

**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 on Tuesday, December 13, 2005 at 6:00 p.m. at the Bartram Trail Branch Library, 60 Davis Pond Boulevard, St. Johns County, Florida.

Present and constituting a quorum were:

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

Also present were:

James Perry	Manager
Jonathan Johnson	Attorney (via telephone)
Matt Maggiore	Engineer
James Oliver	GMS, LLC
Stacie Hernandez	YMCA at Julington Creek Plantation
Greg Coop	YMCA at Julington Creek Plantation
Shelly Timbol	YMCA at Julington Creek Plantation

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Beaugrand called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the November 8, 2005 Meeting (as prepared by Severn Trent Services)**

Ms. Beaugrand stated that each Board member had received a copy of the minutes of the November 8, 2005 meeting and requested any additions, corrections, or deletions.

Ms. Minnis stated the reference *OPC* on page 4 should read *NOPC*.

Ms. Minnis stated the last sentence in my comment on page 6 should read: "*...I do not remember anyone buying land and coming across a problem like this.*"

Mr. Johnson stated the word *area* in the motion box on page 4 should read *period*.

ON MOTION by Ms. Minnis seconded by Mr. Abbatiello with all in favor, the minutes of the November 8, 2005 meeting were approved.
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**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2006-01  
Designating Officers**

Mr. Oliver stated Resolution 2006-01 is a clean-up resolution and is required because you have changed management companies. We need to remove Severn Trent as officers and reappoint GMS employees as well as some members of this Board.

Mr. Oliver reviewed the resolution, which is attached hereto and made part of the public record.

Ms. Minnis asked are James Oliver, James Perry, Patty Powers and Rich Hans employees of GMS?

Mr. Oliver responded yes, that is correct.

On MOTION by Ms. Minnis seconded by Mr. Abbatiello with all in favor, Resolution 2006-01 designating officers was adopted.

**FOURTH ORDER OF BUSINESS**

**Consideration of Matters Relating to New  
Recreation Facility**

Mr. Johnson stated following the last Board meeting, Mr. Jenks did successfully negotiate and conclude an agreement with Rayland not altogether different from the conditions that are the terms that we had anticipated. I had hoped to have signed copies of that available to you at the meeting, but I will have those to all of you under separate cover. As we discussed, we did keep a feasibility period in; however, that goes through December 31. Ms. Beaugrand and I have received the preliminary letter from the environmental consultants relative to the Phase I environmental assessment, which we will provide to everyone. They expect to produce the full Phase I environmental assessment by December 23, but they have issued a summary letter stating that they have found no adverse conditions, no conditions that would warrant further investigation, and they found that the Phase I environmental assessment would be a clean assessment with no further recommendations for investigation or remediation or clean up. The letter states that their full report, which will be available on December 23, will be in accordance with the terms of their summary letter. I spoke with Paul Basham yesterday, and he expects to have all the results of the soil tests back probably later this week. I think we are all on schedule to complete the due diligence period well within the time limits prescribed by the contract of

December 31, and I think we have a closing date early in the first quarter of next year with funds on hand to address that.

In looking at the timetable between now and the end of the due diligence period, obviously, we do not have another meeting, and it is the holiday season so time will become scarce. I would like the Board to consider some authorization to the Chair and/or the Vice Chair to approve any objections Tom Jenks may recommend phasing based upon something that may come back in the soils report given that we do not have that. However, I think we feel pretty good about the environmental summary letter but in the event there is an issue, I would like to have a Board member involved to address those issues prior to the expiration of the due diligence period and then report back at the January meeting.

Ms. Beaugrand asked what about the title? Has Tom Jenks been able to pull that yet?

Mr. Johnson responded I have not seen it yet, but I believe that has been ordered so that is in the works. I do not think we are expecting any title issues, but we probably want to treat that the same way. He is probably authorized to address those issues. I think it will be appropriate to keep the ball moving and not lose the contract and to have some Board authorization for you to approve those things before the next meeting.

Ms. Beaugrand stated I suggest authorizing two persons in case one is out-of-pocket.

Mr. Abbatiello asked to do what? To make what decisions with Tom Jenks?

Ms. Beaugrand responded Mr. Johnson is talking about responding back to Rayland in the event the soils tests comes back with some issues and to be able to discuss what those issues are with them.

Mr. Johnson stated on the title policy. To the extent there was something identified that would necessitate us addressing it by way of the contract, I would like to make sure that we have some authorization to do so. The bottom line being let's not lose the contract if we need to do something to get us through then and the next meeting.

Ms. Beaugrand stated if a major issue arises in that situation, I am not sure I would feel comfortable making that decision on behalf of the whole Board.

Ms. Minnis stated I was thinking the same thing. I have felt comfortable with Ms. Beaugrand's knowledge of real estate and being in the business she is in and being in the meetings, but you are asking one person to make or break this thing.

Mr. Johnson stated our meeting in January is January 10. I do not recall the specific terms of the contract, but I think if we identified something by December 31, I think you have this period of negotiation over that. It may be that we could manage. If we wait to raise our objection, if we have one, near the end of that period, that would get us through until the meeting since we have an early meeting.

Ms. Beaugrand stated I think the contract was stating that we had to raise the objections by December 31; not that we have to have it resolved.

Mr. Johnson stated I will withdraw the request. I think we can get by. Once we get through this due diligence period, we will be better positioned to tell you when we would anticipate having a closing date and, therefore, being able to move forward on some land use issues. I would like to anticipatorily think that we will be in a position to discuss that with you and look for some action on items probably at your January meeting.

Ms. Beaugrand stated going back to the contract based on what is in our minutes, we are supposed to have the title and examine it by December 31, but we have to respond to the seller with any issues by January 5.

Mr. Johnson stated okay, I think we will be alright at signing.

Ms. Beaugrand stated going back to what you were just talking about with regard to some of the land use changes, Mr. Basham made a request to get an okay to send the site plan to Rogers, Towers to double check on the setbacks for the NOPC application. Did he get authorization to do that? Mr. Maggiore has not seen it come back through to get it back to Rogers, Towers.

Mr. Johnson responded I have not seen that. I do not know whether Mr. Basham has or has not done that.

Ms. Beaugrand stated he requested authorization. I think I forwarded that email to you. I will double-check this.

Mr. Johnson stated okay.

Ms. Beaugrand stated the PZA hearing for the NOPC has been scheduled for January 5. Do you know what time it is scheduled for?

Mr. Maggiore responded 1:30 p.m.

Ms. Beaugrand stated it will be held at the St. Augustine Courthouse in the auditorium. Presumably, the Board of County Commissioners meeting would be for January 12, which is a week later, but we are not confirmed on that date.

Mr. Johnson stated usually they like to have two weeks between planning and zoning and BCC, but that is not always the case.

Ms. Beaugrand stated we are not sure, and I have not seen the signs go up. Has anyone else seen the signs?

Ms. Minnis responded yes. I will go out that way to work tomorrow to confirm.

Ms. Beaugrand stated the signs must have just gone up. We probably need to have a good number of people show up. Wouldn't you agree?

Mr. Johnson responded I would. I wonder if it would behoove us to consider moving our January meeting up to have a Board between planning and zoning and before the Board of County Commissioners.

Ms. Beaugrand stated our meeting is already scheduled for January 10.

Ms. Minnis stated the planning and zoning meets on a Thursday, and the Board of County Commissioners meets on a Wednesday, and we fall in between.

Mr. Johnson responded as long as we fall in between, I am satisfied with that.

Ms. Minnis stated since we do not have a meeting between now and then, I was planning on attending this meeting. We have had previous planning meetings and Mr. Abbatiello and I attended, but we did not sit together.

Mr. Johnson stated to be safe, under the Attorney General's recommendation, I would like to publish a notice so that one or more members of the Board may attend, and we will pull the information from the PMV notice. This way, no questions can be raised.

Ms. Beaugrand asked can you do that for both meetings?

Mr. Johnson responded yes. I will get that information and provide it to Mr. Perry.

Mr. Pincket asked do we know if D.R. Horton has changed?

Ms. Beaugrand responded my understanding from D.R. Horton is that they put it in for four single-family residential units.

Mr. Johnson responded I have not seen that paperwork, but I plan to request a copy tomorrow. I suspect each of you would like a copy of the pertinent filing.

The Board responded yes.

Mr. Johnson stated we will get that to you.

Ms. Beaugrand stated based on some comments that Mr. Maggiore was telling me about with regard to calculations that had to be done, it does appear that they put it in for four residential single-family units.

Mr. Pincket asked is there some reason why we think that the PZA might object to the NOPC at this point? Why did you suggest that many people attend?

Ms. Beaugrand responded for support.

Ms. Minnis stated there are people who are very vocal in the county and are very anti-C.D.D. and would not want to see this expand. This is why there are few of them and more residents here so if you know someone who can go, they are allowed three minutes to speak under public comments when the agenda item comes up. The process is to fill out a card for the item on the agenda. When Aberdeen and Durbin Crossing went in front of the Board of County Commissioners, there were some anti-C.D.D. people in attendance, but I believe Julington Creek Plantation showed up with more people in favor of what a good thing it was for us to get land and that other people were going to benefit.

Ms. Beaugrand stated we are going to support what we as a C.D.D. are trying to accomplish here. I do know that one of the PZA members has an issue with D.R. Horton. I do not know how that person is going to react or comment, which could have an impact on their portion of it, but that does not mean that the two could be severed once it gets into the Board of County Commissioners meeting anyway. I think it would be appropriate for us to be there and support what we as a C.D.D. are trying to accomplish.

Mr. Abbatiello stated many times the Board of County Commissioners, even if there were no objections on the part of the PZA, will go against the PZA. They will not approve it anyway. If there are any objections, it will be primarily because people think it is recreation and should stay in recreation.

**FIFTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Johnson stated Mr. Oliver should have distributed a preliminary summary of the disbursement of impact fee credits that our trustee prepared. Upon review, we had some questions about whether all the data was truly reflected. Unfortunately, the person responsible for our account with Wachovia in the trust department is on vacation through Christmas. We have some questions into her, and I expect a response after December 28 upon her return. We will provide you with some additional follow-up at the next meeting but wanted to at least provide to you what we received thus far.

Ms. Beaugrand asked did you ever find out whether the impact fee increases are beneficial to us as well with this agreement?

Mr. Johnson responded I did, but I do not have it yet in writing, but I did confer with Isabel Lopez of the County Attorney's Office. She did confirm that as of the effective date of the raised impact fees, these credits are flowing to us from fees paid after that date that we would receive a prominent increase in our payment. I saw her again today, and she apologized for not getting the letter. When we have it in writing, I will provide a copy to all of you.

Ms. Minnis stated these are the amounts that were received from St. Johns County going into the trust at Wachovia. Is there any accounting from St. Johns County for how they got these amounts?

Mr. Johnson responded that is one of the missing pieces, and I have not made a formal request of the County. Cheryl Strickland's office coordinates that. I do not know in what format they have that and whether that would be something that they can provide or if that would be a report that we would have to request they prepare. That is data we can obtain if you would like to have that additional level of detail. However, our trustee would not have that information.

Ms. Minnis stated I ask because in 1998, I sent a letter to Jim Sisco requesting an accounting of the impact fees at that point, and I was given a handwritten ledger that they were keeping at the County, and since then they have automated. I think they should now be able to provide an Excel spreadsheet, and I would like to see that.

Mr. Johnson stated I will call the Clerk's Office and see about getting that report ordered for us.

Ms. Minnis stated thank you.

Mr. Johnson stated with regard to my second item, we have been moving in more recent years to trying to get recreation fees raised and so forth set earlier to provide plenty of notice.

Given the dates of the next couple of meetings and the advance notice required, I would like to inquire whether we ought to consider a motion to set a public hearing for your February meeting to consider those for the 2006 recreation fees.

Ms. Beaugrand asked didn't we set those when we did the recreation meeting as we went into the budget time? We already made the decision before we did our budget.

Ms. Hernandez responded we did.

Ms. Beaugrand stated we approved the fee structure at budget time.

Mr. Johnson stated Mr. Oliver was to come up with a recommendation for access for the commercial parcels. We still need to address this piece.

Ms. Beaugrand stated Mr. Oliver and I talked about that earlier. I thought you were talking about the user fees that we set. This is relating to a request we had by some of the commercial property owners to have access to the recreation facilities because they have been paying operating and maintenance fees as part of the C.D.D. assessments. Because of this, they theoretically have a right to use the facility so the choice is to either figure out what the allocation of users is--user cards for the O&M assessments that they pay relative to what a single-family residence pays—or figure out how much their recreation assessment is and make a modification and take that off of their assessment in which case we would then not have to allocate user cards to recreation facilities. GMS will do the research necessary under both of those scenarios to present to the Board, and we will have to make a decision at that point in time. Does this make sense to you?

Mr. Johnson responded it does, but I think that if you want to have that in place by February, we need to at least authorize staff to provide the appropriate notices.

Mr. Oliver stated we will present that in January.

Ms. Beaugrand stated we can do a notice to have the hearing at the February Board meeting.

Mr. Johnson stated it will probably be in March because it requires a 45-day notice.

## **B. Engineer**

Mr. Maggiore asked with regard to the map Mr. Basham has, if Mr. Johnson is in agreement, are we then authorized to get that map from Mr. Basham?

Ms. Beaugrand responded yes. We need to get it to resolve the NOPC issues. Do you see an issue with this?

Mr. Johnson responded no, I do not.

**C. Recreation Facility Manager**

There being no report, the next item followed.

**D. Manager**

Mr. Oliver stated the financial transition with Severn Trent is almost complete. We will have a full set of financials in the January package, and we will provide those to you as soon as we receive them before the package is sent out.

Ms. Beaugrand stated GMS is going back through and having to hand post all transactions that occurred from March forward. Previous history was transmitted electronically then Severn Trent changed their accounting system so they should have that done for our January meeting.

**SEVENTH ORDER OF BUSINESS**

**Audience Comments**

Mr. Riley stated I was asked the question at the last meeting to which I gave the wrong answer. Unbeknownst to us when we had our meeting this month, D.R. Horton is falling behind on their buildouts, and they are only doing about half of what we had budgeted. Accordingly, we expect to move turnover with the POA to around the March-April time frame instead of January as I told you at the last meeting.

**EIGHTH ORDER OF BUSINESS**

**Supervisors' Requests**

Ms. Minnis stated today I was taking a walk--I do not know if this is Racetrack Road maintenance--I came off of Durbin Creek and turned left onto the sidewalk. Right beyond the bus stop there is a bunch of sand on the sidewalk, and there is something broken there. You can see an exposed reuse line. It is intact, but there is a white one behind it that looks like it pushed the sand out. It is on the Racetrack Road side. It is the side between the sidewalk and the fence. I do not know who owns that maintenance.

Ms. Hernandez stated it is probably the POA, but I will check it out first thing in the morning. Normally they take care of the intersection. It is a gray area.

Ms. Minnis asked is it possible to get the road agreement that we have with the county on the maintenance so we have it in record on one of our meetings?

Mr. Johnson responded it is titled a Right-of-Way Utilization Permit. We can track that down.

Ms. Minnis stated I would like to recognize Mr. Abbatiello for his writing and keeping the community informed in the last year on what we do for people who cannot attend the meetings. I would also like to recognize Ms. Beaugrand for the number of hours that she works outside of this meeting to get this recreation done. I know she is doing a lot. Additionally, she attends meetings prior to this meeting. For every hour we are in here, she has already put in an hour or so and has done her homework. You have done a great job.

Ms. Beaugrand responded thank you.

#### **NINTH ORDER OF BUSINESS**

#### **Approval of Check Register**

The check register was distributed, which is attached hereto and made part of the public record.

Mr. Oliver stated notice the format that you previously had with Severn Trent before they converted over in March, including the check number on the far right.

Ms. Minnis asked will it going forward be in the package for review, or will we do it here?

Mr. Oliver responded it will be in the package, as will the financial statements.

Mr. Pincket asked what is the \$6,249.50 Wachovia Bank charge?

Mr. Oliver responded that is an annual fee, and that is the trustee fee, which you will get in the first quarter of each year. This is routine for districts.

Mr. Pincket asked what service does Marc Jacoby provide?

Mr. Oliver responded he did some maintenance for the District that was approved.

Ms. Hernandez stated you have that down as a general, but that should be in recreation.

Mr. Oliver stated I spoke with Shelly Tabor, and our accountant is going to reclassify that.

Ms. Hernandez stated it would be helpful for the Board if you prepared a brief outline of what services Mr. Jacoby did.

The Board continued to review the financials.

On MOTION by Mr. Pincket seconded by Mr. Abbatiello with all in favor the check register dated December 1 through December 12 was approved.

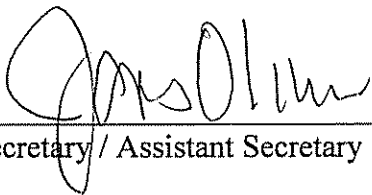
**TENTH ORDER OF BUSINESS**

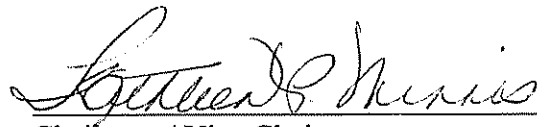
**Next Scheduled Meeting – 1/6/05 at 6:00 p.m.  
at Bartram Trail Branch Library**

Ms. Beaugrand stated the next meeting will be held on January 10, 2006 at 6:00 p.m. at this location. However, I will be out of town.

There being nothing further,

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

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman