

MINUTES OF MEETING CELEBRATION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Celebration Community Development District was held Tuesday, November 17, 2020, at 4:00 p.m. at the District Office, 313 Campus Street, Celebration, Florida 34747.

Present and constituting a quorum were:

Greg Filak	Chairman
Paul Collins (<i>via Zoom and phone</i>)	Vice Chairman
Cassandra Starks	Secretary
Cliff Akey	Treasurer
Jack McLaughlin	Supervisor

Also present were:

Gary Moyer	Manager: Moyer Management Group
Jan Carpenter	Attorney: Latham, Luna, Eden & Beaudine
Mark Vincutonis	Engineer: Hanson Walter & Associates
Brenda Burgess (<i>via Zoom</i>)	Moyer Management Group
Natasha Cruz Millheim	Inframark, Field Services
Kacey Lothar (<i>via Zoom</i>)	Mattamy Homes
Angel Montagna	Inframark, Management Services
Russ Simmons	Inframark, Field Services
Residents and Members of the Public (<i>in person and via Zoom</i>)	

This is not a certified or verbatim transcript but rather represents the context and summary of the meeting. The full meeting is available in audio format upon request. Contact the District Office for any related costs for an audio copy.

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Mr. Moyer called the meeting to order at 4:05 p.m.

Mr. Moyer called the roll and stated a quorum was present for the meeting.

Mr. Moyer introduced the support and professional staff and their roles, and also reviewed the activities of the Celebration CDD (“District”), special-purpose governments, roles of Supervisors and public officials, public records laws, and the Sunshine law.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

Mr. Moyer led the *Pledge of Allegiance*.

THIRD ORDER OF BUSINESS

Public Comment Period

Mr. Moyer indicated public comments are three minutes per speaker and are provided at the beginning and the end of the meeting.

There being no comments, the next order of business followed.

FOURTH ORDER OF BUSINESS

Organizational Matters

A. Oath of Office for Newly Elected Supervisors at November 3, 2020, Election

Mr. Moyer, being a Notary of the State of Florida, administered the oath of office to Ms. Starks, Mr. Filak, and Mr. McLaughlin.

B. Resolution 2021-05, Designation of Officers

Mr. Moyer read Resolution 2021-05 into the record by title.

Mr. Collins nominated himself to serve as Chairman, and introduced himself and his qualifications.

Mr. McLaughlin nominated Mr. Filak to serve as Chairman, who introduced himself and his qualifications.

Upon VOICE VOTE, with Mr. Filak, Mr. Akey, and Mr. McLaughlin voting for Mr. Filak, and Mr. Collins and Ms. Starks voting for Mr. Collins, Mr. Filak was elected to serve as Chairman 3-2.

Mr. McLaughlin nominated Mr. Collins to serve as Vice Chairman.

Mr. Collins nominated Ms. Starks to serve as Vice Chairman.

Mr. Akey nominated Mr. McLaughlin to serve as Vice Chairman.

Upon VOICE VOTE, with Ms. Starks, Mr. Filak, and Mr. McLaughlin voting for Mr. Collins, Mr. Collins voting for Ms. Starks, and Mr. Akey voting for Mr. McLaughlin, Mr. Collins was elected to serve as Vice Chairman 3-1-1.

Ms. Starks nominated herself to serve as Secretary.

Upon VOICE VOTE, with all in favor, Ms. Starks was unanimously elected to serve as Secretary.

Mr. McLaughlin nominated Mr. Akey to serve as Treasurer.

Mr. Akey nominated Mr. McLaughlin to serve as Treasurer.

Mr. McLaughlin withdrew his name from consideration to serve as Treasurer.

Upon VOICE VOTE, with all in favor, Mr. Akey was unanimously elected to serve as Treasurer.

Mr. Moyer indicated accounting staff from Inframark are listed on the Resolution to serve as Assistant Treasurers, to facilitate check signing and other routing accounting matters, and Mr. Moyer generally serves as Assistant Secretary to sign minutes and other documents if the Secretary is unavailable.

Mr. Filak made a MOTION to elect Mr. Stephen Bloom and Mr. Alan Baldwin to serve as Assistant Treasurers, and Mr. Moyer to serve as Assistant Secretary.
Mr. McLaughlin seconded the motion.

Upon VOICE VOTE, with all in favor, Mr. Bloom and Mr. Baldwin were unanimously elected to serve as Assistant Treasurers and Mr. Moyer was unanimously elected to serve as Assistant Secretary.

Mr. Collins requested the Board discuss liaisons with various entities as well as providing the *Celebration News* articles from the Board.

After a brief discussion, the following liaisons were nominated:

- County Commissioner and U.S. 192 improvement district: Ms. Starks
- CROA: Mr. McLaughlin
- *Celebration News* articles: Mr. Filak
- Mattamy Homes/Island Village and management: Mr. Filak
- County staff and sheriff: Mr. Akey
- Audit committee: Mr. Akey to serve as a committee member, and Mr. Collins to continue serving as Chairman of the audit committee since those meetings are advertised pursuant to Florida law.

Upon VOICE VOTE, with all in favor, unanimous approval was given to appoint the following District liaisons: Ms. Starks with Commissioner Peggy Choudhry and the U.S. 192 improvement district, Mr. McLaughlin with CROA, Mr. Filak with Mattamy Homes for Island Village and for management, Mr. Filak to provide the *Celebration News* articles on behalf of the Board, Mr. Akey with County staff and the sheriff's office, and Mr. Akey to serve as a committee member and Mr. Collins to continue serving as Chairman on the audit committee.

C. Introduction and Overview of Community Development Districts

This item already having been discussed, the next order of business followed.

FIFTH ORDER OF BUSINESS

Administrative Matters and Announcements

This is an item for Supervisors or members of the management staff to bring announcements to the Board, which is on every agenda.

There being none, the next order of business followed.

SIXTH ORDER OF BUSINESS

Approval of the Meeting Agenda

There being no changes, the agenda was approved as presented.

SEVENTH ORDER OF BUSINESS

Consent Agenda

A. Minutes of October 27, 2020, Regular Meeting

Mr. Filak reviewed the minutes, which are included in the agenda package and are available for public review in the District Office during normal business hours, and requested additions, corrections, or deletions.

B. Check Register and Invoices

Mr. Filak reviewed the check register and invoices, which are included in the agenda package and are available for public review in the District Office during normal business hours, and requested approval.

Mr. Akey made a MOTION to approve the consent agenda, as presented.
Mr. McLaughlin seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to the consent agenda, as presented.

EIGHTH ORDER OF BUSINESS

Action Items for Approval

A. Resolution 2021-02, Recognizing the Contributions of Mr. Lee Moore

Mr. Moyer read Resolution 2021-02 into the record by title.

B. Resolution 2021-03, Recognizing the Contributions of Mr. Don McDonald

Mr. Moyer read Resolution 2021-03 into the record by title.

C. Resolution 2021-04, Recognizing the Contributions of Mr. David Orosz

Mr. Moyer read Resolution 2021-04 into the record by title.

Mr. McLaughlin made a MOTION to adopt Resolutions 2021-02, 2021-03, and 2021-04 recognizing the contributions of Mr. Moore, Mr. McDonald, and Mr. Orosz.
Ms. Starks seconded the motion.

The Board expressed its thanks to Mr. Orosz for his service on the Board, particularly for his efforts in community safety and cleanliness and maintenance, as well as to Mr.

Moore and Mr. McDonald, for all three members helping the community be better during their service on the CROA Board as well as the District's Board of Supervisors.

Upon VOICE VOTE, with all in favor, unanimous approval was given to adopt Resolutions 2021-02, 2021-03, and 2021-04 recognizing the contributions of Mr. Moore, Mr. McDonald, and Mr. Orosz.

Mr. Collins requested a similar resolution be prepared for Mr. Floyd McCollum for his eight years of service on the Board, notably with the construction and design of the District office building and a commitment to the District and the Celebration community.

Mr. Collins made a MOTION for staff to prepare a Resolution recognizing the contributions of Mr. Floyd McCollum if one had not been provided upon the end of his service on the Board.
Mr. Akey seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given for staff to prepare a Resolution recognizing the contributions of Mr. Floyd McCollum if one had not been provided upon the end of his service on the Board.

D. Holiday Decorations

Mr. Moyer reviewed the proposal from Lexin to provide holiday decorations on the District's esplanade, and if the Board is interested in Lexin decorating the downtown area for the 2020 holiday season, after which the District will remove and store those decorations and install them for future holidays.

Discussion ensued regarding costs and responsibility for installing and removing decorations.

Mr. Moyer reviewed nine requests for residents to speak on this issue, all of whom support decorating downtown.

Mr. McLaughlin made a MOTION to approve the proposal from Lexin in the amount of \$5,505, for Lexin to install, remove, and store holiday decorations.
Mr. Akey seconded the motion.

Discussion ensued related to jurisdiction of who should decorate downtown, responsibilities of the District being maintenance of infrastructure and if the District has

authority to use public money to decorate downtown or the whole community, clarification from legal counsel that a District is permitted to put up non-denominational holiday decorations on District-owned property open for the general public (as opposed to only in one corner of the community), suggestion to allow decorations this year while staff works with the Chairman on a holiday decorating policy for future years, alternative proposal from Lexin where they will install and remove the decorations this year but the District will then store and install/remove in future years, advantages and disadvantages to having staff install/remove decorations and replacement costs, use of contingency to pay for decorating costs, decorating other areas of the community, situation of working with Lexin going forward, desire to draft a decorations policy by the end of March 2021, working with other entities in the community, position of the District not permitting commercial entities making a profit on public property, *quid pro quo* with Lexin for a number of years to permit the Santa House on District property in exchange for Lexin decorating the esplanade, ability for the District to store the decorations, and staff's desire not to install or maintain decorations.

Mr. McLaughlin amended the MOTION to approve the proposal from Lexin in the amount of \$5,505, for Lexin to install, remove, and store holiday decorations for the 2020 holiday season, with further negotiations and establishment of a policy beginning in 2021.

Mr. Akey seconded the amendment.

Upon VOICE VOTE, with all in favor, unanimous approval was given to approve the proposal from Lexin in the amount of \$5,505, for Lexin to install, remove, and store holiday decorations for the 2020 holiday season, with further negotiations and establishment of a policy beginning in 2021.

E. Assignment of Fund Balance

Mr. Moyer reviewed the assignment of fund balance and the various reserve accounts.

Discussion ensued related to purposes for each of the reserve accounts.

Mr. McLaughlin made a MOTION to approve the assignment of fund balance, as presented.

Mr. Akey seconded the motion.

Discussion ensued related to possibility of refunding a portion of the \$2 million in unassigned fund balance to the property owners, future projects not included in other reserve accounts such as alley replacements that will come from that \$2 million in unassigned fund balance, desire to formulate a comprehensive replacement plan for the District's infrastructure items before refunding any money to residents, and all balances in the various reserves and accounts being under the Board's control.

Upon VOICE VOTE, with all in favor, unanimous approval was given to approve the assignment of fund balance, as presented.

F. Proposals for Street Sweeping

Mr. Moyer reviewed previous Board discussions on street sweeping, the analysis from a local vendor determining the current contractor was providing inadequate sweeping services, number of sweeps being provided different from what was contracted, present sweeping schedule provided on the website, options to remain with the current contractor for 33 sweeps (at \$1,500 per sweep) or go with a new contractor for 26 sweeps (at \$2,000 per sweep), budget based on what is paid per sweep, dissatisfaction with the current street sweeper in not getting what the District is paying for, lack of details in the proposal from USA Seal & Stripe notably regarding the schedule at staff's direction, and lack of track record from USA Seal & Stripe.

Mr. Jeff Jarzombek from USA Seal & Stripe commented he is in the paving business for the most part and has smaller cleaners for parking lots before they are repaved. The price of his proposal was based on the contract awarded in 2018 at \$2,000 per sweep. He is a resident and is interested in keeping the community clean.

Discussion ensued regarding challenges of street sweeping, garbage in the drainage structures, parked cars, quiet volume of USA Seal & Stripe's truck, dissatisfaction with the quality of service currently provided, recommended number of sweeps, request for monthly reports, communications, last-minute requests and flexibility, recommendation from Mr. Brian Kensil (CROA Board) to provide more sweeps instead of fewer sweeps due to potential for lawsuits, request for draft agreement and scope of services, communication regarding a new vendor and the schedule, staff's opinion on recommended number of sweeps, Mr. Jarzombek's agreement to provide a limited number of additional sweeps at no cost if required in addition to the contracted 26

sweeps, Inframark's service for doggie pots and trash cans, recommendation for staff to provide comprehensive scope for community cleanliness for a future meeting, and a suggestion to sweep streets four times a month for six months and twice a month for six months to total 36 sweeps.

Mr. Filak made a MOTION to direct staff to resolicit proposals for 36 sweeps per year and a monthly reporting template, with the Board determining the sweeping schedule as may be amended from time to time, and to provide a draft agreement with a scope of services.
Mr. McLaughlin seconded the motion.

Discussion ensued regarding a request for staff to email the current contracts for cleanliness and trash pickup with Inframark or other contractors to the Board members.

Upon VOICE VOTE, with all in favor, unanimous approval was given to direct staff to resolicit proposals for 36 sweeps per year and a monthly reporting template, with the Board determining the sweeping schedule as may be amended from time to time, and to provide a draft agreement with a scope of services.

G. Resolution 2021-01, Phase 1B Plat for Island Village

Mr. Moyer read Resolution 2021-01 into the record by title.

Mr. Moyer discussed the Board's previous discussion and concerns of a 10-foot retaining wall being included next to houses.

Mr. Vincutonis discussed the revised plat and easement note that names CROA or another home owners association as the entity responsible for maintaining the walls instead of the District.

Discussion ensued regarding the timing of when the plat and Resolution should be approved, completion of other Island Village development, the open-space tract the subject area for the retaining wall, and how maintenance of the wall would work with the District owning the adjacent tract.

Mr. Akey made a MOTION to approve Resolution 2021-01 for the Phase 1B plat for Island Village, authorizing execution by the Chairman or Vice Chairman.
Mr. McLaughlin seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to Resolution 2021-01 for the Phase 1B plat for Island Village, authorizing execution by the Chairman or Vice Chairman.

H. *Celebration News* Article for January 2021

Mr. Collins reviewed the proposed article written on behalf of the Board for the December edition of the *Celebration News*.

Discussion ensued regarding recycling of some articles in the *Celebration News* to tailor to specific conditions, and synching the article from the Board and the article from staff which is focused on management of infrastructure and is run cyclically due to new residents always moving in.

Mr. McLaughlin made a MOTION to approve the *Celebration News* article for January.
Mr. Akey seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to the *Celebration News* article for January.

NINTH ORDER OF BUSINESS

Contractor and Third-Party Reports and Presentations

A. Celebration Residential Owners Association (CROA) Representative and Liaison

Mr. Kensil expressed congratulations from the CROA Board to the new members of the District Board of Supervisors.

B. Safety/Security/Traffic

The safety/security/traffic report is included in the agenda package and available in the District Office for public review during normal business hours.

Discussion ensued regarding the open list with the County that will be provided to the Board, crosswalk painting, transition to the new sheriff, reporting, description of the zones in Celebration, the change from a full-time deputy to details, and the Board's desire to discuss with the new sheriff possibly going back to a full-time deputy.

C. Island Village

There being nothing to report, the next order of business followed.

TENTH ORDER OF BUSINESS

Regular Reports

A. District Manager

i. Financial Statements

Mr. Moyer reviewed the financial statements included in the agenda package and available in the District Office for public review during normal business hours.

Discussion ensued regarding unbudgeted revenues and expenses, payments made for slip-and-fall insurance lawsuits, and a program to be presented for alley replacements.

B. Field Operations

i. Monthly Field Management Report

Mr. Simmons reviewed the field management report included in the agenda package and available in the District Office for public review during normal business hours.

Mr. Simmons reported on tree trimming, stump grinding for removal of cypress trees, and a minor repair on the sidewalk cleaning machine.

Discussion ensued regarding a suggestion to use the sidewalk cleaning machine on the boardwalks, staff providing a report for spot checking contractors, landscaping enhancements to be done, sidewalk cleaning in common areas, schedule for sidewalk cleaning with the machine, and tree replacements.

ii. Resident Requests

Resident request log is included in the agenda package and available in the District Office for public review during normal business hours.

Mr. Simmons reviewed the request from Ms. Lisa Bell who requested a one-way sign in the alley on Honeysuckle Avenue.

Discussion ensued regarding having all or a certain percentage of residents along that alley to agree making it one way, error on the communication log indicating this was done and should be for the request from North Village, description of the area requested to be one way, traffic standards for an alley, having the requestor pay for a traffic study in order for the Board to consider the request, consulting with the County since the alley ends at a County road, getting a certain percentage of residents agree to a change and/or consensus from a traffic engineering opinion, effectiveness of existing one-way signs, and a suggestion to discuss further after a workshop or plan has been developed related to this issue.

Mr. Collins made a MOTION to table consideration of a one-way alley on Honeysuckle Avenue until after a workshop.

Mr. McLaughlin seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to table consideration of a one-way alley on Honeysuckle Avenue until after a workshop.

C. Attorney

Ms. Carpenter reported on the following items:

- Mattamy Homes: intends to issue bonds which was initially approved by the Board, timing probably during the first quarter of 2021, completion of the road and bridge anticipated to be February, timing of about six to ten weeks to prepare the bond issuance documents, the assessment process was already gone through, and discussing the bond issuance process at a workshop for the benefit of new Board members.
- Sidewalk lawsuit: a notice of claim was made in August for a slip and fall, which went to the insurance company, staff provided information to the insurance company, and the insurance company sent a letter to the plaintiff's attorney at Morgan & Morgan that they did not see evidence of a claim. The District was served with an actual lawsuit about two weeks ago, which was submitted to the insurance company, who said they will not cover it. The complaint has to be responded to so a default judgment is not rendered, and the attorney would like to file a response and request an extension to be able to gather more information to respond, as well as pursue a defense from the insurance company to see why they are denying coverage and if the District can assert coverage. The insurance company has always provided coverage in the past, so this is something new from this company.

Mr. McLaughlin made a MOTION to authorize litigation assistance for an insurance defense and responding to the Loesch insurance claim.

Ms. Starks seconded the motion.

Discussion ensued related to continuing lawsuits and addressing them, and the ability for the Board to meet in a closed executive session to discuss a pending lawsuit which has to be announced in advance naming attendees and advertised accordingly.

Upon VOICE VOTE, with all in favor, unanimous approval was given to authorize litigation assistance for an insurance defense and responding to the Loesch insurance claim.

- Unicorp: has an agreement with the District to buy property for a connecting road to the shopping center, the District has a sliver of an access road to the stormwater pond, and a holdup might be that Mattamy Homes has not turned over some of the property to the District under their plats.
- Scooters: the County adopted an ordinance prohibiting scooters unless they have been officially permitted, code enforcement will handle enforcement, the County suggested Mr. Akey speak with them to discuss enforcement on sidewalks which would be done through an interlocal agreement with the County since a special district has no enforcement powers, and no scooter companies presently have a permit from the County and would be in violation if they are operating on County roads.
- Covid-19 Issues: some governments are limiting meetings to three Board members in person and one staff person and asking everyone else to attend by electronic or telephonic means, some governments are limiting the number of people in one room and having others in another room, current numbers of attendees at this meeting exceed guidelines and best practices, recommendation to continue keeping Zoom Video Communications available for members of the public, the District cannot put limitations on attendees in the room but can only make recommendations, the District cannot enforce CDC guidelines or any regulations, requests being made to the Governor to allow electronic meetings to resume, and direction from the Board for Ms. Carpenter to send a letter to the Governor making a similar request on behalf of the District.
- Parking Deck at Stetson: staff has heard nothing more from the applicant, who has not signed a developer funding agreement to pay ongoing legal and other professional fees to explore a parking garage or deck, nor has the applicant paid the requisite deposit.

D. Engineer

The engineer's monthly report is included in the agenda package and available in the District Office for public review during normal business hours.

Discussion ensued regarding the school at Island Village which has not been built, design work will begin in January 2021 with construction beginning mid-2022 and opening 2023 with about 1,000 students and 49 classrooms, previous design approved by the school board, settlement by Mattamy Homes to give up about 30 lots to allow ten acres for the school to expand, traffic concerns with the school being at the entrance to Island Village, alleys appear to have been taken out of the design or could be used as cut-throughs, a portion of Phase 1A will need to be replatted which will come back to this Board as well as Osceola County, options for the District to look into this issue, current traffic issues with the K-8 and the high schools, involvement of The Celebration Company as well as the town architect, and the need for traffic studies.

ELEVENTH ORDER OF BUSINESS

Updates and Discussion Items

Ms. Cruz Millheim updated the Board regarding working with Florida Fish and Wildlife Commission (FWC) for removal of the swans, FWC will educate the resident regarding not dumping exotic water fowl on ponds, residents continue to complain about the existing swans, and some request new swans be placed in the ponds to replace the dead ones.

Discussion ensued regarding the purpose of the ponds, which is solely for stormwater drainage and not recreation or aesthetics, the District should have the jurisdiction to remove the swans since it owns the ponds, FWC has provided a case number and an investigator, and direction to wait for the report from FWC.

Discussion ensued related to holiday events planned for downtown and the expected impact to traffic, Lexin indicating their event does not cause an issue, Lexin says they (1) are only responsible to provide for deputies within the downtown area to police the activities downtown and (2) do not have any requirement to hire deputies to do anything outside of downtown, and a recommendation to discuss with the sheriff's office if they are aware of the event being planned regarding impacts to traffic.

TWELFTH ORDER OF BUSINESS

Other Business

There being none, the next order of business followed.

THIRTEENTH ORDER OF BUSINESS

Public Comment Period

There being none, the next order of business followed.

FOURTEENTH ORDER OF BUSINESS

Supervisor Comments

Mr. Akey requested to see contracts for the two service items previously discussed.

FIFTEENTH ORDER OF BUSINESS

Adjournment

- *The next meeting is scheduled for Tuesday, December 15, 2020, at 6:30 p.m.*
- *The next workshop is scheduled for Tuesday, January 12, 2021, at 3:00 p.m.*

On MOTION by Mr. McLaughlin, seconded by Mr. Filak, with all in favor, the meeting was adjourned at 7:40 p.m.
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Cassandra Starks, Secretary

Greg Filak, Chairman