

MINUTES OF MEETING

ENTERPRISE COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Enterprise Community Development District was held Wednesday, October 21, 2009, at 4:00 p.m. at 851 Celebration Avenue, Celebration, FL 34747.

Present and constituting a quorum were:

Matt Kelly	Chairman
Russell Stokes	Vice Chairman
Don Hempel	Supervisor
Lance Montague	Supervisor

Also present were:

Gary L. Moyer	Manager: Moyer Management Group
Jason Walters (<i>by phone</i>)	Attorney: Hopping Green & Sams
Chuck Bell	Engineer: PBS&J
Brenda Burgess	Moyer Management Group
Roger Mitchell	Severn Trent Services, Operations Division
Jim Parker	Walt Disney Imagineering
Brian Smith	Severn Trent Services, Management Division
Residents and Members of the Public	

FIRST ORDER OF BUSINESS

Roll Call

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

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

SECOND ORDER OF BUSINESS

Public Comment Period

There being none, the next order of business followed.

THIRD ORDER OF BUSINESS

Consent Agenda

A. Approval of the minutes of the August 24, 2009, meeting minutes

B. Approval of check register and invoices

Mr. Kelly reviewed the items on the Consent Agenda and requested any additions, deletions or corrections to the minutes.

On MOTION by Mr. Hempel, seconded by Mr. Stokes, with all in favor, approval was given to the Consent Agenda.

FOURTH ORDER OF BUSINESS

Presentation from FDOT on the I-4 Braided Ramp

Mr. Bill Smith introduced the braided ramp project, which was a commitment that FHWA and FDOT made several years ago when they bid the U.S. 192 interchange. Prices at that time were different than they are now, and they were at such a point that the

original budget did not allow for this ramp, so it was pulled from that work. Now that funding is available for construction, we have committed to completing the project.

Mr. Steve Kreidt described the braided ramp project, which includes a bridge over the existing ramps to separate traffic lanes on eastbound I-4 between U.S. 192 and Osceola Parkway and thereby eliminate weaving in that area and increasing safety for vehicular traffic.

FIFTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

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

Mr. Moyer stated regarding the collection of non-ad valorem assessments for the general fund, we levied \$597,000 and we have collected \$540,000. Due to Mr. Smith's efforts in containing the expenses, at the end of the year we show a surplus of revenues over expenses of \$6,600. That may change due to adjustments made for invoices received in October and November, but we are running very close on the general fund even though we have collected less than anticipated.

Mr. Kelly asked is there an update on those delinquent collections?

Mr. Moyer stated no, we are still at 95% collected. We have not collected anymore from the tax collector from his activities selling tax certificates.

B. Consideration of Engagement Letter with Grau & Associates for Fiscal Year 2009

Mr. Moyer reviewed the engagement letter with Grau & Associates to perform the audit for fiscal year 2009 in the amount of \$18,000; \$6,000 from the general fund and \$12,000 from the water/sewer fund. This is the second year of their three-year engagement.

On MOTION by Mr. Stokes, second by Mr. Montague, with all in favor, approval was given to the engagement letter with Grau & Associates to perform the audit for fiscal year 2009 in the amount not to exceed \$18,000.
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C. Field Operations

i. Monthly Highlight Report

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

ii. Utility Report

Mr. Smith reviewed the monthly utility report, included in the agenda package, which is available for public review in the District Office during normal business hours.

Mr. Moyer asked how is the design coming for the variable frequency drives?

Mr. Bell stated we are in the data collection phase and we anticipate completing that in a couple weeks.

Mr. Smith stated we will be starting manhole repairs shortly, as the Board authorized at the last meeting.

iii. Landscape Maintenance Request for Proposals

Mr. Smith stated we are going to be soliciting proposals for the landscape maintenance contract, in conjunction with the Celebration CDD. We anticipate having those proposals for your December meeting.

Mr. Montague asked when does the current contract expire?

Mr. Smith stated December 31, 2009. This contract is about \$80,000, so it is under the bidding threshold, which we have to do for the Celebration CDD. As the Celebration CDD goes through the formal bid process, I will contact several of those qualified contractors to provide proposals for Enterprise CDD.

Mr. Hempel asked has it typically been the same contractor?

Mr. Smith stated we would like to get the same contractor for both CDDs if possible, depending on the proposals, because of the limited size of the maintenance facility. If the prices are too far off and Enterprise CDD selects a different contractor, that contractor will have to mobilize from off site because it is a smaller contract.

Mr. Kelly asked has that been disclosed to them so they understand that?

Mr. Smith stated yes. For both Celebration CDD and Enterprise CDD, they will be providing prices as if there is no maintenance facility, as well as a price if we provide a facility.

Mr. Moyer stated the reason that is being done is there is no good way to value the maintenance facility that we use. We are trying to do that because not only does Enterprise CDD have a portion of that contract, Celebration CDD has a big portion of that contract, and CROA has a portion of the use of the maintenance facility. The Celebration CDD thinks it is appropriate to go to CROA and identify the value of the

CROA part of the maintenance facility. When CROA does their budgeting in the future, then they can take that into account.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Walters stated regarding the Mona Lisa issue, they are still trying to get their disclosure through so they can setup confirmation, which I believe will happen very shortly. I have been working with their counsel and District staff on how we can arrange payment. Regarding Overture, they have been foreclosed upon by their bank, so the bank is now standing in their stead and is working with District staff on making payment arrangements. We should start to receive funds from both of those landowners in due course.

B. Engineer – Work Authorization No. 2010-01

Mr. Bell reviewed work authorization no. 2010-01 for PBS&J to attend Board meetings, provide assistance in preparation of the Enterprise CDD agenda items, and provide support to Mr. Smith in operation and maintenance engineering items in the amount of \$5,000, to be billed hourly.

Mr. Kelly asked is our manager recommending approval of this work authorization?

Mr. Moyer stated yes, they will bill us as we need their services.

On MOTION by Mr. Hempel, seconded by Mr. Stokes, with all in favor, approval was given to work authorization 2010-01 for fiscal year 2010 for engineering services in the amount of \$5,000, as described.
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C. District Representative

Mr. Parker stated CDM is the consultant who prepared the reuse water study for us. They are finalizing their report and it will be distributed to the Board members in the next week or two. The purpose of the report is to identify the issues that we have with the low water pressure.

SEVENTH ORDER OF BUSINESS

Other Business

Ms. Burgess stated I spoke with Pat Wasson this afternoon and she asked us to bring an item to the Board on her behalf. It is an issue that is very important to her related to these abandoned homes where we have discontinued water service because they have not paid their water bills. Ms. Wasson wants to know about the possibility of turning that reuse water on once or twice a week. CROA covenants require home owners' yards to

look a certain way. The property owner would be responsible for the utility bill. Regardless of whether or not there is electricity, the irrigation staff can manually turn them on at the meter. She believes there are about 30 homes in need of irrigation. Her dilemma is because she is the Executive Director for CROA, she may have some sort of voting conflict, but this is an issue she wanted the Board to discuss. She believes there is an obligation to keep the property values up and the homes looking nice in the community.

Mr. Kelly asked she is not suggesting who will pay the bills?

Ms. Burgess stated it will be the current property owner. She did mention that CROA is already spending money on other landscaping for those homes that they probably will never see because many of these are in foreclosure. Whoever is the owner of record will be responsible for those bills. If they go into foreclosure and do not pay their water bill, that is an issue for the Enterprise CDD since those dollar amounts may have to be written off at some point. I asked Ms. Wasson if turning on the irrigation was easier than bringing in a water truck, and she said it was.

Mr. Moyer stated under your bond covenants, we are not permitted to provide free service. If you are of a mind to do this and assist, when we adopted our rate structure, we built into the rate the irrigation of common areas. It is not free water because everyone in the community pays for it and it is for the community good. I would ask that the Board make a declaration, if you want to do this, that by doing this, it goes to the community good and is the same as the right-of-way or median, and do this on a short-term interim basis. I think that is the only way this Board can do something like that, to make that type of a declaration.

Mr. Hempel stated if we are watering it and they are not mowing it, the yard will still look unsightly.

Mr. Dan Tomsick stated the way I understand it, as a committee member serving the CROA Board, our objective is to maintain the properties if they are irrigated. The CROA Board recently authorized spending \$8,900 on a particular property on Waterside that should be one of our signature properties. That is the level of commitment on their part, to install plant material and turn the irrigation valves on to try to restore the property and give the impression that Celebration is a well-cared-for community. The CROA Board is willing to commit the resources to maintain the property if water can be provided. They

are not going to provide money on plant material if there is no assurance that water will be available to sustain the plant material.

Mr. Kelly asked is this every property that is abandoned, or selected?

Mr. Tomsick stated it is for selected properties.

Mr. Kelly asked does that cause a problem? Do we lien the property for the water that is used? Whoever is doing this, do they have a legal right to enter the property?

Mr. Moyer stated I have raised the last issue with Ms. Wasson, and the District cannot trespass but CROA can for self help. To the degree that CROA is willing to do that and check the irrigation systems and check the clocks to make sure that the irrigation system is working and there are no breaks, that at least answers whether or not we can go onto private property. We cannot but CROA can.

Mr. Smith stated our staff can go onto private property to manage a clock.

Mr. Kelly stated we have the right to go up to our meters, and that is all we would be doing.

Mr. Moyer stated that is correct; that is not a problem.

Mr. Parker stated these houses were setup with electric timers and many of them are in garages while some are on the outside. How do you control the water if the timer is inside the garage?

Mr. Smith stated they can be turned on manually at the meter. You can also put a battery-operated clock there, too, which we have.

Mr. Tomsick stated you can manually turn it on at each solenoid.

Mr. Kelly asked is there an issue if we do it selectively?

Mr. Walters stated the issue is at some level, we need to be careful how much the District is using its assets for this purpose. We are a public entity and we need to be careful how much of this is for the private benefit of those landowners. To adjust meters, we are sending personnel and using resources of the District.

Mr. Kelly stated one of the things you heard today is that it is not being done for the benefit of the property owner at all. It is being done for the benefit of the community as a whole; that is the intent. That is the reason we would do it selectively to homes that are on prominent streets, not ones that are hidden in the back that hardly anyone sees.

Ms. Burgess stated Ms. Wasson indicated it would be for abandoned homes. Some may have residents who still live there who are not maintaining their property, but that is

a separate issue for CROA. Ms. Wasson was specifically talking about abandoned homes, more than likely that are foreclosed homes.

Mr. Moyer stated we will bill those homes and there is a possibility that we will receive payment. There is a possibility that we will not receive payment, and then we would be doing this as a community service.

Mr. Montague asked do you have an estimate of how much it would be?

Mr. Smith stated about 3,000 gallons per month would be about \$10 per home per month.

Mr. Kelly stated that is about \$300 per month, which is not much. Even if it is twice that, it is a relatively small amount of money.

Mr. Hempel stated I think that is a great idea if we can do it.

Mr. Walters stated I would request that a motion include consultation with District staff to make sure that Ms. Stuart is comfortable with this.

Mr. Moyer stated I would also ask that the motion enter a finding that this is for the community appearance in similar nature to what we are currently doing for other landscaped medians and rights-of-way and that there is a rate that has been imputed in our base charges for that purpose.

On MOTION by Mr. Kelly, seconded by Mr. Stokes, with all in favor, approval was given to turn on irrigation water at selected homes, under the direction of CROA, for the purpose of assisting CROA in maintaining those yards for the benefit of the community as a whole, as a temporary measure, in consultation with legal counsel.

EIGHTH ORDER OF BUSINESS

Supervisor Requests

There being none, the next order of business followed.

NINTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Stokes, seconded by Mr. Montague, with all in favor, the meeting adjourned at 4:45 p.m.

Gary L. Moyer, Secretary

Matt Kelly, Chairman