

MINUTES OF MEETING
CELEBRATION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Celebration Community Development District was held Thursday, September 28, 2005 at 6:00 p.m. at the Celebration High School Media Center, Celebration, Florida.

Present and constituting a quorum were:

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

Also present were:

Gary Moyer	District Manager: Severn Trent Services
Cheryl Stuart (by phone)	Attorney: Hopping, Green & Sams
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
Members of the Public	

FIRST ORDER OF BUSINESS

Call to Order

Mr. Quinn called the meeting to order.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Moyer called the roll and noted a quorum was present to conduct business of the Board.

THIRD ORDER OF BUSINESS

Public Comments

Mr. Cliff Akey asked are all of the roads turned over the County?

Mr. Moyer stated not all of them, at this point, are turned over to the County, but will be in the future.

Mr. Quinn stated there are about a dozen that are in the last phases.

Mr. Akey asked once they are turned over to the County does the curbing along the roads become part of the County also?

Mr. Moyer stated yes.

Mr. Quinn asked if you have problems that need to be addressed you can contact Mr. Smith.

Mr. Akey stated on two of the curbs that are the CDDs, I know who caused the damage and they have to be fixed. They have driven the trucks up over the curbs. Their position is that the curbs were like that before they started. There are also five or six other places.

FOURTH ORDER OF BUSINESS

Approval of April 22, June 30, July 28 and August 25, 2005 Meeting Minutes

Mr. Katz stated it is my understanding that the April 22, 2005 are not ready to be approved so I will make a motion that we approve the remaining minutes.

Mr. Quinn asked what is the delay on the April minutes?

Mr. Moyer stated there was a question on some part of the summary and what has been tradition for the Board recently is if there are questions dealing with a certain section of the minutes, we put it in verbatim.

Mr. Quinn stated we have not done that?

Mr. Moyer stated we have not done that on the April 22, 2005 minutes as of this date.

Mr. Quinn stated I have some corrections to the minutes, but I will give those to Ms. Wright at the end of the meeting.

On MOTION by Mr. Katz, seconded by Mr. Crow, with all in favor, approval was given to the June 30 and July 28 and August 25, 2005 meeting minutes as amended.

Mr. Quinn asked can we expect the April 22, 2005 minutes by the next meeting?

Mr. Moyer stated yes.

FIFTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

Mr. Moyer stated through absolutely no fault of Mr. Woodville, we do not have the financial statements for the Board, but when they are available we will circulate them to you under separate cover. The infamous computer problem still remains a computer problem that Severn Trent is diligently working on to correct.

B. 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 reviewed the invoices included in the agenda package, which is available for public review in the District office during normal business hours.

Mr. Katz stated we talked about having an itemized bill from Ms. Stuart for the Carlyle items.

Ms. Stuart stated I thought I had provided that. I will take the future bills and segregate them out.

Mr. Katz stated we will pay these bills out of our fund and then we will ask Carlyle to reimburse us for their items

Mr. Katz stated Mr. Woodville please look at the Hanson Walter bill that we will be approving today to see if some of it should be paid out of the capital projects fund. It looks like it has to do with some capital projects. As we go through our process of working out the alleys or any issues with drainage from the last meeting, those all come out of capital projects and not operation and maintenance.

On MOTION by Mr. Katz, seconded by Mr. Quinn, with all in favor, approval was given to the invoices.

C. Consideration of Resolution 2005-11 designating SunTrust Bank as the public depository

Mr. Moyer stated we previously designated what is now SunTrust and was SunBank in the mid 1990s as our depository. We would like to update that Resolution to properly reflect that it is now SunTrust Bank.

Mr. Katz stated it needs to be shown as SunTrust Bank, N. A.

On MOTION by Mr. Katz, seconded by Ms. James, with all in favor, approval was given to Resolution 2005-12 as amended

D. Consideration of Resolution 2005-12 naming Lake Rianhard

Mr. Moyer stated this Resolution names the Town Center Lake, Lake Rianhard. Ms. Stuart has provided that to you, identifying the contributions that Mr. Rianhard made to the Celebration community. We will entertain any additions or changes that the Board would like,

but we would like to move ahead and approve this Resolution so we can get it to the appropriate people for the dedication ceremony.

Mr. Crow moved to approve Resolution 2005-12 naming Lake Rianhard.
Mr. Katz seconded the motion.

Mr. Quinn stated I read the Resolution and I think it reads great. I want to thank Mr. Crow and the folks on the committee that helped bring this all together.

Mr. Katz asked with the fact that Mr. Stofcik is not here and we are all signing it, does that make it unanimous if he signs it at a later date?

Ms. Stuart stated I suggest we simply allow him to sign it when he gets back.

Mr. Katz stated I was just asking a procedural question in terms of the language of the Resolution. I am sure he will sign it, but if he is not here presently to vote on it, does it pass unanimously with the four of us and then the five of us will sign it?

Ms. Stuart stated yes.

Upon voice vote, unanimous approval was given to Resolution 2005-12 naming Lake Rianhard.

E. Discussion regarding franchise agreements for communication services (cable and telephone)

Mr. Moyer stated the issue is in regards to franchises that have been issued for services in Celebration, notably, cable television, which used to be Vista United and is now Smart City. The County issues those franchises and I did talk to the County Attorney's Office. The franchises that they issue are for a 15-year period of time. These franchises were approved by the County in the mid 1990s and Celebration was not established until 1994, so they have four or five years left on those franchises, the renewal of which would come before the County. Part of it is regulated by Federal law and it is a fairly complex area of the law now, but we, as a District in our enabling legislation, are not granted the power to issue franchises.

Mr. Quinn stated I had originally asked Mr. Moyer this question because I have received a substantial number of inquiries from residents in the community, expressing a growing sense of dissatisfaction with the quality and efficiency of the service of both of those providers. In looking for who and where the decisions were made and what, if any, was the process to effect

the decision the next time it came up to be made, I ask Mr. Moyer to do some research. The question I have is, even though we do not have a statutory authority to do anything about this, I would imagine we do have a voice in this and we could, in fact, when this process comes up for its renewal, participate in the discussion with the County.

Mr. Moyer stated you would have what I call a perceived enhanced position at the County Commission because I think they know this Board is representing the citizens of Celebration, but legally we have no more standing in this than you or I as citizens who own property in Celebration. The point is if the Board sent them a Resolution, would they take that more seriously than if you and I sent them a letter, which they might.

Mr. Katz stated I think the only thing we have is the ability to try and ask another provider of that service to consider becoming a franchisee by a process with the County. At the time the agreements are coming up for renewal, we do not have any authority, but as an organized group, we would have the ability to ask Bright House or somebody like that to come make a presentation to see if they want to do it, but we do not have the right to tell a franchisee whether they are doing a good job or not.

Mr. Quinn stated I agree with that. The normal process, as I understand it, franchises are renewable, but the competition to the existing franchisees has the opportunity to convince the County that they could do better if they went elsewhere.

Mr. Moyer stated the only area in Osceola County that has multiple cable providers is Buena Ventura Lakes. I think the County would grant anybody a franchise. In many respects they think that is a good thing because it encourages competition, but putting the cable in ground, getting the right to do that and the cost of putting that system in might be prohibitive.

Mr. Katz stated I think the message that needs to be sent to the community is that we are not able to assist in making a decision on that matter and that would be a correct statement.

F. Discussion of adding two baseball fields to the little league site

Mr. Moyer stated Mr. Quinn also asked about the baseball fields at the K-8 school and that is in the middle of a process. We, as a District, are not at the point where we can do anything with that. There is a plan that has been submitted to the school, which has not gone to the School Board for their review.

Mr. Quinn asked if blueprints were sent to the School Board as a proposal, the School Board said they liked the proposal and we agree to it, what, if any, should the District's role be in any of that after the approval? Is it grading and leveling the land?

Mr. Katz stated we do not have any role yet. We are not at the point where we have made any commitments. We do not have to make a decision and we do not have to give anybody any comfort that we might even make a decision. I would prefer to leave it at that.

G. Consideration of date for joint meeting with the District and CROA

Mr. Moyer stated the Board has requested that we have a meeting with CROA. They have just gone through the election and they are seating their new representatives. We will follow up and set up a meeting.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney – Consideration of letter withdrawing legal representation for the District.

Mr. Quinn stated I am somewhat saddened and disappointed by this letter, but I understand. I think the relationship over the course of the past year has been outstanding. I personally want to thank Ms. Stuart for all of her service, not only to the Board, but for myself in keeping me focused when I was not following Roberts Rules and parliamentary procedures early on. You made the learning curve a substantially easier process for me. We need to find a replacement and I, for one, do not know all of the things that you do for the District. Would it be appropriate for you to put together a statement of work that basically lists all of the different things that you do for the District so that when we do begin the search for a new replacement, which I think we need to do relatively soon, we would have a benchmark to use as part of the evaluation of a potential replacement firm?

Ms. Stuart stated I will be happy to do that and provide it to the Board and I appreciate your kind words, thank you.

Mr. Katz stated there are certain legal matters that she is not asked to do for us that she might do for other Districts and it would be helpful to know some of the functions that have been delegated to other people as well.

Ms. Stuart stated that is a good point. Some of the things I do in other CDDs is a little bit different in each place and I will try to include those types of things that I do for other Districts.

Mr. Katz asked is there anything that you are working on now that is not concluded that we did not know about?

Ms. Stuart stated the only item that I have is the Area 5 plat and deed reconciliation.

B. Engineer - Update Regarding Roadway Acceptance

Mr. Walter stated we just submitted a couple more roads, Beak and Croton. The County wrote us a letter saying no way, but we have had some conversation with the County since then and there is a little confusion on their side, so they will be processing those two streets for acceptance. As far as the remaining streets that are involved there are some improvements and repairs that need to be done. Mr. Smith and I discussed those and they are in process. The County will be out to inspect them and as those are complete they will be on the agenda for acceptance. If we get these two done there are approximately nine more segments left. At the workshop you asked me to discuss the storage yard. This is a plat of the area and this is part of a right-of-way, but the CDD owns that. We did a site plan and it is basically a storage yard. This shows where we want to put the driveway and we are going to try to use that area. It also shows where the fence is going to be. I wanted to show where the driveway was going to be, which is where we will permit it with the County when the time is appropriate. Inside the storage area there is about seven-tenths of an acre of storage. We need to be careful in there and we have talked to Mr. Smith about this, because most of the area is covered by easements, either gas line or utility and we do not want to place anything in the ground there; however, I do not see any problem with just storing stuff on top of it. I do not think we can construct anything and I certainly would not advise anyone to be in there with any kind of auger because of the gas mains that are in there. I believe, given Mr. Smith's approval of this, we will start the survey requirements for it. Once those are complete we will apply for the driveway permit from the County to access that and also the fencing permit.

Mr. Katz asked do we actually have to fence the back of it?

Mr. Walter stated it is up to you. We included the fence because we did not want people to be able to walk around and into the facility.

Mr. Quinn asked is there an existing fence from I-4?

Mr. Smith stated there is an existing DOT fence.

Mr. Katz stated that is not where this fence is shown on the map.

Mr. Smith stated it is on the backside of the gas easement. We can fence over the gas easement and they do not have a problem with that, but we cannot put permanent buildings there. We can put trailers or park cars on it, but nothing that cannot be moved easily.

Mr. Walter stated in a high pressure gas main easement, anytime you even try to put posts down, you will need to come in and have them locate the gas main. If there is a fence along there, all of this fence will tie into that one.

Mr. Katz stated the reason I asked is because the DOT easement is behind the easement for the high pressure gas line and that would give us a larger area to fence in.

Mr. Walter stated that is not property that you own.

Mr. Katz stated if they let us fence up to their fence we will have a larger area for storage.

Mr. Smith stated we have talked to the gas company in the past about using those areas. There is a parking lot over the gas easement, so we are just using it to park cars.

Mr. Walter stated I am listening and I am hearing different issues, so let me clarify. This line that is shown on the map, if that is the one you are talking about, that is the line you own to, so the property on this side is State property.

Mr. Smith stated this would be the gas easement.

Mr. Walter stated he is talking about the right-of-way line and you are talking about going across the right-of-way line into the DOT easement.

Mr. Smith stated the fence is on the right-of-way.

Mr. Walter stated my only concern was using DOT property.

Mr. Smith stated I have also talked to DOT about possibly using this area as a nursery because we irrigated it and we have a maintenance easement over it.

Mr. Katz asked is that beyond the fence that Mr. Walter is talking about?

Mr. Smith stated it would be on the other side of the fence. In the past we planted trees, but it was actually on the other side of 417 because we do all of the landscape maintenance there as well. I do not see us needing to use this.

Mr. Walter stated so we do not need to go over the DOT right-of-way.

Mr. Quinn stated I understand the 25-foot setback on Celebration Boulevard because that would be consistent with the rest of it. What is the reason for the 68 feet?

Mr. Walter stated there is no specific reason. We just cut it off down at that end so we would not get too close to the intersection if they were to come back in and work on it. We

can go within 10 feet of it as long as the County does not mind, but for now I will try to keep it back so as not to cause any conflict with the intersection.

Mr. Quinn asked is the west end of the fenced area the property line between this property and the next property?

Mr. Walter stated that is correct.

Mr. Katz asked what is the timeline?

Mr. Walter stated we will need to get some surveying information, which will take us 30 days and I would estimate within the next 60 days we will have the permits for this from the County.

Mr. Katz asked when can we start putting the fence in?

Mr. Walter stated as soon as the permits are issued.

Mr. Quinn stated you were also going to see if you could have a discussion with the County about Waterside Drive and the issues on Elderberry Court.

Mr. Walter stated we have started a procedure with that. The District will make a request through the County Engineering Department for that and that request is in process.

C. District Representative

Mr. Katz asked is there any work that is going to be done beyond the high school going down to Four Seasons that you know of within the next 120 days?

Mr. Forbes stated I am not aware of any.

Mr. Katz stated I saw a bunch of sand piles and construction-related items there and since it was on our property I did not know if you knew about it.

Mr. Quinn asked does the Four Seasons group have until the end of this year to make a decision on what they are going to do before something triggers?

Mr. Forbes stated I am aware that there are contractual obligations that are milestone sensitive, but I do not know the specifics. I recommend that The Celebration Company disclose those.

Mr. Quinn stated if memory serves me, the end of this year was a trigger of some sort.

Mr. Katz stated 120 days from now is pretty much the end of the year and you said you are not aware of any projects that are being done on that property.

Mr. Forbes stated that is correct.

SEVENTH ORDER OF BUSINESS

Supervisor Requests

Mr. Quinn stated regarding the group that hacked their way into the Front Porch website and destroyed it, I had a conversation with the communication individuals at Town Hall and they said that they are probably 30 to 45 days out from getting a new website up and it will be built from the ground up. At our last meeting we shelved the web services proposal in favor of working jointly with Town Hall and the existing Front Porch to be able to accommodate the needs of the District. I think it is an ideal opportunity for us to work hand in hand with the people at Town Hall as they are developing and building this new site to make sure that the needs of the District are integrated from the ground up in the site as opposed to trying to add those on. The request is to ask staff to get with the people at Town Hall to see what we need to do in order to be able to make sure we get what we need integrated into that process while it is still being designed.

Mr. Moyer stated since you probably possess much more technical computer savvy than certainly me and the rest of our staff, to the degree we need help, I am assuming we can count on you.

Mr. Quinn stated I am at your disposal.

Mr. Moyer stated we did not put it on the agenda, but we usually talk about future agenda items. Does anyone have any future agenda items?

Mr. Katz asked do we have anything in the way of contractual obligations that we are supposed be bringing to bid or contracts that are due?

Mr. Quinn stated we have at least one where we have been on a month-to-month bases for quite some time, which are the street sweepers.

Mr. Smith stated we also have one for Aquatic Weed Control, but we are waiting for a finished map.

Mr. Katz asked is that a proposal you can get done this month while we still have an attorney to review it?

Mr. Smith stated yes.

Mr. Quinn stated the last time we did a review of the contracts was in the spring and it might be appropriate for us to do a quick review at the next meeting. One of the things that we had requested at the spring review was that we need to know six months ahead when a

contract is coming up for renewal in order to make sure we get the bid process done appropriately as opposed to doing it after the fact, which is what has happened in the past.

Ms. James stated would that be something that is beneficial, just as the invoices are here, to have a three-month look ahead as part of the normal agenda package.

Mr. Moyer stated we had the contract, but we can put that in as a standard item in the agenda package. We really did not talk about the process of replacing Ms. Stuart. Once we get the scope that she is going to prepare, which I assume will be within the next couple of weeks, do you want to put it in the newspaper or do we want to contact attorneys that have some experience?

Mr. Quinn stated with something like this you do it by invitation, but I was not sure, as a public government entity, if we had the ability to do a by-invitation bid.

Mr. Moyer stated you do not have to competitively bid legal services.

Mr. Katz stated I would prefer that we look at what she does and does not do from the list and see if there is anything on that list that we want to move to one side or the other. We do not have any pending legal matters and I just do not feel like there is an urgency to go out and hire someone just to have an attorney. In the meantime, if something comes up we can always piecemeal a matter out for a specific project.

Mr. Quinn stated absolutely and I am a strong proponent of not buying a service that you can rent as needed. We have Ms. Stuart's services up to November in developing a list of what we need and a short list of where we would go to get those services, if and when we need them, which I think is a very prudent course for the Board to take.

Mr. Moyer stated I did not want to waste 30 days if you wanted me out there doing something, but we will wait until the next meeting.

Mr. Quinn stated advertising things in the newspaper has been a uniquely disappointing experience.

Mr. Katz stated I think this is a "word of mouth" type of issue anyway. That is how we got our team together for the bond issue.


Mr. Quinn stated my guess is that you can probably count on one hand the number of people you would actually want to have on that short list.

Mr. Katz stated there are a few people that we would want to talk to before we hire anyone, but it is not an urgent issue.

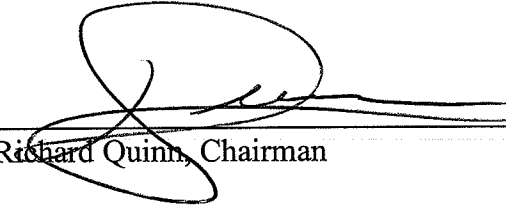
TWELFTH ORDER OF BUSINESS

Adjournment

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



Steve Katz, Secretary



Richard Quinn, Chairman