

# MINUTES OF MEETING

## CELEBRATION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Celebration Community Development District was held Wednesday, May 21, 2008, at 7:00 p.m. at 851 Celebration Avenue, Celebration, Florida.

Present and constituting a quorum were:

Cliff Akey	Vice Chairman
Paul Collins	Secretary
Richard Quinn	Supervisor
Tom Sunnarborg	Supervisor

Also present were:

Gary Moyer	Manager: Moyer Management Group
Jan Carpenter	Attorney: Shuffield, Lowman & Wilson
Mark Vincutonis	Engineer: Hanson, Walter & Associates
Frank Clarke	Clarke Mosquito Control
Pete Deglomine	Clarke Mosquito Control
Alex Eissinmann	CROA
David Orosz	CROA
Jim Parker	Walt Disney Imagineering
Linda Socolaw	Shutts & Bowen
Brian Smith	Severn Trent Services
Gillian Walker	Lincoln Property Company
Brenda Wright	Moyer Management Group
Residents and members of the public	

*This is not a certified or verbatim transcript but rather represents the context and summary of the meeting.*

### FIRST ORDER OF BUSINESS

### Pledge of Allegiance

Mr. Akey led the *Pledge of Allegiance*.

### SECOND ORDER OF BUSINESS

### Roll Call

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

### THIRD ORDER OF BUSINESS

### Public Comments

Ms. Tracy Freiberg stated a group of us is here concerned about the mosquito repellent being sprayed nightly in Celebration. We would like to be looked at as a task force where we can give the Board some alternatives to the mosquito repellents being sprayed and we request that you stop spraying until we come up with a method that we feel is safe. We would like to do this quickly and we would like a meeting within the next

week. We are happy to help. Over 100 people have signed a petition who are concerned about this issue. We want to make sure we are all safe and well.

Mr. Akey stated we will have Mr. Moyer be in touch with you; you can form a group and come to a white paper recommendation to the Board. Our mosquito vendor is available to attend a meeting.

Mr. Moyer stated in anticipation of this issue, we are in the process of setting up a meeting for next Friday at 3:00 p.m. We may not have formally communicated that to everyone since we just determined the date late this afternoon.

Ms. Freiberg asked can we stop the spraying in the meantime?

Mr. Moyer stated that is a decision of the Board.

Mr. Collins stated I want to hear from Clarke Mosquito Control first. I assume we have been spraying for a number of years. I cannot imagine, as tough as the standards are with the EPA, that we are threatening the safety of the community. A lot of pesticides have been eliminated in the past five or six years. I am not willing to stop spraying at this point. We are setting up a meeting as soon as possible. Perhaps Clarke Mosquito Control can make a statement on the safety but I do not want to get into those details yet.

Mr. Akey stated I am not supportive of stopping spraying. I do not believe they are using anything that is not used in other communities. I think the idea of a task force and getting a white paper published with the facts is a good idea. Who is coming to the meeting?

Mr. Moyer stated we have been talking with Robin Malatino, the Clarke staff and our staff. I think we all agree that we need to meet and get the concerns identified for a white paper.

Mr. Akey asked would a member of the Board like to attend to observe and take notes? I am out of town that day.

Mr. Quinn stated I am available on Fridays and I am happy to attend the meeting.

Ms. Carpenter stated this is a meeting with staff to meet with Clarke Mosquito Control to get facts together, as opposed to appointing a committee of the Board. If you appoint a committee, we have Sunshine Law issues.

Ms. Freiberg stated we want to move this ahead. For you guys to meet, that is not really getting input from us. We have a lot of input but we are ready to meet with you as well.

Mr. Akey stated we can take their input.

Ms. Freiberg stated I was under the impression the meeting could be us as a task force and we can provide the research. We have been working on this for quite a while and we do have quite a bit of information on it. I do not know what a meeting with your staff will accomplish.

Mr. Moyer stated we are saying that we will meet with you. The issue is if it is a formal committee of this Board, it is a governmental situation and the meeting has to be advertised, and the press has to be invited. If it is just what you are saying as a task force, that does not rise to the level of a committee. It is a nuance of government that we are talking about.

A Resident asked can we give you information in the meantime?

Mr. Akey stated yes.

The Resident stated this should be looked at. The petition has been out for two days and news is traveling very fast. It is easy to look up these products online what these products really are. Instead of creating a stir in the community and having the press there, it would be best for you to look at the data we have collected and see if we can pull a meeting together a little earlier.

Mr. Moyer stated you are talking about coordinating other people's schedule. We are all concerned but to the degree that you have information, please provide it and we will circulate it to the people who are our vendors and are the experts in this field and will also have information. At least we will have all the information and as Mr. Akey suggested, we will come up with a white paper on the pros and cons of what is going on and the risk assessments and the research that has been done in the field and we will try to come to a reasonable conclusion. If there are alternatives, that is fine. If there are not, that is an issue the Board will have to deal with. If you have the information, forward it to us before next Friday.

Ms. Robin Malatino stated we appreciate having the meeting. We just want to look for a green alternative since we are a green and progressive community. That is the direction we would like to head.

Mr. Akey stated we will go that route.

Mr. Alex Morton stated on the item related to parking, I think we have enough problems ourselves and we are paying so much in HOA dues and CDD fees and other

related items. There are four separate groups, possibly five: Enterprise CDD, CNOA, the merchants association and Lexin. They have to resolve their own problems. We should not be weighing in on this at all. There are 150 foreclosures in Celebration and we cannot afford to raise more money for the CDD.

Ms. Susan Bona stated regarding parking, I am addressing you not only as a concerned business owner but also as a concerned resident. Four generations of our family have been here since the beginning with the original lottery. I remember seeing the original plans for our town and how it has grown up. It has pretty much followed through with the predictions and what the plans were. Unfortunately, when a town is fully built out, some issues do arise. This is one of the biggest issues in our town, not just our town but it is the whole country. People are lazy and they want convenient parking. I will not say that at times finding a place to park downtown is not aggravating, because it is, but it is time specific and day specific. With a little patience over the last eight years, I have always been able to find a spot. From a business perspective, we have been at the Celebration Town Tavern for eight years. Each year our numbers have grown considerably. I do not know where they park but they all find parking spots. Our business has one of the higher resident-support bases; however, that is not enough to keep us sustained alone. Our regular customer base stretches from Tampa to Jacksonville and all the way to Melbourne. Many of our guests get off an airplane and come straight to the town of Celebration for a meal. They do not just come to the Tavern. They shop, they watch movies, they have ice cream and they watch their kids play in the fountain, and that is what Celebration represents. It is an inviting place that so many of us who are fortunate enough to live here do, but it is also a place where many would love to live but for their own reasons, they cannot. Downtown was built prior to any residential and it is what makes Celebration, Celebration. Many people have tried to duplicate it. They can duplicate the look but they cannot duplicate the feel of what we have in this town. If we start to change the structure of what our town is, by delegating who can park where and when, not only will it change the feeling people get when they get here but they probably will not return. Ultimately, it will force many of the businesses to close down because without our tourists and without our outside guests, we cannot pay our bills. We will become exactly what every other community is, and that is a subdivision that has nothing special to offer and no reason to visit. We have something no one else has. What makes

us stand apart from the rest is our attention to detail and our constant invitations to some of the most outstanding events our town has seen. Our guests feel welcome, safe, and special when they enter through the picket fence. They get a feeling that they cannot quite explain and many visitors wind up going home, they pack up their lives where they have lived for years and they move here. Because of our beautiful town and the exposure it gets, many visitors have become residents over the last 12 years and many more will be our neighbors in the future. We need everyone who visits this town to want to live here even if they cannot afford it right now. Our town's value as well as our property values are based on this entire town. The appeal and convenience of having a downtown are a huge part of that value. If we change the rules now, it will be detrimental to all of us, and I am absolutely against most of the items that would restrict the parking as per the Resolution that is proposed. I think it is crazy how a couple of people who have been elected have proposed such a destructive document in my eyes, when in reality, I do not even believe you have the jurisdiction to do that. I ask the Board reconsider your position on this Resolution. I am very passionate about this town. We walked out of the Tavern tonight and some patrons were telling the hostess how wonderful everything was and that they want to live here. That is the bottom line. They asked her to recommend a realtor. That is the passion these people have and I would hate to see our town be disrupted over parking.

Ms. Kim Hawk stated I would like to propose an alternative that will help the businesses downtown and potentially provide more parking places on Market Street. We used to have angled parking down Market Street and it was one way.

Mr. Quinn stated I have looked at that. That is exactly how they park the cars for the exotic car show. Those streets, Market Street and Front Street from Sycamore Street to the back side of Starbucks, are private streets owned by CNOA. Any decisions relative to parking on those streets is a decision of the CNOA. We have nothing whatsoever to do with that. I think it is a great idea and I remember when it was that way. I think you make a good argument but you need to make it to the right Board.

Mr. Bill Bona asked can we move the parking item forward on the agenda since so many of us are here for that item?

Mr. Akey stated yes, Mr. Collins asked that questions. We will discuss it after audience comments.

Mr. Quinn stated I would like to change our policy on public speaking to align it with how other governments do it, to allow people to speak to an item on the agenda as opposed to having them as public comments. I would like to adopt a new policy to allow residents to speak directly on specific topics on the agenda as they come up.

Mr. Collins stated I do not want to have an agenda item and everyone thinks they can join our discussion. They can state their position before we discuss the item.

Mr. Akey asked for the parking Resolution, can we allow a discussion with the residents only for this item? When we get to the public speaking item, we can discuss it for all future meetings and the details of how it will work versus voting on it now.

Mr. Quinn stated that is fine, and I will withdraw my request.

#### **FOURTH ORDER OF BUSINESS**

#### **Approval of Minutes of the April 16, 2008, Regular Meeting**

Mr. Moyer reviewed the minutes for April 16, 2008, and requested any corrections, additions, or deletions.

Mr. Quinn stated it is my understanding that the recorder did not pick up more than half the meeting and the substance of the last part of the meeting is gone. For the record, the Board agreed that we will support the community's efforts in going to the County to level out the speeds on Celebration Boulevard and Celebration Place at 35 mph. We also agreed that we would request that CROA prepare a proposal of how they intended to use the \$40,000 for parking and related amenities at Lakeside Park. They will come back to the Board with a proposal and we felt that was satisfactory. We agreed to remove it from future agendas because we agreed we found a solution.

Mr. Moyer stated we apologize for this and that is why Ms. Wright is back typing minutes during the meeting so that does not happen again.

Mr. Collins stated on page 8, I do not recall the statement prior to the motion for the water ski event, and I would like that deleted. I did make the motion to begin the discussion but I did not make that statement.

Ms. Wright asked shall I make those corrections and present the minutes again in June?

Mr. Akey stated yes.

**FIFTH ORDER OF BUSINESS**

**Presentation of the Fiscal Year 2009  
Proposed Budget**

**A. Discussion of Fiscal Year 2009 Proposed Budget**

Mr. Moyer stated this is the beginning of the budget process for fiscal year 2009 that begins October 1, 2008, and ends September 30, 2009. We will have a public hearing, at which time the Board will be asked to formally adopt this budget in August. We will have June and July to work through this and also have a workshop which the Board has done in previous fiscal years. Without going into a lot of detail, as you can see from the financial statements, we have the expenses down pretty well. We know the contract amounts and some things come up during the year that are not anticipated, but for the most part, we are right on with the expenditure side of the budget. On the revenue side, each year we spend time identifying future projects and square footage that are proposed to be built. There are minor adjustments from time to time in the non-ad valorem assessments. It is about \$125,000 more than the 2008 budget. We are in a position again this year of not having to raise assessments. This budget balances with a small surplus. You have some fairly significant and respectable reserves related to operations. You still have capital reserves of about \$3 million. I am encouraged that we can go forward this year with the current work program without having an increase in assessments.

Mr. Quinn stated I think it is great that we managed to go from \$142,000 in assessment collection fees down to \$54,000. What is the justification for that?

Mr. Moyer stated we netted it out of revenue from tax collections. This is an accounting nuance. When you add it together with the number under Administrative Expenses, it is still about \$150,000 but it is accounted for differently.

Mr. Collins stated I know because of timing we have to prepare this budget now. We have never increased assessments in 11 years. That is great especially since these are hard times and I applaud you for doing that. I think it is pretty incredible. I do not think you can look at very many government agencies that have not raised fees in 11 straight years. Thank you very much.

**B. Consideration of Resolution 2008-03 Approving the Fiscal Year 2009  
Proposed Budget and Setting a Public Hearing**

Mr. Moyer stated the law requires that you adopt a Resolution that "approves" the budget, and I differentiate the word "approve" from "adopt." We are not adopting the budget today but merely starting the process.

Mr. Moyer read the title of Resolution 2008-03 by title into the record.

On MOTION by Mr. Quinn, seconded by Mr. Sunnarborg, with all in favor, approval was given to Resolution 2008-03 approving the fiscal year 2009 proposed budget and setting a public hearing for August 20, 2008, at 7:00 p.m. at 851 Celebration Avenue, Celebration, Florida.

**SIXTH ORDER OF BUSINESS**

**District Manager's Report**

**A. Financial Statements**

Mr. Moyer reviewed the financial statements as contained in the agenda, which are available in the District Office for public review during normal business hours.

**B. Approval of Invoices and Check Register**

Mr. Moyer reviewed the check register and invoices as contained in the agenda, which are available in the District Office for public review during normal business hours.

Mr. Moyer stated we provided the breakdown on the various components of the Hanson Walter invoices that the Board requested last month. At the end of our fiscal year, those expenses related to the weir come out of the capital account, not the operating account.

Mr. Collins stated I noticed that some of the B fund money has come back again. I know we lost our accountant. Is someone monitoring that and getting it out of the State Board of Administration?

Mr. Moyer stated yes. Some funds are maturing in the B fund that are kicked over to the A funds and the thresholds keep going up for the A funds.

On MOTION by Mr. Akey, seconded by Mr. Sunnarborg, with all in favor, approval was given to the invoices as presented.

**C. Management Contract Proposal**

Mr. Moyer stated you received the proposal from Severn Trent last month dealing with the future management contract. I propose that I will circulate to you a standard form contract that is not much different from our current contract. I would like to meet with each of you during the month to get your changes to that contract and any other direction you want to give me relative to this item in preparation for bringing it to a future meeting for action by the Board.

Mr. Akey asked will these individual meetings be over the next couple weeks?

Mr. Moyer stated yes.

Mr. Akey asked we are not required to bid this contract?

Mr. Moyer stated no.

Mr. Quinn stated I want to raise this issue with the rest of the Board present because it is an ongoing issue, not consistent, but ongoing. Those services that are being provided in the back office in Coral Springs, when they make economic decisions to eliminate or consolidate a function, they have an impact at the District level. It is my understanding that the reason why Ms. Wright is typing the minutes at our meetings again is because the transcription services that used to be provided by Severn Trent in the Celebration office were eliminated. We had an issue a couple years ago when the accounting services were eliminated. My only concern with the contract as a whole is, we need to make sure that from Severn Trent's standpoint, if they are making any decisions in Severn Trent's offices that impacts anything being done at the District, they need to give us advance notice and give us an option or an alternative of how to deal with it so we do not run into a situation where all of a sudden we find one day that a service we relied on no longer exists.

Mr. Moyer stated I think that is a great comment and those are exactly the types of things we need to get into the contract.

Mr. Quinn stated unfortunately no one else on the Board except for Mr. Crow was here when we went through the last round of this, when we lost accounting services.

Mr. Collins stated I would like to meet quickly. We delayed last month because Mr. Crow was not here. We are getting close to summer and people might start missing meetings. I think we need to move on this.

Mr. Moyer stated we should be able to wrap it up in June.

Mr. Quinn stated if we have a quorum at the next meeting and we are in a position where we can make a decision next month, anyone who is not here can give input into the contract with Mr. Moyer, we can move on this and make a decision.

Mr. Akey stated I want it wrapped up soon too.

**D. Consideration of Resolution 2008-04 recognizing Kilwin's Confectionary Shoppe**

Mr. Moyer stated we are very grateful for the assistance that you gave to the District and we prepared a Resolution to express our sincere thanks.

Mr. Moyer read Resolution 2008-04 into the record.

Mr. Smith stated we also passed our inspection and we are now certified.

Mr. Akey presented the Resolution to Ms. Cheeseborough.

On MOTION by Mr. Quinn, seconded by Mr. Sunnarborg, with all in favor, approval was given to Resolution 2008-04 recognizing Kilwin's Confectionary Shoppe for their contribution to the community.

**E. Report on the Number of Registered Voters – 4,461**

Mr. Moyer stated we enter this into the record every year, and there are 4,461 registered voters.

Mr. Quinn asked is it down from last year?

Mr. Moyer stated the reason we enter this into the public record is when the District is ten years old and there are over 500 registered voters, we start to elect Supervisors by registered voter. We met those thresholds but the law does not say that once we are there that we no longer have to go through this exercise.

Mr. Quinn stated it gives an interesting pulse of the community to see the number every year.

Ms. Wright stated last year there were 4,439.

**F. Field Operations – Monthly Highlight Report**

Mr. Smith reviewed the highlight report that is included in the agenda package and is available in the District Office for public review during normal business hours.

Mr. Smith stated the trees on Yew Court, there is a group of home owners who would like to change out the type of trees we have there. They are developing a small committee and I have not met with them, but they do not like the small pear trees we have there and they would like to change them. Six or seven need to be replaced on that street and we have had trouble with delivery of them. We held off replacing them until I can meet with the home owners. I have the same thing on Golden Canna, to change out those trees because of the space we have available to plant those trees.

Mr. Quinn stated I support changing out the trees on Yew Court. Pear trees did not ever make sense to me. It is not the kind that does well here and they have never looked healthy.

Mr. Sunnarborg asked what is the latest on the weir project?

Mr. Smith stated we sent the contract to Wright's Excavating for their review. They made comments and we sent them to our attorney. Our attorney sent them back to

Wright's and hopefully we will get their signature. As soon as we get it, we will get the Chairman's signature, we will give them a copy and they can start working.

Mr. Sunnarborg asked what is the estimated start date?

Mr. Smith stated once they review it, they can start within two weeks of when they sign the agreement. I met with them twice in the field and have a good idea of how they are going to go about it and am comfortable they have a good plan.

Mr. Quinn asked have you come to a conclusion on what, if anything, you can do with magnolias on Maiden?

Mr. Smith stated I called Davey and tried to explain over the phone what they wanted, and they disagreed that we should not limb up magnolias. I met with Jeff last week and he will start on them this week. He will take them up about two feet and see how much clear trunk we can get. There is a section that has been raised from Celebration Avenue back to Periwinkle, six or seven trees that have been limbed up about three feet. On the bigger ones we can go up a little higher.

Mr. Quinn stated the larger ones are full enough now to where if you are walking on the sidewalk on Maiden, I cannot get under them and I am not a tall person.

Mr. Smith stated tree pruning along sidewalks is a high priority with Davey. We have several areas of concern and they are pruning them as quickly as possible. That is seven feet clear over the sidewalks.

Mr. Sunnarborg asked do you have an update on the irrigation water pressure?

Mr. Smith stated with water pressure, we have not had problems at the pump station. We are getting about 90 psi. We have gotten about a dozen complaints on issues about watering. We are going through a drought so we will get complaints. Most are due to a valve off, or the design of the system was such that there were too many heads on the zone. We have gone out on some inspections and told home owners to cut the zones in half because they have too many heads. There is an issue in Artisan Park that we are trying to figure out. We have pressure recorders down there. We have not gotten to all the homes who have reported problems. The ones we have been to, one was watering on the wrong days. We may have an issue with the zoning there. We may have to rezone them. If the whole place is turned on, way in the back, like Hubbard Court, is not getting water. We are checking valves to make sure they are fully open and spinning. We are getting more detailed on the valve exercise. There is no lack of water from Toho; it is not the

same problem as last year when they were cutting us off completely. We are getting water and pressure, but even at 45 psi, if your irrigation system is designed correctly, it is enough pressure.

Mr. Sunnarborg stated behind Hubbard Court, I have friends back there and they are watering on the right days and times, but the other issue I am concerned about are some of the common areas that look dead.

Mr. Smith stated we are exercising all the clocks and checking irrigation heads. If a head is stuck, in two days you have a brown spot and it dies immediately. You will see irrigation running during the day, every day. Davey is out there running every single zone to be sure that does not happen. Normally we do a review of the whole system every two weeks, but we cannot do that right now. If a head is broken or a clock or a valve is stuck, we get areas that die. It looks pretty good overall. Davey has been spraying some areas where Bermuda has gotten into the St. Augustine. They will spray it to kill the Bermuda and will resod it.

Mr. Smith stated we distributed a proposal that we received from Hanson Walter for two different items: alley paving in North Village, West Village and Lake Evalyn. I would like the Board to review these and next month I will bring a request for authorization. I want to review these over the next month and discuss what they mean for each of these. Costs are up to a budgeted amount.

Mr. Smith stated for the Acadias in North Village and what we need to do in order to get the County to accept that road, we will get Hanson Walter to create a bid package for the work that needs to be done and determine the problem. We need to determine if we need to install underdrain or some other work.

Mr. Akey stated once that work is done, the County is agreeable to accept that road.

Mr. Smith stated that is correct.

Mr. Akey stated before we start that work, we will have their sign-off that once we complete this work, they will accept that road.

Mr. Smith stated yes. Hanson Walter has a good working relationship with the County on these types of things. They have done a great job in the rest of the roadways accepted by the County and it is just down to this one road. They worked through that acceptance without any huge costs to us. I know they will hold them to coming out and

being on board with what we are doing. The County had the ability to be part of this roadway installation construction in the beginning and they need to work with us.

Mr. Smith stated regarding the sign for skaters at Lakeside Park, we installed the sign and can try to enforce skating on the wall at the trellis at Lakeside Park. In Lake Evalyn, we have a bill of sale going to Ms. Bonnie Sosa for her to sign over the trees to the CDD. I appreciate all of you attending the mobile workshop this morning.

Mr. Quinn stated I think it went very well. Thank you for narrating.

Mr. Akey stated on the workshop, in Artisan Park the areas we were looking to turn over to the condominium association. Has anything happened with that? Or is it a dormant item?

Mr. Smith stated they have no desire to take them. Until they want to have a private party down there, that might change their opinion.

Mr. Akey asked is Mr. Sunnarborg's position the same?

Mr. Sunnarborg stated it is an inconsistency that we have been made aware of. It is not a huge issue either way. They are not motivated to increase their dues.

Mr. Akey stated we will let it lie dormant for a period of time but not forever.

## **SEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

There being nothing to report, the next item followed.

#### **B. Engineer**

Mr. Vincutonis stated I met with Mr. Miro Poss, the County Engineer on Eastpark, which is the other roadway that has not been accepted by County, and the entrance to the Acacias. He is concerned with the pedestrian crosswalks being before the stop bars. He wants the intersection redone with crosswalks adjusted past the stop bar. The road was designed with a bowl shape with the sidewalks coming farther from the intersection. The builder changed it at some point to be a standard intersection and the sidewalks are farther away from the street than they should be. He wants to see a plan and he agreed to rubber stamp it and will not make us go through the official process. We need to generate a plan and get our survey department out. I will start on that right away. Costs might be \$900 to \$1,000 for engineering and about \$1,200 for surveying. We will work with Mr. Smith on getting a sidewalk contractor on site.

Mr. Collins asked do we need a motion?

Mr. Moyer stated we can take your direction.

**C. District Representative**

Mr. Quinn asked is the Mona Lisa open?

Mr. Parker stated I have not heard that.

Mr. Akey stated the community patrol said there are people living back in there because they were asking them how often they patrol.

Ms. Pam Shaw stated it is a soft opening.

Mr. Quinn stated there is no signage on where it is and how to get to it.

Mr. Parker stated signage is on U.S. 192 is up directing traffic to the intersection of Celebration Place and Celebration Place. There might be one at the road but there is one farther down as you go in the parking lot.

**D. Safety Committee**

Mr. LaRocka stated the street naming was discussed; they indicated that they were not interested in spear heading that. There was a discussion about parking by fire hydrants, and the sheriff's office was asked not to enforce citations near hydrants. The Sheriff then issued a memo not to enforce citations based on confusion based on painted distances and signage.

Mr. Akey stated it is up to their interpretation under officer discretion.

**EIGHTH ORDER OF BUSINESS**

**New Business**

**A. Future Events in the Downtown Area**

Mr. Collins stated my understanding of the process for a special event downtown is, if that event uses CDD property, they send a request to Mr. Moyer and you approve it. My request is that there be some sort of process whereby the Board has some input when the schedule for the year is planned for events on CDD property, where the Board can have a summary look at what is happening. As individual events happen, Mr. Moyer signs off on the request but I would like the Board to have a look at what is planned for the year. I do not want to keep events from happening but if there are concerns or issues, we might want to look at modifications on how the CDD property is being used and we can voice that.

Mr. Moyer stated I can work with Ms. Walker in providing something to the Board. Today I received the standard form application for the 4<sup>th</sup> of July event. Routinely, I would sign off on it and you would not see it. I look at the application and I make sure the insurance is adequate before I sign off on it, but because of the discussions this Board

has been having, I did not sign it but I brought it with me for your discussion. It is the same event as last year's activities.

Mr. Sunnarborg stated this might be a good opportunity to mention that we absolutely are supportive of downtown and special events but we are concerned about use of CDD property. We had a controversial request a couple months ago and we said no to the water ski event on the lake, and that got us thinking of appropriate and inappropriate uses of CDD property. We also discussed an issue that came up during an event that a mobile bar was moved from the street onto the dock, which is CDD property. There was a consensus among the Board members that was not good and that cannot happen again. We received a letter of concern from a constituent about this agenda item and they misinterpreted it as some sort of effort by the CDD to restrict special events. We do not have that jurisdiction to restrict special events and we have no interest in doing that. We are interested in Mr. Moyer using his judgment when he receives an application to decide whether an event that might have been routine 10 years ago has grown to 10 times its original size and is no longer the same event that might have been approved routinely. The Board would like to know about something like that and have the opportunity to discuss it, or if there is a special condition, like a request to serve alcohol on CDD property. My request in addition to what Mr. Collins requested was a request for Mr. Moyer to know that some of the Supervisors are interested and to use your judgment if something has evolved into something much bigger or has some bigger liability or risk that we should know about.

Mr. Akey stated for most of your events, you hire extra security, whether an off-duty deputy or a security company. They are hired for your event, not for enforcement, for example, illegal parking on County roads. You do not take responsibility for any enforcement of the Code with the special event security that you hire.

Ms. Walker stated that is correct; we use them for safety and crowd control within our property.

Mr. Akey stated if a resident who lives on a street that is blocked by people going downtown, they need to call the sheriff to ticket the vehicle. That is the question of some of the residents as to who does the enforcement, and that is Osceola County.

Ms. Walker stated regarding the drinking on the dock, for clarification, I will ask Michael Nuñez, who is our marketing director and organizer of events, to respond.

Mr. Nuñez stated no alcohol was served on CDD property, either on the concrete pad or on the dock. It was ten feet in front of the stage area.

Mr. Quinn stated at the New Years Eve party, the bar started on the concrete and by 9:00 p.m., it had gravitated to the dock. When I came downtown about 8:30 p.m., the bar was on the dock and the bartender was serving from the dock.

Mr. Nuñez stated the New Years Eve event was a charity function for the cancer society and was a BYOB event. They had beer and there was a champagne toast at midnight and it was moved to the dock area. We apologize for that. It was not the original intent and we would not have approved that. We also do not pull from the regular detail that is assigned to patrol Celebration—we hire additional officers.

Mr. Akey stated you also do not have anyone hired to help traffic get out of town.

Ms. Walker stated if that is an issue, we are happy to help.

Mr. Akey stated we will ask Mr. Orosz and the safety committee to look at traffic exiting town and parking restrictions.

Ms. Eissinmann stated when we revamped all the committees this last month, one of the directives of the security committee is to look at special events specifically and how to address that, so it is already on the agenda.

#### **B. Roadway Maintenance Performed by the County**

Mr. Akey stated they asked to postpone that meeting. The County has a lot of reorganization going on and is shifting departments. We have a meeting for June 10 scheduled. Their initial response was they want to come out and ride the roads. We have 50 miles of roadway and they do periodic checks. They will make a report of things they think should be fixed. There are some they are not going to agree with. I distributed to you the letter they sent us on the friction coming from U.S. 192. They sent an engineer and he did a report but he felt it was road-level friction. That was a year ago. It is a good time for them to revisit the roadways and we will ask them to look at them again. When we were in North Village today going into Acadia, that pothole is back. The County has filled that pothole three times and two months later it is back. That is another item for them to review. We will come up with a list of things for them to fix right away, such as Celebration Place for the right turn. After June 10, we will provide a report to Mr. Moyer that he can forward to the Board.

Mr. Sunnarborg asked the bottom of World Drive where it touches Celebration Boulevard, is that the County's responsibility?

Mr. Akey stated no, it is State DOT. They patched those holes because they were really deep and I know some people blew some tires. He called me to say it was temporary and they will come back and do a better job. I will call him again. It is State roadway until Celebration Boulevard. The large trucks are burning that asphalt and it happens from the heat when they hit their brakes.

**C. Public Speaking Policy for Future Board Meetings**

Mr. Akey stated this is for coming up with a method when we are discussing an item on the agenda for residents to participate in that discussion. I am not sure how the County policy works. If it is a public hearing and they are going to vote, a resident can talk before the vote. Are we saying that for any items on the agenda, as we take up the item, do we want to take public comment? The County limits it to three minutes.

Mr. Quinn stated at a County Board meeting, they have a form and you identify the agenda item number that you would like to speak to. They do not normally deal with issues on the consent agenda, which we no longer have. If someone is adamant about speaking on a consent agenda item, they will allow it. It really should be those issues where the Board intends to take a vote or we will take a motion and carry on a discussion. If we want the public to be here, we ought to allow them their three minutes into that discussion. The vast majority of items are procedural and operational, I do not see the need to allow that policy.

Mr. Sunnarborg stated I do business with municipal governments all over the world and I have seen this method used very effectively. It is a very courteous way for government to deal with the public and for the public to interact with their representatives at the right time. The art of it is how the agendas are organized. Typically, there is a public comment period that precedes the call to order. It is not part of the regular meeting and you can comment on anything you want. Then there is the call to order, and then routine items, reports, other things. Then there is a specific section on items for a vote; it is a very specific process of motion, second, discussion, public comment, and vote. I thought we could rough out a sample and bring it to the next meeting for discussion before we actually implement it.

Mr. Quinn stated in communities up north, they have the items timed out to the minute on their agendas. I think reordering the agenda to get operational items up front makes sense; we can go through most of those efficiently.

Mr. Sunnarborg stated maybe we can try it once before we make it official.

Mr. Quinn stated relative to the policy of Board meetings, one thing we need to do, perhaps when the new Board is seated in November, we need a refresher tutorial on Robert's Rules of Order and proper procedure for motions and discussions and those kinds of things. If we have things we are voting on, we really need to have a motion and a second and then discussion. You do not discuss first and then have a motion and a second. We need to get things back into sequence; if we do not, no matter what structure we come up with will not work. We need to be disciplined to follow the structure that is set out by parliamentary procedure and Robert's Rules.

Ms. Carpenter stated the idea of having the new Board seated works well because you have the Sunshine Law issue to contend with.

**D. Street Light Program**

Mr. Quinn stated we have 4,000 street lights. Each one has a tag on it about six feet off the ground on the street side. The whole idea is to make it easier for people who live in neighborhoods to become involved in the process. If we get the word out that if a street light on your street is out, all you have to do is get the tag number off the pole, send the number to the District and tell them it is out. It makes it easier for staff to repair. That is why the tags are there. We also talked about a different way of providing feedback to the District on the website.

Ms. Wright stated I recommend having a page simply called Report Problems. You can click on the page and then choose from a drop-down menu to select a street light out, algae in the pond, trees need trimming and other choices. This will provide just one form on the website for you to report whatever your issue is. That will come straight to me and we will send it through our complaint tracking process. Rather than having a form on each of the services page, I thought I would eliminate those, keep the Suggestion page and have a Report Problems page to make it easier.

Mr. Quinn stated I think that is a great idea and it makes sense. Once it is up and word is out to the community of the kinds of things we do, if people are walking the trails and there is a light out or a board is missing, they can report it and have a place to communicate that effectively. We can marshal the resources we have available to us to keep the community the way we want it at a lower cost.

Mr. Smith stated the more eyes in the community, the better. I totally agree with that.

Ms. Wright stated the advantage of having it on the website is the residents can report an issue at their convenience, rather than waiting until the office opens at 8:00 a.m. because some people do not like leaving phone messages.

Mr. Akey stated it is a good idea.

## **NINTH ORDER OF BUSINESS**

### **Old Business**

#### **A. Consideration of Name Change of One or Both Sections of Celebration Boulevard**

Mr. Akey stated I will talk to the safety committee about this. I thought David Orosz was going to talk with them. I have four possible names from a couple residents in that area. I will revisit that with the safety committee and the two people who sent me suggestions and make sure we are connected with the residents who live on that street and make sure they are involved to decide if they want to go further with this. Any of those residents can go to the County to request that change; it does not need to come from us. I will prepare a memo and send it to Mr. Moyer to distribute. I will ask the two residents who suggested the names to talk to the rest of the residents on the street.

#### **B. Update on Maintenance Facilities Group**

Mr. Collins stated it has gotten to the County level with the library. Things are slowing up but it is my understanding from Matt Kelly that they tried to speed things up by sending a term sheet to the County, Mr. Kilroy. He said they were very favorable to it, thought it was fair what the TCC was offering. Mr. Kelly said it is at the County and the impression I got was it may be a while before there will be any resolution on it. The big plot of land has been divided up for the library (County) and playing fields (CROA) and the maintenance facility. Before they can act on these other two, we need to have some resolution on how many acres and how big it will be and if the County wants to go through with the library.

Mr. Akey stated first choice is on what was allocated on the connector road.

Mr. Collins stated yes, based on the fact that it would be a very good price for us. We discussed that TCC would do that in exchange for some land that the CDD owned. As long as it was land we did not have a use for, we are amenable to it. We discussed that there really are no other viable options for us.

Mr. Akey stated that area has 36 acres and we are asking for seven acres for the maintenance facility. Why is it contingent on these other projects?

Mr. Collins stated there are really 9 or 10 acres. We discussed the library will have two to three acres, the ball fields will have three to five acres and the maintenance facility will have two to three acres. He wants to plot out land and roadways and how all that works.

Mr. Quinn stated until you know where the back line of plot A is, you do not know where the start line to plot B is. That was why the County needs to commit to the size and shape of what they want to do, which I think they have done.

Mr. Akey asked do we have a second choice if this falls through? We know the County is slow.

Mr. Collins stated if the County does not want to do the library, that does not mean we can have that land. It may mean they extend the ball fields. It does not affect what Mr. Kelly has committed to with us in terms of the maintenance facility, just the timing of it.

Mr. Quinn stated I talked to Paul Owen at the County. They had the materials that Mr. Kelly put together. It was in the hands of the County Manager, and he will talk to the County Manager and County Attorney to make sure it goes through. In the last conversation I had with Mr. Kelly, one issue is all the planning and zoning that has to go into the CDP for the entire corridor. Every time you put another tentative use in there, you have to lay out for the County how it all fits together. There are a lot of things going on that might take a while to get through everyone's review.

Mr. Parker stated there is planning that has to be done on that site. There is planning for access to each of the parcels and how it intersects with Campus Street/Celebration Place and Celebration Boulevard. It will take engineering planning and architectural planning. We need to know how to shift that and provide access to other parcels in there. There are easements that are in place including the gas line easement. There are a lot of things that have to be factored in to be sure there is access to each parcel.

Mr. Collins stated TCC understands the urgency of getting this done as quickly as possible and they are not holding this up.

Mr. Parker stated in discussions with Mr. Kilroy regarding the library, they want to move as quickly as possible, and so do we, but there are processes. There is the Comprehensive Development Plan and platting will ultimately have to be done, which takes some time to do. There are things that are inherent to the development process.

Mr. Collins asked is there a way to speed up the approval of doing the project? The key is to get the funds set aside and approval for it, but does it have to wait on everything?

Mr. Parker stated we are receptive to working with the County and library to do anything we can to speed it up.

Mr. Quinn stated TCC has bent over backwards to ease that process for the County.

Mr. Parker stated it depends on the people and various departments and there are no guarantees.

**C. Discussion of Resolution 2008-02 Related to Parking**

Mr. Akey stated when this originally came up, the Board appointed Mr. Quinn to look into this issue. What is on paper today is nothing that is in concrete yet but it is to be discussed and fine tuned. Since Mr. Quinn led the discussion and helped facilitate the draft Resolution, I will ask him to comment on the Resolution.

Mr. Quinn stated recognize this has been a discussion that has been going on with this Board for over three years. This started May 2005, right after Carlyle began to develop their properties and downtown parking became an issue. We lost approximately 230 spaces on what is now the Carlyle property. We asked counsel at that time to research the legal issues. This was prior legal counsel to Ms. Carpenter. Counsel said that in the DRI and the agreement between TCC and Osceola County, each of the items in the Resolution is reserved to the Celebration CDD as part of that agreement. Having said that, we also went to the CROA Board and asked if there was anything in the covenants they found problematic that they would like to see included in an umbrella Resolution to cleanup all the issues, not only the ones raised in 2005 but also the ones that are covenant issues. The CROA Board went through their covenants so when you see items like mailboxes, commercial vehicles or parking limitations on the number of cars per residence parked on a residential street, all those are in the covenants but they are not enforceable. The only way they can be enforced under Florida Law, if it extends beyond the current County Code, the County cannot enforce it. The only way to make the covenants, that we all agree to abide by, enforceable in the community is to have those adopted into Code. That is why the second half of the Resolution is there. The impetus for this was that there is signage downtown that was put there by the developer as part of the development design that included time restrictions for parking on Celebration Avenue and the streets surrounding the downtown commercial District, NEV-only parking areas and resident-

only parking areas, and other restrictions that were part of the design by the developer when the development was laid out. Because they are developer signs and not County signs, they are not enforceable. We can either take them down or create the legal underpinning through the County Code to make them enforceable. The other half of the Resolution is to simply codify what was already there to make it enforceable the way it was intended to be enforced when the developer put the District together. That is how we got to where we are today. I like to walk and there are probably only five days a year when I will not walk downtown, which is when the temperatures are high. If I have to walk half a block to find a parking space, I have no problem. This whole Resolution exists for two reasons: one, to legitimate what the developer designed in the downtown area, and two, to answer the question once and for all what this community wants to have as its parking paradigm for Celebration. For years we have heard people in various walks and various corners of the community say we either have a catastrophic parking problem or we do not have a parking problem, we need a parking garage or we do not need one, we need to do something to create more parking spaces, we need to build a structure to solve the parking problem, or we do not have a problem, or we have a parking problem but it is actually a good thing. The last thing you want to have in a downtown commercial area is no parking problem because that means you have no business. No one on this Board has a dog in the hunt one way or the other. We are simply responding to the direction that the community has been giving us over the course of the last three years that there is the perception of a problem and it needs to be addressed and what legal courses do we have to us as a District to address the problems that have been presented by the community, both the problems with the original design not being enforceable and the problem with the covenants not being enforceable. The intent was to take the Resolution and put it in front of the community and let the community respond to it. Let the community answer the question once and for all what the community wants to have as the parking paradigm. If the community says the way it is great and the way we want it, this will go away. In order for us to be able to answer the question, we felt the obligation to ask the question.

Ms. Bona stated if you put certain questions in that Resolution out to the community, based on how everyone feels that they want to be able to pull up in front of the spot they are going to at the moment they are going there, they will all say resident-only parking

will be great but it will be detrimental to downtown. Your answers will be skewed by what people want. I would love to have my own parking space but that is not going to happen and I am ok with that. When you ask certain questions of this community, you will get answers that favor resident-only parking and that is such a bad overall thing that could happen.

Mr. Quinn stated I do not disagree with that at all. Those are the questions that have been asked of the Board for three years. The questions have been consistent in their approach and they come from the residents. As the elected representatives of the only local government, we have an obligation to respond to those questions. I agree they will probably be skewed answers.

Mr. Sunnarborg stated I agree with everything you and others have said. It is unfortunate the way this has gone down. I think there has been a major misunderstanding and a lot of anxiety about a couple words in this draft that suggest someone is proposing resident-only parking downtown. I would not vote for that and I do not think that was the intent of this preliminary draft. If that is what you are upset about, we will rephrase that section.

Mr. Quinn stated that was never the intent. The process says that the District can create parking preference Districts. If 100% of the residents of Golfpark Drive signed a petition that said they wanted Golfpark Drive to be resident-only parking, they would all have to agree to it, like the residents along Campus Street across from the school did independently. Those signs are unenforceable but if a neighborhood wants to do that and feels a compelling reason to do that, today there is no method in place or process to accommodate the discussion. That was the intent. It was not to make everything resident only but to allow the process to proceed when it was an issue that needed to be addressed by neighborhood.

Ms. Bona stated Front Street and Market Street are owned by CNOA. Why are we even talking about it?

Mr. Quinn stated the only reason is because all of the surface parking on Sycamore Street, Campus Street, Celebration Avenue, around Bloom Street until the hotel entrance and Front Street on the town side of the entrance to the parking lots where the blue building is, those are all County roadways. The only reason downtown is part of the discussion is because the surface streets that surround the downtown are County roads

and that is where the developer put the parking limitation signs. That is why the downtown parking district became part of the Resolution.

Mr. Sunnarborg stated I think the more solid answer is the downtown parking scheme in place today was based on a mixed-use parking rationale to the County before anything was ever built. For anyone to propose resident-only parking would violate the DRI and it would never get through the County. Clarification on what Mr. Quinn originally said. We, the Board of Supervisors, authorized Mr. Quinn as our representative, to work with the community through an informal committee to talk about this. We gave him our authorization to work with CROA, CNOA, Lexin and the town to come back with a series of recommendations. That work is still in process. No vote is going to happen tonight. This is a long way from going to a vote. The Supervisors have suggested our own edits to this draft that have not been fully incorporated so it is appropriate for everyone to make suggestions to make this better. This informal committee can come back with any recommendation they want but nothing that raises fees is going to pass. I think we can all relax a little. It is all good conversation but it is still very much a work in process.

Mr. Collins stated as the Board has been aware, the goal is to improve the parking situation downtown. The obvious benefactor is the merchants. The goal was not to make the situation worse downtown because I think it is worse than many people believe. We want to make it better. Mr. Quinn is the primary person working with all the entities, but who should be the primary entity working through these things is Lexin. Hopefully Lexin has the same goal, to improve the downtown situation for the merchants. There are a lot of creative things we can consider. I use Winter Park as an example when I think of our downtown issues because they have been through the issues we are going through. They have done a number of things over the last ten years to improve the parking situation because that is the number-one issue the merchants in downtown Winter Park have. The merchants are constantly asking the City to improve the parking situation for themselves. My understanding is this was Mr. Quinn's goal. I get the impression that it seems like there is something breaking down in that dialogue, where maybe Lexin does not feel there is a problem. Based on the letter I received from Lexin, it does not sound like there is a good working relationship there and if we cannot get that relationship going, then my preference is that we should back down. If Lexin and the merchants agree that there are some areas where we can improve the parking situation, then let us all work through

those things. Before this goes to the community, more work should be done between Lexin and the working group. There seems to be a lot of misunderstandings. If I was a merchant, I would be concerned. I agree with Mr. Sunnarborg, and I would not support resident-only parking in downtown. Downtown was built first and it is our gem and it is so important to people in the community. We need a better relationship with Lexin and the merchants. If we work together, we can accomplish things that individually we cannot otherwise do. If you look at downtown Orlando, there are things that might not be economically feasible to do, but if the City wants something, they will get creative about making it happen. I use the example of a grocery store. I think a grocery store is such a critical part of this community. I understand and the City of Orlando understands that economically you can get more money for a restaurant downtown. If it is that important to have, maybe if we had a good working relation, CDD, CROA and Lexin could figure out a way to make this happen. Maybe it will not happen but at least we are trying to work together. If we are trying to go back to that original vision of what downtown was, if we are working together, we can make that happen. If we are working in silos, which it sounds like we are now, then we will not.

Ms. Eissinmann stated we have discussed this at CROA a lot. I agree that most of the negative feedback is coming from residents. We may have a slight entitlement issues as a resident, which is I feel I deserve to park there and the tourist does not. From CROA's standpoint, we got involved from a covenants perspective because our covenants are not enforceable. A month ago, I took one phone call every day from a woman who had an abandoned car in front of her house on Iris Street and it was creeping her out. She called me every day for two weeks. Every day I called Town Hall and they called Osceola County.

Mr. Akey stated she also called me every day.

Ms. Eissinmann stated we know who owns the car and we know the circumstance in which the car is parked there, and it is nothing horrible but it simply is abandoned. The owner is in New York but we cannot do anything. It ended up being that even though the covenants say you cannot park continuously for seven days, we cannot enforce it. I could not have this vehicle towed because there is no enforcement. Those are things we want to be able to enforce. The CROA Board met with Mr. Quinn and Ms. Walker for two hours at a workshop and we went about 40 rounds on what constitutes a commercial vehicle

and we could not come to an agreement. I realized at that point this was going to be a slow process for this Resolution. To echo Mr. Collins, this is a community that involves everyone. All of us have different issues. I want to take care of the residents, but I do not want to hurt downtown. I do not want resident-only parking anywhere because I do not want to have to address that in my budget for stickers and signs and things. We all need to work together to be sure no one is being harmed. I do not believe it is the intent of the CDD or CROA to harm anyone. We wanted to work on this together on this issue because we are all hearing complaints. I have never had a tourist stop me downtown and tell me that they could not find a place to park so they are leaving.

Ms. Bona stated in reality, we have had guests leave because they cannot find parking. It says that at that time, there is a problem. There has to be a solution and I would love to be part of the committee.

Ms. Eissinmann stated we have everyone involved and we do need to come together. I think there is great movement that can be made going forward. From CROA's standpoint, we will get flak no matter what so we need to be careful no matter what we do. This is a big issue. Towns and Cities all over the United States wrestle with this. This is not to be rushed and pushed forward and I agree that you are not doing that. We need to maybe step back and take a look at what we are doing and make sure we are going in the right direction.

Ms. Malatino asked what has to change tonight? Will you appoint different people to spearhead this?

Mr. Akey stated that is what we will decide.

Mr. Quinn stated anyone who wants to speak, please speak. What has been lacking in the last three years has been traction. This started in 2005 and it took until 2006 to get a group together. When we got the group together, only three people showed up. The rest of the parties said you need to do something and let us know when you are done, we really do not have any input but let us know when you are done so we can take a look at it. Sometimes the only way to get traction on an issue is to put an issue out there for people to shoot at. We tried for three years to get people engaged in the discussion on a substantive nature on how to deal with the parking issues. Everyone wanted to complain about it but no one wanted to do anything as far as coming up with a solution. This created the discussion that will lead to the solution. At the December CROA meeting, I

said this was the start of the process, not the end. The community needs to come together and find common ground, not only the merchants but also the County and visitors, to say this is the level and nature of the issue and the way we would like to see it solved. In December I gave CROA a 70-page white paper that was prepared by experts in urban parking that had at least 25 ways to solve parking problems. We just need to get the community involved so that we can make a decision of whether or not (a) we have a problem, (b) we like the problem we have, or (c) we do not like the problem we have and this is how we want to solve it. It has been extremely frustrating over the last two years in trying to setup meetings and get information and feedback from people. We never heard from the home business district, from Stetson, or from CNOA. They have had two years to review it. I am thrilled everyone is here tonight. I want a discussion to engage everyone to identify whether issues are issues that we need to resolve or not. There is no timeline on any of this. What we want is the best solution to whatever the problem is we determine is the actual problem.

Mr. Sunnarborg stated I want to represent a point of view that is not here tonight in Mr. Crow. I apologize to him if I mischaracterize his position, but he is apprehensive with the CDD taking a lead on this issue. Someone mentioned earlier we may not have jurisdiction. That may or may not be true. We asked Mr. Quinn to work on this informal working group with other groups and represent us in that manner. This is not a CDD initiative. We do not have committees or task forces. We have a very receptive management company and we are all neighbors. Do not leave this meeting thinking this is a CDD-run initiative that we are going to resolve the parking issue downtown. That is not the intent and not something we can do. We have to do this as a grass roots community and we have to do it together.

Ms. Linda Socolaw stated I was hired by Lexin because they had concerns about this Resolution. Primarily we were hired to look into whether or not the CDD has jurisdiction to do something like this. In my understanding of CDDs, your primary function is to finance and fund the infrastructure and maintain the infrastructure of the development, not getting into policing powers. The way this Resolution is written, you are getting into policing powers. I understand you are going to present it to the County so they can create a Resolution but some of the restrictions are problematic. You cannot take away parking that was part of the original plan because a lot of the commercial development was based

upon the site plans that were already approved and the number of parking spaces were included in the site plans. And now to restrict that parking for other uses, it creates a problem and it will go against the original intent of the DRI. Aside from the issue of jurisdiction, I think there is a problem with vested rights for commercial use. We would like you to take this off future agendas because this issue keeps coming up on agendas at every meeting and this is creating a problem. The agendas are public and they get put on the website. Some of the commercial tenants are seeing it and they are concerned it might affect the marketability of their spaces because it looks like there is a parking issue here. We do not have a problem with continuing workshops but we would like it removed from the agendas.

Mr. Akey stated we appreciate your legal opinion but I am certain that Osceola County has a qualified legal staff who can also guide residents or any individual if they went to the County and asked the County Attorney for any information. When I first saw it, there are some good points and others that cause heartburn. The one thing Mr. Quinn stated was putting it on paper did get people's attention. This is a short-term project as well as long-term. Some short-term things might be able to be agreed upon and done, for example in North Village. As a CDD Board member, I am tired of people driving over the curbing and damaging the curbing and having you residents pay to repair the curbing. When we ask the Osceola County Sheriff's department to enforce something, they say there is nothing they can do. Or you go on CDD property in East Village and people park on CDD property, kill the sod and we have to replace it. On Arbor Circle we have replaced sod too many times. I think this is also a long-term process. If you are a home owner and there is a car parked in front of your house with a broken windshield and broken tail light, leaking oil, nothing is worse than having the deputy come and say there is nothing he can do. It is frustrating. We may need to try to solve the short-term issues and look at a long-term plan with all parties involved. That is what I see going forward. Let us try to fix the problems that we all agree can be fixed. You cannot park on the sidewalks and on the grass. I am tired of paying for other people who destroy CDD and CROA property. Construction vehicles park on the grass on Arbor Circle because it is easier to park there but it is not where they are supposed to park. I think it will come down to implementing short-term solutions and looking at long-term solutions. Mr. Quinn

has always asked for input. He should setup a task force, organize the working group, setup some meetings and work on that type of agenda.

Mr. Quinn stated I agree. For those of you who were on the mobile workshop this morning, I lost count of how many times the bus driver had to back up and inch his way through some curves where cars were parked on both sides of the curve. A year and a half ago, the Osceola County fire marshal identified 19 streets where the existing parking, the way it was designed, created an impassable solution for a fire truck. The fire marshal said it is impassable only until there is a fire. If there is a fire, they will get through and they will move cars in the process. You can institute alternate site parking so the fire trucks can get through. Right now there is nothing we can do. Relative to legal issues, Osceola County, Chapter 20 of the Code, which deals with parking, already has two local ordinances on the books by local CDDs: Indian Wells and Buenaventura Lakes. They have adopted legally vetted ordinances. There are two precedent cases that have been upheld in Florida courts. We might not have gotten all the language right and there might be some language that needs to be cleaned up, but it has been through the County attorney and through our attorney. It is memorialized in the DRI with Disney. From a legal standpoint, we can debate fine wording but at the end of the day, if the community decides it is in the best interests of the community to codify those things that we believe as a community create the best living conditions and traffic flow for the community, based on my research and what the County told me today, it is enforceable.

Mr. Collins stated this has been dragging and I agree that we need to come to some kind of resolution. As it pertains to downtown parking, I would like before the next meeting to come to some resolution on where we are going with this. Unless there are better ideas, let us have Mr. Quinn contact Lexin to see if they want to participate in moving forward with this. Mr. Quinn can come back to this Board and let us know if they do or not. We need to work this out and it upsets me that we have lawyers involved. We should be able to work this out. Based on what Lexin says, we can decide which way we are going to go.

Ms. Gillian Walker stated I appreciate your comments. I want to be clear that Lexin is very supportive of our tenants and that is my primary reason for coming tonight. There are parts of the Resolution that are of concern to them. I disagree with statements that Lexin is not supportive. I think our tenants, at least eight of them who are here tonight,

understand that Lexin works as a democracy with our tenants. We take pride in listening to their suggestions. We are the business leaders downtown, these merchants. They are educated and intelligent. Concerning the downtown core and areas that will affect these businesses, we are asking that you let us decide and make those decisions that are best for our businesses. We meet on a regular basis. We have an open door policy with our tenants. I am not suggesting that we not work with CDD, and I have talked about the markings and striping downtown. I think we simply just paint over what Disney left. Let us have a voice on this end, not having the Resolution floating around that is a mixture of different areas. It is too discombobulated. Regarding CROA's comments, we want you to enforce your covenants and we agree with three of the items in the Resolution, including the large trucks parked in front of your house. The things that affect the businesses is where our concern lies. I am concerned and I have been very open with Mr. Quinn that this Resolution is piecemealed together from other Districts that we are familiar with. They are private-gated communities that had different problems. We want to have this drafted in a legal manner or with different language. I appreciate where Mr. Quinn is going with it. My owner suggested that we get an attorney. In all fairness you are the CDD and this is public record; it is in draft form. We hear you say that you are not going to do anything and it is a lengthy process but as long as this is a draft item on the agenda, at any point it can become public record if you decide on it. I appreciate the Board saying you are not going in that direction right now. If you are not, then why not remove it from the agenda and let us as a group, the right people, make the appropriate decisions. I do not see the hotel, Issa or the home business district at this meeting.

Mr. Akey stated we have a complex problem and it does take time and it needs everyone's involvement. Mr. Quinn can take the lead over the next 90 days and engage the appropriate groups, and report back any minutes from the meetings to Mr. Moyer. He can distribute them to everyone so we know what is going on and we will put this on the agenda in three months. I think it is going to take significant time.

Ms. Carpenter stated we did some initial work and talked with the County Attorney about the process and they wanted the CDD to submit the initial paperwork to get it started. That is the way they will handle things. Because of the unique constraints and issues with Celebration, there are private streets and County roads. There are a lot of other issues here than there are with these other CDDs. When the first draft went out, we

did not waste CDD money and time to analyze every line or the approach. It was more of a way to get it out. As Mr. Quinn indicated, until the various parties provide their input, we will not analyze it legally. For the public's benefit, we have not analyzed this from a legal perspective and you may be surprised to find out that Lexin has. Let us go for 90 days to get input from all the parties. Whether it comes from the CDD or a combined group, I need to look at the Development Order to see where it should come from.

Mr. Collins stated we should be able to review a document that everyone has agreed on. I do not want to see anything until then.

Mr. Quinn stated I would like to take Ms. Walker and the merchants up on their offer to meet. I am happy to meet with the merchants association. I would love for you to come up with a plan for downtown and a cohesive strategy for how you believe is the best way for you to preserve what you have and grow what you have and preserve the quality of merchants in the downtown area. That has to come from you. I would love to come and meet with you and listen to all the various alternatives that have been suggested. In the white paper, there were a lot of suggestions. There may be a mix of those. I agree it has to come from you. But I also believe that when you talk about the residential areas, it has to come from CROA. So I will ask the same thing of Ms. Eissinmann and the CROA Board to come up with cohesive things you want to have that you believe are the best way to deal with residential issues in the residential areas. We need the non-combatants to provide input who have not participated for two years. I like the idea of herringbone parking on the streets downtown but in order for us to do that, someone from CNOA has to begin to discuss it. They have not been communicative on this issue with the several attempts we have given them, even to comment negatively. Ninety days is 90 days, but it is only a good timeframe if people actually stay engaged in this process. We had a 90-day window in 2005 and that stretched to 18 months without anyone getting involved, and I do not want to see that happen again.

Ms. Eissinmann stated it remains on our workshop agendas. We have narrowed it to three items of our covenants that we would like to see be enforceable. When I think of town, I think of North Village to Artisan Park, not just the downtown area. We will continue to work on it.

Ms. Walker stated I appreciate this has been on the agenda. You keep getting asked by people what you are doing but they are not here and they are probably not at any CDD

meetings. The tenants wanted to be here tonight. This is not adversarial on our part; it is informational. You say you want to take this to the people. That is great and these are the people who matter because they own businesses and they are vested. I am not saying the residents are not, but in fairness residents make up 30% of our average clientele downtown. The other 70% comes from tourism, in particular the eastern Canada market including Ontario and Quebec, as well as the United Kingdom. We cannot poll those people but we keep a clear market sense on who is coming to the town. That is what we do and that is why we keep a marketing expert on our staff. It is ok to pose it to the people but let us keep the bigger picture in consideration.

Ms. Shaw asked can it be in two parts, one to address commercial issues and another one to address residential issues?

Mr. Akey stated we may have to look at that.

Mr. Quinn stated it does not have to be one Resolution.

Ms. Carpenter stated putting parking as an issue, once the decision has been made on those particular items you want to have addressed by the County, then the lawyers can decide how best to go about putting together a Resolution or whatever the County will want.

Ms. Joanne Cheeseborough stated I have traveled a lot in other countries and cities and I think every city has major problems with parking. Most families now have two or three cars per household when it used to be one car per household. It is difficult and I do not know of any place that does not have a problem parking downtown. The busier my store is, the better my business. I see both sides and I respect your interest in trying to make it better for everyone but I do not know if there is an answer. I think it is unfortunate what happened with Carlyle. We are a great town. Our home values are higher than most areas because we can walk to town. I moved here from England to be part of this community and I love being here.

Mr. Sunnarborg stated I think we have all expressed ourselves. This is not a town hall meeting. It is our monthly CDD meeting and I am running out of patience in how this is going. I do not want our CDD meetings to turn into a free for all.

Mr. Akey stated we amended our rules at the beginning of the meeting for this one item.

Mr. Sunnarborg stated as you get older, “they” become “we.” This is not “us” and “them.” We are your neighbors and we are your elected representatives. The next time you see discussion of Resolution, it does not mean it is coming to a vote and it does not mean you have to hire a lawyer. I did not receive a single call about this issue until yesterday and I referred her to Mr. Moyer two days ago. The idea that we are going to have a march on the CDD Board to prevent some evil thing from happening, just call us. This Board will not do anything to destroy downtown. We are your friends and neighbors.

Mr. Winston stated I own the Dog Bark Bakery. I have my life savings in this business and when I see something like this, that is why I am here and that is why there is such a big response. This is what I have put my heart and soul into. When I see something that will affect me and my business, that is why you see us all here and why there is such passion.

Mr. Sunnarborg stated this item has been on our agenda for several months. I know what it is and you folks did not. We have asked for a regular update from Mr. Quinn to us. This was not an item to be voted on tonight. If you all got that impression, perhaps we need to be more descriptive in our agenda items. I have my life savings invested here, too.

Mr. Akey stated we need to be very cautious and connected on this going forward. Mr. Quinn will contact Ms. Walker and Ms. Bona and the CROA Board and setup some discussions. Let us see how we formulate it. We may need to take some things for a long-term approach. We appreciate everyone’s comments.

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

#### **Items for Future Agendas**

Mr. Sunnarborg stated I would like to get the Severn Trent contract on the next agenda as we discussed earlier. This may or may not be new, but I have been thinking about an idea that I would like to have on the agenda for discussion and I thought we ought to talk about it. I was in a voting member meeting a few months ago. The issue was that Channel 5 needs more content, other than showing the CROA meeting over and over. Adding the CDD monthly meetings on television might be a very instructive thing for the community. It will cost money. There are pros and cons. Let us think about it for a month and talk about it next month.

Mr. Quinn stated we looked at that in 2004-2005 and we took it to the point where we solicited proposals. We had considered it and then we dropped it because of the costs associated with it. At that time we also did not have the people at Town Hall who are doing as good a job as they are today in televising their meetings. One of the two proposals we received also does videos for Osceola County, and they were too high. The other was for one camera and a raw tape and you edit it yourself. I would like to discuss it again. I do not know if I am in favor of it or opposed to it, but we ought to think about it.

Mr. Akey stated I think we need to discuss the pros and cons. The County charter committee is the most important committee they have. They had three public hearings and they filmed them but there were no residents in the audience. Maybe the thinking is everyone stays home and watches it on television. I think now is a good time to study it. We can try it and see if it works and if not, then we can table it for another couple years.

Mr. Quinn stated it might be worthwhile to get the proposals from the last time we received them to get an idea of what we asked for and what received in response.

Mr. Sunnarborg stated I have some contacts I can provide.

Mr. Quinn stated I would like to discuss the policy on items for future agendas and how they get on the agenda. Up until very recently, the Board's policy was that items for the agenda could be requested by any of the sitting Board members between meetings. If something came up in the middle of the month and you had a request from a resident that you felt was worthy of putting on the agenda, you could put it on the agenda. We have gotten to the point where the only time things get on the agenda is when we sit here in this room. I would like to go back to the policy and the practice in the past. There was an item that came to me from a resident that dealt with the issue of community interest for a community garden. I asked to put it on the agenda, it was put on the agenda, and then it got taken off. In the old days it would have been put on the agenda and we could have discussed at the beginning of the agenda if we wanted to keep it there. If something comes to any of us during the month, we should have the ability to add it to the agenda. As a Board at the beginning of the meeting, we can decide if we want to discuss it.

Mr. Moyer stated I took it off the agenda. I will tell you that the Chairman interprets our policy differently. I put something on the agenda a few months ago based upon a Supervisor's request and he took exception to that.

Mr. Quinn stated let us point out to Mr. Crow that there are five votes here and he has one of those votes.

Mr. Moyer stated in deference to our Chairman, I was sensitive to that and that is why I did not keep it on the agenda. I think the best thing is to talk it through and get it resolved.

Mr. Akey stated this is a good time because it came up once before. My position is to give us up until a certain date, say two weeks before the meeting, to include items on the agenda.

Mr. Quinn stated when I was Chairman, Mr. Crow and Mr. Katz were notorious for sliding items on the agenda and blind siding the rest of the Board.

Mr. Moyer stated I will do whatever the Board wants me to do.

Mr. Akey stated unless there is a Statutory requirement to the contrary, if the meeting is May 25, we would need everything to Mr. Moyer by May 10, for example. This was also an item I had for tonight.

Mr. Sunnarborg stated let us put it on the agenda and discuss it.

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

#### **Supervisor Requests and Comments**

Mr. Sunnarborg stated I would like us to make a better effort for agenda descriptions.

Mr. Moyer stated please feel free to give me input. The lowest level of Board action that I can think of is discussion.

Mr. Sunnarborg stated if we go with a new format, just doing that will clarify things we will vote on and other things are just for discussion, they are routine or they are a report.

Mr. Quinn stated the County labels action items as action items.

Mr. Akey asked on the boardwalks going to Lake Evalyn, when are they going to be replaced?

Mr. Smith stated we are working on Arbor Circle and when that is complete, we will start on Lake Evalyn.

Mr. Akey stated I did an inspection on Lake Evalyn, and I did not see a lot of garbage.

Mr. Quinn asked are we constrained by the pattern book from using alternative materials?

Mr. Smith stated yes.

Mr. Quinn stated regarding the budget workshop, because of my schedule at the University, I would like to have it after the week of June 19. Mondays, Wednesdays, and Fridays are fine. Prior to June 19, if we are not done by noon, it has to be Friday. After our June meeting, my schedule is fine.

Mr. Moyer stated we can discuss this at your June meeting about the budget and you can make the determination if you need a workshop. Then you can set a meeting for late June or early July.

Ms. Wright stated related to the website, we had a request from a resident to include information on the website related to the policy on removing alligators from our ponds as well as the phone number to call. I would like to list the phone number for the Fish and Wildlife Commission on the Related Links page on the website to make it easier for residents. This individual wanted us to list what the actual policy is, but I am not in favor of doing that.

Mr. Quinn stated it is public record and it is on the Osceola County website but it is very hard to locate.

Ms. Carpenter stated I can send you the link that takes you to the page that explains what their policy is.

Mr. Quinn stated the other issue we get from time to time is road kill; you can put those kinds of numbers on the website.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Quinn, seconded by Mr. Sunnarborg,  
with all in favor, the meeting adjourned at 9:40 p.m.

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Paul Collins, Secretary

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Cliff Akey, Vice Chairman