

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, October 10, 2006 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:

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 Maggiore	District Engineer
Mike Lucas	Basham Design Group
Stacie Hernandez	General Manager
James Perry	GMS
Several residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Oliver called the meeting to order at 6:00 p.m.

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the September 12, 2006 Meeting**

Ms. Minnis stated next is the approval of the minutes of the September 12, 2006 meeting. Are there any corrections to the minutes? The only comment I have is in these minutes we had a lot of "a resident asked" where we did not get the resident's name and address. If anyone is to speak at the meeting could you please state your name loud enough so that it is picked up on the tape recorder along with your address.

On MOTION by Mr. Abbatiello seconded by Mr. Pincket with all in favor the minutes of the September 12, 2006 meeting were approved as presented.

**THIRD ORDER OF BUSINESS**

**Matters Related to Bond Financing**

- A. Presentation of Engineer’s report**
- B. Presentation of Assessment Methodology**
- C. Consideration of Resolution 2007-01 Declaring Special Assessments**
- D. Consideration of Resolution 2007-02 Setting Public Hearing**

Ms. Minnis stated item three is matters related to the bond financing.

Mr. Johnson stated if I could address this Board. We have a number of items that we would like to bring to you but frankly, we simply are not ready yet. You have in your agenda package the two standard form resolutions that would start the process to set a public hearing on assessments. The two key ingredients into that are the engineer’s report which you reviewed in detail last meeting and which is in front of you with the revisions that incorporate your direction from last month. The second document is an assessment methodology report that takes those improvements and runs them through your methodology accounting for changes in land use that have occurred over time and it brings that together in the form of a proposed assessment report and that is what we are still struggling over how to deal with a couple of things that we picked up on in some changes in the percentages and kinds of units that were in place in 2002, some slight changes in costs that are reflected in this engineer’s report, a recognition of the fact that when we sell these bonds and start making principal and interest payments there will be a gap from the time that we have our first P&I payment due before we actually get assessment revenue and we need to include some capitalized interest which is essentially selling enough extra bonds to make the mortgage payment until your tax receipts start rolling in next November or next December. There is some play in the numbers that we are still trying to work through and really didn’t feel comfortable bringing to you or think it was appropriate to bring to you a work in progress. The unfortunate result of that is that as we work through that with Prager Sealy & Co. and GMS in order to stay on track for a financing, we are going to have to ask your indulgence in considering a meeting next week to try to get those things done this week and get them to you before the weekend so that you can intelligently review them and consider them in terms of taking Board

action. We just are not ready yet to bring that to you so I am going to ask you to table Item III and when we get to the bottom of the agenda to consider whether you would be willing to undertake that additional meeting.

Ms. Minnis stated if we have a question concerning that, should we send it to Matt or should we send it to you or to Jim?

Mr. Johnson responded we can address it now or you can send it to any of the staff.

Ms. Minnis stated I don't want to open up something and not let you have the chance to research the question. I don't think it would be fair. I will send it to Jim and have him forward it.

Mr. Johnson stated send it to Jim and he can send it to the appropriate staff to research.

Mr. Pincket stated I have a quick question on the format of the resolution, it looks like Resolution 2007-01 is an actual approval of the assessments and 2007-02 is a notice of a public hearing.

Mr. Johnson responded the statute we are governed by is in Chapter 170, Sections 170.03, 170.07 and 170.08 lay out the process. 2007-01 is an approval of the start of the process, analogously the way you approve your budget in May for purposes of setting a hearing, you are approving a project and authorizing the start of running notices and publication of the resolution. You are not taking final action upon it by Resolution 2007-01 and you are correct 2007-02 actually sets the public hearing.

Mr. Pincket stated I understand that, that is how I thought the process was going to work but if you read the language of 2007-01 to me it seems as though we have come to the conclusions that assessments will be levied as opposed to subject to the public hearing.

Mr. Johnson responded you are saying that assessments will be levied. This doesn't levy the assessments. The assessment levy comes in a subsequent resolution adopted pursuant to Section 170.08 so you are saying it is your intention to levy assessments and that they will be levied but this is not the levy.

Mr. Pincket stated we put numbers in this Resolution 2007-01 in terms of estimated the cost of improvements and the estimated levy amount, then we are going to have a public hearing to hear comments from residents about the project which might frankly change those numbers. We have that flexibility?

Mr. Johnson responded yes, you absolutely do.

Mr. Pincket stated okay.

Mr. Johnson stated that is contemplated by the process otherwise, why have the hearing.

Mr. Pincket asked what action will be taken subsequent to the public hearing by this Board if any, to then say, these are the assessments, this is the number?

Mr. Johnson responded there will be in front of you at that public hearing another resolution that implements that section 170.08 and you can make adjustments for example to the methodology that is presented or to the project itself at that time, come down to final changes in numbers and when you actually motion and second and adopt that resolution that actually is the levy of assessments. That is the lien. Let me add one other clarification. It is important to note when you do that that you are really levying kind of a not to exceed assessment lien and what it will provide when you see that resolution, it will say that when you sell bonds you have to come back in a public session and adopt another supplemental resolution that actually takes the specific terms and conditions of the bonds and allocates it through that methodology you have adopted so you may come back in with something a little smaller. You really wouldn't come back with something higher but it could come back smaller.

Ms. Minnis stated they checked with Susan and she is available Monday, Tuesday, or Wednesday. In order to have a continued meeting we would have to have a quorum.

Mr. Pincket stated I am available Tuesday.

Ms. Minnis asked does bond counsel have to be there?

Mr. Johnson responded no they don't but I personally have a conflict Tuesday night, I have a hearing and I will have to get somebody else to be here. I am personally available Monday or Wednesday.

Ms. Hernandez stated Wednesday night the facility will be busy.

Ms. Minnis stated I guess that narrows it down to Monday and you can't make it Monday?

Mr. Pincket responded I can do Monday, I may be late. I have another hearing that starts at 3:00 p.m. and if it ends on time I should be here.

Mr. Abbatiello stated I'm okay on Monday, Tuesday, Wednesday and Thursday.

Mr. Johnson stated I believe Susan is available on Thursday. We were also discussing dates in November for a final hearing and that is when she is only available Monday and Tuesday.

Mr. Pincket asked does Monday seem like the consensus?

Ms. Spears stated Monday works for me.

Mr. Pincket asked does Monday give everybody enough time to get the documents together?

Mr. Johnson responded we have to get it figured out this week and get it to you by the end of day Friday. We will come back to that for action at the end of the meeting and if you are in agreement on that instead of adjourning we will continue this meeting to that time.

On MOTION by Mr. Pincket seconded by Mr. Abbatiello with all in favor the Item III was tabled.
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Ms. Minnis stated for the convenience of Basham & Lucas we are going to change the agenda items around so we can put them at the front of the project so they can leave after their questions have been answered. We are going to go to agenda Item 5 and then we will come back to Item 4.

**FIFTH ORDER OF BUSINESS**

**Discussion Items:**

**A. Recreation Center**

Ms. Minnis stated the next discussion item is the recreation center.

Mr. Lucas stated I have provided the Board a set of drawings that include the revised site plan based on some of the Board's comments wanting a little bit more pool deck area. Turn to Sheet SP 1.2 you will see what we have done. We have reworked the open lawn at the end of the junior olympic pool so that a sidewalk won't go through that and disrupt things, it will make a nicer overflow for the swim meets. We shoved the tennis pavilion back so that that is still convenient for the tennis tournaments but out of the way for any conflicts for the swim meets.

Ms. Minnis asked is that a sidewalk that goes behind the lawn?

Mr. Lucas responded yes and we further eliminated the sidewalk that was adjacent to the parking right there so you could shove that fence line back as far as you could and that will be a decorative aluminum picket fence that will be nice.

Ms. Minnis stated this is the redesigned. There was a sidewalk that came straight across and cut off this lawn. Now they moved it to the back and made a circular lawn so they have opened this up. I think that is great progress. Did it change any of the pool deck size?

Mr. Lucas responded I have given it a little bit more deck. Around the junior olympic pool it did not. I did not change any of that.

Ms. Minnis asked was it behind on this part?

Mr. Lucas responded that line right there is the line that follows the fence. All we did was eliminate that sidewalk behind that shade structure where it divided the lawn. We were worried about we had a planting bed and sidewalk and we felt there would be a conflict if people wanted to play tennis they would be walking across that sidewalk, that way if someone comes to play tennis they will be walking behind it all and they won't have to walk through all of that. It is more of a natural flow through the swim meets.

Ms. Minnis stated it is a simple change but it made a big difference.

Mr. Lucas stated we did incorporate in this plan the pool equipment and bathhouse, we incorporated the correct size and in talking to Stacie we have given her an aquatics office the size it was when it was a free standing building. What we did to the bottom of the junior olympic pool behind the slide tower that is where Brian was talking about giving us a little bit more deck area so we reconfigured that deck area and moved those event pavilions away from the pool to give you a little more pool deck and we created an open lawn behind that event pavilion at the bottom of the pool.

Ms. Minnis asked was this wading pool always there?

Mr. Lucas responded yes.

Mr. Pincket stated that is the pool for the toddlers.

Mr. Lucas responded yes and that is fenced in. There is a fence around that. That is the extent of the site plan changes.

The other plans throughout are just the floor plans for the clubhouse based on all of the decisions that you approved on the 26<sup>th</sup>. All of those changes have been incorporated in the first and second floor of the clubhouse. After the clubhouse you have the final plan of the pool house that has the aquatics office and I worked with Stacie in getting all of her requirements and wish list in that aquatics office. The last sheet is the check-in pavilion at the skate park.

I did meet with Stacie and one thing that came up today is the hours of operation for the skate park. We do have an 8 foot high chain link fence around that. I think Stacie figured a person manning that through part of the day but how do you see the hours of operation of that skate park? We have eliminated the airnasium, we just have the basketball courts up there now but this time of year when it gets cooler in the evening of course it gets dark earlier, one of the options was putting the lights on a timer and let people sort of access it as they wish. Do you foresee that being closed off when the clubhouse is shut down in the evening? I'm unsure of the hours of operation of that skate park.

Ms. Minnis stated just because I have experienced all these skate parks, night time skating is preferred over day time because of the heat but even though my son had pads and everything on him, he had a very bizarre accident where he went off a rail and his mouth was closed over his braces and there happened to be a fireman who skated in St. Johns County but there was someone there who had already called 911. He was okay, they had to figure out what was wrong with him. I would think we would want to have a plan where kids would pay to have a program where we could pay somebody to monitor it. I think there would be revenue there. I think we want to monitor that.

Mr. Lucas stated one of the discussions that I had with Stacie today I believe she said the hours of operation of the clubhouse, it would probably close at 10:00 p.m. and would have somebody as they close and locked up the clubhouse they could in turn lock up the skate park.

Mr. Pincket asked how does that affect anything that you are doing?

Mr. Lucas responded it is lighting, trying to proceed with my intellectual engineer who is figuring how we are going to light it.

Mr. Pincket stated I think there is agreement that we are going to have lights there so it is just different types of lighting?

Mr. Lucas responded yes, whether they are on a timer. That is something I don't need an immediate decision on but is something that we need to try to decide as far as how you want to light it in the evening.

Mr. Pincket asked is it a question of different types of lights or is it a question of just putting whatever lights we have on a timer?

Mr. Lucas responded it would probably be different types of lights because if you are going to have a facility that is going to be used at night just like the night swim, the junior

olympic pool is set up for night swim. We are going to have probably 14 foot tall light fixtures around it but when you have night swim you have to have taller lights because you have to have a certain amount of foot candles. It is a matter of a different type of light to shed enough light to be safe so everybody can use the park.

Mr. Pincket asked that isn't something you need a decision on today?

Mr. Lucas responded not today but that is something my engineer needs. I just wanted to bring it to your attention that I do need a decision how you want to operate it so that we can light it appropriately.

Ms. Spears stated I think no matter what, we would need it lighted for night time. Even if we had somebody from the pool facility coming through and shutting everything down, that is 10:00 p.m. when the time changes it is going to be dark early, no matter what it is going to need to be lit.

Mr. Lucas responded typically even around pool decks we put a fixture that is 14 feet tall but that doesn't give you adequate lighting. You have to put taller lights that are brighter if you are actually going to use it. Around the junior olympic pool you are going to have more of the decorative 14 foot high fixtures not only around the junior olympic pool but the fun pool but we have to come in since night swim is going to be part of the junior olympic pool, taller, more powerful fixtures that give you enough light to be safe. There will be lights around the skate park but there will a different type of light if you are going to use it at night.

Ms. Spears stated I think we need enough to make it useful at night.

Ms. Minnis stated I agree. I think there is revenue generating potential there too.

Mr. Lucas stated you can decide the revenue part I don't care about that, I will light it accordingly.

Ms. Minnis stated I was the president of CAA nine years ago. To this day I still get phone calls from people about the lights at Mills Field. My kids are in college and I get phone calls about the lights being on at Mills Field at 11:00 p.m. I have called the county and they said they are on timers, people apparently override the timers or the timers get out of sync so is it possible that you have timers and controls?

Mr. Lucas responded yes. If you want to say that you will let people to go ahead and use it so you put it on a timer but at 11:00 p.m. you have something that overrides that so they can't turn the lights on regardless.

Mr. Pincket stated we want all of that.

Mr. Lucas responded okay. You want to be able to do the timers and be able to override it.

Ms. Minnis responded yes.

Ms. Hernandez stated we discussed the gate into the facility some time ago and I know it is something we haven't talked about in quite some time. There is a gate around the skate park that I am going to assume once the manager or whoever closes the facility will then go by the skate park and close that facility. The fence is 8 feet but that doesn't mean that someone can't climb it and jump over as well as the actual decorative fence in front of the main building, obviously people can go over that as well. I thought a couple of years ago we actually talked about a bigger gate in front so people can actually drive through but I don't see it on the plans. I just want to make sure it is something we do not want to have.

Ms. Minnis asked where did you see that gate?

Ms. Hernandez responded I thought it was under discussion, that we had mentioned having a gate in the front. I thought it was something we discussed at one time.

Mr. Pincket asked are we going to have a gate beyond the skate park between the skate park and the main facility? Is that the question?

Ms. Hernandez responded the very front by the road. My question is we talked about it quite some time ago, it hasn't come up for discussion lately.

Mr. Pincket stated there has been discussion about a gate and I think we always left it open as to where it should be. One possibility is putting it up by the road, the other is putting it between the skate park and the basketball area and the main building so people can access. I think there was talk about leaving that open during the day but closing it at night so we have a little more security for vehicle access.

Ms. Hernandez responded it won't prevent anyone from walking up, it prevents cars coming in and tearing up grass and fixtures and things that we see in the neighborhood anyway. It prevents cars from driving up.

Mr. Pincket stated I think this facility is going to be fairly secluded off the road and they are not going to be able to see what is going on in the parking lot and the building so I do think we are going to need some kind of gate that stops vehicle traffic at night from getting back there and maybe even a gate that is closer up to the road where someone driving by can actually see

that gate. In terms of whether it should be there we can talk about but do we need to make that decision tonight?

Mr. Lucas stated just whether you need a gate or not.

Mr. Pincket stated not necessarily the location.

Mr. Lucas responded right.

Ms. Minnis stated I think the location would also be determined by how you clear the land. If you have a free standing gate, you can drive around if there are no trees that are going to block you. If you have a group of trees and you put it there, you can still walk around it but you won't have cars.

Mr. Pincket stated you can also put fencing as many feet beyond the gate if you need to.

Ms. Minnis stated I guess the question I have on these decisions is we did all this budget work based on all these decisions we already made, now we have two more items coming in. How much leeway do we have for these two items, lighting and the gate?

Mr. Lucas stated we discussed the lighting for how the facility was going to be used at the skate park before. That is something we didn't know how it was going to be and we raised the question about the lighting before but it was just today when Stacie and everybody was over that we talked about things being secure and that is when she brought up that she thought there was some talk about a gate.

Mr. Pincket asked is lighting in the budget?

Mr. Lucas responded yes.

Mr. Pincket asked is the gate in the budget?

Mr. Lucas responded no.

Mr. Pincket asked what is the cost of the gate?

Mr. Lucas responded it would depend on where we would locate it and the extent of the fencing, how far we extend the fencing.

Mr. Pincket asked is it not a relatively expensive item?

Mr. Lucas responded no.

Mr. Johnson stated you do have 10% contingency in the budget. We tended to know that there would be things that would pop up like that.

Mr. Pincket asked is there going to be any continued refinement of the estimates for the items right up to the point where we actually pass a resolution putting the assessment number in

that resolution? Is there any need for that? Do you see changes in cost from now until then, a month or so?

Mr. Maggiore responded over the past week Mike and I had that discussion and that is why we decided it was prudent to increase the contingency from 7% to 10% which will give you some measure of comfort when things pop up such as the difference in pricing over the next six months.

Mr. Johnson stated to the extent that things pop up now that we can address, then we ought to do that. We have built some running room in there by way of contingency. I think you will find in the big picture as we move forward having a report that you have approved and levied assessments, you issued bonds, the funds are in the bank, you may find that as you go through the bid process you may want to think about structuring some of the elements of this as add ons or drop offs in your bid. For example, what might be your potential really high priced items that you would rethink at the end of the day if bids came back too high so you can structure a bid as a lump sum on the whole facility or this is the base of what we want you to bid on and the skate park might be a separate line item that you can decide to move ahead with or not and to give a time. There is nothing that precludes you from revising or refining the total scope of this project. Obviously, at some point you would be doing so within the context of an overall budget, you have X amount of cash in the bank and that is what you have to work with. You might still having gone through this decide a few months from now for whatever compelling reason we are going to take the airnasium out and there is nothing that would prohibit you from doing that other than you have some design issues that you have to go back and deal with. I think it is structured to provide as much flexibility as you can and understand that sometimes the realities of going out to the contracting market at a particular time may cause us to come back and revisit some elements.

Ms. Minnis stated in my personal opinion lighting it to make it to the fullest use so we get the most use out of it makes sense and planning for a gate is just a piece of insurance to say we did the due diligence to try to stop people from coming in.

Mr. Pincket stated I think a gate is necessary. The lighting is already in the budget.

Mr. Lucas stated if you want to give us some direction on your preference of the location of the gate, would you like to see it halfway down or would you want to not even be able to turn in the street to get down that far?

Ms. Minnis stated I think if you have the gate right at the street, it can get damaged even from an accident. If you moved it in it does what Brian said and it shows there is a gate, it is closed don't come in. Stacie, do you have a preference?

Ms. Hernandez responded I have thought about the gate and it really depended on who was going to lock up the skate park because once that is locked and closed then you don't have that concern. If that was going to be open then my preference on the gate being before you get to that. If that area is going to be secure and locked, scooting it back would be okay but that still would mean that people would come in and then they have to turn around and then come back out. If we are going to shut the facility, my preference would be in front.

Mr. Lucas stated we were discussing how the skate park would work and that is when she brought up that she thought there might have been a gate and that is what started the discussion about the gate turning off of Durbin Creek.

Mr. Pincket stated it doesn't seem like there is any logic to put the gate between the skate park and the facility and people have free access to the skate park and basketball court even if it is locked up, maybe that is more inviting for vandalism whereas if you put it down by the street you shut it all down.

Ms. Minnis stated I agree with Brian with that comment that the gate means the facility is closed and if you have it beyond the time it is scheduled it would be for a scheduled event like night basketball league or something like that where you would be paying someone to manage it anyway and they would be there to monitor it. If they had a night basketball league they could have a night skate league or something like that. I think the gate means this whole place is closed.

Mr. Abbatiello stated I agree.

Ms. Minnis stated we do have one comment card from Charlie Stewart.

Mr. Stewart stated the grounds committee asks that you consider in the placement of the gate to check with the sheriff's department and also the fire department. The fire department has bolt cutters but the sheriff's department normally does not have bolt cutters. It is something to think about when installing the gate.

Mr. Lucas stated typically when we do gated communities they have things that can override it and we would certainly look into that to make sure the fire department or any emergency vehicle that needed access would have a way to override these gates.

Ms. Katey Stewart stated when we are talking about night activities like basketball leagues and skate park going on and night time swims, keep in mind for the residents around there that we already are faced with the fields night activity which are very loud even when you live in the back of Whispering Pines, farthest away from the fields. If you are going to add to that night activities at the new pool and the skate park and basketball courts I ask when you are considering times to be aware that it will be disturbing to neighbors use of their own yards or activities. Just keep that in mind. The other thing, are we basing especially at the skate park, any increased liability expense and especially if you have night time activities?

Ms. Minnis responded no, we had this discussion when we originally discussed this whole project. The City of Jacksonville and St. Johns County both have skate parks open to the public and the City of Jacksonville has addressed the liability issue with the warning signs, etc.

Mr. Johnson stated I don't think we expect any increase in premiums for example in terms of liability we share in the state sovereign immunity so lawsuits against us are capped at \$100,000 per person, \$200,000 per incident. We usually have insurance in the \$5 million range which is well in excess of what you might have in terms of claims. We routinely post warnings, get waivers for various activities but at the end of the day having talked to the Florida League of Cities about if they would like to review our waiver and their answer was no, if you want to but we don't really care what you do.

Mr. Pincket stated the Florida League of Cities being the insurance?

Mr. Johnson responded yes, they are one of the major insurers.

Ms. Minnis stated I have been to quite a few skate parks around the State of Florida and other parts of the U.S. and the first thing you have to do before you walk in is sign a waiver. I have yet to hear of a lawsuit against a skate park in the one in the City of Jacksonville so far.

Mr. Pincket asked is a waiver binding on minors?

Ms. Minnis responded parents sign it.

Mr. Johnson stated generally parents sign it.

Ms. Minnis stated every park I have been to, I had to be there to sign it or have it notarized if my kids went with neighbors to Tampa. We would do the same thing. We have the same liability if we have the water structure, the same liability with anything we do. We have a liability now because we are a CDD and because everyone sues over hot coffee but we will take

that into consideration and if there are complaints with the night activity then we have to reconsider the complaints over the activity. Do we have to make a motion to add a gate?

Mr. Johnson responded I think you can just direct Paul to include that to the extent time permits and come up with an appropriate plug number.

Ms. Minnis stated I guess we are in agreement to add full lighting and the gate.

Ms. Spears asked can the gate have a card access? Are you saying during the day it would be open and at night we would just lock it. If it had card access you could drive up to it, slide your card to open it and drive in and then when you area there you have to show the card to get in.

Mr. Lucas stated it is just like a gated community, you can have card readers, you can have decal readers, it all depends on if you want it open all day.

Ms. Minnis asked at what point do we get into that detail?

Mr. Pincket asked do we need to tell you that now?

Mr. Lucas responded no.

Mr. Pincket asked Stacie do you have a comment on card access?

Ms. Hernandez responded we find that access is extremely expensive. Card access isn't going to be necessary if you have people manning it. We don't want these cards to be handed off. Our whole plan is to make sure that the kids and adults are safe by having someone present. That kind of card I don't think is necessary in this case.

Mr. Pincket stated I think it is going to be important that we have the main building secured, that there is only one way in and that they are going to come in through that main entrance and there is going to be someone there who is accurately, aggressively monitoring those people coming in to make sure they are residents and have the right to be there.

Ms. Hernandez stated once we have permanent cards, not the year to year that is going to help the homeowners. Now every year we have to redo the whole process all over again and it is very time consuming and the residents have a difficulty doing that and I can understand that. Once we have the permanent cards it will help.

Ms. Minnis asked are there any other updates? Are all of your questions answered? Do you have direction?

Mr. Lucas responded the main thing is if you are happy with the site plan and that is the direction I'm going to direct the civil engineer and everybody to proceed with.

Ms. Minnis responded I am happy with it. Thank you.

**B. Designation of Hearing Procedure for Boundary Amendment**

Ms. Minnis stated agenda item 4B is designation of hearing procedure for boundary amendment. There are people who are new in the audience that may not know what this topic is about.

Mr. Johnson stated I am not going to ask you to take any action on this tonight but I will briefly explain. We are filing a petition I believe it is in the mail now to amend the boundaries of this District to include the lands that were recently purchased and on which the recreational facility will be built. We want to bring those lands within this boundary to deal with our ultimate operation and setting the rates and fees. That petition will be evaluated by the Governor's office who staffs the agency that reviews the petitions, they will eventually kick it back to us for a hearing. We are at least 6 weeks away from receiving that so I don't think that anything has to be done tonight to deal with this procedure. The item when we are ready for action will be for you to decide how you want to handle that hearing. You will really be making a fact finding hearing and you will be asked by the Governor's office to send a report back to them. Your rules of procedure allow for you to do that as a Board, designate a member of the Board or designate your district manager to conduct that hearing if you don't want to do it as a full body. The way I have seen some districts do that in the past is to appoint a hearing officer, either a member of the Board or the district manager who will have the hearing and prepare a report for you as the Board to consider, so you adopt the report that you have someone else in a break-away session do that hearing so you are not taking up the full Board meeting at that time. That would be my suggestion to you. I don't necessarily need that action tonight.

Ms. Minnis stated I went to the original final hearing of the Julington Creek CDD when it was up for creation and at that time Donald Alexander was the hearing officer. He was with the state.

Mr. Johnson stated he was an administrative law judge from the Division of Administrative Hearings. Because this amendment is less than 10% of our acreage there is what is considered an expedited procedure. You don't go through the administrative law judge. You, as a Board or your designee sits in lieu of that administrative law judge.

Ms. Minnis stated okay so we don't have to have the three hearings that they had as well?

Mr. Johnson responded you can have one hearing. It will be publicly noticed once a week for four weeks in the newspaper. The ability to conduct it with some of the legal trappings that you may be familiar with from observing an administrative hearing, because the end result, what we will be trying to do is prepare a record and a report that is in a format that the agency staff are accustomed to seeing so we will have testimony, we will have exhibits, we will prove up the case. That really sounds harder than it is, the reality is even as you may recall from the Division of Administrative Hearings cases you do all the testimony in a written question and answer format and file it in advance. We don't really spend a lot of time doing the typical witness on the stand kind of work, but we do have a court reporter, a transcript is prepared and the transcript and written report and all the exhibits go back to the state for a series of notices and ultimate final action. Given where we are I suspect that this is something that we will get that referral probably filed so at the next meeting we will designate that process.

#### **FOURTH ORDER OF BUSINESS**

#### **Rental Rates for New Recreation Facility**

Ms. Minnis stated we will go back and address agenda item four, rental rates for the new recreation facility. This came up at our last meeting that people have asked what is the policy to use this building and the Board stated to Stacie and Shelly that we would like a recommendation for rates and that we would like to put this on the agenda for discussion so that is in our packet. In the meantime since this was constructed, Jim has more information.

Mr. Oliver stated it is time to set the rates and also policies for the use of this facility as well as any other facilities that need to be considered. To set rates there will have to be a public hearing. In order to do that we need some direction in terms of what type of policies the Board wants and what type of rates you want. When we notice a public hearing the proposed rates would be in that notice so that the public can come here informed of what would be the proposed rates. The document in the agenda packet is broad and has two types of groups: for profit and not for profit. I don't know if it is as restrictive as you may want to make it in terms of who can use this facility for no fee and what types of groups. Those are the kinds of things to consider. We want you to consider rates but also the policies that guide the use of this facility.

Ms. Minnis stated I will start off. I was the one that had an issue with the policy in general. As I see it the way this is structured I am a resident and I have a book club and let's say it is the Julington Creek Plantation book club and I have residents in here, ten of them are from

all over and one person comes from the Greens, so 9 of my book club members pay assessments and we walk in we asked to have a meeting here and we are being asked to rent a room. Now, based on being a non profit and based on no guidelines let's say I live up in Mandarin and I have a 501C3 the Mandarin Dog Club for homeless dogs and I come down here and say we have a monthly meeting, I am a tax exempt organization I want to use your facility, here is a deposit, I want it every month and I pass it on to the Mandarin garden club, they come in, we have no restrictions. I see us double dipping the residents that are paying for this building and non profit. I think we have to get an idea of what the use is going to be. Non profit is non profit and a 501C3 is to make you tax exempt, that doesn't mean you can't pay facility properties. Although we have used the library, we have used the churches, when we used Wesley Manor and the schools, have we paid for any of those?

Mr. Oliver responded we haven't at the schools. I wasn't here when you met at Wesley Manor. I had forwarded to me some residents comments on the use of the facility and the fact that some groups should not have a fee and I forwarded that to the Board members. Essentially some of the residents in the community feel that they should be able to use this facility at no cost.

Mr. Abbatiello stated the people that questioned, the grounds committee folks who were doing work for the POA, not for May Management, they were doing it as part of their affiliation with the POA. Don, what were you doing at the time, the grounds committee?

Mr. Don Reilly responded yes, that is where we bumped into it first. It wasn't going to be available for use of the grounds committee unless we paid \$11.50 per hour for the use of the facility. It came back to us that this was a premise that was put forward by the CDD and that sounded a little strange because I can remember when we were discussing buying the facility and one of the points of discussion was the fact that what a service it could be for the community and for groups that do volunteer work in the community and even the POA was mentioned as part of that discussion. I found it strange that we were now discussing charging a not for profit group solely staffed by volunteers from the community.

Ms. Hernandez stated let me explain the \$11.50, where the \$11.50 came in that is not the charge to rent, that is the charge to pay a supervisor for being here while another group is in here using it. It is not a charge for the non profit. It is actually a charge to have someone come in and open and lock up and secure our building and offices. That is what the \$11.50 is.

Ms. Minnis stated the room charge is from 5:00 p.m. to 9:00 p.m. when the office is closed and that is reasonable because the schools have charged if they open up the school on a Saturday, if you are CAA and need it on a Saturday, they have to pay someone with access a minimum of three hours so that is standard custom for off hours to pay.

Mr. Reilly stated basically we are looking for guidelines that you develop for the use of your facility that the residents purchased through their assessments. I know that when we used the county building and used some of the school buildings, there is no one there responsible for putting things back in order and locking up and there are no fees associated with these usages. I just thought it was kind of double dipping and when we originally discussed it, it was an informal discussion and Susan said, we would love the POA to use our building because we can have somebody come over and pick up a key during duty hours and put the room back in order and then drop the key in the box. That is not an exact quote of Susan but very close to it and that was the premise that was put forward during the discussion of buying this building.

Mr. Pincket stated I think Kathy makes a good point in terms of the fact that we don't want the Mandarin dog club or garden club coming in and using the facility without paying any kind of fee to do so. They don't support this facility, they don't pay CDD dues so that is a little troublesome for me. I don't have any problem personally that the POA use the facility or that we provide the facility to other non profit organizations but the difficulty we have is kind of coming up with policies and procedures to draw those distinctions on organizations that the Board feels are acceptable whether it is a minimal fee or no fee or some fee versus those that we have a problem with. I think we are constrained to some extent, you may or may not know this but the fact is that these policies cannot be arbitrary. We have to permit non residents the use of the facility on terms similar to residents. I think we can draw some distinctions in terms of fees but we are constrained by that as well. We cannot be arbitrary. I think it is going to be tricky to come up with a set of polices. All of us won't be happy with them but we need to have some more discussion which is what we are doing right now. I am not prepared to make any decisions right now and as Jim said we have to notice anything we do anyway if we are going to start charging fees.

Mr. Johnson stated you can make the distinction and you may legitimately treat this facility as part of your overall recreation facilities and as you know from your other policies a resident can use those facilities subject to guidelines that you put in place. A non resident who

becomes a paid user of the system, pays the \$850 or whatever that number is currently can then use the facilities. You might say this is a facility just like the pool that you have to be a paid user of the overall system in order to make that reservation and then within those that make the reservations you can distinguish based upon the usage of the facility, and so forth, at the end of the day you can't rise to the level of content based distinctions. For example the garden club of Julington Creek Plantation would be okay but a homeowner who is forming a legalized marijuana club is not. Once you open it for public within certain parameters, even the ones you don't like it is the same argument. You couldn't say to a group of residents, no, we don't like the cause you are espousing therefore, you can't use it, if they otherwise meet the criteria.

Mr. Pincket stated I think what I would like to do is have more opportunity to discuss with Jonathan and the Board members can do this one on one and with Jim where we can discuss the parameters and our thoughts. Are you permitted by government in the sunshine to speak with each of us individually?

Mr. Johnson stated I can speak with each of you individually. I can't say Kathy, here is what Brian thinks.

Mr. Pincket stated you can craft policies and procedures as a proposed set of policies and procedures based on the discussions you have with us and then present that at the meeting.

Mr. Johnson responded yes.

Mr. Pincket asked does that make sense? Is that agreeable?

Mr. Abbatiello responded yes.

Ms. Minnis stated one of the things to add on since you were at that meeting when Susan discussed that, subsequent meetings and another reason I have been thinking about this, I said if we had the structure where non profits didn't pay at all and this building was constantly used, who is going to pay for the lighting. There is another thing. We have a big budget for operating, we have this and you start opening it up to more people coming in, that is wear and tear, so eventually carpeting will have to be repaired, we have to consider that. I agree with Brian. We have been given a guideline from Stacie and I guess I would like Stacie and Shelly, who had input into this? I want you to give your input to the Board on how you came up with the methodology.

Ms. Timbol responded we looked at the rules we had available about how many people we figure will be able to occupy each of those rooms and there are three rooms. We need to

keep in mind as Stacie pointed out in discussions with me about this, this is not a recreation facility. This is a recreation office. We have working offices here and for instance the office I occupy is very open to this main room. It is necessary that we do have somebody to be here to open up and to stay here during usage of this building. When we lock up we also put the alarm on so there is an alarm code and you need to have someone you trust with that. The \$11.50 per hour is not a double dip kind of charge going back into the CDD, it is going to pay the person who is working, to stay here during those hours.

Mr. Pincket stated before you go on I would like to respond to that because I wanted to mention it when Don mentioned the \$11.50. I would like to explore whether or not we really have to have someone here. I hear what you are saying but is there some way we can secure the facility that is not being rented in such a way that we don't have to charge that \$11.50? I think and maybe we come to the conclusion with certain organizations and certain groups that simply because we know the people that we don't have to have a staff person there, we would make sure that is okay from the distinctions we are drawing but if Don Reilly and the POA want to use this once a month I don't think we really need a staff person to make sure the place isn't damaged and if it is locked up giving them the code and he can punch the alarm in and drop a key off or something. Obviously, I don't want keys being handed around that can be copied but there has to be some way to do it. I want to explore it.

Ms. Hernandez stated I agree, it comes to your decision to decide who can and cannot use it without a charge and who can and cannot come and pick up a key and if that is legal. I can't say you can and you can't.

Mr. Pincket stated that is one of the things we will talk to Jonathan about.

Ms. Hernandez stated what do you do in the interim for people who have requested the use?

Ms. Minnis responded this has been the issue that brought this to light and brought it up as an agenda item because Stacie brought it up that they are constantly approached once people found out this was open, they are turning people away, they are saying they don't have a policy, they are looking to us. We had a short window to open it, these items were not addressed. At the same time we had to address more critical items to keep the pool moving so this kept getting pushed to the back burner. I guess that is the question, what does the Board do legally? They can't charge because they haven't had a public hearing.

Mr. Johnson responded you have fees already adopted for example reservation use of other facilities like the pool. The statute lets you apply those to new properties that come on line without some additional hearing. If you want to go too far outside your existing structure, you ought to do another hearing to adopt that rate structure. I think you could continue to allow usage while you develop this set of policies applying your existing policies and rates or you could decide not to and wait, although I think you have people probably committed right now.

Mr. Pincket stated you said applying the existing policies and rates, the existing policies and rates and you have to be a paying member already. That is part of the policy. I don't understand what the rates are. What are the rates?

Ms. Hernandez responded the same, \$11.50 for a supervisor, \$20.00 for a manager at the pool.

Mr. Pincket asked what about flat fees and the deposits and things like that, that are proposed?

Ms. Hernandez responded the \$200 and \$100 are generated from what we do at the pool based on the number and the \$300 is because of this space being somewhat larger and then having it extend to the front.

Mr. Pincket stated we probably are within the scope of our existing rates.

Mr. Johnson stated I think you are in the ballpark.

Mr. Pincket stated the question is in the meantime until we come up with a more formalized, detailed procedure, do we want to permit Stacie and Shelly to use this rate structure for paying members of the CDD?

Ms. Minnis stated it would be this structure identified here, is that what you are saying, this fits in with what exists or we apply what exists?

Mr. Johnson stated my understanding is that this is pulled from what we are doing over there.

Ms. Hernandez responded correct.

Ms. Minnis stated the deposit at the pool is when they have a party they are limited to so many people.

Ms. Hernandez stated and a 4 hour maximum.

Mr. Pincket asked do you have a list of residents so if someone calls and says I want to use it you say okay.

Ms. Hernandez stated they need to fill out the form and I check the ID and we have a list. I have a list of all of the assessment residents but we do have the list from last year and we can identify who are homeowners.

Ms. Minnis asked how many people are asking for use of it today?

Ms. Timbol responded we actually had it booked for this upcoming Saturday and some of you may have seen the flue shot signs, that is something that we are posting as a CDD and medical express corporation is coming in and is going to administer flue shots on Saturday and again on Wednesday evening and so far everything I have heard from the community is overwhelming in support of it. There is also a home jewelry sales party going on here Sunday. It is a resident who came in and filled out the form and she is paying the amount to use the foyer. There was no problem with that. She was very happy. She actually went to other options, looked at the Champions Club, came back here, she has 16 vendors that are involved in this with her and they are thrilled to be able to use this facility. This is not an ongoing thing, it is one time.

Ms. Minnis stated what you don't have is the homeless dog clubs or people trying to line up a blanket calendar.

Ms. Hernandez stated we get calls from boy scouts. We have had calls from bible study. We had calls for a wedding reception. One for a memorial service.

Mr. Abbatiello stated I think in the situation we are talking about here, these are people representing the POA, all the residents within the community and these are specific committees to keep the Julington Creek Plantation in good order and maintained. Can we make exceptions for those kinds of groups? These are POA folks who represent all the residents of Julington Creek Plantation. They are in charge of keeping the appearance of the POA grounds in good order, maintained to help improve the community. On that basis, they are really working for the community and in essence the entire community development district and because this is in essence a business meeting of the POA, can they be excluded?

Mr. Johnson responded I'm not calling it an exception but you might structure a separate class of user which is determined in the statute and you might have homeowner associations within the community as a class of user and have a set deposit or whatever, given their representational nature of the community, or vested in the community. Rather than having profit

and non profit, you might have a third class of user and that might be associations within the Julington Creek Plantation.

Mr. Abbatiello stated I guess I didn't realize when you first sent the email it seemed like \$11.50 an hour was kind of an arbitrary charge but as I see it here, it is strictly a charge to pay for the person who has to come here and sit and in essence baby sit the facility to be sure it is left in proper order. From that point of view I think the fee is justified. As was pointed out maybe giving a key to the person in charge of that group so that there is someone specific that can be identified that is in charge if anything is wrong that needs to be followed up on or charges assessed to them, that individual has the responsibility of the POA and subsequent to May Management.

Mr. Reilly stated right, we have the same rate with the county for the annex. We leave after business hours much like you do, we are into discussions into the early evening and we leave that building and if there is anything out of order that they have to straighten out we signed a document indicating that we would pay for whatever services or damages that were done.

Ms. Minnis stated since we have given him an opportunity, would you state your name?

Ms. Meinhaus stated I am a member of the grounds committee and on the POA. We volunteer our time to make our area beautiful, we shouldn't be charged. We are adults and keep it nice and clean, but since we do pay CDD fees as well and we are working for the community as a whole it would be nice for us to be able to use this space.

Ms. Stewart stated I have one question about will Julington Creek Plantation be given first priority if there are several people who want to use the same space on a given day? Maybe someone applying for the same space is not a resident. One other thing is to me the charges that we currently have at the swim center are like apples and oranges because when you rent a spot over there for a party you are also in essence renting the whole pool in order to swim. That is the purpose of having a party there. I think you have to adjust your fee structure a little bit considering that all you are doing here is renting a room, if you are going to charge us to begin with. The third thing for example our church lets outside groups use the facility and as Al was saying everybody who comes in has to sign a contract of what is expected of them but they have to give the supervisory name who is going to be in charge of that key because we do not keep anyone on the premises. The same happens as with the county, if something is wrong in the church or the alarm is set off they get the charge if there is any charge for a false alarm or

anything out of place in the church. It has worked very well. Occasionally if it is a big outside group like a business groups we charge a \$150 deposit but that can be refunded if there is no damage or it can be used for a donation to the church whichever you choose at the end of that meeting.

Mr. Stewart asked does the CDD accept volunteers? If we are volunteering for the grounds committee for the betterment of Julington Creek Plantation, why can't we volunteer for the CDD and then be accepted to have a key and be responsible for setting the alarm? This is once a month for the grounds committee, once a month for the POA covenants and enforcement.

Ms. Minnis stated I think we have gotten from the community input to put into this. We have gotten advice from Jonathan and Jim that we can have different structures. Brian has recommended that we send more questions to Jonathan and Jim that we would like to have answered. I think taking this input, taking our input and the fact I do want to state last week I worked 14 hours a day and I wasn't paid \$11.50 after my 8 hours. I am all for someone working from 8:00 a.m. to 5:00 p.m. I am not a proponent of asking people to change their work hours to accommodate meetings. I am not going to ask the staff for them and say, well you can come in at 12:00 p.m. and work until 8:00 p.m. to accommodate other people. I am a proponent for paying anyone that is inconvenienced and taken away from their family to be here. I will put that in. We do have to consider when you need a person here and when you don't. Who has the key? How many people have the alarm code? We ran the concession stand at CAA, we had 6 volunteers and when that volunteer couldn't make it and they got another volunteer who got another volunteer and then that volunteer's son took the keys and left them at the brothers house and the next thing you know we are trying to get the concession stand open and where is the sixth key. That is the concern because I have been through that. There are people we see on a month to month basis and Stacie and Shelly and the staff know you. But it would have to be very controlled. We have to have a public hearing on this, how do we address getting something in front of the public and the structure? We have from now until the public hearing and I had asked if we could put it on the upcoming public hearing.

Mr. Johnson responded in order to do a public hearing it is about 45 days from the day you say go because we have to publish three notices. A notice of rule development, that says we are going to develop rates and rules. A notice of rulemaking that gives the time and place of the hearing and gives a schedule if available of the proposed rates. Then ten days prior to the public

hearing I have to have an ad that actually publishes the specific rates that are the subject of the hearing. It doesn't mean that you can't show up at the hearing and modify the rules, you have to publish what your best intentions are so if you give the direction to set a public hearing this is October 11, you could set that for your December meeting and between now and the December meeting if you discussed it and came up with at your November meeting a more specific schedule of here is what we really want, we want to add an additional class of users, here is how we want to treat them, then that is what we will publish between your November and December meeting.

Ms. Minnis stated to clarify, since we have to send a notice to all residents and we are already doing that with another public hearing, I didn't want to do two mailings.

Mr. Johnson responded we don't have to do a mailing. It is just a newspaper notice.

Ms. Minnis asked do we want to set a public hearing for the December meeting for this item? The second is the direction we give Stacie from now to that public hearing.

Mr. Pincket stated my thought of setting the public hearing might be premature. I would like to have more dialog with Jonathan separately and frankly, I encourage the rest of the Supervisors to have that as well and with Jim to kind of formulate a more detailed policy than we have here and this is not a knock on Stacie and Shelly, they can't anticipate all the issues that are coming up and just come up with a rate structure but I want more detail on this. We can set a hearing but I'm not sure I am going to be prepared or ready by that time to actually take a vote on it. I would rather have some dialogue, some exchange, have them circulate some proposed policies to us individually, have us comment on them back to Jonathan and Jim individually until they feel there is some kind of either a consensus or they pretty much heard everything they are going to hear and then circulate and we can set a hearing at that point in time. If we all make an effort in the next seven days to really talk to Jonathan and Jim, I think we can move this along fairly quickly and Monday night or at the next meeting we can be prepared to say okay, now we are ready to set a public hearing, these are the rates that we are noticing to the public that will be discussed and we move forward from there.

Ms. Spears asked is there a chance that we will not need a public hearing, if we kept the rates in line with what we currently have?

Mr. Johnson responded at the end of the day you only continue to apply the rate structure that is in place for the existing pool facilities and you don't want to address other things by way for example, text policies, then no you wouldn't need a hearing.

Ms. Spears stated if we wanted to keep it as it is at the pool and exempt the POA, that would require a public hearing.

Mr. Johnson responded I think if you are going to have a separate class of users for the POA that is a change.

Ms. Minnis stated I think for the sake of getting it documented and having residents be able to see what the policy is and provide input into that public hearing, I think we want to have a public hearing. I think what I'm hearing is we are hearing a third class of users, we should be considering it and we want options.

Mr. Pincket asked are you saying you want to set a public hearing now for December?

Mr. Abbatiello stated I agree with Brian that we need to look at what our other options are and what classes of users might we want to consider in addition to the POA and then evaluate those things and perhaps do it by next week, Monday, and at that point give some direction and establish a public hearing date rather than trying to do it today.

Ms. Minnis stated that is what I was going to ask. Since we are going to discuss continuing the meeting, does that give enough time to determine if we can have a public hearing in December?

Mr. Johnson responded if you decide next week you could probably still make that. I say 45 days because I round up but the reality is the strict publication deadline is 28 days before for one and 29 days for the other. You can make it in less than 45 days, I just used that as a number with a cushion. Yes, you can still do that.

Mr. Abbatiello stated anything we decide because we are going to have this other facility in a year to year and a half, what we are deciding now could be used for that facility as well. By then perhaps it is a moot point because we will have staff until the time we close therefore, it is not going to be an issue.

Mr. Reilly stated we are looking for ways to get a closer working relationship between the POA and CDD and I have been thinking of this for six months, the fact that it is reasonable that when you try to pull this opening off you are going to need community volunteers. You are going to want to develop an activism within the community to support this new complex. One of

your sources of volunteers and support is going to be POA. That is what I was thinking six months to a year ago that you need volunteers. We do have volunteers working for the POA who would be willing to support your effort in opening your new facility and the functions that surround that.

Ms. Minnis stated we are closing the public comments so we can move this item forward.

Mr. Pincket stated I have two quick comments before we leave this. Katey I would like to address one of your concerns. Your first concern was for your preference for residents versus non. Again, this is just me speaking, the direction I am heading is you are going to have to be a paying member to use the facilities so really we are all residents, we won't have that issue of resident versus non resident. One of the distinctions that I am going to talk to Jonathan and Jim about is addressing one of the users that Shelly mentioned. My gut reaction to someone using this facility for retail profit purposes, they are going to have boutiques in here and multiple vendors to sell jewelry is not what I envisioned when we contemplated buying this building. I'm not buying this facility so that somebody else can come in and run a business even if it is once week, once a month. I know you said it is non recurring but that word can spread quickly, that is a great facility, they can tell a friend and someone else comes in and they are selling pots and pans and all kinds of things. My gut is I really don't want this facility used for that. One of the distinctions we can draw is no sale of any items can happen on the premises. In fact we might have a zoning issue with that kind of a use in this facility.

Mr. Johnson stated to the extent that we would implement any regular program of commercial users using it for profit, your bond counsel would have a hard attack over IRS tax exempt regulations.

Ms. Minnis stated based on the comment what is the direction that we give Stacie and the staff to stay within this guideline until the public hearing is set. They have already set it for this one event, to have any future events non salable related?

Mr. Pincket responded my opinion is to let Stacie move forward with this structure until we come up with a permanent policy and also with the consideration that if you feel that a particular organization is using it and you are comfortable that you don't have to have somebody baby sitting them but you don't want to give them a key, instead of charging for four hours, maybe make the charge for two, have somebody who lives nearby come up and open it up, that is an hour charge come at the end and close it.

Ms. Minnis stated she is still inconvenienced for four hours.

Ms. Stacie stated Shelly already works Sundays.

Mr. Pincket stated okay so for the short term, let's stay with the policy instead of trying to modify it. Can we draw a distinction now in the short term, are we permitted to let the POA use it without charging a fee?

Mr. Johnson responded I think that you are getting outside the structure that you have set now.

Mr. Abbatiello stated I think we leave the structure the way it is until we get a chance to review it, establish your policy, have the public hearing and enforce it.

Mr. Pincket stated with the one modification that it not be used for commercial purposes beyond what has already been booked for the reasons counsel has expressed.

Ms. Minnis stated I agree with that.

**SIXTH ORDER OF BUSINESS**

**Approval of Pay Requests:**

- A. No. 143 Payable to Basham Lucas in the Amount of 20,901.56**
- B. No. 144 Payable to England Thims & Miller, Inc. in the Amount of \$150.46**
- C. No. 145 Payable to England Thims & Miller, Inc. in the Amount of \$2,298.85**
- D. No. 146 Payable to England Thims & Miller, Inc. in the Amount of \$2,129.18**
- E. No. 142 Hopping Green & Sams \$4,941.14**

Mr. Maggiore stated there are four pay requests in your package and there is one that did not make the package.

Mr. Johnson stated the ones in the package are 143, 144, 145 and 146. There is also a work authorization no. 51 but that is separate.

Ms. Minnis stated I have a question about 142, what is the difference between 142 and 51?

Mr. Johnson responded 142 is a copy of my July bill which related to the time we spent at the planning and zoning agencies, the Board of County Commissioners and also some preliminary work on the boundary amendment. That is a bill for legal services. Work authorization 51 is a proposed authorization for you to authorize England Thims & Miller to do some work.

Ms. Minnis stated when you were pointing out pay request 142 I thought you were saying it was England Thims. 142 is Hopping Green 143 through 146 is England Thims & Miller.

Mr. Johnson stated and Basham Lucas.

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

**SEVENTH ORDER OF BUSINESS                      Other Business**

There not being any, the next item followed.

**EIGHTH ORDER OF BUSINESS                      Staff Reports**

**A.    Attorney**

Ms. Johnson stated briefly and informationally those of you who are up for reelection and ran unopposed may have recently received a certificate or letter from the Secretary of State’s office informing you that your term for your new office begins on January of 2007, that would be incorrect. Your terms actually begins on November 21, 2006, two weeks after the general election. If you return your certificate to the Secretary of State’s office they will destroy it and reissue you a new certificate. They have sent that out to community development districts throughout the state, all in error.

Ms. Minnis stated when Susan and I were elected to the Board we weren’t sworn in until January.

Mr. Johnson stated that is correct and that was prior to a revision to Chapter 190 which now provides for members of the Board of Supervisors to take office two weeks after the election just as county commissioners do. The prior law was January and that changed and didn’t get picked up by the Secretary of State’s office.

**B.    Engineer**

Mr. Maggiore stated you have before you work authorization no. 51 for England Thims & Miller to undertake the effort required to distribute the assessment notice, reproduction costs and hours to get the assessment out.

Ms. Minnis asked is this the assessment notice we are going to have in the public hearing?

Mr. Maggiore responded correct, this will be undertaken most likely the end of next week, that notice will go out.

Ms. Minnis stated for the public, we have the draft letter that will go so you know why we try to put notices together, this the standard assessment that this Board has approved in the past. To get this amount of work done costs \$10,000. That is why we do, if we can combine it with another notice we would try to do that.

Mr. Johnson asked is this fee consistent with what you charged for the mail out in 2002?

Mr. Maggiore responded it is. I believe that was the same amount. I estimate this will be about \$8,500. It is on a time and materials basis so we charge you only what we incur but you are talking about close to 6,000 mailings going out, first class postage, envelopes.

Mr. Johnson stated that is all in that fee.

Mr. Maggiore responded that is correct.

Ms. Minnis stated I do remember it being around this fee and since then we have had an increase in the number of residents. This is just an estimate for the overall cost and you think you will come within.

Mr. Maggiore responded yes.

Mr. Johnson stated I provided you a draft letter. Feel free to review and comment. I will tell you that many of those provisions in there are required by statute or the Department of Revenue regulations so some of it feels a little awkward because we are trying to make sure that if someone were to look at that regulation and look at this letter they can check it off. There is some language that we try to make as user friendly as possible. If you have any comments, let me know and to the extent that it is not inconsistent with the law, I will accommodate that.

On MOTION by Mr. Pincket seconded by Mr. Abbatiello with all in favor work authorization no. 51 in the amount of \$10,000 was approved.
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**C. Recreation Facility Manager**

Ms. Hernandez stated let me clarify, if there are no fee changes at the park or at the pool, we do not have to bring it up for a public hearing, is that correct?

Mr. Johnson responded if there are no fee changes or no changes in the policy, for example whether you might require deposits for one category and you want to create a new category of user with a deposit that would necessitate a hearing.

Ms. Hernandez stated hours of operation and pool rules and regulations if there are minor changes, can I put it next month's agenda package?

Mr. Johnson responded yes. The policies at the pool only require a motion and a second at a hearing. It is only when you get into the rules and rates that require a public hearing.

Ms. Hernandez stated I believe I speak for my staff who are all very excited to be CDD employees and we are working well with Maggie from GMS and feel like I have eliminated the middle man that we can save time and money also in keeping our standards with risk management policies.

The pool is closed for the season, it closed on September 30 and our year end total was 76,702 member visits not including the swim team and our grand opening.

October starts the new year for us and traditionally it is a very busy month. Shelly is making sure that all of our vendors are contacted with the new name and billing information. She is working with Paychex representatives on the installation and function of our time clock and acquiring all necessary paperwork for payroll and hiring. Laura has created a spreadsheet with rules, specifics for information on our passport shots so that we can better communicate with the pool design company that we construct that competition pool for what we need. She has also made contact with Bill Perkins who handles their input. Laura will reevaluate our swim lesson program to identify what worked and what didn't and make the necessary changes. We will both assess what items need repair and replacement and start those projects.

In addition to all of this we are preparing for our first holiday camp, movie night and Saturday play time, all part of our family friendly programs to begin in the facility in November.

Ashley McVeagh your new employee is a junior at UNF majoring in communications and she will be working on our camp program. Ashley has started her fifth year working for me and we are thrilled that she has decided to join our team.

We are also preparing the homeowners packet of information so that we can send it to the printer by the end of November. The printing will be finished in December and we will roll out our first mail out in January.

I have completed our first personnel policy handbook and it is now with the human resource department at Paychex. I should receive a preliminary copy of it this week so I will have a copy for your review and comment by November.

We are continuing to have senior breakfast at this building on Friday mornings. We have approximately 20 to 25 seniors in attendance and they seem to enjoy the new location. Since I had a captive audience I gave them a questionnaire on what their health issues are and what programs they would like to see in the new facility. I look forward to addressing those issues.

The word is out and I continue to receive resumes with regards to the new facility. We should all feel positive that we are creating healthy revenue for the community and we also become a major employer as well because we will have as many as 130 employees during the season.

When are my final O&M numbers due?

Mr. Johnson responded that is a two part answer. It would probably be helpful to have them in the context of preparing for the assessment hearing so the Board has the overall big picture budget, if we take the capital project forward that results in an assessment level and here is what the maintenance will be. We wouldn't do anything to make those numbers effective until much later when we are closer to having the facility but probably in the next month.

Ms. Hernandez stated each year in December I contact May Management and ask them for a list of all their homeowners because that is where our list is generated from. Every year I get turned down. That is where I get my list and it is vital to me who my homeowners are and who they aren't. I have tried. Matt gave me an assessment roll and when Shelly opened it up it some of it was legible others didn't have a last name or didn't have an address, so what I do is have Dotty who works for May Management and she sends us labels so all I need is a label. We could take that list of labels put it in the computer but I have asked for a list.

Ms. Minnis asked have you gone to the tax collector? They gave it to me once.

Mr. Maggiore stated that is the list I gave her.

Ms. Hernandez responded that is the list Matt gave.

Mr. Maggiore stated every year I get a list from the tax collector and the problem that Stacie runs into is that you have renters. The person listed is the owner who may live in Virginia or it is an LLC.

Ms. Hernandez stated that is fine, we have to go through these manually every year and pull those out. If I had the address just once in a floppy it would make life much easier.

Mr. Maggiore stated that is on the tax roll.

Ms. Timbol stated it might be the way the computer just put it up on the screen and maybe for some reason it didn't all come through right. When I saw columns of numbers that made no sense to me, then there was a first name and part of an address then a Mr. or Mrs. And nothing behind that. It was incomplete.

Ms. Minnis stated when I got it from the tax collector, this was during the class action lawsuit that I filed against the CDD and the county. The attorneys needed a list of the residents to find out what is the class so I went to Dennis Hollingsworth and he had to find someone specifically in his office who did this for us and put it into a format that went into excel. Is that what they are giving it to you in?

Mr. Maggiore stated that is what I gave her.

Ms. Timbol it is Microsoft Access.

Mr. Maggiore stated this is an excel spreadsheet. It is just a normal excel spreadsheet. I can send that to you again. If you open it in access, that is probably the problem. We can work together on that.

Ms. Stewart asked what excuse is May Management giving you for not letting you have a copy of that?

Ms. Hernandez responded they can't legally give it to me.

Ms. Timbol stated the inference that I found is it is something that is the property of the real estate or D.R. Horton or someone. They gave me this website and called it TOPS and they get it from TOPS and I don't know what that is, it must be some sort of program they have that property managers access. We don't have the ability to access that since we are not licensed property managers.

Ms. Minnis stated I agree with May Management. They pay for that. My husband was part of the laptop that was stolen from the U.S. government and our lives have been hell since then. I do have an appreciation. I think we should be able to get it from the tax collector and what I think is if you are not getting a lot of letters returned, that is the key. Isn't that the tax roll you are going by to mail out?

Mr. Maggiore responded yes, but the difference is the tax bill for the assessment goes to the owner of record. Stacie wants to deal with the person who actually lives in the house.

Ms. Hernandez stated I want the address because the person can change.

Mr. Maggiore stated we have the addresses. We have an address of every property in the CDD in an excel spreadsheet. That is easy. I thought you wanted the names.

Ms. Hernandez stated that would be helpful but that changes. We will try it again.

**D. Manager**

There not being any, the next item followed.

**NINTH ORDER OF BUSINESS**

**Supervisor's Requests**

Ms. Minnis stated I did talk to Don Reilly and I am going to be contacting May Management because they have on record that we own the bridge on the lake and I moved in here before the bonds were issued and that bridge has been here since I moved in since 1993 and the CDD was not established at that time. I have an issue with that. Whether it was deeded to the CDD I don't think so. I don't remember that in a meeting. I will follow-up with that.

The other thing is the landscaping. I was walking down Durbin Creek and a homeowners tree had a branch hanging directly over the sidewalk with a branch that was ready to fall that was huge that I went ahead and pulled it down and threw it out so Nanak's would pick it up. I think there is this division of responsibility between the CDD and the homeowners that Nanak's thinks it might fall under one and isn't doing it under the CDD or Nanak's thinks it is the homeowners and doesn't do it under the CDD.

Ms. Hernandez stated that is the POA.

Ms. Minnis stated I guess the question I have with Nanak's is do we have established boundaries for where they are mowing for the CDD?

Ms. Hernandez responded yes.

Ms. Minnis asked is it in writing?

Ms. Hernandez responded yes, it is still vague.

Ms. Minnis stated if you come across that will you let me know?

Ms. Hernandez responded it is in the specifications of our contract but states State Road 13 and Racetrack Road. I have a site plan with a highlight on it. It doesn't say this edge to that edge.

Ms. Minnis stated when we established the contract then all those businesses came in behind it.

Mr. Pincket asked who is responsible for maintaining on Racetrack Road in front of all those businesses?

Ms. Hernandez responded the business owners. The CDD is in charge of picking up trash, checking irrigation, and mowing along Racetrack. When a business comes in and changes that to where there are plants that need additional watering and grooming that changes the whole mechanics of that. That is where the business owner maintains their front area.

Mr. Pincket asked including picking up garbage?

Ms. Hernandez responded yes.

Mr. Pincket asked have we given them notices that they should be maintaining their property when they are not?

Ms. Minnis stated that is a county road.

Mr. Pincket stated is that property still in the CDD?

Mr. Stewart stated we have a representative of the grounds committee that does meet with the shop owners along that area.

## **TENTH ORDER OF BUSINESS**

### **Audience Comments**

Ms. Stewart stated I just want to thank you all for how hard you have been working especially with the new facility trying to keep the assessment down and still provide the facilities that the residents requested. I know how hard that has been for you and I want to thank you for doing that. Especially for taking the audience comments and trying to work with those within your parameters so that we can feel like we are having input. I appreciate it.

Mr. Stewart stated if you are going to put that gate up at the new facility, please put it right along Durbin Creek Boulevard at the entrance because there is no turn once you get in unless you get to the skate park and the basketball.

Ms. Minnis stated that is a good point.

**ELEVENTH ORDER OF BUSINESS                      Financial Reports**

**A.    Balance sheet as of August 31, 2006 and Statement of Revenue & Expenditures for the Period Ending August 31, 2006**

Mr. Oliver stated in section 11, behind Tab A is the unaudited financial statements, the balance sheet as of August 31, 2006 and also the statement of revenues and expenditures for the period ending August 31, 2006. Those are informational only if you have any questions during the meeting or between meetings, please call me.

**B.    Treasury Report – August 31, 2006**

Mr. Oliver stated behind Tab B is the treasury report and that shows the balance from the existing bonds.

**C.    Special Assessment Report**

Mr. Oliver stated behind Tab C is the assessment receipt schedule and this shows the receipts received from the county and broken out between debt assessment, general fund and recreation fund.

**D.    Check Register Summaries**

- 1.    General fund 9/06/06 – 9/30/06**
- 2.    Recreation Fund – 9/06/06 – 9/30/06**
- 3.    Payroll Summary – General Fund – September 2006**

Mr. Oliver stated behind Tab D are three check register summaries, the general fund, recreation fund and payroll summary for the Supervisors.

Mr. Pincket stated on the first tab at the bottom of the first page there is a charge for Nanak’s Landscaping for landscape enhancement. There is also a charge above for maintenance. Who makes decisions on the enhancements?

Ms. Hernandez responded I do.

Mr. Pincket stated you make those decisions and review the contracts you make sure the work gets done.

Ms. Hernandez responded yes.

Ms. Minnis asked what was the landscape enhancement of the \$6,000?

Ms. Hernandez responded all along Racetrack Road it is still in progress. It was in last year's budget and they are still working on it. There are dead junipers, depending on where it is if it is in the center along a long stream of them it will be replaced and you need to groom it because it is not growing. We have to make sure if we replace something that it is going to grow. There are areas that nothing is going to grow there. We don't want to keep replacing something that is not going to grow. Some of the areas in the median are shallow and it is not good for growing. Some of the other plant material has died and some areas we are replacing it and some we are not. It is all in the median. It is not in the swales. The swales get torn up by vehicles.

Mr. Pincket stated I have a question, when do we use and what do we use Trim Terrific for?

Ms. Hernandez responded Trim Terrific has been our landscaper since I have been here. They do the park, the volley ball and now this building.

Mr. Pincket stated Nanak's does everything else.

Ms. Hernandez responded yes.

Ms. Minnis stated that goes back a couple of years when we had a subcommittee where we contracted out and bid it out and Nanak's won on the larger one but we separated it into two. That is how we ended up with two contracts.

Mr. Pincket asked can you explain to me what you did on the website what these costs are for?

Mr. Oliver responded in the past the invoices come directly to Al for the District's website and he forwarded that and we reimbursed him. We are coordinating with the vendors so the invoices come directly to us.

Mr. Abbatiello stated the vendor when I gave him my credit card the first time, they just put it on all the bills and I didn't really understand it until August. We have it resolved. I got my money back, so thank you very much.

Mr. Pincket stated this charge isn't for one month.

Mr. Oliver responded no.

On MOTION by Mr. Pincket seconded by Mr. Abbatiello with all in favor the check run summaries were approved.
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**TWELFTH ORDER OF BUSINESS**

**Next Scheduled Meeting – November 14,  
2006 at 6:00 p.m. @ Community  
Development District Administrative Offices**

Ms. Minnis stated we are talking about continuing this meeting until next week, Monday, October 16 at 6:00 p.m.

On MOTION by Mr. Abbatiello seconded by Mr. Pincket with all in favor the meeting was continued to October 16, 2006 at 6:00 p.m. at the same location.

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Secretary/Assistant Secretary

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Chairperson/Vice Chairperson