

MINUTES OF MEETING  
JULINGTON CREEK PLANTATION  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Julington Creek Plantation Community Development District was held Tuesday, February 13, 2007 at 6:00 p.m. at the Community Development District Administrative Offices, 950 Davis Pond Boulevard, St. Johns, Florida.

Present and constituting a quorum were:

Susan S. Beaugrand	Chairperson
Kathleen P. Minnis	Vice Chairman
Al Abbatiello	Assistant Secretary
April Spears	Assistant Secretary
Brian Pincket	Assistant Secretary

Also present were:

James Oliver	District Manager
Jonathan Johnson	District Counsel
Matt Maggione	District Engineer
Mike Lucas	Basham & Lucas
Carol Dodd	Basham & Lucas
Stacie Hernandez	Julington Creek CDD
Ashley McVeigh	Julington Creek CDD
Shelly Timbol	Julington Creek CDD
Several Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Beaugrand called the meeting to order at 6:00 p.m.

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the January 16, 2007 Meeting**

Ms. Beaugrand stated the next item on the agenda would be approval of the minutes of the January 16, 2007 meeting. Are there any corrections to the minutes?

Mr. Abbatiello stated on page 8 the very beginning starts out with, have to address, and it should be, we have to address.

Mr. Lucas stated on the first page Chris Commins name is misspelled, it should be Commins.

On MOTION by Ms. Minnis seconded by Mr. Abbatiello with all in favor the minutes of the January 16, 2007 meeting were approved as amended.
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**THIRD ORDER OF BUSINESS**

**Discussion on Recreation Complex**

Ms. Beaugrand stated the next item on the agenda is the discussion of the recreation complex.

Mr. Johnson stated I think Mr. Lucas is here and has provided you a package of some signage information and I think he had a couple of things he wanted to get your thoughts on.

Mr. Lucas stated we have the entry signage.

Ms. Dodd stated I will walk you through it. It is a conceptual package to show everybody what we have come up with for ideas. The first page is a site plan showing you basically where the signs will go. The second page and this is one thing that Mike Lucas wants to get approval on, is your main entrance sign. In the lower right hand corner shows the location of the sign which is out on Durbin Creek Boulevard. It is a double sided sign, it has to be 10 feet back from the right of way. I did want to put it on the corner where you can see a 25 foot visibility triangle but it turns out there is a power pole, guy wires, a lot of underground there so we opted to move it to the center of the dry retention which means reshaping the retention pond a little differently which Brian said was fine, that won't matter as far as the size is concerned. Then we had to relocate the backflow preventer farther down the road because it would have been right in front of the sign. We wanted some kind of clear view from the road and the proposed road sidewalk he said evidently that is still going back and forth whether or not you have to build that. I'm not sure what is going on with that.

Mr. Maggiore stated the DRC comments.

Ms. Dodd stated there is already a sidewalk on the other side of the road.

Mr. Lucas stated we went with Brian and one of the comments was to put that sidewalk in and we explained that we have all these sidewalks on the other side of the road and we have a crosswalk and we are trying to get that eliminated because it doesn't serve a purpose and is not going to tie into anything either. We are trying to get that little section of sidewalk eliminated.

Ms. Beaugrand asked it is just a section of sidewalk or from the entryway down to the four way stop?

Mr. Lucas responded it goes through your property. It stops and starts right there along the limits of the property.

Ms. Dodd stated that is basically the elevation of the sign that we put together, whether you want to repeat the logo throughout or pick up the JC the way all your other signs within the project and signage pretty close to what you already have. This is a monument that Mike would like to have in his documents bid set which is due Friday. The letters can be a whole other package, he would like to get the sign in the general contractor's bid set.

Ms. Beaugrand stated Mike you had sent us the three different options for the signs and they are in the package. This is a little different than all three. The one that is most similar to this in shape has a tile background, this one has a stucco background.

Ms. Dodd stated we didn't think you wanted to repeat the tiles because it is not anywhere else in the new park. We can, it can change to whatever you think but we thought we would bring the stucco in since that is going to be brick and stucco around the building, there is no tile anywhere.

Ms. Minnis stated if you look at the main entrance of Julington Creek where they have stucco pillars, you can see chunks of stucco coming off because they get hit with bikes and things like that. If that tile if it is like this would it be a studier sign?

Ms. Dodd stated the sidewalk to be put in, bikes will be near it but I see what you are saying.

Ms. Beaugrand stated the sign here the one that says 950, that is our sign right out here. Then the third sign, the one that has the cornerstone emblem on the top, is that one that is already in the plantation somewhere or did you kind of jimmy that up?

Mr. Lucas responded right down the road there is a park with a pavilion.

Ms. Beaugrand stated so that is the one in front of our park. The one with the sunburst emblem on the top is across the street at the park. The first one in the book is the one that is right in front of this office. The second one is what you see in front of many of the subdivisions.

Ms. Minnis asked does one exist that says recreation?

Ms. Beaugrand responded no. All three of these are in the development as it stands today but none of them have stucco. That is what Mike is looking for feedback on.

Ms. Minnis asked isn't this sign you are proposing going to be out on a road away from the building?

Ms. Dodd responded right, see the lower right hand corner.

Ms. Minnis asked wouldn't this be more consistent with the development as what you are seeing and all of a sudden a stucco sign sticks out.

Ms. Beaugrand stated any of these would be more consistent than the stucco sign in my opinion. The three examples that are in our books are all found within the development today and have been here for some time. My preference would be to do the one that is out here or the one across the street and use the tile rather than stucco. Whether we use Julington Creek logo emblem or a sunburst I don't really care but I think the tile looks better in my opinion.

Mr. Abbatiello stated I believe too that with the tile if it needs repair it is probably more easily repaired so it looks good compared to a patch on stucco.

Ms. Beaugrand asked Stacie, have we had any issues with either of these signs needing repairs or at least the one at the park since we have been managing?

Ms. Hernandez responded no.

Ms. Beaugrand asked any preferences from the board?

Mr. Pincket responded I have a preference of the first one in the booklet.

Ms. Beaugrand stated using the tile, the one that they are proposing but with tile instead of stucco.

Mr. Pincket stated the first one we have in our agenda book.

Ms. Beaugrand stated which is the same as this but with tile instead of stucco.

Mr Abbatiello stated with the JC emblem up there I think is classic.

Mr. Spears stated I agree with the tile.

Mr. Pincket stated before we move on if we want to get an item into the bid package we continually mention that we want a gate at the front but we haven't done anything.

Mr. Lucas stated there is a gate on the plans.

Mr. Pincket asked there is a gate on the plans? Is there a drawing on here? What kind?

Mr. Lucas responded we have a very simple, single arm gate that will pivot back during hours of operation. If it is located right it will be beyond the parking lot of the skate park. It had to be far enough off the street so a fire engine could get in and there needs to be a place to turn around so that is why we located it there.

Mr. Pincket stated obviously that is going to be a problem.

Ms. Beaugrand stated we don't have a choice if the fire marshal is saying it has to be at least there.

Mr. Lucas stated he has to park the truck off the street.

Ms. Beaugrand stated and a place to turn around.

Mr. Pincket stated it is going to be an ongoing problem.

Mr. Lucas stated at least you are stopping people at the skate park.

Mr. Pincket stated my concern is the skate park becomes a hangout 24 hours a day. I'm more concerned late at night. But if that is what we have to do, that's what we have to do. We will have to police it the best we can.

Ms. Dodd stated the next page shows traffic signs. You don't really need one with two arrows showing two way traffic, we just wanted to show you if there was a need for any other type of traffic signs, what it would look like and handicap, stop, no parking which will be placed right in front of the building. The speed limit accidentally has a fluted base to it but it was too costly when we started running numbers and we forgot to take it out.

Ms. Beaugrand stated it looks a lot better too.

Ms. Minnis stated on the stop sign, the disability and two way directional, are those DOT limits?

Ms. Dodd responded yes, it will all be FDOT required.

Ms. Minnis stated and these do not have to meet DOT?

Ms. Dodd responded no. Then we get to the rules, we have pool rules, water slide rules required by HRS, wading pool and skate park.

Ms. Beaugrand stated we will have skate park rules.

Ms. Dodd stated the verbiage is just something to put on the spec. Stacie will help us with exactly what you want on the signs.

Ms. Minnis asked what if the rules exceed the size? Do you change the font and make them smaller?

Ms. Dodd responded the letters have to be 1" and no diving has to be 4", so we have to stick with the 1" letter. At the skate park, I think Scott took some pictures of other signs side by side and there are a lot of rules.

Ms. Dodd stated what is not in here is tennis court rules or playground rules. If you want that, that is something we will have to add. It is not required. The back page is basically names on the building, if you want something else we can do that but we kept it simple, Julington Creek Sportsplex and Residents Club.

Ms. Beaugrand asked what building is that on?

Ms. Dodd responded that is the little skate park building.

Ms. Beaugrand stated we can change wording at any point.

Ms. Dodd responded yes.

Ms. Beaugrand stated we probably want to be consistent with the names on the step sign.

Ms. Dodd stated we didn't get too detailed on exactly what you may add, it is something for everybody starting out to take a look at.

Ms. Minnis asked is this is going out with the bid.

Ms. Dodd stated it is not.

Mr. Johnson stated only the entranceway design sign. The rest of the signage does not go in the bid package.

Ms. Minnis stated okay.

Ms. Dodd stated because it is under a certain amount and you don't have to advertise it. We can solicit three or four to bid on a package. It will be detailed as to exactly the type of material and we will have shop drawings and make sure they are building it the way we drew it and obviously share that information with everybody. We would handle the bids.

Mr. Lucas stated that way you don't have to pay for the contractor mark-up. The only thing I wanted approval on was the structure of the entry sign. All of the signage letters can come later.

Ms. Beaugrand stated we can take some time and look at this at our leisure. Keep this because there will be a point in time when we need to come back and discuss it. What is a ballpark time when we need to discuss this in detail?

Mr. Lucas responded we will get started with construction in two months and you have a year of construction.

Ms. Beaugrand stated so this is really towards the end of the whole process.

Mr. Lucas stated it is something to think about. We would like to go ahead and get it all done.

Ms. Beaugrand stated just so this doesn't hang out, maybe what we should do is have the board look this over the next month and put this back on the agenda next month so that we can give you detailed feedback on it and we can put it to bed and you can do your bid package and go on with it.

Ms. Dodd stated the stop sign I think that does have to be a DOT reflective, tall pipe. I will check it and make sure. There is a required height and reflective material.

Ms. Beaugrand stated you will let us know that next month.

Ms. Dodd responded yes.

Ms. Beaugrand stated you have the permit process list here, thank you. Status?

Mr. Lucas stated it is all right there.

Ms. Beaugrand stated so everything since you drew this up, everything is still on track for what your expectations are.

Mr. Lucas responded yes.

Ms. Beaugrand asked do you have anything else?

Mr. Lucas responded the only other issue that came up in the DRC meeting.

Mr. Lucas stated they are considering your little driveway a road. It has three buildings on it and they want a name. We have to come up with three names to submit to them in order of preference.

Ms. Beaugrand asked are there any criteria that we need to know? I know it can't be an existing name of another road in the county.

Ms. Lucas responded that is why you select three because they have a list of all the names in the community and St. Johns County but we submit three names in the order of preference and if that name hasn't been taken then that will be the name of your drive.

Ms. Beaugrand asked at what point do you need those three names?

Mr. Lucas responded Friday, because we are trying to get back in for our DRC review.

Ms. Minnis stated the other thing on the name if you think about international golf, village parkway, is there a limitation on the words?

Mr. Lucas responded no.

Mr. Pincket asked what three buildings do we have?

Mr. Lucas responded you have the sportsplex building, the recreation building and the pool house.

Ms. Minnis asked who numbers the buildings?

Ms. Beaugrand responded the county will probably do that.

Mr. Lucas stated we are still trying to get an address for food service and health permits.

Ms. Beaugrand asked are there any suggestions from the board or anyone here?

A resident suggested Plantation Parkway.

A resident suggested whatever you call the building, put lane at the end.

Ms. Beaugrand asked are we calling the building, residents club so it could be Residents Club Way or something like that.

Mr. Abbatiello asked what about Plantation Club Parkway?

Ms. Beaugrand stated we have Plantation Parkway, Residents Lane, Residents Club Way, Plantation Club Parkway.

Ms. Minnis stated I like Plantation Club Parkway first, Plantation Parkway second, Residents Club Way third.

Mr. Pincket stated I like Plantation Club Parkway first and Plantation Parkway second and I don't have a third one.

Mr. Abbatiello stated Plantation Club Parkway first or Plantation Parkway.

Ms. Spears stated same order.

Ms. Beaugrand stated that's it. What about third, how about Residents Club Way? Plantation Club Parkway is number one, Plantation Parkway is number two, Residents Club Parkway is number three. We might have a problem with Plantation Parkway and Plantation Club Parkway we may have a problem with those with Plantation in Ponte Vedra. We might want to think of another third that we all like better just in case.

Mr. Pincket asked why do we have to have this in by Friday?

Mr. Lucas responded one of the comments on the DRC is I need three names or we can't resubmit.

Ms. Beaugrand suggested Julington Parkway.

Ms. Minnis stated I think the names that we have with Plantation and Residents we have more of a chance of someone else having these names than if we put a Julington or JCP in it.

Mr. Pincket suggested Julington Creek Parkway.

Ms. Beaugrand suggested Julington Creek Club Parkway, to try to give it an identity of why the road is there.

Ms. Minnis suggested Julington Creek Club Parkway, Drive and Lane then we have three distinct names and I know there is nobody else in the county with these names.

Ms. Behrmann stated we do need to be a little careful in case of emergency and somebody is calling, if you make it too long after Julington Creek then they could go to Duval.

Ms. Minnis stated they do anyway.

Mr. Pincket stated I like Julington Creek Club Parkway. First is Plantation Club Parkway, second is Julington Creek Club Parkway and third is Plantation Parkway. I think the least likely to make it is Plantation Parkway.

Ms. Beaugrand asked is everyone okay with that?

The board concurred with the ranking of names.

Mr. Lucas stated thank you.

Ms. Beaugrand stated after you left last month we had the question about the pool aeration issue. Has anything happened on that?

Mr. Lucas responded we are leaving that in and it is going to be a value engineering item so we can decide if we want it but I will price it right now.

**FOURTH ORDER OF BUSINESS**

**Discussion of Recreation Center RFP**

Ms. Beaugrand stated the next item on the agenda is discussion of the recreation center RFP.

Mr. Johnson stated you have in your documents a set of the proposed solicitation. We are not asking you to approve the terms of this, just to give you a copy. We are actually still making a couple of final tweaks, even right before the meeting tonight. It does include the evaluation criteria that you selected. The ad is waiting with the Record ready to publish on Friday with your approval tonight by motion of the publication of the ad. It would run on February 16. It is required to run 30 days prior to the opening of the RFP so the opening will be scheduled for March 19 for the opening and receipt. That gives us basically up to a three week window to have the committee meet once and twice if necessary and evaluate those RFPs and prepare the recommendation. Your regular board meeting is not scheduled until April 10. If desired and it looks like we may want to by your March meeting we can have a recommendation to you if you want to have a special meeting in that window to move forward and not wait until April 10 for the award.

Ms. Beaugrand asked what is the date of the March meeting as scheduled?

Mr. Johnson responded your March meeting is scheduled for March 13. Which is a few days before those packages come in. Somewhere between March 19 and your ultimate meeting date whether it is April 10 or an earlier date we would have those committee meetings to evaluate the RFP responses.

Ms. Beaugrand stated we would have to reschedule our March meeting to accomplish that and then do a real quick meeting of the ad hoc committee after the 19<sup>th</sup> is that what you are suggesting?

Mr. Johnson responded no, I'm suggesting that by March 13 we ought to have a better handle on the schedule in terms of knowing whether we want to ask you to move your April meeting up a little bit. You need at least two weeks for the committee to process this, you have three so you have a little extra time and we may end up taking it. I'm not asking you to make any changes, I'm just letting you know what the schedule is as it stands today.

Ms. Beaugrand stated what we talked about last month was trying to get the contractors selected in March so that is going to push us to April.

Mr. Johnson stated this will push us to April. We could have a meeting the week of March 26, so the end of March. If we did it towards the end of the week that would give the committee at least 10 days to review and process the RFPs.

Ms. Beaugrand asked Mike, how long does it typically take once the GC is accepted to have them choose a truss manufacturer? Is that a long process for them?

Mr. Lucas responded he will already have it. Some contractors will have already sent this to them to get the ball rolling.

Ms. Beaugrand stated if we choose the GC in early April they can still hit April for selecting their truss manufacturer so that in May we could still have plans ready for submission to the county.

Mr. Lucas responded yes.

Mr. Johnson stated unless you have had a change of heart about the schedule we would like a motion to authorize the publication of the ad.

On MOTION by Ms. Minnis seconded by Mr. Abbatiello with all in favor staff was authorized to advertise the RFP for the recreation center on February 16.

Ms. Beaugrand stated just a point of clarification, you have a list of GCs that you are going to notify.

Mr. Lucas responded I will be notifying probably about ten.

Ms. Minnis stated since you work in that industry and they may know about this, can they call her directly?

Mr. Johnson responded they can call directly. I will say once the ad hits the street, any of you who receive calls should say the district isn't receiving proposals, please contact Mike Lucas. I would not have any substantive conversations once that ad hits the street. Since you will ultimately sit as the decision-making authority you don't want to have conversations with contractors from the date of that ad until your board meeting.

Mr. Lucas stated if you do happen to look through the project manual, that project manual does not include the park, parking lot and restrooms.

Mr. Johnson stated the supplement you have does include that.

Mr. Abbatiello stated so we are asking them to bid two ways?

Mr. Johnson responded no, it will be incorporated.

**FIFTH ORDER OF BUSINESS**

**Continued Public Hearing to Consider  
Petition Amending the Boundaries of the  
District**

Ms. Beaugrand stated the next item on the agenda is the continued public hearing to consider the petition amending the boundaries of the district.

Mr. Johnson stated if I might suggest by way of procedure if you have a motion to open the continued public hearing, I will provide some briefing and talk about the report you have here.

On MOTION by Mr. Pincket seconded by Ms. Minnis with all in favor the continued public hearing was opened.

Mr. Johnson stated as you know by way of brief background the public hearing was held on December 12, and January 9, to consider the petition which you filed with the Florida Land and Water Adjudicatory Commission seeking to amend the boundaries of the district to include the land which we purchased upon which the recreation center is being sited. That is the only property that is subject to this amendment. The public hearing in terms of information gathering was conducted on January 9, by Supervisor Pincket and what you have here is a report in a very standard form that the Florida Land and Water Adjudicatory Commission is used to seeing. It does appear to be overly lengthy but we just stuck with the format that an administrative law judge from the Division of Administrative Hearings would have followed in terms of the procedural notations as well as the substance as they relate to the factors in the statute relative to the amendment. We could do two things tonight. This report in a draft form was prepared by my office. We transmitted that last week to Supervisor Pincket in his capacity as your hearing officer. I believe he has reviewed and approved it so if you are comfortable moving forward on that basis then we can talk about transmitting the record with this report to FLAWAC tonight. If you would like more time to review it we can carry this over until March. There is not a sense of urgency about getting this done, but it is a loop that we would like to close. Once we get back to FLAWAC we will wait another four or five months for them to get us on an agenda at the cabinet.

Ms. Minnis asked how long will it take to get on the agenda?

Mr. Johnson responded probably four or five months. The process there has gotten slower not faster. This is all done by administrative rulemaking so they follow the same process that the Department of Environmental Protection follows if they are publishing a rule on no wake zones in the St. Johns River for example. There is a separate series of notices that have to take place that will be published in a periodical called the Florida Administrative Weekly that is a statewide publication of state notices. It takes 20 days to get in then they have to wait a period of about 21 days from the date of each notice when someone can come file if they object or if they have additional information, I wouldn't expect that would happen here but there is a 21 day period after each notice that gives someone an opportunity to file additional information with FLAWAC. Once each of those two notices and each of their respective 21 day waiting periods is completed then it is simply a matter of getting a slot on an agenda with the commission which is the Governor and Cabinet. We jockey for position with other issues that they have coming

before them with some of the many hats they wear as the trustees of the improvement trust fund of the board of education and all of those things. It takes some time not because there is anything terribly difficult going on, it is just a matter of waiting through the state rulemaking process.

Ms. Minnis asked is there any reason why we shouldn't pass this tonight?

Mr. Johnson asked as your counsel I am certainly comfortable. I will tell you what this report does is go through the petition and the testimony that was presented at the hearing all of which concluded that the amendment of the boundaries was in the best interest of the district, that there was nothing about the amendment of the boundaries that would negatively impact the continued viability either economically or pragmatically of the operations of the district in recommending and asking that the state make that amendment.

Ms. Beaugrand stated from an operational standpoint we don't have to have it in place until we actually start operating.

Mr. Johnson stated correct.

Ms. Beaugrand stated we have time if the board chooses to literally read through it. Brian, I guess you are comfortable with what you read. Also from that standpoint I trust Brian. Brian ran the whole thing. It is up to you if you are comfortable passing it tonight. If you choose to read through it and bring it back on the agenda that is fine too.

Ms. Minnis stated given that it has to be by the time we operate and we have a year to build and it is four to six months then I recommend we bring it back just to vote on it to move it forward to make sure that anyone who has a question has the time to read it thoroughly

Ms. Beaugrand asked would everybody like to see that?

Mr. Abbatiello responded that kind of makes sense. We are not in a time bind at this point.

Ms. Beaugrand asked Jonathan do we need to continue this public hearing to the next meeting?

Mr. Johnson responded I suggest you do two things. First if there is any public comment, take it and we can address it and then a motion to continue this public hearing to March 13.

Ms. Beaugrand asked is there any public comment as to the report regarding expanding the boundaries of Julington Creek Plantation Community Development District?

There not being any,

On MOTIOIN by Mr. Pincket seconded by Mr. Abbatiello with all in favor the public hearing was continued to March 13, 2007 at 6:00 p.m. at the same location.

Mr. Johnson stated if you have any questions or suggestions, feel free to transmit those to me individually and I will be happy to work through them for you.

## **SIXTH ORDER OF BUSINESS**

### **Approval of Pay Requests**

#### **A. No. 157 Payable to Basham & Lucas in the amount of \$99,715.40**

Ms. Beaugrand stated the next item on the agenda is approval of the pay requests. The first item it requisition no. 157 payable to Basham & Lucas in the amount of \$99,715.40.

Mr. Oliver stated based on the board's direction I sat down with Mike and reviewed this invoice and we will do that each month. Also Mike has agreed to stay until we get to his invoices in case there are any questions about it.

Mr. Pincket stated we have 100% complete on many of these items. Can you confirm that with Mike? Final architectural site plans.

Mr. Oliver responded yes I did ensure that that was completed and the appropriate costs associated with those and if any costs were ever to go over 100% we would bring that to the board before that occurred.

Mr. Lucas stated this Friday the construction drawings will be 100%, everything is going out to bid. The only thing that will be left is some tiny landscape and construction administration.

Mr. Pincket asked will the interior design be done this Friday?

Mr. Lucas responded it is part of the package going out.

Ms. Beaugrand stated next month we would expect probably part 5 to show 100%, probably part 7, will the landscaping be done?

Mr. Lucas responded it probably should be done.

Mr. Pincket stated the swimming pool construction documents are you preparing those?

Mr. Lucas responded we are responsible for the interior designers under our contract and the swimming pool.

Ms. Beaugrand stated it is a sub-contact.

Mr. Lucas stated all of those will be part of the drawings that is going out to bid.

Ms. Beaugrand stated so the lion's share of this work will probably be completed in the next 30 days. So your next billing will probably show a completed contract.

Mr. Pincket asked does the CDD have a contract with you to manage the construction process or review the construction process?

Mr. Lucas responded we typically have a contract to do construction administration once the contractor is selected. I typically meet depending on the job anywhere between once a month to every other week at the job site.

Mr. Pincket asked have we already engaged Basham & Lucas to do that?

Ms. Beaugrand responded I don't think the initial contract we had to do the design work included the cost of construction administration and that is definitely something that we want to have.

Mr. Johnson asked is that a work authorization you can bring for the March 13 meeting?

Mr. Pincket asked is that on an hourly basis?

Mr. Lucas responded yes with a not to exceed amount and once they approach that it depends on the contractor what his preference is. At Eagle Landing I was out there every week. At Durbin I'm going to be out there every week. Some contractors don't want me out there every week.

Mr. Pincket stated I think we are going to dictate how often you are going to be out there and not the contractor.

Ms. Beaugrand stated it is going to be a combination of both. I think we are going to want to make sure that he is out there a reasonably frequent period of time. If we say every two weeks and the contractor really wants him out there every week, then we are probably going to listen to the contractor. We need to look at both sides of it.

**B. No. 158 Payable to England Thims & Miller, Inc. in the amount of \$172.50**

Ms. Beaugrand stated the next one is pay request 158 to England Thims & Miller for \$172.50. This relates to the assessment maps and true up process.

**C. No. 159 Payable to England Thims & Miller, Inc. in the amount of \$497.50**

Ms. Beaugrand stated behind Tab C is pay request 159 also to ETM in the amount of \$497.50. This is the engineer’s report that they did for this facility for the bond issuance.

On MOTION by Mr. Abbatiello seconded by Mr. Pincket with all in favor the pay requests were approved.

**SEVENTH ORDER OF BUSINESS**                      **Consideration of Resolution 2007-07 Amending the Fiscal Year 2007 Budget**

Ms. Beaugrand stated the next item is consideration of Resolution 2007-07 amending the fiscal year 2007 budget.

Mr. Oliver stated we would like to table this until your March 13 meeting.

**EIGHTH ORDER OF BUSINESS**                      **Other Business**

There not being any, the next item followed.

**NINTH ORDER OF BUSINESS**                      **Staff Reports**

**A. Attorney**

Mr. Johnson stated I will not be here next month. I have a conflicting hearing but Wes will be here.

**B. Engineer**

There not being any, the next item followed.

**C. Recreation Facility Manager**

Ms. Hernandez stated over the past several months I have been compiling the Julington Creek employee handbook. After the first run I gave it to human resources in Paychex and they reviewed it and made their comments and changes. I would like the board as well as Jonathan to review it this month and give me your comments so that if I need to do more research I can and make some changes and if I can get approval by the next meeting that would e great.

Ms. Minnis stated I was actually thinking of something related to this. It is something for research but as we become a self managing CDD couldn’t you potentially have a conflict of

interest if say Shelly decided to be on the board, ran for a supervisor position, could you have a resolution that if you are a board member you can't be employed by the CDD?

Mr. Johnson responded I think it is a conflict of interest. I don't recall the result but we had to research that for one of the CDDs at Oakleaf Plantation. One of the residents who worked for the district ran for the board. I can pull the file and let you know. I don't remember the resolution. There are issues associated with that. I have had another instance where a board member applied to become the district manager and in that instance he resigned from the board and we hired him as the onsite property manager to avoid any appearance of conflict. I think it presents a lot of problems and I think if that would be the case that we would have some issues but I will pull the file and I can send you an email summarizing it.

Ms. Hernandez stated rebuilding the safe play area across the street, every year we have Southern Recreation come out and give us a check up. Over the past three years we have had to replace the seat clamps and covers. The carbon net has been repaired several times and has now been removed. I think it is the time that we should consider rebuilding and cleaning up the park over there. As I told you last week I did a little research so if you will take this next month and go over to the play area and take a look and give me your opinions on how you think it looks and this is the cost to not only rebuild, take out, remove and replace but also to remove the sand and add similar chips as well.

Ms. Beaugrand asked is this a replica of what we already have there?

Ms. Hernandez responded very similar with a few more options.

Ms. Beaugrand asked have you gotten feedback from residents that use it as to whether they are happy with what is there? I remember when my children were younger and actually played there, they really didn't get a whole lot out of it. I'm just one person.

Ms. Hernandez stated we do see a lot of people over there. We do have a lot of parties. It is getting older so we have had complaints when we have had to block off an area for repair.

Ms. Beaugrand stated I'm talking about the general design. Of course, that is going to generate issues when you have got problems with it but I'm talking about overall design whether we want to continue with a very similar design or whether we want to look at some other options.

Ms. Hernandez responded I can put some more options together for you. The only thing that I think might be consistent is lack of shade and I have gotten some trees ready to go in but I wanted to get a little better feel as to what you might want in the play area.

I also have the swim team contracts I have been working on. I changed a few things and the only thing that has really changed in the contract would be on page 2 section 5, sales. Everything else is pretty standard. I think Brian had some changes that he wanted.

Ms. Beaugrand stated this sales issue relates to the fact that we are going to start selling things like goggles.

Ms. Hernandez responded yes. Last year both swim teams sold food during swim meets and it made a big dent in my profits. I have had conversations with both presidents and the board members and they realized that I have to generate income and that is the bottom line. We are going to work together and figure out a way that they hit their numbers and I hit my target numbers as well. Those meetings are coming. They look forward to working with me. I have had no problems from either team.

You probably just have the porpoises in your hand but the porpoises and piranhas are identical, it is just the name and the president that is different. I have a copy here if you want it.

Mr. Pincket stated I have two comments. One is on paragraph 6, enforcement. I will make a general comment and leave it up to Jonathan to wordsmith it. Basically I think we ought to limit the damages that a swim team can recover against the CDD in the event of any kind of breach or default in the agreement. Right now it is open ended. I think we are kind of in the drivers seat the way I see it and if we are in the drivers seat we ought to write this favorable to us.

Ms. Minnis asked can you explain that in layman's terms of what you are saying?

Mr. Pincket responded paragraph 6 says if the CDD breaches the agreement that basically the swim team can recover any and all damages, they are unlimited, there is no cap and my biggest concern is personal injury and they try to attribute that to us for some kind of negligence on our part. Simply by capping it here may not necessarily be enforceable but I would rather have the language in the document so we can at least make those kinds of arguments. I suggest we limit the damages to whatever we think is a reasonable cap. I don't think putting it at zero is a good idea but some kind of number, \$500, \$1,000 or something like that.

Mr. Johnston responded I think we can do something and as you said, whether the court would enforce it or not is another thing.

Mr. Pincket stated paragraph 7 there is language in here about the amount of the insurance that the swim team has to get and it says the swim team will agree with the district manager on the amount. I suggest some language be added there that it is the district manager and at the district manager's sole discretion so we are not left arguing about what is an appropriate amount.

Ms. Beaugrand asked what has that number been in the past?

Ms. Hernandez responded I believe it is \$1 million.

Mr. Pincket stated that has to be a minimum for a facility like this.

Mr. Johnson stated remember you have sovereign immunity.

Ms. Beaugrand stated true, then adding district manager's sole discretion.

Mr. Pincket stated finally, the last comment is just for Jim to track, the last sentence in paragraph 7 that says, the insurance policy must contain a provision that says that they can't cancel it unless they give us 30 days notice. I would just make sure that is in the policy. There are a lot of insurance companies today that will throw in 10 days. They will try to shorten that or limit it.

Ms. Beaugrand stated there are a lot of insurance companies that are trying to get away with not even putting the day notice in there, we are finding on construction projects. You really have to look.

Mr. Johnson stated I think those changes are all fine and appropriate and suggest your motion to authorize those agreements be subject to those changes in each agreement.

On MOTION by Ms. Minnis seconded by Mr. Pincket with all in favor the swim team agreements was approved subject to the modifications previously noted.
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Ms. Hernandez stated I have a request submitted by Kathy Bravo who lives at 913 East Pleasant Place. The CDD board is being asked to sponsor the creation of a JCP charitable committee comprised of volunteer representatives from JCP neighborhoods. This committee would help St. Johns County social charities and she has identified several interested volunteers listed in the description section. The CDD's role would be to endorse the committee's selection

of charitable projects to thereby increase visibility, improve communication channels, provide limited staff assistance and help the residents organize meaningful and comprehensive charitable giving initiatives in our community of St. Johns County. Mrs. Bravo would be happy to provide the leadership needed to create this role for the CDD.

Mr. Pincket stated the first question I have is to counsel, is that something we can consider?

Ms. Beaugrand stated the other question is, I think it is a great idea, I have no issue with the idea, whether we are the right place or whether the POA is the better place with the understanding especially once we get the recreation center up and running it is certainly a great venue to help with the advertising and PR and that kind of stuff.

Ms. Hernandez responded I think that is what her thought was, that we would be kind of the sounding board and we would be here, like the Christmas event we held. I do think it would be a good idea for the POA to get involved.

Ms. Beaugrand stated yes and then it is just a matter of legal issues one way or the other.

Mr. Johnson stated you certainly see cities and counties supporting things like the United Way including some charitable allocations in their budget. They have general police powers for the health, safety and welfare that we don't have and our charter is somewhat circumscribed in terms of infrastructure delivery and operation of facilities. I don't like to be scrooge but I think you would certainly be at risk for it probably at worst but a negative comment and apply it to the extent that if an auditor were take the position that if you were to contribute funds that was outside the scope of your authority. I think you definitely can't form a committee and take a drivers seat in that because that is not in the scope of the charter. I think that is better served by the POA.

Ms. Beaugrand asked what if we provided a location free of charge or whatever to a group like this? Does that have any implications on the bonds?

Mr. Johnson responded I think that if you look at your power in 190.012 relating to recreation, the actual wording is the operation and provision of facilities for indoor and outdoor recreation control of educational uses. That is the power under which we have this building, the recreation center, so I think if you were to provide a meeting space that enhances educational and cultural opportunities within the community for clubs to network and engage in other charitable endeavors.

Ms. Beaugrand asked including fund raising if that were to be part of it?

Mr. Johnson responded understand that if you do that then for other groups who want to fund raise I think you are hard pressed to deny them use of the facilities.

Ms. Beaugrand stated I was more concerned with the basic theory that if there were charitable fund raising events that occurred on our facilities would that have any implications on the bonds or taxability?

Mr. Johnson responded no I don't believe that would.

Ms. Minnis asked wasn't the difference between a person making a profit, a for profit versus charity that would be a not for profit raising funds?

Mr. Johnson responded it is really the IRS test that relates to private use. Private is going to encompass certainly for profit is included, I think it would generally include private nonprofit uses as well. I think to the extent that you are making it a community facility you make it available. I don't think there is any prohibition against you making it available for fund raising purposes. If you were to enter into a long term lease and lease space to them that would impact the taxability of the bonds and have to go through bond counsel review but making this available at a reduced or discounted or waived rate as long as you are willing to do it for any charity that comes along that otherwise qualifies for use of the facility, so if a group of residents are going to come in and raise funds for Dafur well then you can make it available to them too.

Ms. Beaugrand stated the only thing without reading the whole thing and I think we all probably need to, it has in here that the CDD board's role would be to endorse the committee's selection of charitable projects. I'm not sure that is our role to endorse. I don't have a problem with helping to increase their visibility and improving communication channels, very limited staff assistance, only in order to say, yes you can use this room basically, that kind of stuff. I think it needs to be directed by them but not the district itself.

Mr. Johnson stated even if engaging directly in charitable endeavors was in your charter, if you appoint that committee, that committee is now subject to the sunshine law and they have to publicly notice meetings. I don't think directing that committee work is inside the scope of your charter.

Mr. Pincket asked is Kathy Bravo here? Would you mind speaking to exactly what you are looking for?

Ms. Bravo responded in Eastgate where I live we do a lot of charity work. For about the last three and a half years we picked a charity at Christmas to benefit just because we feel like we are very fortunate and it is our obligation to give back to the community. We typically target St. Johns County because that is where we live. All the businesses that give to a lot of things charitable wise are located in Duval County so we think it is important to leave it inside our county. This last year from local area churches and businesses and you guys were nice enough to put the tree up with the giving tags and we sponsored a santa night in here and everything our one neighborhood of 82 homes doesn't generate a charitable contribution of more than \$5,000. We have 6,500 homes in here, we have a lot of very well versed, very professional people who are not working, they are raising their children that would love to give back to the community they just don't know how. I feel like if we can get a volunteer out of each of the neighborhoods and make it personal so that if they had something that they feel very passionate about and they can spread that passion throughout their one community or one neighborhood then we can make a tremendous amount of difference.

Mr. Pincket stated I think it is great, the question is how do you see the CDD as an organization facilitating that?

Ms. Bravo responded part of it is to give it a little bit of credibility. It is a way of unifying the whole Plantation as a whole. It would realistically give us a meeting place. We didn't want you to put your name to it without having you have some say so of what charities were picked. We didn't want you to just sign off on it without having that caveat of we want to see what you guys are doing. The charities we picked in Eastgate we are very cautious to make sure that they are United Way charities, that they are not just something that has popped up. We are very cautious about that. We are only looking at charities that have a lot of background. Part of it is too the schools do a lot of charity work but we have a tremendous amount of people in here who do not have school age children and they would love to donate their time and donate different ideas and things but really don't have a venue to do that and we want to provide it.

Ms. Beaugrand stated just an idea I had as you were talking about trying to get a representative from each subdivision in the development. In my opinion this segues right into what the POA could really benefit from too, definitely the charitable aspect of it but you are talking about unifying the community. We are a large development and it is difficult to bring everyone together. Certainly, it will be a lot easier when we have this facility up and running.

With the POA just having turned over to resident control maybe you can dovetail those two things together in working with the POA which I think is really the right place for this. I don't think any of us have an issue with what you are doing and whatever legitimacy we can lend to it I don't think that is an issue as long as we don't break any rules that hurt us but if you think about how that can dovetail into the POA and getting representatives other than the same people who do all of the legwork, they need conduits into each of the subdivisions as well. You can pull that together and benefit from both sides, have it benefit from a charity standpoint really having it grow and having a benefit from being able to create other things via the POA and giving them a conduit into the different subdivisions as well. That could be an amazing thing in unifying this development that we have never had. You guys have done it better than anybody else. You deserve a lot of cudos for that. We have lived here probably longer than anybody and I don't think anyone else does it to be honest with you or that I have heard of anyway.

Mr. Abbatiello stated for the almost 8 years I have lived here there has been continuous effort in trying to get people to work together to have a sense of community and that has not happened. We worked hard to try to get more people into our CDD meetings and we have been relatively successful in doing that. I think the POA by and large have that function. They have the function of trying to bring the communities together because if there is an issue as far as the architectural review board, it goes to the POA. If there is a palm issue it goes to the POA. If it is anything within Julington Creek Plantation generally goes to the POA and I think by and large people have got to thinking that the POA doesn't do anything anyway. I think we need to break that and get the POA definitely a lot more involved with the community and if it takes changing the management to support that then that ought to be done.

Ms. Beaugrand stated I think our POA board of residents controls the management now anyway. The POA has been more of a governance organization to date and I think they would love to have their connotation not be totally governance and have it be community spirit and if there is a way to dovetail those two things together I think it will be huge for the community as a whole. I don't know where we go from here.

Mr. Abbatiello asked can the CDD do a resolution supporting their efforts through the POA?

Mr. Johnson stated we can prepare a resolution.

Ms. Beaugrand stated we can do that and then put it on our website.

Ms. Hernandez stated the last thing is next month hopefully you will have a little review of the pool hours, rules and regulations as well as hours of operation of the new facility and also the skate park. I have a lot of information on the skate park and compile something for you to review. We have to get that process started.

Ms. Minnis asked will we have that in advance?

Ms. Hernandez responded no, I need another month to do this. I worked on that, you go ahead and review the information that I gave to you and next month I will give you something for another month for you to review.

Ms. Minnis stated okay. You are giving it to us to take home and review.

Ms. Hernandez stated make sure you get back to me with time for me to able to review it and get the information that I might need.

Ms. Beaugrand stated that is great because too often we don't get a chance to see it ahead of time. Everyone is getting better. Even Mike Lucas got stuff to us ahead of time this month.

Ms. McVeigh stated our mat Pilates starts this Thursday, we have a pool class and we will be depositing \$525. Along with Pilates our instructor offers personal training and after the meeting I invite you to check out our new personal training room which is located in the back of the office.

Ms. Timbol stated the Florida/Georgia blood alliance has approached us about moving their bloodmobile here for a couple hours when the pool is open to collect blood donations. If it is okay with the board we have gone ahead and given them an okay for the second Saturday the pool is open. The first Saturday of course is our grand opening. What we will do to promote this and the only thing we will do to promote this is to put up posters at the area where the grand opening will be and also to make fliers available. The following Saturday for a couple of hours the bloodmobile will be parked on the grassy parking lot area and they said two to three hours depending on what the neighborhood response is. If anybody would like to see some of their material, this was mailed to me from Heidi at the Florida/George Blood Alliance.

Ms. Beaugrand asked what about if there is time to put a little notice in the Creek Line to see if the Creek Line will do a PSA notice in there to just let everyone know that the bloodmobile will be here.

Ms. Timbol asked would there be time to do that?

Ms. Beaugrand responded it depends on their publication day. I think the 25<sup>th</sup> of the month is their cutoff. There should be enough time.

Mr. Abbatiello stated also we could ask the Sun to publish something.

Ms. Minnis stated I know they have a critical shortage. Is there any issue with this? I don't have a problem with this.

Ms. Beaugrand stated I think this is the kind of stuff we should be promoting.

Mr. Abbatiello stated as to the newspaper, we could direct them to you and you could give them the information and they can write their own story.

Ms. Timbol stated I will call them.

Ms. Beaugrand stated Terry Brown with the Sun lives out here too.

Mr. Abbatiello stated there is also the Ponte Vedra Recorder, the St. Augustine Record, I think they probably all do public service announcements. You can call and all they can do is say yes or no.

Ms. Timbol stated I have had assurance from Heidi that if this is something that is successful she would like to make it at least an annual thing possibly even more frequently.

Mr. Abbatiello stated it makes sense.

Ms. Timbol stated one other thing that I have is about the website, I do have the software in my machine now and am training to make small additions and edits to the website and I have already begun doing that myself with Ashley.

Mr. Abbatiello stated the whole concept of the website was to try to keep it as simple as possible with as much information as we could put on it without a whole lot of maintenance. That is what Tony came up with originally and that is the way it should stay.

Ms. Timbol stated also Al has given me the ability now to answer the emails that are sent to us when somebody goes on the website and they click on "contact us" those emails are deposited in a folder and I can get to those and I have been answering those as well.

**D. Manager**

There not being any, the next item followed.

**TENTH ORDER OF BUSINESS**

**Supervisor's Requests**

Ms. Minnis stated I just have a comment. Just an observation, you need to be careful what you say in this meeting because you never know if you have a surprise party for your father-in-law that maybe someone from the audience is going to walk through your front door and that happened to me last month. When we had a lot of the pool hearings, this person walked in and my mother-in-law introduced us and I looked right at him and said I have seen this man before and she said this is Jim and he said I know who Kathy is, then I realized when we had the packed rooms, he had been in all those meetings.

Mr. Abbatiello stated I just want to congratulate Stacie and her staff for this wonderful paper that is as professional as can be. I hope the rest of the community who saw it really shows this CDD and staff does a heck of a job. Thank you for that.

Ms. Beaugrand stated yes, definitely.

#### **ELEVENTH ORDER OF BUSINESS                      Audience Comments**

Mr. Reilly stated I really would like to lighten it up a little bit and say you have two of the board of directors in the same room with you, we would like to consider this. We are in the premise and right now we are forming formal committees and we have actually been out soliciting committee heads within the community. Your timing is excellent. It is almost perfect because here is the second part and you can be part of this as well. You are all invited to St. Johns Pizza Grill, we are going to have a meet and greet of the board members and directors on the 27<sup>th</sup> of February at St. Johns Pizza and we are hoping adults only and it is from 7:00 p.m. to 9:00 p.m. Certainly it would be an opportunity for you to meet and greet as well too. We have no problem sharing the stage and you are welcome to be there.

Ms. Minnis stated based on that comment, because we may not be able to share because it has to be publicly noticed. We could attend.

Ms. Beaugrand stated it is just a meet and greet, not a speech thing.

Mr. Johnson stated you can attend in your private capacity. I would not make it a meet and greet the CDD board members because then we ought to notice it. If you are just going to meet and greet them, that is fine.

Mr. Reilly stated any residents who care to come and visit with us, we are trying this on for size and trying to build a little bit of sense of community, trying to pool some unity and that

is one of our long term objectives. I think we are on the same course but we have to sit down and discuss your proposal with some degree of detail.

Ms. Minnis asked when are your meetings?

Mr. Reilly responded the meetings are the second Wednesday of the month. The next meeting will be at 5:00 p.m. at the St. Johns County Annex. We are in the process of designating the town center to meet our requirements as well and decided it was going to be up there where the fountains and clock is in that area and we are putting up a bulletin board there, a permanent structure to put notices to the general public on. We are in the process of getting some bids. We are trying to get a location, get electricity to it. That is going to be our designated town center for posting of meetings and information, etc. We are just in the position where any improvement we can get running a better community and it is obvious that we as two groups affect the community. We need to keep our communication channels open and mutually support each other. I think that is part of the objective as well, we are trying to go in that direction. All the directors have expressed their intent of trying to work better together for the betterment of the whole community and this is a step to say let's invite the CDD to our social.

## **TWELFTH ORDER OF BUSINESS**

### **Financial Reports**

#### **A. Balance Sheet as of December 31, 2006 and Statement of Revenues & Expenditures for the period Ending December 31, 2006**

Ms. Beaugrand stated the next item on the agenda would be the financial reports. We have the balance sheet behind Tab A.

#### **B. Treasury Report – December 31, 2006**

Ms. Beaugrand stated the treasurer's report is behind Tab B.

#### **C. Assessment Receipt Schedule**

Ms. Beaugrand stated the assessment receipts are under Tab C.

#### **D. Check Register Summary**

##### **1. General Fund – 1/9/07 – 2/2/07**

Ms. Beaugrand stated behind Tab D we have the check register. D1 is the general fund, checks 1350 through 1365.

Mr. Pincket stated there is a payment to U.S. Bank and the explanation was not in the first section. I think it was put in the next section. I don't understand what it is for.

Ms. Beaugrand stated those are the annual trustee fees to administer the bond funds.

Mr. Pincket asked is it a flat fee that we pay them?

Ms. Beaugrand responded I think it is a flat fee.

Mr. Pincket asked is the money in interest bearing accounts?

Ms. Beaugrand responded yes.

Mr. Johnson stated there are state statutes that govern where we can invest those funds.

On MOTION by Mr. Pincket seconded by Ms. Minnis with all in favor the general fund check summary was approved.

**2. Recreational Fund – 1/9/07 – 2/2/07**

Ms. Beaugrand stated behind Tab 2 is the check register for the recreation fund, 1926 through 1965 less 1948 which has been voided.

On MOTION by Ms. Minnis seconded by Mr. Pincket with all in favor the recreational fund check summary was approved.

**3. Payroll Summary – January 2007**

Ms. Beaugrand stated behind Tab 3 is the payroll summary for the general fund.

On MOTION by Mr. Pincket seconded by Mr. Abbatiello with all in favor the payroll summary was approved.

**THIRTEENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – March 13, 2007 at  
6:00 p.m. @ Community Development  
District Administrative Offices**

Ms. Beaugrand stated the next meeting is March 13, 2007 at 6:00 p.m. in this location.

On MOTION by Ms. Minnis seconded by Mr. Abbatiello with all in favor the meeting adjourned at 7:40 p.m.

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Secretary/Assistant Secretary

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Chairperson/Vice Chairman