

MINUTES OF MEETING
JULINGTON CREEK PLANTATION
COMMUNITY DEVELOPMENT DISTRICT

A meeting of the Board of Supervisors of the Julington Creek Plantation Community Development District was held Tuesday, August 26, 2008 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
April Spears	Supervisor
Brian Pincket	Supervisor
Del Dosch	Supervisor

Also present were:

James Oliver	District Manager
Wes Haber	District Counsel
Matt Maggiore	District Engineer
Stacie Hernandez	Julington Creek CDD
Shelly Timbol	Julington Creek CDD
Ashley McVeigh	Julington Creek CDD
Jerry Hill	Julington Creek CDD

FIRST ORDER OF BUSINESS

Roll Call

Ms. Beaugrand called the meeting to order.

SECOND ORDER OF BUSINESS

Affidavits of Publication

Ms. Beaugrand stated the next item on the agenda is affidavits of publication.

Mr. Oliver stated we have the affidavits that the notice was published.

THIRD ORDER OF BUSINESS

Public Hearing to Adopt Rules Establishing Fees Related to Recreation Facilities and Services

Ms. Beaugrand stated I will entertain a motion to open the public hearing to adopt rules establishing fees related to the recreation facilities and services.

On MOTION by Ms. Minnis seconded by Mr. Dosch with all in favor the public hearing to adopt rules establishing fees related to the recreation facilities and services was opened.

Ms. Hernandez asked does everyone have their list? That is what was in the paper. Morgan also put together a spreadsheet that had comparisons. You can see we compared our fees with Bally's, YMCA, JCA, Epping Forest, Palencia, Eagle Harbor, St. Johns Golf & Country Club and Bartram Springs.

Ms. Beaugrand stated the front sheet is a summary of all the back sheets. We have fees in the fitness portion of the facility for fitness classes, personal training, buddy training, assessments, nutritional assessments, weight loss, fitness seminars and wellness programs. Then we have the 5K race entry fee. In tennis we have private lessons, semi private clinic, junior academy, ball machine and tennis camp. Then we have year around swim team, which is the annual registration fee for an individual and family, camps and child watch which would be the holiday camp, summer camp and child watch which is when they come in and maybe work out or whatever, babysitting effectively. Multi-purpose room rental. Then the aquatic center there are group lessons, private lessons, semi private lessons, parent and child and water fitness classes.

Ms. Hernandez stated as far as the child watch that is for special events. We already passed a fee for child watch in our previous rules and regulations. These are the charges that came after this document was published.

Ms. Beaugrand asked a special event such as what?

Ms. Hernandez responded if we were having a Hawaiian Luau night for adults we are going to hold the same event for the children so that parents who want to come to the event can put their child into that special event for the evening. They have they own entertainment and food that night as well as the parents.

Ms. Beaugrand stated age appropriate.

Ms. Hernandez responded correct.

Ms. Minnis asked may I ask a general question to Wes Haber? I think Stacie really covered this well. You are expanding but what if they came up with a Ho, Ho, Ho run at Christmastime?

Mr. Haber responded I would tell them if there is not enough time to get a public hearing to advertise it then you are going to have to hold your Ho, Ho, Ho run either not at Christmastime or the next year. It is pretty strict and that is why I asked Stacie to try to plan as far in advance as possible and we gave some leeway as to ranges on prices that way if there are special events she has the flexibility to do that. I wanted her to cover as much as possible. I think the law needs to be strictly construed to give as much notice as possible for new events and new fees.

Ms. Beaugrand stated we have the JCPCDD family day 5K, if we just take out “family day” could be attributable to any 5K event?

Mr. Haber responded I think it would work probably okay doing that and just calling it 5K.

Ms. Beaugrand stated we could have two a year theoretically and that opens it up if for some reason someone wants to do a special fundraiser.

Mr. Haber stated the purpose of today's public hearing is for people to come and see these and then make those types of adjustments. I think that is reasonably foreseeable that that type of change would be made. You don't want to make changes upwards because people might not or they don't want to have a whole new category but I think the change you are suggesting is reasonably foreseeable that that would happen at a public hearing on these items. I feel comfortable changing the title to that to allow for more than one race.

Ms. Minnis stated you could put JCPCDD 5K and then if I said I would like to do a 5K dog walk and all the dog walkers in the neighborhood would come and pay a fee just to get all the dog walkers together, it would fall under the 5K if the dog walk was a 5K. That is what I was getting to.

Mr. Haber asked is 5K just because that is a common distance? I don't know if you just say JCPCDD run/walk functions. 5K is 3 miles, I don't know if you want to walk your dog 3 miles or you want to walk your dog a mile then it may make even more sense to make it broader, JCPCDD run/walk functions or something like that.

Ms. Minnis stated what I'm trying to do is I'm trying not to have Stacie penned in if they come up with a great idea and they are limited because of this public hearing.

Mr. Haber stated I think it is a good idea, JCPCDD run/walk functions.

Ms. Beaugrand stated race functions.

Ms. Hernandez asked what can I do on advertising? If I did a flier and put it at First Play Sports am I limited, do I have to put function on there because people might not think it is a 5K?

Mr. Haber responded I think we are broadly defining it for purposes of today's hearing to give you the flexibility to call it what you want when you are actually going to do it. I want the title today to be broad so that way the specific things that you want to do such as a family day 5K run or a 1 mile dog walk will all fit under that broad topic.

Ms. Beaugrand asked should we or do we have to do a differentiation for a 5K? We are looking for as many people to join in that event so you wouldn't necessarily want to limit it to members.

Ms. Hernandez responded correct.

Ms. Beaugrand asked is that an issue or do we have to have a differentiation of fees?

Mr. Haber stated I think you probably over time have had events where there have been policies where you have let people who were not necessarily residents or members but because of guests or under circumstances. I think that would be difficult. It was always my understanding that the intent of this was that these fees were for people who were either residents or guests or paid users of the facility. I would feel comfortable that at the time of the run if you had a pre-registration for residents or guests or paid users and if it wasn't full open it up to the general public because that is for the benefit of the district type thing but the purpose is that these are events and facilities for the residents and paid users which is open to the public because of the paid user aspect of it. I think maybe on a specific basis if after a certain amount of time you feel that there is room because you haven't seen enough interest from that group you could probably open it. I don't know that there is necessarily a way to incorporate that into this public hearing.

Ms. Minnis stated if you look on the Tour de Pain and it is based on when you start. The Tour de Pain is you go through so many rigorous runs, one is at the beach then one is on Saturday, then you run on the beach on Sunday but it is not as far as you went on Saturday so depending on your level and what you want to accomplish you determine on how many at the run. That is why if you sign up on the first day it is one charge, if you sign up on the next one it progressively gets more expensive. If you sign up for three it is cheaper per race than if you sign up for one. That is what I was wondering, can she have a range of fees, would that be better than sticking to one price?

Ms. Spears and Mr. Pincket joined the meeting at this time.

Ms. Beaugrand stated I don't think that matters. I think we have and it is typical for these types of races to have an escalation of charges the closer you get to the race which is what they have basically done here. If you paid by March 10 it is \$17, by the 20th it is \$20 and day of race is \$25 because you are having to use more manpower. That makes sense but I wasn't sure if I threw a little wrinkle in here or not with the member and non member.

Ms. Minnis stated I misunderstood this. I thought the whole race was 5K where I said you were limiting. You have it broken down with the fun run which is not as competitive as the race itself has a different price.

Ms. Beaugrand stated correct. The fun run is a 1 mile fun run.

Ms. Hernandez responded yes.

Ms. Minnis stated okay that was my mistake of how I was reading this. I think she does have it covered.

Mr. Haber stated I don't know that there is any way to incorporate the non resident non guest non paid user aspect of it but I would feel comfortable on a case by case basis if you have a run scheduled and there is room.

Ms. Hernandez stated the only way we are going to break even on this is if we open it up.

Mr. Haber asked is that on the run?

Ms. Hernandez responded just on the run.

Ms. Spears asked can you really max out? The more the better, right?

Ms. Beaugrand responded right.

Ms. Spears stated you are not really going to ever run out of space, it would just be more people running.

Ms. Beaugrand stated you are not necessarily going to need to use the recreation center. We can put port-a-lets out there if we needed to for people to have facilities.

Ms. Hernandez responded I would definitely do that.

Ms. Beaugrand stated it is not like they are going to be accessing the recreation center unless you have your card to get in.

Ms. Minnis stated it would start on CDD property somewhere.

Ms. Beaugrand stated start and finish probably.

Ms. Minnis stated and not necessarily at the recreation center, it could be in this parking lot.

Mr. Haber stated generally speaking I am not going to do research and be able to determine this specific, I would say if you want to change the run to say open for non residents and non paid users I can't think of any huge consequence to that. This is why we are holding a public hearing let's include that.

Ms. Hernandez asked write it in where?

Mr. Haber responded this is going to be an exhibit to the resolution adopting the rates so write it in next to it, to the extent that we change the title, to the extent to say this is open to that type of thing, I think that is fine. I don't know that there is any case law or any law on that particular issue. I am comfortable saying that is case.

Ms. Minnis stated there is going to be someone out there that we are going to have this race in three years and they are going to dig this up and they are going to go well March 11, fell on a Wednesday, you couldn't have had the race on that date.

Ms. Beaugrand stated we will have to redo these fees every year anyway so it doesn't matter. We have to do that every year.

Ms. Minnis stated but this restricts her to having it only on this date.

Ms. Beaugrand responded no we have to redo our fees every year in public hearing. If we are going to change anything it has to be in a public hearing. The date aspect of it doesn't matter.

Mr. Haber stated if you look at the exhibit to the resolution there is no specific dates referenced. It is just general.

Ms. Beaugrand stated you have a range of \$17 to \$25 per person you are not saying specifically on here that by this date it is this and by this date it is that.

Ms. Minnis stated okay, I thought this was being adopted.

Ms. Beaugrand stated if we were to change these fees we would have to have another public hearing.

Mr. Pincket stated only if we were going to increase the fees.

Mr. Haber stated you could keep these forever if you didn't want to change them but if you wanted to add a new category or raise them you need a new public hearing.

Mr. Pincket stated rather then get into the detail of it why don't we approve a fee that Stacie is comfortable with a higher fee and then she can set a more appropriate fees so long as it is below that and then we don't have to have a public hearing.

Ms. Minnis stated you weren't here when this started we were told to go by this sheet. I didn't see that I was supposed to be just looking at this as the resolution. This is just an explanation of a comparison. That is why I was trying to change the wording to broaden this but I need to look at this. It is my confusion.

Mr. Pincket asked is the fact that we have \$17 to \$25 on this exhibit, does that create confusion? Why don't we simply say \$25 and we can make the distinction if we want to after the fact?

Ms. Hernandez responded the reason why there is a range is that I had to put all this in the paper to break down. I was told to put a range in so that we had a little bit of flexibility in there.

Mr. Pincket stated I am asking Wes can we just approve \$25 and then that gives her the flexibility to lower the fee so long as the distinction she makes is approved by counsel?

Ms. Beaugrand stated that applies to everything. That applies to the aquatics lessons or tennis lessons as long as you put the top dollar in there it gives you the flexibility below that \$65 per hour for private lessons to vary it depending.

Mr. Pincket stated I find the range confusing. I think to adopt this exhibit with the ranges is confusing because it doesn't put the distinctions of the two different prices.

Ms. Beaugrand stated that is probably a good idea.

Mr. Haber stated I agree that is probably a good idea. I will take the blame for that I think I told Stacie to put a range. I agree now that I'm looking at it that it probably makes sense to put the maximum amount and that gives Stacie the flexibility that she needs.

Mr. Pincket stated so long as Stacie talks to counsel to approve the distinctions between resident and non resident and all of that which presumably she has and you have already approved all of that.

Ms. Beaugrand stated member and non member. Any other questions?

Ms. Minnis stated overall based on the homework they have done over the last two or three years I don't specifically have any issue with any price on here. Anything for tennis, for fitness, you have comparisons of other CDDs, other private facilities looking at things that I would be interested in comparing it to theirs, I don't have a question about your fees. I think you have done a good job you are in the ballpark. I personally am comfortable with this sheet and

these proposed ones. Is anybody else questioning any costs on here as in being too low or too high?

Ms. Beaugrand stated I think the only thing is to change the exhibit to have the top fee that Brian had suggested I think that will make it clear and give you more latitude based on demand.

Mr. Pincket stated just to be clear I think we should do that for every single item on here.

Ms. Beaugrand stated I agree. Any other comments or questions? I will open it up for public comment.

Ms. Locheo asked is it possible to say not to exceed? My thought is when you put this on the board \$65 an hour for the lesson, that is what you are going to charge. They are going to see that on the board and that is what they are going to charge.

Mr. Pincket asked what board are you referring to?

Ms. Locheo responded any place you have it posted.

Mr. Pincket stated I think we would make a distinction on the board so it would be clear if you were a member versus a non member what your fee would be.

Ms. Locheo asked so this is only referring to members and non members?

Ms. Beaugrand responded this is members, there is no non member availability. You have to be a member to do this. You have to be a paid user to be able to partake of any of these.

Mr. Haber stated for purposes of today's hearing we are adopting rates that the district can charge for any of these activities. I think at the time that a proposed fee would actually be on a board that would be the actual cost. What we are doing is giving Stacie the flexibility to choose the actual fee and I don't think she is going to put a not to exceed on a board. I think the board will reflect the actual amount that Stacie decides. The numbers you see here today will not be the ones on any boards or other materials that will go to people who will actually be using these facilities. This is to allow the district to go up to these amounts.

Mr. Pincket stated also to clarify my understanding is that we are now giving Stacie the authority today to set the rates as she deems appropriate. Shouldn't we approve these?

Mr. Haber stated the board will set the ultimate rates but there is no need for public hearing. Today's public hearing sets the maximum and you have the latitude to set those numbers.

Ms. Spears stated I don't see child care on here.

Ms. Hernandez stated we have already approved that in the rules and regulations.

Ms. Beaugrand stated these are just the ones that we didn't cover in our previous public hearing that have kind of come up after the fact. We knew that was going to happen with just the dynamics of everything changing so quickly.

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

Ms. Beaugrand stated I will entertain a motion to approve Resolution 2008-10 regarding the rate structure for certain uses within the recreation facility.

Mr. Pincket stated as amended.

On MOTION by Mr. Pincket seconded by Ms. Minnis with all in favor Resolution 2008-10 was approved as amended with the exhibit being amended with a not to exceed rate structure as well as to indicate that the runs will be open to the general public.

FOURTH ORDER OF BUSINESS

Discussion of Landscape Maintenance RFP

This item was tabled.

FIFTH ORDER OF BUSINESS

Amenity Center Update

Ms. Beaugrand stated we don't have any business relating to the construction. Mike indicated earlier today that there are no issues that needed immediate attention. Is there any other amenity center update that we need to know about?

Ms. Hernandez stated I need to discuss skate park usage. I have had the opportunity over the last couple of months to see skaters and bikers using the same facilities and time. I stood there for quite some time and went back on several occasions and three times I witnessed that they don't work well together. It is confusing, it looks unsafe and it got to a point where they were trying, they were talking and communicating, the kids were working well together but the bikes go too fast. The bikers would stop and they would sit down and watch the skaters and then they kind of get up and kind of take over and the skaters would stand, they wouldn't necessarily leave, they would stand and wait. It really wasn't very effective. The bikers really couldn't bike when they wanted and the skaters couldn't.

Ms. Minnis asked where did you observe that?

Ms. Hernandez responded Aberdeen.

Ms. Minnis asked was it during the week?

Ms. Hernandez responded yes, during the week and weekends over the summer.

Ms. Minnis stated I have been up there and have only seen skaters. Before we make a decision should everyone go up and observe this same thing?

Ms. Hernandez stated I have gone up there every Tuesday and Thursday for however long they have been open. I have only caught it three times. I try to go by every Tuesday and Thursday night and occasionally on Saturdays. I rarely see it so when I see it I stay for a while. This is our schedule now and I was thinking we could just try this Sunday to start and see if we do get requests and maybe we will open it up for another day. We didn't have them down often anyway.

Mr. Pincket stated as revised the schedule you are proposing is biking only on Sunday.

Ms. Hernandez responded correct.

Ms. Minnis stated it has been so long since we talked about this but it is coming around. Is this the public hearing kind of thing we have to adopt?

Mr. Haber responded no. This is kind of a gray area but would be a rules and regulations type thing. It is not a rate. I am comfortable with you doing this outside of a public hearing.

Mr. Pincket asked why do you come to the conclusion that one day of biking is sufficient or appropriate to satisfy the needs of all the bikers?

Ms. Hernandez responded for the simple reason I have gone out there three to four times a week during the entire summer and only three times that I have gone are bikers out there. Maybe they are not out there because they are not welcome, I don't know. I thought we would start with one day and we can add another day during the week and see what happens and see what the requests are. I am happy to change it the first week we open. It is much harder to take away something than to add it. I would rather add another bike day than to have it there and then take it away. Typically when I go out I see more skaters than anything.

Ms. Beaugrand stated what we can do too is survey the users to find out what the interest is once we open up the park and go from there. We can always change the schedule. When Kona had it there was definitely less of a demand for the bikers versus the skaters.

Mr. Pincket asked wasn't there a strong interest from at least one biker and his kids?

Ms. Beaugrand stated when I have been at skate parks too and Emerson is a good example because that is wide open just like Aberdeen is if there is a biker there the biker is a minority versus the skaters. Any time I have seen that kind of situation there have tended to be many more skaters than bikers. The skaters would be skateboard or inline skaters.

Ms. Minnis stated I think it is geographical. A lot of the bikers move here from other places that have land where you can do actual BMX biking and then you get here where it naturally goes to skateboards because you don't have off road land like you do in California or out west. They move here and want to continue what they started somewhere else and I think that is why there is a difference. Some people do pick it up but there is not as much of an opportunity to do it here.

Ms. Beaugrand stated I am okay with the change. Is this something we need to do a vote on?

Mr. Haber responded if you want to have a motion approving the updated schedule.

Mr. Dosch stated I agree with everybody here. It is just a matter of trial and error on the schedule based on your observation.

Ms. Hernandez stated I will definitely let you know if we need to make another change.

Ms. Beaugrand stated I don't think anyone wants to exclude anybody. From the beginning it was a safety issue that was our concern.

Ms. Minnis stated I think when it opens Stacie can always suggest having a public hearing to get input before we change it again, to have residents come and give us input.

On MOTION by Ms. Minnis seconded by Mr. Pincket with all in favor the updated schedule for the skate park changing Fridays from skate and bike to skate only was approved.

Ms. Hernandez stated I am the personal guarantor for Julington Creek Plantation, I have a lot of my personal information, such as social security, my address, my phone number and now my fingerprints for Julington Creek.

Mr. Pincket asked for what obligations?

Ms. Hernandez responded for the cyber café, the alcohol, a lot of the vendors naming me personal guarantor something as simple as Sams Club, a lot of our accounts. When I opened up the cyber café I had to be finger printed and background checked and all of that which is fine.

I'm getting a little anxious about that with all of the identify theft so I had asked Jim if I could get protection for me personally, not my family or anybody else, just me and he suggested I bring that to the board and ask if that is okay if I get that for myself.

Ms. Minnis stated my husband's social security number was on the lap top that left the Pentagon. I am not opposed at all. I think if you are giving out personal information we should do something to protect you.

Ms. Beaugrand asked did you get a cost for records purposes?

Ms. Hernandez responded yes they range from \$10 to \$14.99 that was with Identiguard.

Ms. Beaugrand asked is that per month?

Ms. Hernandez responded yes per month. There are a couple of other ones that are a little less.

Ms. Minnis asked did you get a cost from Life Lock?

Ms. Hernandez responded yes I did and they are \$10.

Mr. Pincket stated I am not opposed to that. I think that is a reasonable request. What I would like to do is I'm curious why you are doing that, if it is to obtain a liquor license maybe there has to be someone personally finger printed who is in charge of that but to actually guarantee some other obligation I know a lot of vendors are going to ask for it. Have we made a run at saying no?

Ms. Hernandez responded they tell me no, at least 75% we have said no and they accepted that. Sams would not accept that.

Mr. Pincket asked do we have an alternative to Sams that is comparable in price that would not require that?

Ms. Hernandez responded I'm not sure about Costco. I just went ahead and did it because it had to be done.

Mr. Dosch stated just an item for general discussion is should we have another individual who may want to be Stacie's backup?

Ms. Hernandez stated I don't want to fill out the information.

Ms. Beaugrand stated I don't think anyone has a problem with this.

Mr. Pincket asked is there some document where Stacie gets the support of the board where we basically indemnify her?

Mr. Haber responded that is probably not a bad idea.

Ms. Beaugrand asked can you look into that Wes?

Mr. Haber responded yes. It is something I can draft for the next meeting.

Ms. Minnis asked in this meeting are we passing this or are you going to propose a cost in the next one?

Ms. Beaugrand stated not to exceed \$15 per month.

Mr. Pincket stated then you choose which one you think is the better one.

On MOTION by Mr. Pincket seconded by Ms. Minnis with all in favor the identification theft protection for Ms. Hernandez in an amount not to exceed \$15 per month was approved.

Mr. Pincket stated I know we just approved this but will that amount cover any tax?

Ms. Hernandez responded it should.

Mr. Hill stated I handed out the quotes I got for the July meeting. I thought we said we were going to review these at this meeting.

Ms. Beaugrand stated I think we need to bring it to the next meeting because now that we are all reminded of that, that is our homework for the next two weeks.

SIXTH ORDER OF BUSINESS

**Next Scheduled Meeting – September 9, 2008
at 6:00 p.m. @ Community Development
District Administrative Offices**

Ms. Beaugrand stated the next scheduled meeting is September 9, 2008 at 6:00 p.m. in the district offices.

On MOTION by Ms. Minnis seconded by Mr. Dosch with all in favor the meeting adjourned at 6:38 p.m.

Secretary Assistant Secretary

Chairperson/Vice Chairperson