

MINUTES OF MEETING
CHAMPIONSGATE
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the ChampionsGate Community Development District was held Monday, February 10, 2020 at 2:00 p.m. at the offices of RIDA Development, 8390 ChampionsGate Boulevard, Suite 104, ChampionsGate, Florida.

Present and constituting a quorum were:

Lee Dawson	Chairman
Darin Tennyson	Vice Chairman
Elizabeth Allen	Assistant Secretary
Wesley Holland	Assistant Secretary

Also present were:

George Flint	District Manager
Scott Clark	District Counsel
Mark Vincutonis	District Engineer
Yvonne Shouey	RIDA Development
Marc Reicher	RIDA Development

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order and called the roll.

Mr. Flint being a Notary Public of the State of Florida administered the Oath of Office to Mr. Holland.

Mr. Flint stated the form behind the Oath of Office form is very important and is the Form 1: Statement of Financial Interests. This is a financial disclosure form required by the State of Florida to be filed by public officers. As a Board member you are a public official and this needs to be filed within 30 days of today with the Supervisor of Elections office in Osceola County. Annually at the beginning of June they will mail an update that you need to file annually, and it is due by July 1st. It is important to file this within 30 days of today and we recommend you have them hand stamp and give you a copy or mail it certified or otherwise, so you have proof of filing within the 30 days. There is a Form 1F that is provided for informational purposes; this gets filed within 60 days of leaving the Board. As a Board member

you are entitled to compensation of \$200 per meeting and we provided the W-4 and I-9 forms and they get sent to my office.

Mr. Clark stated there is a guide to the code of ethics and Sunshine Law and put simply, the code of ethics applies to all public officers and prohibits you from engaging from self-dealing, you cannot use your agency to enrich yourself, your relatives, things like that. You can't employ your family, a lot of it is fairly intuitive. There are issues on voting conflicts, which I will guide you through if you ever feel like we are voting on something that you may have a conflict of interest; it is probably rare in this setting. The Sunshine Law is important; while the code of ethics is intuitive the Sunshine Law is somewhat counter intuitive. The sunshine law is a long established Florida law and policy that governmental entities have to do business in a properly noticed meeting with minutes kept and not outside of the meeting. For boards like this what that means on a practical basis is that you can't talk to the other supervisors about CDD business outside of a meeting. You can talk with them, socialize with them but if there is a matter that is going to come before this Board then you shouldn't communicate about it except at a noticed meeting. The state and the people who enforce that take it very seriously. A lot of new supervisors find it counter intuitive to getting things done there is a sense of if we could just get some things done and make progress on things why don't we pick up the phone and make a call and do that. The law is really designed in a sense to impede progress, to force discussions and deliberations to come here in a forum where the public can attend and watch and where a recording and minutes are kept. Some of the traps for the unwary anymore are things like social media, if you put out a voting position on social media and it is seen by the others, that could be a gray area. When you receive communications as you will, you will receive meeting agendas and other communications from George's office and there is always that temptation to hit reply to all and if you do that you are communicating outside a meeting with the other supervisors. Be careful not to do that and they will put that caution on the communication that comes out. There is also the public records law, any documents that come into your position that have to do with the business of the CDD are public records that would include the meeting binder, the minutes or any emails that you send or receive where you are communicating about District business. You are not required to maintain the public records, in fact they usually recommend that you not do so. The manager's office is the custodian of public records and keeps everything and to the extent that you keep them if someone asks you for them, you are

required to make access. It is easier just to say no, the manager keeps that and let me pass this request on.

Mr. Flint stated to the extent that you have anything that I don't have that would be something that you would want to retain but if it is agendas, maps, agreements all that stuff we have. I should have everything you have.

Mr. Clark stated an example might be if you kept notes during a meeting those would be a public record that the public at large is entitled to request to see. I have never heard of that happening but I'm sure it has somewhere.

Mr. Flint stated we haven't set up individual email accounts, but we can if a Board Member desires to do that otherwise we suggest that you make sure that your emails are getting set aside in a separate folder, so it is not mixed in with your personal or business emails. You can create your own separate email, or we can do that. You can talk to me, you can talk to onsite staff, to District Counsel, the District Engineer you just can't talk to the other Board Members.

SECOND ORDER OF BUSINESS

Public Comment Period

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignation of Jordan Rockefeller

Mr. Flint stated there was some discussion at the last meeting as to whether Mr. Rockefeller was still residing within the District and he has moved out of the District and out of the County. I explained to him that to be a Board member you have to be a fulltime resident within the boundaries of the District, so he understands that. By the fact that he has moved, that seat is now vacant. You are not obligated at this point to fill it today if you don't want to. You do have two resumes from the last time that you solicited, and I provided copies. If you want to go out and solicit additional interest, we can do that.

This item tabled and will be taken up later in the meeting.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the December 9, 2019 Meeting

Ms. Allen stated there were a few items that were supposed to be followed up and I don't know if we are going to address them today. We were supposed to get a cost on the speed bumps on Legends, I don't know if we are going to get that today. We were going to get a draft

agreement for the boardwalk, and I don't know if we are getting that today. The sidewalk work, I thought we were going to talk about areas of concern.

Mr. Reicher stated I have the agreement and we do have bids on the sidewalk work.

On MOTION by Mr. Dawson seconded by Ms. Allen with all in favor the minutes of the December 9, 2019 meeting were approved, as presented.

FIFTH ORDER OF BUSINESS

Review and Acceptance of Draft Fiscal Year 2019 Audit Report

Mr. Flint stated the Board as a government entity is required to have an annual independent audit performed. You went through an RFQ process to select the independent auditor, they have prepared the report that is included in your agenda package. If there were any issues or findings by the auditor they would show up in the management letter, which starts on page 27. You can see that there are no current or prior year findings or recommendations and they found that we have complied with all the provisions of the auditor general of the State of Florida that they are required to review. It is a clean audit with no findings.

On MOTION by Ms. Allen seconded by Mr. Tennyson with all in favor the Fiscal Year 2019 audit was accepted and staff authorized to provide the final audit to the State of Florida.

SIXTH ORDER OF BUSINESS

Consideration of Data Sharing and Usage Agreement with the Osceola County Property Appraiser

Mr. Flint stated this is an agreement, called a data sharing and usage agreement with Osceola County property appraiser. We use the tax bill as the collection method for our Debt Service and operating and maintenance assessments. The Statutes prescribe that we enter into agreements with them to provide that and indicate what fees can be charged for that. This agreement is actually related to a bill that passed in the last legislative session that addressed data that is confidential under public records, primarily it deals with police officers, fire fighters, other individuals who under Florida Statute upon their request their information is confidential under public records law. They put penalties in there that have made people making sure that they are following that and as a result many of the property appraisers are requiring these

agreements that basically say when we provide you the assessment roll you are not going to disclose any confidential information that would otherwise be protected.

Mr. Clark stated which you are already bound not to do. They are putting some teeth into it and documenting it.

Mr. Flint stated the reality is when they send us the assessment roll any of those properties that are protected are already taken out. We will have the address, but they don't show the owner's name.

On MOTION by Ms. Allen seconded by Mr. Dawson with all in favor the data sharing and usage agreement with the Osceola County Property Appraiser was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Proposals/Agreements

A. Sidewalk Repairs on Masters and Legends

Mr. Flint stated there were a couple issues that came up at the last meeting, the sidewalk repairs on Masters and Legends was one of the items Ms. Allen had mentioned and there was also a proposal to clean the ditch by the interchange.

Ms. Shouey stated Lee and I talked about the sidewalk repairs and Legends is where it is the worst. The guy I have the bid on the sidewalk is also going to give us a bid per square foot on the sidewalk to repair what needs to be repaired.

Mr. Dawson stated it came down to the cracks that were identified and other cracks don't propose a safety hazard. It may not look as nice as it could, but it is concrete. My view is different than Phil's was. I think we should focus on the areas that are a hazard. I walked Legends after our meeting and there are probably 12 areas that are really bad. I didn't mark them in any way, I didn't want to do that until we had someone lined up to do the repairs.

Ms. Shouey stated if I can get a good enough price maybe we can do more.

Mr. Reicher asked do you want to walk with me and we will identify them and we can flag the areas.

Ms. Shouey stated yes.

Mr. Dawson stated I have some black spray paint we can paint on the corner of the area.

Mr. Clark asked are we going to fix them or just mark them?

Mr. Dawson stated I didn't want to mark them until we knew for certain that someone had been contracted to take care of it so it is not sitting there marked for two months.

Ms. Shouey stated I need to show them something to bid on. I have a bid to do the sidewalk over here from the corner down to the shopping center for \$29,000. I got another one that was \$38,000.

Mr. Reicher stated that is \$7.68 per square foot and he has some stabilizing to do.

Mr. Flint stated the difference between that and the repairs is there is going to be demolition and removal.

Mr. Reicher stated here you have stabilization.

Mr. Flint stated it might offset. That is a good price.

Mr. Reicher stated if you can get these repairs for under \$10 per square foot in this market you are doing pretty good.

Ms. Shouey stated he is doing the boardwalk also.

Mr. Flint stated one way you can do it is by identifying the locations and making a motion that as long as it is \$10 or less per square foot, but normally you would set a maximum dollar amount and we don't know how many square feet. Maybe we can lock in a square foot rate.

Mr. Clark stated we could set a unit price and maybe put a high cap on it.

Ms. Shouey stated if Lee and I can walk it then I can walk with Jimmy, that would be real close on what it is going to cost us.

Mr. Flint stated the question is whether you want to start the work before the April meeting.

On MOTION by Mr. Dawson seconded by Mr. Howland with all in favor staff was authorized to enter into a contract for sidewalk repairs and replacement in an amount not to exceed \$10 per square foot up to a total not to exceed \$75,000 subject to final approval by the Chairman.

Ms. Shouey stated we talked last time about the traffic engineering proposal, and you set a not to exceed so I went ahead to make sure they were going to honor that same price and they will. That is to rebuild all the signals at Legends and Masters.

Mr. Clark stated I need a revised proposal when you come to a scope so that I can prepare an agreement and on the signals you can send it to me and I will get that one out.

B. Ditch Cleaning Services

This item deferred.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer

Mr. Flint stated Ms. Allen brought up getting a quote for speed bumps on Legends. Have we done anything on that?

Mr. Vincutonis stated we haven't gotten any quotes, but we sent out a map showing the locations.

Mr. Flint stated you can get a price from Fausnight for the striping, signage and the actual speed bump.

Ms. Shouey stated I will do that.

Ms. Allen stated it appears that the paved speed bumps on Masters are not as high as the temporary ones we had there. Trucks don't need to even put their brakes on they go right on through.

Mr. Vincutonis stated I thought they matched what was there 3" high.

Ms. Allen stated several people have asked me what happened to the speed bumps, they are basically non-existing compared to what we had before. I watched today the trucks going over them and they didn't even touch their brakes.

Mr. Vincutonis stated the ones that were there before were speed tables and designed so you could drive over them at 30 mph, they weren't humps they were tables. These have the same profile it is just a little more rounded versus the other ones had more of an angular shape and that may be the difference. I will take a look at them because if people aren't slowing down we can try to go higher with them.

Mr. Flint stated then you run into problems with fire and other emergency vehicles.

Mr. Dawson stated the question is do they match the standard requirement and if they do then that is the answer.

Mr. Reicher stated the next answer is enforcement.

C. Manager

i. Approval of Check Register

Mr. Flint presented the check register from December 3, 2019 through January 31, 2020 in the amount of \$495,215.73.

On MOTION by Mr. Tennyson seconded by Ms. Allen with all in favor the check register was approved.

ii. Balance Sheet and Income Statement

A copy of the financials was included in the agenda package. No Board action was required.

THIRD ORDER OF BUSINESS

Organizational Matters

Mr. Flint stated we have the organizational matters from earlier in the meeting.

A. Acceptance of Resignation of Jordan Rockefeller

Mr. Flint stated as discussed Mr. Rockefeller's seat is vacant.

On MOTION by Mr. Dawson seconded by Mr. Tennyson with all in favor Mr. Rockefeller's seat was declared vacant.

B. Review of Letters of Interest/Resumes

Mr. Flint stated there were three resumes from the last meeting that were not acted on and I provided you two and in addition to that we have one more and the Board can choose to consider these three or if you wanted more time to solicit additional resumes you could do that as well; you have discretion on how you want to handle it.

Ms. Allen stated I would like to look at these three as individuals. Last time there was a comment made and I thought about it and it was we don't need another Belle Trae person; it doesn't matter to me where you live. If you are going to commit to being on the Board you are concerned about the area as a whole.

Mr. Flint stated it is the Board's discretion on how you want to handle that.

Ms. Allen stated I would advocate for Darlene looking at her engineering background and she is passionate about landscaping. I know her personally and she is dedicated, a bright woman.

C. Appointment of Individual to Fill the Board Vacancy with a Term Ending November 2022

On MOTION by Ms. Allen seconded by Mr. Dawson with all in favor Darlene McCauley Clevenger was appointed to fill the unexpired term of office.

Mr. Flint stated we will reach out to Ms. Clevenger and make sure she is included on the emails for the meeting reminders, etc.

D. Administration of Oath of Office to Newly Appointed Board Member

This item deferred.

E. Consideration of Resolution 2020-03 Electing Assistant Secretary

On MOTION by Ms. Allen seconded by Mr. Dawson with all in favor Resolution 2020-03 appointing Ms. Clevenger as an Assistant secretary was approved.

NINTH ORDER OF BUSINESS

Other Business

Turnaround

Mr. Dawson stated talk about the turnarounds. I know the yellow paint is much better and that pit that has happened as a result of people just cutting through there and there have been cars towed out of there because they get their undercarriage stuck on the curb. Is there something we can propose?

Ms. Shouey stated build that up with two big buckets of fill dirt. People have to go up there and make a turn because we direct them that way.

Mr. Reicher stated the only thing you can do is add those internal dotted turn lines over our pavers. I don't know if that would help.

Ms. Allen asked what if we put planters in there?

Ms. Shouey stated they will get run over.

Mr. Flint stated you might get Stadler to give you a price to fill it in.

Update on intersection improvements and a discussion about the D1 application

Mr. Reicher stated the DI application is in front of the county next Monday. We have different reasons for concern about a DI as the developer. We started design; HTN is the

engineer that has been approved by the County to start work and I want to enter this schedule into the record. That is a schedule on how long they are going to be doing the work. To refresh everyone's memory the converging diamond work is taking place and this is the limit of the design that we have looked at multiple times, this is what is approved. As part of this improvement we were contacted by the Engineer, I have been working with Scott and with Mark and they will encroach onto some roads owned by the District and have asked for easements to do that. Scott, I don't know how you want to handle that but these are required to make these improvements, which we are in favor of as the developer and we would love to be able to have the latitude to have the Chairman sign them once they are reviewed by Scott. I sent Scott and Mark more detail and the Engineer for the interchange will be providing the legal description for the sketches.

Mr. Clark stated we have some sketches and looked at it from an eye elevation and it looks like some of that work is going to be in our right of way. They have gone through and identified each ownership, there are three private ownerships and I don't know if they are going to deal with that.

Mr. Reicher stated I think that is all us.

Mr. Clark stated the yellow and green are areas that are within CDD owned right of way. I think we are fine if at no expense to us, we want to give them a temporary construction easement to do that subject to appropriate indemnity language and I recommend the Board if in favor of that give conceptual authority for the chair to sign that after I have approved the form of easement.

Mr. Reicher stated this is an approved design, the schedule indicates that it be ready for bid by September and probably an early spring start to do this project.

The auxiliary lane, we secured the money last year from the Turnpike Authority about \$34 million and it is currently about a 12 month gap and it might be as little as four months and they are trying to encourage them to collapse it further but there is a legislative process going on in Tallahassee right now whereby that funding is coming from the Turnpike Authority and over its authority on the 429 that is part of a bundle deal being proposed to be sold to the Central Florida Expressway Authority right now. I have talked to the Executive Director of the Central Florida Expressway Authority and if they were to take control they would maintain it as a priority. I think those funds will not be interrupted no matter who the entity is. The Central

Florida Expressway Authority is also the group that wants to connect to the Poinciana Parkway ultimately to I-4. They have approved that little connection.

Ms. Allen stated some of us in Bella Trac met with the transportation folks in Osceola County because we discovered they have not done a traffic count on ChampionsGate Boulevard since 2012. When we asked why they said it is because it is a CDD road.

Mr. Reicher stated I thought as part of the IMR to do this that there was a traffic count.

Ms. Allen stated they are going to do one now because we made a big issue out of it. They are going to do one in March but they have outdated data so as they look at the Goodman Road parcel they tried to tell us there was only 52% capacity on ChampionsGate Boulevard so we asked for the study and found out it is dated 2012.

Mr. Reicher stated when you say Goodman Road you are talking about the D1 proposal.

Ms. Allen stated yes, the D1.

Mr. Reicher stated so everyone is on the same page this is not a CDD issue necessarily; it is a land use proposal that currently at the end of Masters Boulevard where Goodman pops out there is a property called D1, that's the owners name, about 103 acres formerly known as Elliot's Landing pre-recession, 103 acres of which half is upland and they have made several applications to the County but their first application they made to the County is tourist/commercial zoning land use which would have to be transmitted to the State as part of the comprehensive plan. That is going to be heard on February 17th and to understand what tourist commercial means that would allow for development intensity up to 40 units per acre for residential but also allow for hotel development, it would also allow for commercial development within that quadrant. This splits into a couple different discussions. There is also a zoning application in from Cortland, which is an apartment complex developer for the 18 acres on the corner of Goodman and Masters. That is contingent on them getting the County to transmit the comprehensive plan. They would be entering on Goodman, ChampionsGate owns that little pie shaped piece, which is a utility reserve along Masters, which covers about 70% of their frontage. They have designed around and are going to build on Goodman. We have had multiple conversations at both a community meeting and I met with Cortland and John directly and Bella Trac has engaged Counsel and RIDA has some issues because we are interested in standards and the road tapers off there so there is no median as you go down from where our median ends and Bella Cita picks up and also Goodman Road there is not enough width for it to

be a legitimate road; the dirt road, the primitive Goodman. They will have to make those improvements as well but their answer has been, just transmit it and then we will figure those things out at zoning, which sounds like a lawsuit to me. The position of the developer is that we would not be excited about having commercial down there. We would certainly like someone to recognize the neighborhood they are in and work at least alongside our standards in terms of finish, which Cortland is actually doing; their site is nice but if they don't close and the next contract they get is for Wawa because they have land use, it is an issue. The question is, clearly Bella Trae is engaged as a community, we are engaged as the developer; is there any action for the District to take or is this just information that we are sharing today. I don't know that answer, but I wanted to talk about it in this forum because anything the community is interested in we as the developer are interested.

Mr. Clark stated I think informational. I generally encourage my CDDs to shy away from taking position on land use issues because we are not really into private property issues and generally they do. Unless an exception would be if there is a particular infrastructure constraint and that is where I have gone outside of that box before if there is a project that we know is just going to overwhelm roads that we own then it may be appropriate to make a comment about that; just about that limited aspect of it.

Mr. Reicher stated I think there is an infrastructure aesthetic also that I have interest about. I don't know that the District does. The District has invested all this money, we now own those beautiful medians and landscaping and clearly when it falls off you feel like you have left ChampionsGate.

Ms. Allen stated I think as we work through this with the developer they are proposing 355 units on that 18 acres so 1 ½ cars per unit that is another 500 cars on Masters Boulevard potentially so there is a traffic issue and wear and tear on CDD roads for the 18 acre parcel. There are 84 acres left and 50% is wetlands depending on what goes in there it is difficult to get out of Bella Trae now add another 500 cars plus all the development up Bella Cita and I did a lot of data research and found out we have over 3,000 multi-family units coming online that have already been approved. We have been talking to the Commissioner about having the cart before the horse, we need the infrastructure in place and road improvements before we dump more cars.

Mr. Reicher stated you have two issues, the notion of once something is transmitted and they have land use that gives the landowner a tremendous amount and you are really talking

about Cortland's application. My position is we are very apprehensive about just letting this go by and giving them the land use. Answers from the client that John Adams has given me have been like, we will do the traffic study when we get to that stop. To me as developer it seems like it would be more appropriate if it was a PD opposed to giving this intense land use but that is just my way of thinking.

Ms. Allen stated I asked Carrie Fisk last week why not give them PD, which is planned development, why commercial tourism. That gives them the most flexibility for whatever they want to put on there without going back to the County. I said if you are going to put residential on there, then you don't need commercial tourism designation, so go with PD. They said they don't like to do that because it is too restrictive and they don't know what might come their way down the road and it is less work for the County if they just grant them this broad, wide open designation.

Mr. Reicher stated that is great when you are starting; that is currently our land use at ChampionsGate. I just wanted to bring to the attention of the Board that is going on.

Mr. Dawson stated the end of Legends there has been talk about extending that for Goodman. I don't think that is a great idea.

Mr. Reicher stated that is John Adams idea.

Mr. Dawson asked can we put something there such as a park or dog park? Can we do something to improve that space?

Mr. Reicher stated we would only give it up under the threat of condemnation; we own that piece. If they want to condemn it they are going to condemn it for public benefit.

Mr. Flint stated they just have to give market value.

Ms. Allen asked is that correct that Osceola County did not need to do traffic counts because it is a CDD road?

Mr. Flint stated they are responsible for regional traffic planning and although they don't own these roads, they are public roads. They have never asked us to do traffic counts on their behalf. They did it up until 2012 and nothing changed in ownership. They probably had a change in staff.

TENTH ORDER OF BUSINESS

Supervisor's Requests

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Allen seconded by Mr. Tennyson with all in favor the meeting adjourned at 3:39 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman