining amount to the state board fund. Mr. Moyer clarified that those funds are for the current operating budget. Mr. Katz said the operating expenses are in the maintenance reserve fund because it generates interests. Mr. Lovera said he will change the name of that fund on next month's financial statements.

Mr. Katz also pointed out there is \$2,022 of the school's money left over from the 1999A bonds, and he suggested giving that money back to the school. He added that the \$15,785 for the cost of issuance of the 2002 bond should be transferred to the construction fund. He said all of the available funds presented on Exhibit 2 of the financial statements should be available to assist in funding the tree replacement. Ms. Stuart asked whether Mr. Walter needed any of those funds to repair any of the remaining unaccepted roadways. Mr. Walter said he is not sure whether any of those roadways are part of the bond issuances listed in Exhibit 2 of the financials. Mr. Katz said the developer agreed to pay all of the costs associated with the repairs of East Village. Mr. Forbes requested Mr. Katz confirm that the company will fund the repairs of East Village. Mr. Katz said the District received a letter that the company would fund all costs beyond the bond issue.

Mr. Quinn said Mr. Forbes estimated \$120,000 has been spent to-date on Beak Street and the cost to finish the project is about \$65,000. Mr. Forbes confirmed and noted those estimates do not include the cost of receiving county approval of the concept design. He added that there may be some additional costs associated with the 1999 bond issue. He said staff is reviewing the requisitions to find out how the money from the 1999 bond issue was spent. Mr. Katz asked whether Mr. Forbes would have those figures completed prior to the regular Board meeting in May, and Mr. Forbes confirmed. Mr. Quinn distributed a copy of the email correspondence between him and Mr. Forbes regarding this matter.

**B. Approval of Invoices**

Mr. Moyer said the invoices are in the agenda packet. He noted there are numerous invoices to Graybar Electric for the baseball field light work. He said the work was paid by the District, although the little league and CROA have reimbursed the District for those expenses.

On Motion by Mr. Katz, seconded by Mr. Crow, with all in favor, approval was given to the invoices.
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**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney—Update Regarding Executive Session Litigation**

Ms. Stuart said there was a request for an executive session to discuss the pending litigation. She said to have that session, it needs to be noticed as a shade meeting including the time, place and who will attend, which will be the district attorney, district manager and the Board members. She added that a court reporter must transcribe the meeting, and the meeting is held outside of the Sunshine Law. She said the transcript would be sealed until the conclusion of the litigation, when it would then become a public record. Mr. Katz suggested having the shade meeting following the next regular Board meeting in April. Ms. Stuart and the Board members agreed to have the shade meeting following the April 28, 2005 Board meeting.

Ms. Stuart said there are some proposed potential amendments that would change the disclosure requirements of Chapter 190, although she said she has not yet seen the amendments. She added that the potential amendments are related to real estate disclosures. Mr. Katz asked Ms. Stuart whether there was any progress in the conflict between the

Enterprise CDD and the county appraiser regarding property taxes. Ms. Stuart said the county relented and decided the ECDD does not have to pay property taxes. Mr. Katz asked whether that decision included the Celebration CDD, and Ms. Stuart confirmed. Mr. Katz asked whether the District would need to budget for property taxes for the upcoming year. Ms. Stuart said the District should not need to budget for property taxes as long as the county maintains their position.

**B. Engineer**

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

Mr. Walter said he received no additional information on the DRI research. He said he sent a letter to the county requesting any pertinent information related to current activities within the District. He said the county said there was nothing to report regarding the DRI research. However, he said the county requested a CDD representative attend the school crossing and signage meeting, which Mr. Smith will attend. Mr. Walter added that he will keep the Board informed of any information he receives from the county.

➤ **Update Regarding State Contract for Asphalt**

Mr. Walter said he has completed the alley audit, and he distributed a copy of the results to the Board members. He also said a representative of APEC, the asphalt contractor, said the company would work directly with the District. Mr. Walter then explained the information in the handout regarding the alley audit, noting that the District will need about 6,400 tons of asphalt. However, he said he is not sure if APEC will lay all 6,400 tons. He said because the asphalt will cost about \$51 per ton for a project over 500 tons, he made sure each section of the project requires at least 500 tons.

Mr. Quinn asked what roadways still need to be accepted by the county. Mr. Walter said 32 roadways are in the process of being accepted, which hopefully will be completed before the next Board meeting. He said he is working on the roadway acceptance process in small manageable stages because he feels it will speed up the process.

Mr. Quinn inquired about the process for getting a pedestrian crosswalk in front of Heritage Hall. Mr. Walter said the District would need to send a request to the county. He said if a traffic stop is not already at the desired location of the crosswalk, it would be difficult to get county approval because it would create a dangerous situation for pedestrians. Mr. Quinn said there is no traffic control at that location, although it is not in the middle of the

block. Mr. Walter said it would be unsafe to put a pedestrian crosswalk where there is no traffic stop. Mr. Quinn suggested sending a request to the county to install a stop sign at that location. Mr. Walter said he will discuss the matter with the county.

**C. District Representative**

Mr. Forbes said he is monitoring the progress of the roadway acceptance to assess the cost of the modification of Beak Street. Mr. Katz asked if there are any contracts for Beak Street at this time. Mr. Forbes said there are design, construction management and district representative contracts for that project. Mr. Katz asked if any work is being conducted under those contracts, and Mr. Forbes said no.

**ELEVENTH ORDER OF BUSINESS**

**Discussion of April 13, 2005  
Workshop and April 28, 2005  
Meeting Agendas**

Mr. Quinn noted the workshop has been noticed for April 13, 2005. He said according to Ms. Pat Wasson, the Celebration High School has offered to videotape the CCDD and CROA meetings. Mr. Crow asked Mr. Smith if anyone from the Celebration Trolley has contacted him with regard to the trolley signs, and Mr. Smith said no. Mr. Quinn said the District will not pursue any further action until the Celebration Trolley contacts the District.

**TWELFTH ORDER OF BUSINESS**

**Supervisor Requests**

Mr. Crow said as an honorary CJC member, he would be happy to provide the supervisors with an update regarding the CJC whenever they would like. He then asked why the pavement at the intersection of Celebration Avenue and Water Tower place is torn up. Mr. Quinn said the ground is rough because the yellow stripe was ground out. Mr. Crow asked if the county has a plan to repave that area. Mr. Forbes explained that the county chose to hydro-blast the yellow stripe away, although he does not know if the county has a plan to repave that area. Mr. Quinn asked if the configuration of the traffic lights at the Celebration Avenue and Water Tower Place intersection would allow the left turn light to go before the cross traffic light. Mr. Walter said he believes the controls would have that capability.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

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

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Steve Katz, Secretary

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Richard Quinn, Chairman