

**MINUTES OF MEETING  
ENTERPRISE COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Enterprise Community Development District was held Wednesday, November 3, 2021, at 4:00 p.m. at the District Office, 313 Campus Street, Celebration, Florida 34747.

Present and constituting a quorum were:

Jason Herrick	Chairman
Kimberly Locher	Vice Chairman
Paul Johnson	Assistant Secretary
Henry Thrash	Assistant Secretary

Also present, either in person or communications media technology, were:

Angel Montagna	Manager: Inframark, Management Division
Sarah Sandy	Attorney: Hopping Green & Sams
Kathy Leo	Engineer: GAI Consulting
Brenda Burgess	Inframark, Management Division
Natasha Cruz Millheim	Inframark, Management Division
Ben Griffin	Inframark, Utility Operations Division
Renea McRoberts	Inframark, Utility Operations Division
Russ Simmons	Inframark, Management Division

**FIRST ORDER OF BUSINESS**

**Call to Order and Roll Call**

Mr. Herrick called the meeting to order at 4:00 p.m.

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

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

Mr. Herrick led the *Pledge of Allegiance*.

**THIRD ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next order of business followed.

**FOURTH ORDER OF BUSINESS**

**Administrative Matters**

Ms. Montagna stated this will not affect the budget, but we are adding a dedicated utility person to be able to fix leaks.

**FIFTH ORDER OF BUSINESS**

**Consent Agenda**

**A. Acceptance of the Minutes of the August 18, 2021, Regular Meeting**

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

**B. Check Register and Invoices**

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

**C. Motion to Assign Fund Balance for Fiscal Year 2021**

The fund balance designation is included in the agenda package and available for public review in the District Office during normal business hours.

On MOTION by Ms. Locher, seconded by Mr. Thrash, with all in favor, unanimous approval was given to the consent agenda, as presented.

**SIXTH ORDER OF BUSINESS**

**Business Matters**

**A. Resolution 2022-01, Amending the Fiscal Year 2021 Water/Sewer Budget**

Mr. Herrick read Resolution 2022-01 into the record by title.

Ms. Montagna stated this Resolution is to reconcile the water/sewer budget for fiscal year 2021, allocating \$350,000 to utility maintenance, \$50,000 for bulk potable water and \$50,000 for bulk wastewater, and \$2,767,171 to construction in progress.

Mr. Herrick asked are we to assume we overspent \$350,000 for maintenance?

Mr. Simmons stated it is the P-lines that are breaking. All Florida is out here about three days a week, at a couple thousand dollars each time.

On MOTION by Ms. Locher, seconded by Mr. Johnson, with all in favor, unanimous approval was given to Resolution 2022-01 amending the fiscal year 2021 water/sewer budget.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Manager**

**i. Financial Statements** (*September 2021*)

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

**ii. Engagement Letter with McDirmit Davis for Auditing Services**

Ms. Montagna reviewed the engagement letter with McDirmit Davis to provide auditing services for fiscal year 2021, in the amount of \$9,600.

**iii. Renewal of Street Sweeping Services Agreement**

Ms. Montagna reviewed the renewal with Facilities Pro-Sweep for street sweeping services.

**iv. Renewal of Mosquito Control Services Agreement**

Ms. Montagna reviewed the renewal with Clarke Mosquito Control for mosquito control services.

On MOTION by Ms. Locher, seconded by Mr. Thrash, with all in favor, unanimous approval was given to accept the engagement letter with McDirmit Davis for auditing services for fiscal year 2021 in the amount of \$9,600, to renew the street sweeping contract with Facilities Pro-Sweep with no price increase, and to renew the mosquito control services contract with Clarke Mosquito Control with no price increase, all in substantial form, subject to legal counsel's review.

**v. Updated Management Services Agreement**

Ms. Montagna reviewed the amended agreement with Inframark for management services due to Mr. Gary Moyer's retirement.

**vi. Proposal from Campus Suite for Website Remediation**

Ms. Burgess stated the Board discussed the website remediation two years ago.

Mr. Herrick stated three of the Board members were not on the Board at that time.

Ms. Burgess stated in 2019, we received a couple proposals that we presented to the Board at the time for website remediation. The Board approved the one from ADA Site Compliance. Mr. Moyer and I were able to negotiate a lower price with them. They normally charge \$20,000 per district per website, and we had them split that fee among all our districts. For this District, the share was \$7,000. I do not have an agreement with this company and Enterprise CDD, but they sent an invoice to the District, and we had it processed for payment. At that time, Mr. Moyer said to pay whatever invoices we received. We paid the invoice, but they have not done any remediation. I do not have an executed agreement. I emailed them earlier today saying we paid them for the work but they have not remediated the website. I should not have sent the invoice to be paid without an executed agreement, and I asked if they would consider refunding us the fee we paid. He is looking into it. We currently pay ADA Site Compliance \$199 per year for the shield that is on the website. For anyone who is hearing- or sight-impaired, they know where to click for this shield, and if they cannot read certain things, they are redirected to me, and I will help them. Since that time, we received a proposal from Campus Suite, which is much less and offers more services.

On MOTION by Mr. Johnson, seconded by Mr. Thrash, with all in favor, unanimous approval was given to rescind the contract awarded to ADA Site Compliance for website remediation.

On MOTION by Mr. Thrash, seconded by Ms. Locher, with all in favor, unanimous approval was given to accept the proposal from Campus Suite for website remediation in the amount of \$3,064.80.

**vi. Ratification of Utility Easement Agreement with Mattamy Orlando for Phase 1B**

Mr. Herrick stated I signed this utility easement agreement between meetings because it was needed quickly.

Ms. Sandy stated the utility easement is in conjunction with the District's acquisition of Island Village Phase 1B utilities. It provides for the utility easement and the roadway rights-of-way. In addition, several other documents are included for the acquisition. In August, the Board approved acquiring the utility improvements and the work product associated with it in an amount not to exceed \$1.6 million. That approval was subject to receipt and review of all the documentation needed under our acquisition agreement with Mattamy Orlando. Several documents were executed by the Chairman under that previous authorization, including this utility easement.

On MOTION by Ms. Locher, seconded by Mr. Thrash, with all in favor, unanimous approval was given to ratify the utility easement agreement with Mattamy Orlando for Phase 1B and the accompanying requisition in an amount not to exceed \$1.6 million.

Mr. Johnson asked do we have GIS (geographic information system) files with all our easements shown?

Ms. Montagna stated I have not seen one.

Mr. Simmons stated we have a plat book.

Ms. Montagna stated we can ask Ms. Leo to provide something like that.

Ms. Leo stated we do not have a GIS system with the easements. That information and data are over 20 years old. In creating the bid documents for the operations contract, we are collecting CAD (computer-aided design) files. Even then, the easements are not depicted in a GIS format. It is something we can create, but it does not exist today.

Mr. Johnson stated it was just a question. Maybe it is something we can consider.

Ms. Locher stated I expect it comes up at closings if a conflict shows up on a title search. We will need to deal with it if any conflict comes up. I agree that it would be good to have.

Mr. Johnson asked do we know where utilities are installed?

Mr. Simmons stated yes, we have a utility book that shows every piece of pipe that is in the ground.

Ms. McRoberts stated not past the apartments.

Mr. Simmons stated we have as-builts, also, showing P-lines, main lines, forcemains, and other utility infrastructure. It is not on the computer, though.

Mr. Thrash stated only a couple sites are left to develop, so it will be a case-by-case basis as those issues come up.

Mr. Herrick stated it might be something to look into, putting all that information into GIS. It will be convenient to have.

## **B. Field Operations**

### **i. Field Management Reports**

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

Mr. Simmons stated we continue with our regular work program. The only thing I am not happy with is the tree trimming. Yellowstone subcontracted that out. I will meet with Amy, who is the new account manager and is doing well. What I would like to do next year is what I am considering also for Celebration CDD, regarding the 15-foot lift over the roadways. Some of the box trucks are 14 feet, but with a year's worth of growth of the trees, I would like to lift them 17 or 18 feet. I want to do it in Celebration CDD, too, and do a couple villages at a time. It will be more expensive than trimming six inches.

Mr. Herrick stated but we are only trimming them once a year.

Mr. Simmons stated if we did it once at 17 or 18 feet, we probably will not have to trim the trees for three or four years.

## **C. Utility Operations**

### **i. Utility Report** *(September 2021)*

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

Mr. Simmons stated Toho Water Authority ("Toho") is putting in a forcemain along U.S. Hwy 192 between Celebration Place and Celebration Avenue. They are tearing up where the boardwalk is.

Ms. Locher stated they are not making it look pretty, by any means.

Mr. Herrick asked who is their contractor?

Mr. Simmons stated it has been two years, and I forgot the name of the company. Hopefully they will put it back somewhat the way it was.

Ms. McRoberts stated the lift station is complete on the other side of the Delamarre apartments. The pumps have been pulled that we purchased because we were having some issues. Those have now been put into storage for backups. They put in the new Flygt pumps. Some concrete was broken, but it was repaired. The alum vault pump we discussed will be delayed 16 weeks.

Mr. Herrick stated everything is taking forever for us.

Ms. Locher stated it is taking 26 to 28 weeks for our projects in the Carolinas.

Mr. Herrick stated I just ordered a switchgear, and it is six months.

Ms. McRoberts stated I tried to order our sampling materials, and they have 1,000 backorders. The company is not even giving an estimated timeframe. We have also had some leaks, as Mr. Simmons mentioned, due to tree roots breaking them.

**D. Attorney**

**i. Island Village Utility Acquisition for Phase 1B**

Ms. Sandy stated regarding acquisition of the Island Village Phase 1B utilities, we have all the documentation. The final amount was \$1,676,261.60. As mentioned earlier, the Board approved the acquisition in a not-to-exceed amount of \$1.6 million. To date, only \$1.6 million has been paid. I will ask the Board to authorize acquisition of the Island Village Phase 1B utility improvements for a final total of \$1,676,261.60. Upon Board approval, we will pay out the additional \$76,261.60.

On MOTION by Ms. Locher, seconded by Mr. Thrash, with all in favor, unanimous approval was given to authorize acquisition of the utility improvements for Island Village Phase 1B from Mattamy Orlando in the final total of \$1,676,261.60.
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**ii. Kutak Rock**

Ms. Sandy stated I have spoken with the Chairman and the manager, and I want to update the Board that the entire special district practice group from Hopping Green & Sams (“HGS”), including myself, ten attorneys, and six staff members, will be moving to a new law firm—Kutak Rock—effective November 15, 2021. Since no one will be remaining at HGS who can provide any special district legal services, this District has elected to continue with us at Kutak Rock. I wanted to make sure everyone knew when

you saw a new firm name. We will also be bringing forward a new fee agreement that will have the same rates, but it will now be with Kutak Rock.

On MOTION by Ms. Locher, seconded by Mr. Johnson, with all in favor, unanimous approval was given to authorize the Chairman to enter into a new fee agreement with Kutak Rock for legal services.

Ms. Locher stated I will ask Ms. Sandy to send to everyone her new contact information.

Ms. Sandy stated yes.

**E. Engineer**

Ms. Leo stated I wanted to bring one thing to the Board's attention, not for action today, but to let you know we are aware of it. As part of the 2021 regular session, the Legislature passed what is called a long-term planning process that is required for stormwater and wastewater systems. A lot of criteria needs to be included in the report from the District. It is due June 30, 2022, and then every five years thereafter. We serve as engineer for several other districts, and I am trying to come up with a simple way to do that. I will bring this item back to the Board in December so we can get started. We are aware of it and are working on a response.

Mr. Herrick stated it is template based. The stormwater template is out. The wastewater template was due and is delayed, but it is coming.

**F. District Representative**

There being no report, the next item followed.

**G. Mattamy Homes (Island Village)**

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

**EIGHTH ORDER OF BUSINESS**

**Other Business and Supervisor Requests**

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

**NINTH ORDER OF BUSINESS**

**Adjournment**

The next meeting is scheduled for Wednesday, December 1, 2021, at 4:00 p.m.

On MOTION by Ms. Locher, seconded by Mr. Johnson, with all in favor, the meeting adjourned at 4:30 p.m.

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Angel Montagna, Secretary

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Jason Herrick, Chairman