

**MINUTES OF MEETING
ENTERPRISE COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Enterprise Community Development District was held Wednesday, August 17, 2022, 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
Gregg Harkness	Assistant Secretary
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 (<i>by phone</i>)	Attorney: Kutak Rock LLP
Greg Kolb	Engineer: GAI Consulting
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

No members of the public being present, the next order of business followed.

FOURTH ORDER OF BUSINESS

Consent Agenda

A. Acceptance of the Minutes of the June 1, 2022, 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.

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

FIFTH ORDER OF BUSINESS

Public Hearings

A. Adoption of the Fiscal Year 2023 Budget

i. Resolution 2022-06, Amending the Budget Hearing Date

Mr. Herrick read Resolution 2022-06 into the record by title.

Ms. Montagna stated the original budget hearing date had to be moved in order to meet statutory deadlines. This Resolution simply amends that budget date to today. It is a housekeeping item.

On MOTION by Ms. Locher, seconded by Mr. Johnson, with all in favor, unanimous approval was given to Resolution 2022-06, amending the budget hearing date from July 6, 2022, to August 17, 2022.

ii. Fiscal Year 2023 Budget

iii. Public Comments

On MOTION by Ms. Locher, seconded by Mr. Harkness, with all in favor, unanimous approval was given to open the public hearing for adoption of the fiscal year 2023 budget.

Public comments were requested. The record will reflect no members of the public were present.

On MOTION by Mr. Harkness, seconded by Ms. Locher, with all in favor, unanimous approval was given to close the public hearing.

iv. Consideration of Resolution 2022-07, Adopting the Budget

Mr. Herrick read Resolution 2022-07 into the record by title.

On MOTION by Mr. Harkness, seconded by Mr. Thrash, with all in favor, unanimous approval was given to Resolution 2022-07, adopting the fiscal year 2023 budget.

B. Imposition and Levy of Fiscal Year 2023 Assessments

i. Public Comments

On MOTION by Mr. Harkness, seconded by Ms. Locher, with all in favor, unanimous approval was given to open the public hearing for imposition and levy of the fiscal year 2023 assessments.

Public comments were requested. The record will reflect no members of the public were present.

On MOTION by Mr. Harkness, seconded by Ms. Locher, with all in favor, unanimous approval was given to close the public hearing.

ii. Consideration of Resolution 2022-08, Imposing and Levying Assessments
Mr. Herrick read Resolution 2022-08 into the record by title.

On MOTION by Mr. Thrash, seconded by Ms. Locher, with all in favor, unanimous approval was given to Resolution 2022-08, imposing and levying the fiscal year 2023 assessments.

SIXTH ORDER OF BUSINESS

Staff Reports

A. District Manager

i. Financial Statements

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

ii. Approval of Fiscal Year 2023 Meeting Schedule

Ms. Montagna reviewed the meeting schedule for fiscal year 2023.

Ms. Montagna stated it is the same meeting schedule we currently have. If anyone has any changes, we can amend the schedule.

On MOTION by Mr. Johnson, seconded by Ms. Locher, with all in favor, unanimous approval was given to accept the financial statements and to approve the fiscal year 2023 meeting schedule, as presented.

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 sidewalk grinding is being done in front of pretty much every other tree. That work is mostly done. All six driveways to the lift stations are cut and installed, and they look great. We are not completely done with those; we need to add a little dirt as well as some sod, but the concrete looks good. We are going to screen the one by Ms. Locher's house because it used to have bushes to hide it. That is the only one that was hidden, so it will be screened.

Ms. Locher stated I think they can just take out the landscaping and redo it. The landscaping was so mature that it looks like a tornado went through and dug it up, and the irrigation is broken and floods the area. It just needs some help. I think the driveway is fine. The screen could perhaps be set back farther. I do not think it needs to be right by the lift station. Otherwise, just remove the landscaping and repair the irrigation.

Mr. Harkness asked does it have a chain-link fence around it?

Mr. Simmons stated no. The six that have the new driveways do not have a fence around them. That may be something we do in the future. We discussed it a long time ago, but the proposal to do the work was astronomical.

Ms. Locher stated I do not think most people know what it is.

Mr. Simmons stated the other ones are wide open.

Ms. Locher stated I presumed the work was not done yet, but that is my recommendation because it was so hidden by mature landscape.

Mr. Simmons stated I am concerned about removing the hedges and people complaining.

Ms. Locher stated only one person would really complain. Something can be put in front of it, if you want to cut the landscaping back and put in something fresh.

C. Utility Operations

i. Utility Report

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

Ms. McRoberts stated work is complete at the alum vault. The pump is installed, and the report included pictures. The piece in the center that appears to be wood is not; it is concrete. We completed the lift station that needed relining. It went smoothly. We had one small leak afterward, but they went in the next day and fixed it. They did a really good job. We changed out some pumps for the lift stations that were old and wearing out. I am having an issue in Island Village, not with Mattamy Homes but the builders. Their subcontractors installing drywall and concrete are tearing up our stuff.

Mr. Harkness asked are they dumping things in the sewer?

Ms. McRoberts stated one did almost a year ago, but we have not had any other issues with sewer. These subcontractors are bringing in dumpster and smashing the boxes and breaking the meters. We have gone onsite. The plumbers are taking all our equipment apart and hooking hoses right onto the blue whips.

Mr. Herrick asked are we installing meters?

Ms. McRoberts stated we did come to somewhat of a resolution on that. We were installing meters, backflows, and a hose spigot so they could connect their hose right onto the end of the backflow. But they are throwing our equipment into the bushes. They are not even leaving everything at the installation site. We go down there and see hoses laying around. One of our technicians asked me what to do, and I told him to take the hose, put it in the back of his truck, and lock off service until we can get the meter back on. I looked through the operating policies and procedures, and I did not see anything regarding charging them fees for tampering with the utilities. Toho Water Authority (“Toho”) implements tampering charges, which I seem to recall are \$250. I want to charge them.

Mr. Herrick stated Orange County has those fees, too.

Ms. Montagna stated this has been ongoing for a while.

Ms. McRoberts stated yes, I have been battling with them. We set a meter upon receipt of their connection fees and deposit, and I have been charging them to reset a meter because we have to go back out and set a meter. Going forward, I want to charge them that amount plus a tampering fee.

Mr. Herrick asked do we have a tampering fee?

Ms. McRoberts stated no.

Mr. Harkness stated that is a rate issue.

Ms. Montagna stated yes, we will need to hold a public hearing to adopt that fee.

Ms. Sandy stated yes, it is not a fee that we have previously adopted. This would be a new fee.

Ms. McRoberts stated we are on Phase 1, with several more phases to go. It is only going to get worse.

Mr. Harkness stated we should get it in place as soon as we can.

Ms. McRoberts stated I have tried to play hardball with them without charging them for tampering. I have charged them for everything else, but they do not care.

Mr. Johnson asked is it simply communication with subcontractors?

Ms. Montagna stated no, it goes all the way up.

Ms. McRoberts stated I had a discussion with Ms. Kacey Lothar, and she does not have anything to do with the home builders. Someone is in charge, but they have six builders working underneath them. They were sending emails about needing a new box or meter, the backflow is gone, or a line broke. I responded it is their responsibility. We

did not hire these people to come and install drywall or pour concrete. This manager needs to be responsible for the builders and subcontractors, because I am going to charge him.

Mr. Herrick stated yes, be clear to them. We do not have any relationship with their subcontractors. Then we will adopt a tampering fee.

Ms. McRoberts stated the other day, I bought some spigots, but we were not installing a spigot at every home. We put one at every other home because the supplier could not get anymore. I could get maybe 10 or 15 at a time. They are building fast, so we put one at every other house. They took the meter off and tied right in. That is on the builder to watch their subcontractors, not mine.

Ms. Locher stated you have shown you are willing to compromise and make it work for them, but they are still ignoring it. I agree it is time.

Ms. McRoberts stated I was charging them for staff's time plus the cost of the meter and the backflow and the new spigot. I have gone the other route now and just charged them.

Mr. Herrick stated I would look up Toho's fee and Osceola County's ("County").

Ms. Locher asked is that something Ms. Sandy has to draft?

Ms. Montagna stated yes. We need to set a public hearing date for the Board to adopt a tampering fee.

Ms. Sandy stated the Board can enter a motion at this time to set a public hearing. We would need to figure out for purposes of the notice what the fee would be based on, whether it is a set number or a range or time involved plus a certain amount. That amount needs to go into the notice.

Ms. Montagna stated it would be a flat fee.

Ms. McRoberts stated in theory when they are building these homes, anything they get charged up until they sell the home is passed onto the buyer anyway.

Mr. Harkness asked do we want to schedule the hearing for next month?

Ms. Montagna asked is that enough time? Or do we need to push it out farther?

Ms. Sandy stated the required notices are advertised 28 and 29 days in advance of the hearing, plus time needed to submit to the newspaper.

Ms. Montagna stated we would be looking at October.

Ms. Sandy stated this District usually meets every other month anyway.

Ms. Montagna stated yes, that is correct unless we need to meet monthly. Do we want to look at October or November?

Ms. Sandy stated the earliest date would be October.

Ms. Montagna stated October 5 is our next meeting date. Is that enough time?

Mr. Harkness stated yes. It is pretty simple to draft.

Ms. McRoberts asked do you need anything from me?

Ms. Locher stated you should research what the other municipalities charge.

Mr. Harkness stated I would get fees from Orange County, Osceola County, and Toho, and send them to Ms. Sandy.

Ms. McRoberts stated I have a tag that is strapped onto the ears of the whip for the meter, and I can attach it with something to notify them results of tampering with this.

Ms. Sandy asked do we have an amount or a range of what that fee would be?

Ms. McRoberts stated from what I have seen, it can fluctuate from \$250 to \$350. Should I check with the electric company to see what they are charging, or just water utilities?

Mr. Harkness stated just water utilities.

Ms. Montagna stated we will provide an amount for Ms. Sandy. It will be a flat fee based on what surrounding counties charge for tampering.

Mr. Herrick stated Toho charges \$300.

Mr. Harkness stated we should have the same fee as Toho.

Ms. Sandy stated for purposes of advertising, we may want to set a higher fee because that is the maximum we can adopt up to. We can always adopt it at a lower rate at the hearing. We want to be sure to advertise the highest amount they would be charged.

Ms. Montagna stated we can notice it for \$400. I am sure we will settle below that, perhaps to \$300, but we can advertise \$400.

Mr. Simmons asked is that per house or hookup?

Ms. Montagna stated it is per tamper.

Ms. McRoberts stated the way they are going, I could hit them two or three times each month.

Mr. Simmons stated it is per incident.

Ms. McRoberts stated I was getting 30 or 40 emails per week, and I told the project manager the builders have to go through him. He can create a spreadsheet and send it to me to take care of.

On MOTION by Ms. Locher, seconded by Mr. Harkness, with all in favor, unanimous approval was given to set a public hearing to amend the utility operating policies and procedures and rate schedule for Wednesday, October 5, 2022, at 4:00 p.m.

Ms. McRoberts stated someone had a big water truck when they first started out, so they are moving water around. I went down there, and they have a jumper. I sold them a temporary meter and a backflow, one connection. They separated my meter and backflow, and had a T line where they were pulling water.

Mr. Herrick asked was it before the meter?

Ms. McRoberts stated it was the jumper, meter, T, backflow, and the other part of the jumper.

Mr. Herrick stated I would have called the police.

Ms. McRoberts stated I went down there to talk to the boss and informed him that he could not do this because the meter and backflow are assembled as such for a reason. He can bring the lines together, stub it out, and then put a T on it; that is fine. This appeared to be new information to him.

Mr. Harkness stated that, in itself, is tampering. He is supposed to use it as given to him and not take it apart.

Mr. Herrick stated it is also theft.

Mr. Harkness stated that is correct.

Ms. McRoberts stated someone broke into the trailers at World Drive. They pulled their trucks up in front of the doors that were locked so no one could cut the locks off and get in the trailers. These thieves went on a Saturday with a torch and cut out an opening on the side and pulled everything out the side, including my meter. They stole almost \$60,000 of equipment out of one of the trailers in a few hours.

D. District Counsel

Ms. Sandy stated I want to provide an update on a few items that the Board approved at our last meeting in June. The landscape agreement with Greenleaf was prepared and executed with a starting date in July. We also finalized the management services agreement with Inframark at the Board's direction, which was also executed in July. The utility maintenance and billing agreement with Inframark was finalized and executed in July. Within the past couple weeks, we finished the acquisition of the Island Village Phase 1A forcemain reroute. We were working with Mattamy Homes on that. The Board

might remember we approved that a couple meetings ago, in the spring. That acquisition was done for \$154,323.50. We will bring that requisition for ratification at the next meeting. Those are the items we worked on between the last meeting and now.

Mr. Herrick asked how is the new landscape contractor doing?

Ms. Montagna stated they are doing well.

Mr. Simmons stated we have some progress photographs to share with the Board that I will send out by Friday; they were not included in the agenda package.

Mr. Harkness stated you can send those to us between meetings.

Ms. Montagna stated yes.

E. Engineer

Mr. Kolb stated we had a chance to look at the lift stations and booster pump station in June as part of the needs analysis and bond report updates. We are working with Mattamy Homes on Island Village Phase 2 plan reviews. Those permits are with Department of Environmental Protection (“DEP”). I received the booster pump detailed designs, and we will wrap up those reviews in the next couple days. We will be looking at a couple things on the capital improvement plan for renewal and restoration, one being the electrical side for a lot of the lift stations and the booster pump station in particular. They are showing their age. The booster pump station is pushing 30 years old. We are seeing a lot of corrosion and older electrical equipment that we need to put on the radar for planning purposes.

Mr. Harkness asked is it primarily the control panels?

Mr. Kolb stated yes, as well as surge suppression for lightning strikes. Those surge suppressors look non-functional. Some basic coding things can be looked at on the electrical side. The variable frequency drives are aging. These are some bigger-ticket items that merit looking at more. Regarding SCADA (supervisory control and data acquisition), we are having a meeting to discuss the communication link with the new booster pump station and the new SCADA network. The operating system for that network as a whole is no longer supported, and it will need some investment in the future.

Mr. Herrick stated they are typical items.

Mr. Kolb stated it is a well-run system. Inframark is doing a great job.

Ms. Locher asked will we get that report so we can lay out the progress of replacing some of these items?

Mr. Kolb stated it is in process. I can give you more information at the next meeting. These are just little things I have noticed doing these other activities.

Mr. Harkness stated it would be good to have a plan. We can address the most serious this year and then plan for next year.

Mr. Herrick stated we can break them into phases.

Mr. Kolb stated the utility has no GIS (geographic information system). We have a very large, clunky AutoCAD (computer-aided design) file that is a combination of the as-builts over the years. Most utilities this size have some form of GIS database, and it would be good to see the District move in that direction in the coming years. I have talked with Inframark about it, and we are discussing coming up with a phased approach for it. We have a few things in the works: SCADA, GIS, and electrical. Maybe an annual budget needs to be established for electrical renewal and replacement at all the facilities that have electricity, which is 12 lift stations and a booster pump station.

Ms. Montagna stated I talked with Mr. Danny Lyndall at Inframark in the utility division yesterday. They are working on a five-year plan noting urgent items and prioritizing various equipment.

Mr. Kolb stated yes, I have been talking with Mr. Lyndall, also.

Mr. Harkness stated they need to be in sync from an operation standpoint as well as the engineering side.

Mr. Kolb stated we are pretty much on the same page. We are getting it finalized.

F. District Representative

There being no report, the next item followed.

G. Mattamy Homes/Island Village)

Ms. Lothar stated we are constructing a booster pump station in Island Village, and the tract was dedicated and conveyed to the District as part of the turnover package for Phase 1. It probably should not have been, but no one caught it. We have not constructed the booster pump station yet. We are requesting a temporary construction easement, which Ms. Sandy has drafted and sent to us. Our legal counsel has reviewed it. We are not the owner.

Mr. Herrick asked is it just one pump station?

Ms. Lothar stated one is for water and one is for reclaimed. They are on the same site.

Mr. Herrick stated you conveyed it to the District, but we do not own any improvements on it.

Ms. Montagna stated that is correct.

Mr. Herrick stated this was provided as a supplemental item to the agenda.

On MOTION by Mr. Johnson, seconded by Mr. Harkness, with all in favor, unanimous approval was given to the temporary construction easement agreement for Island Village booster pump station.

Ms. Locher asked how are things going back there?

Ms. Locher stated good. We are getting ready to pull out of Phase 1. We will be sold out of Phase 1 before we launch the next phase.

Mr. Thrash asked do you think sales have dipped because you do not have more inventory to offer? Or is the overall economy impacting sales?

Ms. Locher stated it is impacting us everywhere, but Celebration is doing the best.

Ms. Locher asked how long of a lull will be between sales?

Ms. Locher stated it depends when I can get my permits.

Mr. Thrash asked do you have the permit to get to the next phase?

Ms. Locher stated no.

Mr. Thrash asked what are you waiting on?

Ms. Locher stated RCID (Reedy Creek Improvement District) and the County.

Mr. Thrash asked is it SFWMD (South Florida Water Management District) stuff?

Ms. Locher stated the County is delaying on Celebration Boulevard because they do not like the curb that we improved and reconstructed.

Mr. Herrick asked what are you waiting on from RCID?

Ms. Locher stated approval of our ERP (environmental resource program) permit. They are making us completely redo their entire flood zone study model because we are the next ones building.

Mr. Simmons asked what curb does the County not like?

Ms. Locher stated the one by the construction trailer.

Mr. Simmons asked all the way to the very end?

Ms. Locher stated where we tie in. We have to rip it all the way up to the first intersection and redo it.

Ms. Locher asked what is wrong with the curb?

Ms. Locher stated the radius of the curve.

Mr. Simmons stated apparently they have not checked the new roundabout in front of Publix.

Ms. Locher stated that is awful.

Mr. Simmons stated I watched a tractor-trailer take up both lanes to go around it.

Ms. Locher stated they sped up construction to get ready for school opening so we do not have the disaster we had last school year.

Mr. Simmons stated it was constructed based on whoever designed it.

Ms. Locher stated it is poor, at best.

SEVENTH ORDER OF BUSINESS **Other Business and Supervisor Requests**

Mr. Thrash stated we did not get a tour of Island Village.

Ms. Locher stated no, we did not. I would still like to do that.

EIGHTH ORDER OF BUSINESS **Adjournment**

The next meeting is scheduled for Wednesday, September 7, 2022, at 4:00 p.m.

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

Angel Montagna, Secretary

Chairman/Vice Chairman