

MINUTES OF MEETING CELEBRATION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Celebration Community Development District was held Thursday, August 25, 2005 at 4:30 p.m. at 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
Linda James	Supervisor

Also present were:

Gary Moyer	District Manager: Severn Trent Services
Cheryl Stuart	Attorney: Hopping, Green & Sams
Shawn Hindle	Engineer: Hanson, Walter & Associates
Brian Smith	District Manager's Office
Rick Woodville	District Manager's Office
Members of the Public	

FIRST ORDER OF BUSINESS

Pledge of Allegiance

Mr. Quinn called the meeting to order and led the *Pledge of Allegiance*.

SECOND ORDER OF BUSINESS

Roll Call

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

THIRD ORDER OF BUSINESS

Public Comments

Mr. Jerry Downie, resident of 1237 Golden Canna, asked Mr. Katz if he is currently a resident of the District. He also asked Mr. Katz whether he intends to resign from his position on the Board. Mr. Katz explained that he is a landowner appointment to the Board and he is eligible to be a member of the Board. Mr. Downie told Mr. Quinn some emails in the public record indicate he acted improperly with real estate developers in his official capacity as a member of the CCDD Board. He asked Mr. Quinn whether he violated any laws in this regard and whether he feels he is fit to hold the position of CCDD Chairman. Mr. Quinn said Counsel has advised him not to comment.

FOURTH ORDER OF BUSINESS

**Approval of June 30 and July 28
Meeting Minutes**

Ms. Stuart noted that she was not present at the June 30 meeting, which needs to be corrected in the minutes. Mr. Katz said he has not yet been able to review the minutes.

On MOTION by Mr. Katz, seconded by Mr. Crow, with all in favor, the June 30 and July 28 meeting minutes were tabled.
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FIFTH ORDER OF BUSINESS

**Public Hearing Adopting the Budget
for Fiscal Year 2006**

A. Discussion of Fiscal Year 2006 Budget

Mr. Moyer said the budget was presented two months ago. He said there are no proposed increases in assessments. He noted the debt service fund budget provided in the agenda packet has been updated to reflect the defeasance of the 1994 bonds and the issuance of the 2005 bonds. He distributed a revised pie chart to the Board. He said because of the comment provided by the auditor with regard to the hurricane expenses, the District allocated the carried forward surplus from the undesignated fund balance to a corresponding line item under expenses called disaster relief. He noted the disaster relief line item is \$1 million. Mr. Katz and Mr. Smith discussed the expenses for replacing and maintaining trees within Celebration. Mr. Katz said he would like to consider creating a reserve fund for replacing trees. He said he would like the tree expenses as presented by Mr. Smith to be included in the budget as a footnote.

B. Consideration of Resolution 2005-09 Evidencing the Annual Appropriation and Adopting Fiscal Year 2006 Budget

Mr. Moyer noted that the capital improvement budget will replace the maintenance reserve budget in the fiscal year 2006 budget. He said it is not for operations and maintenance. He said it is for construction or reconstruction of certain projects. Mr. Moyer mentioned that the figures in the provided resolutions will be filled in after the budget is adopted. In reference to the third paragraph of Resolution 2005-10, Ms. Stuart noted that the District has already levied the debt service assessment.

Mr. Katz moved to approve Resolution 2005-09 evidencing the annual appropriation and adopting the budget for fiscal year 2006. Ms. James seconded the motion.
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Mr. Crow said the Board needs to have a clear discussion regarding funding the trees. Mr. Katz said currently, the Board is simply appropriating funds and levying assessments for the general fund, operations and maintenance fund and debt service fund.

Upon voice vote, unanimous approval was given to 2005-09.

C. Consideration of Resolution 2005-10 Levying the Non-Ad Valorem Assessments

Mr. Moyer said the first blank line of the resolution is \$2,787,053, which is the general fund. He added the debt service fund amount is \$4,177,841.

Mr. Katz moved to approved Resolution 2005-10 levying the non-ad valorem assessments.
Mr. Stofcik seconded the motion.

Ms. Stuart said throughout Resolution 2005-10, references to “platted lots” need to be changed to “assessable land.” She said the 1997B change also needs to be noted. Mr. Crow asked for clarification as to the Board’s position on maintaining trees. Mr. Katz said the District will maintain the trees and Mr. Quinn said the District has always maintained the trees. Mr. Crow said to maintain uniformity throughout the community and ensure the trees are replaced in a timely fashion, the District will officially and financially assume that responsibility. Mr. Katz and Mr. Quinn agreed.

Upon voice vote, unanimous approval was given to Resolution 2005-10 as amended.

SIXTH ORDER OF BUSINESS

**Consideration of Proposals for
Webpage Services**

Mr. Quinn said he is not satisfied with either of the two proposal received by the District. He suggested rejecting both proposals. Mr. Katz said the District should use the Front Porch as a tool to provide information to the community. He said he feels the District should be more aggressive about posting information on the Front Porch. Mr. Crow agreed that utilizing the Front Porch is the best option. Mr. Quinn said it would be difficult for the Board to utilize the community newsletters because they are not published very frequently. Mr. Quinn noted that although the meeting agenda for this meeting was sent to the Front Porch over a week ago, it was never made accessible. He said the link to the agenda has been broken. He

suggested meeting with the operators of the Front Porch to discuss the matter. He said it is important to provide a place where District information can be retrieved to ensure the community knows about the projects the District is undertaking.

On MOTION by Mr. Katz, seconded by Mr. Crow, with all in favor, approval was given to inform the candidates who submitted proposals for webpage services that the District has decided not to pursue that project.

Mr. Quinn noted that he will provide Town Hall with the example webpage he created and request that similar information be available on the Front Porch. Mr. Katz asked District staff to speak with Town Hall about the matter.

SEVENTH ORDER OF BUSINESS

District Manager's Report

- A. Approval of Invoices**
- B. Approval of Hopping Green & Sams Invoices**
- C. Approval of Hanson, Walter & Associates Invoices**

Mr. Moyer noted that the invoices were included in the agenda packet, including the Hopping Green & Sams and Hanson, Walter & Associates invoices. Mr. Katz asked Ms. Stuart to change the invoice format to include a separation of time spent on the exchange agreement. Ms. Stuart agreed and said she has already calculated the back hours to be billed to Carlyle that were included in previously Board approved invoices. Mr. Katz suggested the District submit a bill to Carlyle for reimbursement of those expenses. Ms. Stuart said the total fees related to the exchange agreement are \$2,085. Mr. Moyer said the invoices will be shown as an expense in the legal line item of the budget. However, there will be an offsetting revenue source in the miscellaneous revenues.

On Motion by Mr. Katz, seconded by Mr. Crow, with all in favor, approval was given to the monthly invoices, attorney invoices and engineering invoices as presented.

D. Discussion Regarding 2006 Fiscal Year Meeting Schedule

Mr. Moyer noted this item was carried forward from last month. Mr. Quinn said he will not be available on Thursday evenings. He suggested the meetings be moved to the fourth Wednesday of the month. Ms. Stuart suggested changing the December meeting date to the third week of the month to accommodate the holiday. Mr. Katz said he feels the schedule will

need to be changed in the future. However, he suggested approving the scheduled as presented and modifying it at a later date.

Mr. Katz moved to approve the fiscal year 2006 meeting schedule as presented.
Mr. Crow seconded the motion.

Mr. Quinn said he is certain he will not be able to attend the January, February, March and April meeting dates. He also noted that moving the meeting date will be subject to availability of the location. Ms. Stuart noted that the schedule must be approved by the end of September. Ms. James suggested checking with Town Hall and revisiting this item at next month's meeting. Mr. Katz agreed to wait until September to approve a fiscal year schedule. However, he said he would like one uniform date to meet each month.

Mr. Katz withdrew his motion to approve the fiscal year 2006 meeting schedule as presented and Mr. Crow withdrew his second.

E. Update Regarding Establishing a Parking Study Committee

Mr. Moyer said he met with representatives of Lexin, Carlyle and The Celebration Company regarding parking in the downtown area. He said Mr. Don Hemple recognized that the Stetson property is the most likely location for a parking garage, if one is created. He said Mr. Hemple was concerned about selling condominiums adjacent to what in the future might be a parking structure. Therefore, he is disclosing that information to prospective residents. Mr. Moyer said that is a nice gesture by Mr. Hemple that will allow for flexibility in the future. He said the Lexin representative recognized that if there are parking problems, the interest of his commercial lessees would need to be addressed. However, Mr. Moyer pointed out that there is no way to know whether parking will be an issue until after the condominiums are built. He said the Lexin representative agreed to undertake a parking study if and when they feel one is necessary. Mr. Moyer said the committee does not intend to meet again until Carlyle is further into the construction project.

EIGHTH ORDER OF BUSINESS

**Update Regarding Exchange of
Park Deeds with CROA**

Ms. Stuart said the CROA deeds are ready to be recorded. Therefore, she said the District's deeds are ready to be executed and recorded.

NINTH ORDER OF BUSINESS

**Update Regarding Resolution to
Name Lake Rianhard**

Ms. Stuart said she has formulated a draft Resolution based on the information she received from Celebration residents. She requested the Board review and edit the Resolution as needed. Ms. Stuart said the Resolution should be available for action in September. She noted that no one has seen the draft Resolution yet. Mr. Katz suggested Section 1 of the resolution refer to the plat rather than stating "downtown lake" and Ms. Stuart agreed to make the change. Mr. Crow said he would like the sign by the lake to be the same design as the other park signs. Mr. Alex Morton, resident of 921 Jasmine Street, asked whether it is possible for the meeting agendas to be available at District meetings. Mr. Moyer said it is common practice for copies of the agenda to be placed on the table in the hallway.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Stuart said a matter of litigation involving the District has been resolved, noting that a summary judgment was entered in the District's favor.

B. Engineer

- **Update Regarding Roadway Acceptance**
- **Update Regarding Beak Street Repairs**

Mr. Hindle said there are a few issues with two streets. He said he is waiting for a recommendation as to how to fix those issues. He said there are problems with the manholes on Celebration Avenue. He explained that the issue will be resolved once he receives price proposals for that work. He said he believes the problem may be a result of compacting issues around the outside edges. Mr. Hindle said the remaining repairs are normal maintenance matters. He said the estimated cost for the remaining repairs is about \$23,500 to \$24,000. He said Croton Road is awaiting approval from Irv Chance, who works with Osceola County. He said neither he nor Mr. Chance could find any problems with Croton Road. He said the road will be released once Mr. Chance confirms his determination with his inspection staff. Mr. Hindle said Mr. Chance agreed that the problems with Beak Street have been resolved and it is

ready to be turned over to the county. Upon inquiry from Mr. Katz, Mr. Hindle explained that the remaining streets on the list will cost \$23,500 to \$24,000 to repair. Mr. Hindle said there is no way to tell how much the repairs will cost for Acadia Terrace in North Village. He said once the repairs are scheduled and coordinated, the work will probably take about a month. Mr. Hindle also said he received a report that the flow of the wetlands near Celebration Boulevard is reversed; the wetlands are flowing into the pond. He said that should be fixed within the next 30 to 60 days.

C. District Representative

Mr. Forbes reported that he intends to work on some items before the construction design for Acadia Terrace commences. He said he will make sure the design is consistent with the Board's fund allocation. He said there is an agreement between the District and the County regarding the roadway acceptance. He said he will review that agreement before creating a plan for roadway acceptance. Mr. Hindle explained the history and process of the roadway acceptance for various roads within the District. He said there were some problems with the clarity of the punch lists provided by the County. He said eventually he and Mr. Chance walked each street and created a comprehensive punch list of repairs.

Mr. Hindle continued that there have been problems with Acadia Terrace because the County did not accept the roadway before the end of the term of the maintenance bonds. Mr. Forbes said there is a concern that the County is not fulfilling its obligations as provided for in the provisions of the contract. Mr. Moyer said the District needs to identify the cost of the repairs and determine who is responsible. Mr. Hindle explained the location and types of repairs the County requested to be completed on Acadia Terrace. He said the type of roadway failure present is particularly unusual. He added that the repaired areas are beginning to display the same damage that was present before the repairs were made. In addition, some other areas have begun to display the same type of failure. He said because there was a dispute, it must be determined who is responsible for the failure. Mr. Katz requested a report be given on the legal perspective of this matter at the next meeting and Ms. Stuart agreed.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests

Mr. Morton asked if the District can address the roadway connector from Celebration Boulevard to North Village. Mr. Quinn said it can be addressed but he does not believe the matter is within the jurisdiction of the District. He said it is a zoning or a Department of

Transportation issue. He added that results from a traffic study should be reported in September. He said the District will review the results. Mr. Morton said he would like to know if the District will take action on the matter. Mr. Quinn explained that the District has no zoning, planning or land use authority. He noted that at the last CCDD meeting, the District made a statement in favor of the roadway connector, if it is deemed necessary. He said the District cannot legally take any action beyond that. Mr. Moyer said if the Board desires to build a road, the District can do so. He said the issue would be who would pay the related expenses. He noted that currently there are no funds allocated to that purpose in the budget. He said the obligation to build the road, if needed, may be a part of the concurrency requirement under the Development Order for the project. Mr. Katz stated if the District chose to proceed in that manner, the District would be responsible for funding the project. Mr. Katz agreed to place the matter on the agenda. However, he said the District is not yet in a position to make a decision. Mr. Crow noted that the District is continuing to monitor any activity that may occur at the County level to modify the Development Order.

Mr. Moyer mentioned that financial statements were distributed at the beginning of the meeting. He said he believes Mr. Woodville will be providing financial statements monthly in the agenda packet.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Katz, seconded by Mr. Crow, with all in favor, the meeting adjourned.

Steve Katz, Secretary

Richard Quinn, Chairman