

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

The regular meeting of the Board of Supervisors of the Celebration Community Development District was held Tuesday, December 21, 2021, at 6:00 p.m. at the District Office, 313 Campus Street, Celebration, Florida 34747.

Present and constituting a quorum were:

Greg Filak	Chairman
Paul Collins	Vice Chairman
Cassandra Starks	Secretary
Cliff Akey	Treasurer
Jack McLaughlin	Supervisor

Also present, either in person or via Zoom Video Communications, were:

Angel Montagna	Manager: Inframark, Management Services
Jan Carpenter	Attorney: Latham, Luna, Eden & Beaudine
Mark Vincutonis	Engineer: Hanson Walter & Associates
Brenda Burgess	Inframark, Management Services
Brian Kensil	CROA
Russ Simmons	Inframark, Field Services
Chris Tarase	Inframark, Management Services
Residents and Members of the Public	

*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**

Ms. Montagna called the meeting to order at 6:00 p.m.

### **SECOND ORDER OF BUSINESS**

#### **Roll Call**

Ms. Montagna called the roll and stated a quorum was present for the meeting.

### **THIRD ORDER OF BUSINESS**

#### **Pledge of Allegiance**

Mr. Filak led the *Pledge of Allegiance*.

### **FOURTH ORDER OF BUSINESS**

#### **Approval of the Meeting Agenda**

Mr. Filak reviewed the meeting agenda and requested additions or changes.

Ms. Montagna requested to move items 9B and 9C following public comments.

Mr. McLaughlin requested to consider Resolution 2022-06 which was tabled to this meeting related to transfer of the parking lot to CROA. Discussion ensued regarding not adding any items to the agenda unless it is an emergency.

Resolution 2022-06 will be included on the January agenda.

Mr. Akey made a MOTION to approve the meeting agenda, as amended.  
Mr. Collins seconded the motion.

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

#### **FIFTH ORDER OF BUSINESS**

#### **Public Comment Period**

Mr. Casey Graebner from Front Porch Theater seeks to reopen the theater and be more involved in the community.

Mr. Tom Bogucki requested patrols on Celebration Boulevard more frequently to address speeding. Discussion ensued regarding speeding, traffic, and other issues throughout the community, as well as when deputies are scheduled to be in the community. Residents are encouraged to discuss issues with Mr. Akey and also to contact the sheriff's department with comments, concerns, or complaints.

#### **SIXTH ORDER OF BUSINESS**

#### **Action Items for Approval, Part 1**

##### **A. Management Services Master Agreement with Inframark**

Discussion ensued regarding the process over the past months finalizing the agreement, exhibits included with the agreement, 2% escalation after the initial term of the agreement (which price did not change from 2021) to also be applied to the administrative facility use agreement, scope of services will remain the same at no additional cost, the contract is a traditional management contract that is driven by scope, work that may need to be outsourced would be addressed through an amendment, semi-annual reviews, rate schedule compared to budgeted amounts that include pressure washing, when pressure washing was included in the contract, confirmation it is included in the fiscal year 2022 budget, the manager's attendance at all meetings, proposed contract includes all services currently being billed, previous discussions regarding salary increases, scope of services and dollars included in the current contract, budgeted dollars for field services and management fees, amendment #1 to the management agreement approved in March, dollars currently being spent, question if current field services budget includes all scope changes and services currently being performed, and the suggestion for staff to provide cost and scope details in a separate meeting with Mr. Collins.

This item was tabled until the January agenda.

**B. Administrative Facility Use Agreement with Inframark**

Discussion ensued regarding current agreement and increases after the initial term.

This item was tabled until the January agenda.

Mr. McLaughlin made a MOTION to table consideration of the management services master agreement and the administrative facility use agreement with Inframark until the January meeting.

Ms. Starks seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to table consideration of the management services master agreement and the administrative facility use agreement with Inframark until the January meeting.

**SEVENTH ORDER OF BUSINESS**

**Administrative Matters and Announcements**

There being none, the next order of business followed.

**EIGHTH ORDER OF BUSINESS**

**Contractor and Third-Party Reports**

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

Mr. Kensil discussed dumpsters, both CROA's and the District's; joint location or other long-term solution to stage dumpsters; possible locations and areas that should not be considered; and speeding concerns.

Discussion ensued regarding complaints received at the District Office that no one can reach anyone at CROA by phone, transition to new management company in place, and snide comments made about the District at previous CROA meetings.

**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.

Mr. Akey provided an update regarding a meeting Mr. Akey and Ms. Natasha Cruz Millheim attended with the sheriff's department.

**NINTH ORDER OF BUSINESS**

**Consent Agenda**

**A. Minutes of the November 16, 2021, Meeting**

The minutes are included in the agenda package and available for public review in the District Office during normal business hours.

**B. Check Register and Invoices**

The check register and invoices are included in the agenda package and available for public review in the District Office during normal business hours.

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

Discussion ensued regarding invoices addressed to Mr. Gary Moyer, and reference to one invoice that says “complaint” instead of “compliant.”

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

#### **TENTH ORDER OF BUSINESS**

#### **Action Items for Approval, Part 2**

##### **A. Event Use Application from Front Porch Theater for a Public Protest Against the Movie Theater Becoming a Non-Entertainment Venue**

Discussion ensued regarding the application, and no date or safety plan included.

Mr. Filak made a MOTION to deny the event use application from Front Porch Theater, as presented, and to request the missing items be provided and the application re-presented.

Discussion ensued regarding the applicant’s purpose for the event, conversations with Lexin, coordination with the sheriff’s department for the event, other protests in the County, jurisdiction and use of public property, District’s current policy related to protests on District-owned property, laws related to First Amendment rights on public property, and the role of the District in such a request.

There being no second, the motion failed.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Regular Reports**

##### **A. District Manager**

##### **i. Financial Statements**

The financial statements are included in the agenda package and available in the District Office for public review during normal business hours.

Mr. Collins made a MOTION to accept the financial statements, as presented.  
Mr. McLaughlin seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to accept the financial statements, as presented.

**ii. Ratification of Resolution 2022-07, Amending the General Fund Budget for Fiscal Year 2021**

Ms. Montagna read Resolution 2022-07 into the record by title.

Ms. Montagna described the budget changes included in the amendment due to invoices received after the end of the fiscal year. Discussion ensued regarding capital expenses incurred in fiscal year 2021, such as Celebration Boulevard sidewalks, and staff will prepare an end-of-year summary.

Mr. McLaughlin made a MOTION to ratify Resolution 2022-07 amending the general fund budget for fiscal year 2021.

Ms. Starks seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to ratify Resolution 2022-07 amending the general fund budget for fiscal year 2021.

**iii. Incorporation Update**

Ms. Montagna reviewed the progress update and anticipated schedule from the consultant, Mr. Joe Mazurkiewicz, which was emailed to the Board.

Discussion ensued regarding an individual meeting with Mr. Filak and Mr. Mazurkiewicz; Board member concerns about information and the process; Mr. Mazurkiewicz's attendance at the upcoming workshop or a separate workshop; January 11, 2021, workshop start time of 4:00 p.m.; conference call with Osceola County; Ms. Starks's unavailability for the January workshop; and Mr. Mazurkiewicz to attend the regular January 25 meeting.

**iv. Reserve Study Update**

Ms. Montagna provided a progress update, which is complete and in internal review.

Discussion ensued regarding reserve items included in the annual capital projects budget, process for including the reserve study items into future budgets, anticipated schedule for completion, and the report to be distributed in advance of a meeting or workshop to discuss further perhaps February or March.

**B. Field Operations**

**i. Monthly Field Management Report**

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

Mr. Simmons reported storm drains on Celebration Boulevard are operating as designed, Mr. Vincutonis described spreading in storm drains and road pitch, radar speed

sign locations, lights at the interactive fountain not working due to cracks and water damage which should be warranted, crepe myrtle trimming, and getting a recommendation from Mr. Tom MacCubbin.

Discussion ensued regarding Ms. Montagna's conversation with Mr. Mike Nunez at Lexin related to holiday decorations, change in pricing for lights on the bushes, certain decorations that will be replaced, patriotic decorations will remain the same price, Christmas decorations will remain Dickens/Disneyesque, request for a decoration plan from Lexin, request from the street sweeper for residents to avoid leaving garbage cans and not to dump debris on the roadways on sweeping days which has been posted on the website, and include information from Osceola County in *Friday Flash* or other medium.

**ii. Resident Requests**

The resident requests are included in the agenda package and available in the District Office for public review during normal business hours.

**C. Attorney**

**i. Partial Assignment of Easement Agreement with Mattamy Orlando and CIV Development FL Partners**

Ms. Carpenter discussed the partial assignment which is necessary for transfer of the roadway for Celebration Pointe.

Mr. McLaughlin made a MOTION to approve the partial assignment of easement agreement with Mattamy Orlando and CIV Development FL Partners, as discussed.  
Mr. Collins seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to the partial assignment of easement agreement with Mattamy Orlando and CIV Development FL Partners, as discussed.

Discussion ensued regarding the cypress trees removed on Eastlawn, a letter was sent to the resident who believed the trees were on his property, the resident contacted South Florida Water Management District (SFWMD) for information and permission, the resident discussed the issue with Ms. Montagna but had not contacted CROA, he understands he will have to pay to restore the trees, the vendor he contacted would not remove the trees, Ms. Montagna will discuss with him further after the holidays, staff has confirmed the trees are not on the resident's property, and a preference for the District to replace the trees and perform the work and send the invoice to the resident.

Further discussion ensued regarding trees removed on White Moss, conversations with CROA, continued conversations with the resident put on hold until CROA sent a letter regarding covenants, preference to be consistent with anything damaged or removed from District-owned property, process to be followed, and the issue regarding White Moss should be dropped since this instance happened two years ago.

**D. Engineer**

**i. Monthly Report**

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

**E. District Liaison Updates**

**i. CROA**

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

**ii. Commissioner Peggy Choudhry**

There being no further update, the next item followed.

**iii. Management**

Mr. Filak reported on conversations and activities during the month with management, including the Inframark agreement and reserve study.

**iv. West U.S. 192 Improvement District**

There being no further update, the next item followed.

**v. County Staff and Sheriff**

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

**vi. Island Village**

There being no further update, the next order of business followed.

**TWELFTH ORDER OF BUSINESS**

**Other Business, Updates, and Supervisor  
Comments**

Ms. Carpenter discussed an insurance settlement listing their recommendation to settle, which Mr. Moyer would render a decision in the past as delegated by the Board. If brought to the Board, future litigation would be difficult. Ms. Carpenter requested the manager be delegated authority to settle insurance claims up to \$25,000 or the insurance deductible, based on recommendations by insurance counsel to make a settlement.

Discussion ensued regarding settlement process in general, changing the delegated authority from Mr. Moyer to Ms. Montagna, recommendation not to discuss legal or

settlement issues at a public meeting, and confirmation that the insurance company is aggressively working toward the benefit of the District.

Mr. McLaughlin made a MOTION to approve delegating authority to the District Manager to settle insurance claims, not to exceed \$25,000 or the insurance policy's deductible, based upon recommendation by District legal counsel and the insurance company counsel.  
Mr. Filak seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to delegating authority to the District Manager to settle insurance claims, not to exceed \$25,000 or the insurance policy's deductible, based upon recommendation by District legal counsel and the insurance company counsel.

The Board and Ms. Montagna expressed thanks to Ms. Cruz Millheim for her tenure with the District and best wishes in her new position at Inframark.

Discussion ensued regarding CROA's nativity scene downtown, erroneous information regarding the District charging a rental fee, people simply putting up decorations downtown without District permission which led to the decision not to allow anything for a period of years, nativity scene moved to Lakeside Park, relocation of Now Snowing events and decorations off District-owned property, for-profit businesses on District-owned property to donate a portion of proceeds, and suggestion to begin conversations with CNOA for future years to follow the special event policy.

**THIRTEENTH ORDER OF BUSINESS                      Public Comment Period**

There being none, the next order of business followed.

**FOURTEENTH ORDER OF BUSINESS                      Adjournment**

On MOTION by Mr. McLaughlin, seconded by Mr. Akey, with all in favor, the meeting was adjourned at 8:10 p.m.

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Cassandra Starks, Secretary

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Greg Filak, Chairman