

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, June 9, 2009 at 6:00 p.m. at the Julington Creek Plantation Club Multi-Purpose Room, 350 Plantation Club Parkway, St. Johns, Florida.

Present and constituting a quorum were:

Susan S. Beaugrand	Chairperson
Kathleen P. Minnis	Vice Chairman
April Spears	Assistant Secretary
Brian Pincket	Assistant Secretary
Del Dosch	Supervisor

Also present were:

James Oliver	District Manager
Wes Haber	District Counsel
Matt Maggione	District Engineer
Mike Lucas	Basham & Lucas Design Group
Stacie Hernandez	Julington Creek CDD
Shelly Timbol	Julington Creek CDD
Stewart Maxwell	Dicky Smith Company
D.J. Smith	Dicky Smith Company

FIRST ORDER OF BUSINESS

Roll Call

Ms. Beaugrand called the meeting to order.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the May 12, 2009 Meeting

Ms. Beaugrand stated the next item on the agenda is the approval of the minutes of the May 12, 2009 meeting. Are there any changes or corrections to the minutes?

There not being any,

On MOTION by Ms. Minnis seconded by Ms. Spears with all in favor the minutes of the May 12, 2009 meeting were approved as submitted.

THIRD ORDER OF BUSINESS

Discussion of Facilities Improvements

Ms. Beaugrand stated the next item would be the discussion of the facilities improvements. Last month we had asked Stewart to basically double check the office building numbers, figure out what kind of timeframes for the construction and reconstruction of the pool, lead time for slides, how much lead time for mobilization on the deck and the timeframe for that construction. We had a pre-meeting and we were kind of talking about how we structure the contracts for all of the work that we have been talking about. We have the buildings over at the old pool, the competition pool, the family pool and we have basketball courts and park pavilion and then we have the Davis Pond office building. The cost and the scopes of that work right now of each of those four aspects are under the threshold required for bidding out. During the next month Wes is going to review the manner in which the District can contract for this work.

Ms. Minnis asked what are the four aspects?

Ms. Beaugrand stated we would have the buildings over there, the renovation updating of the buildings. We have the competition pool all the work associated with the competition pool. We have all of the work associated with the family pool. We have the work associated with the basketball courts and park pavilion. Then we also have the Davis Pond office building the numbers that have been thrown out on that one all along are the \$300,000 which really determine what those costs are. We need to direct Mike to change his scope of work to include doing construction drawings on that so that Dicky Smith can go ahead and get us pretty decent numbers to figure out what the costs are and whether we have to do an RFP on that project, whether we can split it between the demolition work and then the reconstruction work or what have you. Until he can do the construction drawings and Dicky Smith can get the costs to us we can't really determine how we have to proceed from a contract standpoint on that particular building.

Ms. Minnis asked of the four items \$150,000 is the threshold?

Ms. Beaugrand stated \$288,115.

Mr. Haber stated exactly.

Ms. Minnis stated that is why only the building is in the \$300,000.

Ms. Beaugrand stated right. Right now the costs associated with those four different areas not counting the office building would be under that threshold for each individual project: the buildings, the competition pool, family pool and the park stuff. During this month Wes is going to make sure that that is a legitimate process for us to use.

Ms. Minnis asked the question was between the competition pool and the family pool can that really be divided as two projects?

Ms. Beaugrand responded yes, that is two separate pools.

Ms. Minnis asked but it is one big deck?

Ms. Beaugrand stated separated by a pavilion. You can delineate the two pools from each other.

Ms. Minnis stated okay, that's what I'm asking. It can definitely be delineated with no question.

Ms. Beaugrand stated that is what Wes is going to research. Dicky Smith has done other projects for districts that are similar where they started like what they did here with the work that they have done here and over at the park and the parking lot. Then they have added on proposed change orders for additional scopes of work for other aspects in those projects. They have done this before with other districts. But before we take that step Wes is going to do the research and at the next meeting let us know what district counsel's recommendation is. Next meeting we will hear back from Wes on that issue. Mike is going to bring his proposal.

Mr. Lucas stated a proposal for construction drawings that could be bid out.

Ms. Beaugrand stated to add that cost to the partial contract that we have already agreed to. Then from a timeframe standpoint based on the timeframes that we talked about that Stewart and D.J. gave us we have the time to use this next 30 days to figure out, obviously we need to do the top priority are the two pools the competition pool first because of the eagle zone and family pool at least second. If we choose to end up wanting to do the slide we have to take the lead time for the slide which is about a three month lead time between drawings and construction and another month to install at the right time during the reconstruction of that pool. At this point in time if everything goes well it would still be completed before the scheduled opening at spring break next year.

Mr. Pincket stated I'm assuming we can split the projects out and contract for the work through change orders to the existing contract. Am I correct in concluding that we simply are

going to award it to Dicky Smith is that the plan? Or is it going to be some process to decide if we can maybe cut some costs or keeping Dicky Smith honest?

Ms. Beaugrand stated that is the board's choice. We are trying to figure out whether we even have that option at this point. If we decide to not contract for the work through change orders, we will wait until next year to do everything, the pool stuff.

Mr. Dosch asked would the engineering proposal include the building, construction engineering and specs for the building and all the other work now just for the building?

Mr. Lucas stated you already have a sort of open end contract with me that I will produce any drawings that need to be produced in order for the rest of the work to be done. Because it is sort of renovation like in the aquatics building where we are talking about yanking out the plumbing fixtures putting down tile and installing new toilet partitions. We told them to match this so they know what to do. Anything that will have to be drawn to prepare for night swim. I think I have already done the drawings for the improvements of the basketball court and volleyball. I have already done the drawings for the improvement of the pavilion over there. If they come back and say we need the drawings for this we have to pull the permit for this I need this and all I'm doing is doing it on an hourly basis.

Ms. Minnis asked some clarification to Brian's point I think is the purpose of trying to determine whether we can approve the additional work as change orders to our existing contract for the amenity facility is to beat the timeframe of the eagle zone?

Ms. Beaugrand responded correct.

Mr. Pincket stated if we don't have to do the RFP the answer to that is what other process will we implement to make sure we are getting the best price we can and get what we want done. As long as we don't have to comply with whatever rules the RFP might have we have some more freedom and flexibility in terms of what process.

Mr. Haber stated that is correct.

Ms. Beaugrand stated if we can go ahead and talk about the slide because we had kind of pushed that out for this month hoping to get a few more stats from the attendance at the other pool weather hasn't been exactly cooperative over the last 30 days.

Ms. Benson stated our stats for the weekdays Monday through Friday total with swim teams, swim lessons everything included has been 2,475 people. On weekends also for swim teams and some lessons that are make-up lessons is 1,198.

Ms. Beaugrand asked is that per day?

Ms. Benson responded that is for the whole month of May as of right now.

Ms. Beaugrand stated the 2,000 per week you lost me.

Ms. Benson stated it is for every day Monday through Friday.

Ms. Beaugrand stated for the five days for the whole month it was 2,000 people and just on the weekends for the whole month cumulative was another 1,000.

Ms. Benson stated right.

Ms. Beaugrand stated so we had a total of 3,000 people.

Ms. Benson stated right.

Ms. Beaugrand stated and that includes swim team which is pretty much the lion's share of what has been over there I would assume.

Ms. Benson stated the 4:30 p.m. 5:30 p.m. peak Monday through Friday we actually have about 291 that have come to the pool for the whole month that are not swim team. We are getting people that are coming over and using the facility, not the same amount that is over here but they are still a little bit higher.

Ms. Beaugrand asked are there people who are coming to the pool other than swim team?

Ms. Benson responded there are people that are coming to the pool that some of them want to get away from this crowd.

Ms. Beaugrand asked other than the swim team people going to the other pool are they primarily older, are they families, what kind of a break up is there?

Ms. Benson responded families. At 4:30 p.m. it is open to families that is when we open up and the majority of them say when they come through I just want to get away from the crowd and just have my family here swimming so it makes it a little nicer for them, that's how they feel.

Ms. Beaugrand asked Stacie have you had any more thoughts relevant to the slide?

Ms. Hernandez responded it has been nice to be able to tell people that when we were becoming very crowded over here to remind them that we have another facility in which to go and we have actually had people say okay and have gone over to the other facility. Again, this is all very new. School is out today tomorrow we will see what happens. We had a couple of incidents here and again it has been nice to be able to say we have another facility.

Ms. Beaugrand asked when you say incidents what do you mean? We have had to close?

Ms. Hernandez responded yes for bio hazard.

Ms. Beaugrand stated that is nice to be able to have somewhere else to go.

Ms. Hernandez stated they have somewhere else to go and they get very depressed if it is closed and when we give them that option most people have gone over there. It is too early to say what is going to really happen this summer.

Ms. Beaugrand stated hopefully the weather cooperates and now that school is out tomorrow we will have a better idea of what we need to do. If you have recommendations over there, maybe it makes sense to see if we can get a little survey going, when the people check in maybe have the lifeguards at check-in asked what do you think about having a slide over here and get some feedback. Don't just ask the families try to have them ask everyone they encounter as they go through the check-in process to get us some good feedback. There may be older residents who don't want it so we need to have that feedback as well. That might help us in getting a better feel for that.

Mr. Pincket stated I believe it makes sense if you are going to do a survey you ask a few more questions about what the family make-up is.

Ms. Minnis stated your age, number of people, how often do you use the pool.

Mr. Pincket stated ages of the kids in the household that kind of thing.

Ms. Beaugrand stated initially I was just thinking like a quick questionnaire but if you want to do that, absolutely it is going to be beneficial information. I will leave that up to staff.

Mr. Pincket stated most people would probably defer and say it would be great to have a slide. That is why I think if you gather more information it might be more helpful.

Ms. Beaugrand asked is there any other discussion we need on the facilities?

Mr. Lucas stated one other thing is the storage building. You approved a change order to go ahead and construct that. We have approved site plans so we are progressing with it. We are going to revise the drawings just a little bit to put a couple of offices out there. I guess we need some more space out there so we are going to make a cubicle for two office personnel out there and in doing so we are going to make the overhead door an insulated door so that when people are out there using it they are going to stay comfortable but that is not going to stop us or slow down on the start of the construction. I guess we hope to get that into permit.

Mr. Maxwell stated within the two weeks.

Mr. Lucas stated the storage building will get under construction in two or three weeks or so.

Ms. Beaugrand asked did you figure out how to do the bike racks?

Mr. Lucas responded we are not going to have the same amount of bike racks. These are staged between the existing trees so we are going to maximize that space between those trees to try to get as many bike racks as we can.

Ms. Beaugrand stated so you are going to have to remove some of the shrubs.

Mr. Lucas stated the shrubs yes, we have a new landscape plan but the trees will remain in place. We are going to put shrubs upfront along the sidewalk so as you pull in the facility you won't see the sidewalks you will see plantings. It will help hide the bikes.

Stacie asked me to take a look at reworking the aquatics office at the pool house a little bit to try to get a few more cubicles out there so I have an approved plan that I am going to give Dicky and Stewart to get a price and we will have that for you next month.

Ms. Beaugrand stated that would go in with the pricing with the change order relevant to the buildings.

Mr. Lucas stated I just want to make you are aware that is what is coming up.

Mr. Pincket asked how many cubicles are out there now?

Ms. Beaugrand stated there aren't any. It is just open space.

Mr. Lucas stated we are going to take the bulk storage and make that more of a lounge place for overflow.

Ms. Beaugrand asked behind the kitchen?

Mr. Lucas responded right next to it.

Ms. Hernandez stated it is right next to the aquatic office.

Ms. Minnis asked what is it going to become?

Ms. Hernandez stated since our last CDD meeting we see a large increase in overall numbers here in the pool, physically in the pool. On any given day we will have 100, 130 in the pool, 200 or 300 on deck. That increase has given staff an opportunity to review exactly what kind of guarding we need and because of that we need 2 to 3 extra guards on that fun pool and since we had quite a large usage of adults using the slide we had to put extra guards on the slide for rescue. We have increased guards 7 to 8 guards on a daily basis. We have severe overcrowding now in the aquatic office. There is really no adequate workspace and it is not

really customer friendly as well. When homeowners go in to reserve a pool party, swim lesson, aqua aerobics there is no area in which to do the forms. It is just not customer service friendly. You can see when you would walk in we added a little high top counter so we will be able to service them and then given Ashley and Brandy an actual space to work outside of all the lifeguard supervisors that are in there too. Then taking the guards out, there are way too many guards in there, you can't think you can't work and moving them next door into that space. What we have as storage space now will then go into the storage unit out there.

Ms. Beaugrand stated that makes sense. Have you heard anything from the county on the sidewalks?

Ms. Hernandez responded no.

Mr. Maxwell stated staff mentioned to me a couple of things to add to the facilities improvements budgets. One was conditioned storage for furnishings and everything at the existing office building. That will just go under budgets at the bottom of the facilities improvement budgets that you all have been looking at. The other one Jerry would like to take a look at and get an idea for what it would potentially cost to either replace the roofs or recondition them in some fashion to see if we could get a little extra mileage out of the roofs.

Ms. Beaugrand asked which roofs?

Mr. Hill stated over at the aquatic complex and at the office. We had that week long rain there were some leaks found in the aquatic complex that were new to us. When the roofer went up in there apparently it had been leaking but not coming down through so we didn't know there were any leaks until it got really bad. He said both roofs needed repair. The one at the aquatic complex because of those decorative turrets, they tended to leak more. At the aquatic complex I got the impression that would need more work than the office.

Ms. Beaugrand stated we are really going to have to figure out this number because we are running out of money.

Ms. Minnis asked are you talking about only repairing the roof not replacing it?

Mr. Hill responded I can't answer that. The roofer looked at it and he was going to get with Stewart on what it was going to cost and everything.

Ms. Minnis asked aren't those tile roofs?

Mr. Hill responded they are.

FOURTH ORDER OF BUSINESS**Consideration of Resolution 2009-05
Declaring Series 2006 Project Complete**

Ms. Beaugrand stated the next item on the agenda is discussion only regarding consideration of Resolution 2009-05.

Mr. Haber stated I don't have the resolution in part because we are not in a stage where we are ready to do the resolution. The resolution, and I think I explained this at the last meeting, deems the project complete and also finalizes assessments. Jim has just received the roll from the county and we are not ready to prepare a final roll that will show the impact of the redemption of the excess construction funds on the debt assessment. Without the roll, the District is not able to finalize assessments. What I did bring for your review, there is no approval needed at this time, is the completion certification. Essentially this is language taken directly from the district's trust indenture that was approved in connection with the issuance of the bonds. The certificate needs to be signed by both the district engineer and the district manager and essentially says the project is complete and that all structures and improvements necessary for the completion of the project are done. I believe Matt is going to do a little additional research to confirm that we have paid lien releases and where he is comfortable signing it but generally speaking the language itself he is comfortable with. The language you see in here that is different from the form and the document is in paragraph 1 where you see with the exception of a storage building, a three sided shade structure and playground lighting where the money is being retained in the construction fund for the construction of that. That concept is contemplated by the trust indenture so we have to work with the language in here but this is going to be what the certificate looks like that you will approve next month and will be attached to the resolution as an exhibit along with the updated assessment roll. Just because we are not ready on the assessments we are not ready to do the resolution.

Ms. Minnis asked based on this with the exception clause the three things listed would anybody object to him, you are signing it in good faith based on what you do, we know but would anybody outside of here?

Mr. Haber responded I don't think so. The concept of having some costs as long as they are identifiable in the supplemental engineer's report at the last meeting, the indenture itself contemplates that there may be some costs that haven't been paid but still allows the district to deem the project complete. It is something contemplated by the indenture. You couldn't put the

form language in the indenture because at the time you draft the indenture you wouldn't know what those things are, those unpaid costs.

Ms. Minnis stated okay, thank you.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2009-06 Approving Proposed Budget for Fiscal Year 2010 and Setting a Public Hearing to Adopt the FY10 Budget

Ms. Beaugrand stated the next item on the agenda is consideration of Resolution 2009-06 approving the proposed budget for fiscal year 2010 and setting the public hearing to adopt the fiscal year 2010 budget.

Mr. Oliver stated I believe you have all been on the board for previous budget adoptions. This is the kickoff of the budget process. By approving the proposed budget tonight it will start the budget clock and you cannot hold a public hearing any sooner than 60 days from tonight and subsequent to that adopt the budget. At that point the budget you adopt will be put in the form of the certified assessment rolls and brought to the county tax collector so that they can be included on the tax bills that go out November 1st.

For this year's budget we are projecting a net zero increase, the total assessments would be the same. You will see a drop in the 2006 series bond assessments of about \$30 per single family home. Right now with a conservative budget you are looking at about a \$30 increase on the O&M side. A lot of that is tied to the fact that this is still a new amenity center we haven't been through a full year yet with most of the revenues and costs still to be realized during this third and fourth quarter. We are getting a handle on that. Like any new amenity center, we have the same fluctuations in costs and revenues. Stacie and her staff have been monitoring the different programs, finding out what works what doesn't, making necessary adjustments that is reflecting in the line items that she has provided in this budget. Again, this is the starting point. There may be some other cost savings we can find but right now we are projecting no net increase.

Even with that there will be mailed notice that goes out to the residents because the O&M portion would be increasing. We would fine tune that letter to clearly explain what is going on.

Ms. Beaugrand stated better than we did the last two years.

Mr. Pincket stated you can draft a letter and circulate it to the members and we can give you our individual take on it.

Mr. Oliver stated we will provide several drafts. This is a unique district and we want to explain to everyone the overall impact of the assessments.

That is where we are with the assessment and budget right now.

Ms. Beaugrand stated one of the things we talked about is we don't want this roller coaster on assessments, we want to keep them as level as possible and until we get through a full year and really know what our costs are and the first year isn't totally illustrative of where it is going to stabilize. I am actually very excited that we have a net zero.

Mr. Pincket asked is the reduction due to the excess construction funds?

Ms. Beaugrand responded yes the refunding of the \$3 million in bonds.

Mr. Oliver stated the O&M increase could not have been avoided.

Ms. Beaugrand stated we planned that very, very well. At this point you are not approving this budget hard, this is basically approving it to be able to set the public hearing. We are going to have two more months of possibility of discussion on this including the public hearing.

Mr. Pincket stated I just have a couple of comments that we might want to tweak even before it goes in the notice. There are some typos I think that need to be addressed. In both exhibits there are a couple of references to the total estimated funds available 9/30/08 and I think you mean 9/30/09 in both exhibits.

Mr. Oliver stated okay.

Mr. Pincket stated on the rec fund budget at the very top of the first page it says adopted rec fund instead of proposed. On the general fund when we did the estimated funds available we have the number that represents three months of operating expenses. Here it says in doing this calculation of necessary funds and funds available we set aside three months of operating expenditures but for the rec fund exhibit A we set aside 2 months. Is there some reason for that distinction?

Mr. Oliver stated for this particular district we are fine with either two or three months because the first inflow of tax receipts will be in early December.

Mr. Pincket asked shouldn't we be consistent? Does it make sense to be consistent?

Mr. Oliver responded yes, we will make them consistent

Mr. Pincket stated my last question is on the debt service fund. Proposed budget debt service fund the 2006 the last two pages where we have the amortization schedule at the top the title has proposed schedule based on excess construction fund call. Is that simply the reduction in the balance based on the excess funds?

Mr. Oliver responded correct.

Mr. Pincket stated so that is the estimate of what we think we will be paying down.

Mr. Oliver responded yes.

Mr. Pincket stated that is all I have.

Mr. Oliver stated the district is required to provide this to St. Johns County by June 15 so we will make those changes before we forward it to them and also before we post it to the website.

Ms. Beaugrand stated we need to have a motion to approve Resolution 2009-06 and that sets the public hearing for Tuesday, August 11, 2009 at 6:00 p.m. and we will have it at Fruit Cove Middle. Make sure we have the right PA system for that too.

On MOTION by Mr. Pincket seconded by Ms. Minnis with all in favor Resolution 2009-06 was approved.
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Mr. Pincket stated I think someone just commented on this but paragraph 3 of the resolution says the district manager will supply to the county within 60 days of the meeting on the 11th so that means it is going to happen tomorrow or the next day.

Mr. Oliver responded that is correct.

Ms. Minnis asked if that is at Fruit Cove Middle is there a way to call into there?

Mr. Oliver responded there hasn't been the last few years. I will see how cell coverage is which with the auditorium a cell may not be so good so it is just whatever the school has available. If they have a speaker phone available we can use that. I just don't recall if anyone has called into a budget meeting in the last few years.

Ms. Minnis stated I'm not sure I'm going to be here that is why I'm bringing it up now. You have to have three people at a minimum in person for this?

Mr. Oliver responded yes.

Ms. Minnis asked does anybody else have an issue being there on the 11th? I'm unsure.

Mr. Pincket stated I'm unsure.

SIXTH ORDER OF BUSINESS

Approval of Pay Requests

A. No. 315 Payable to Rogers Towers in the Amount of \$140.00

Ms. Beaugrand stated the next item is approval of pay requests behind tab 6. The first one is the pay request that we tabled last month for Rogers Towers. Did we get an explanation?

Mr. Haber responded yes I spoke with Joe Shields on that and you may recall under the purchase and sale agreement we had with D.R. Horton the agreement contemplated that Horton would make payments to us upon certain thresholds that we met and in order to move that process forward we contacted Joe Shields to say can you help process that payment. I spoke with Joe and said did you do that on behalf of the district or on behalf of D.R. Horton who was your client and he said D.R. Horton said they are not going to pay him for it, they didn't see it as something he represented them on. He did say that he thinks it benefited the district and that it potentially sped up the process of the district getting those reimbursements. I think it can go either way. The district isn't going to get sued. This is not going to be the end of the world if I call Joe and say I explained the situation to the board and the board didn't see the benefit that you were representing them in any capacity they refused to pay it. At the same time I do think he facilitated the payment.

Ms. Beaugrand stated and we contacted him.

Mr. Haber stated yes we contacted him to process the payment from D.R. Horton.

Ms. Beaugrand stated I say we pay it.

Ms. Minnis stated I agree.

B. No. 319 Payable to Basham & Lucas Design Group, Inc. in the Amount of \$2,720.00

Ms. Beaugrand stated the next pay request is to Basham & Lucas for the conceptual layout work on the office renovation as well as site storage building construction drawings and so.

On MOTION by Ms. Minnis seconded by Mr. Pincket with all in favor pay requests 315 and 319 were approved.

SEVENTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Mr. Haber stated I have one item and I believe it was emailed to all of you but I brought copies with me as well, which is the request of Julington Partners Limited Partnership with respect to the assignment of any payments they may be entitled to for the impact fee settlement agreement that the district was also a party to. The fact of the matter is the district's consent isn't required under the agreement. They are entitled to assign the agreement without our consent. I think it is U.S. Bank, who serves as the trustee and monitors the payments to the various parties, and they just wanted something showing that the district consents to it even though it is not required so they sent us this letter where if the board is so inclined it would appreciate having the board at a meeting approve the assignment.

Ms. Beaugrand stated so they are assigning their interests to another one of their entities effectively.

Mr. Haber responded yes. When you say their entities frankly I don't know the relationship. It could be a wholly unrelated entity but they are entitled to assign their interests.

Ms. Beaugrand stated it has no impact on us.

Mr. Haber stated it has no impact on us. The payment that would have gone to them is now going to go to this new entity. It is a private agreement between those two parties and that is probably in large part why they don't need our consent anyway under the agreement.

Mr. Pincket stated but these are payments coming from the district.

Mr. Haber responded they are coming from the county.

Ms. Beaugrand stated it is the same money we get for the impact they get a portion of that from the county from the lawsuit settlement we had years ago.

Mr. Haber stated I am comfortable that it is not anything that adversely impacts the district. I don't see any additional liability on the district. I think it is a pretty harmless request.

Ms. Minnis stated the only thing that I question is a lawsuit was filed in 1998 settled in 2003 we are now here in 2009 and this is now coming up.

Mr. Haber responded I think what it is, is a private transaction. If you have a settlement agreement that lasts 30 years and there is some value to it and you want to say you can have the benefit of this agreement for the last five years the timing of it doesn't matter it is just what is the

value of the particular transaction and they want to assign it. I don't know the whole deal between these two parties but one aspect of the deal is the assignment of this asset.

Ms. Beaugrand stated they may want to close out that entity as being a legal entity and the only thing they have active and I'm just making this up, they may just want to close out the entity and this is the only thing they have active in it so they want to transfer it to another entity or something. I don't think there is any pretense on this.

Ms. Minnis asked do we have to vote on this?

Mr. Haber responded you have to vote on it because you either have to approve it or you don't approve it. If you don't approve it then I think it will probably still happen it will just be JPLP trying to convince the trustee that it didn't need the district's approval anyway.

Ms. Minnis stated as a party to that lawsuit do I have a conflict voting? I personally don't want to vote for it but I don't object if the others do. I'm going to vote no just because I'm a party to it.

Mr. Haber stated I don't think you have a conflict but you can certainly vote however you want to.

Ms. Beaugrand stated or you could abstain.

Mr. Haber stated I don't know that you could abstain unless you have a conflict you have to participate in the vote if you are here.

Ms. Minnis stated I just want to be on record to objecting because I was a party to that lawsuit. I know what everyone is saying after all this time I don't know enough tonight to say yes.

Mr. Haber stated you are entitled to vote no.

On MOTION by Mr. Pincket seconded by Mr. Dosch with four in favor and Ms. Minnis voting no the assignment of the contract from Julington Partners Limited Partnership to Riviera Management LLC was approved.

B. Engineer

Mr. Maggiore stated the only thing I have is over this month we prepared an annual engineer's report.

C. Recreation Facility Manager

Ms. Hernandez stated I just want to let everyone know that staff was here tonight to answer any questions in regards to the budget if you have any.

Ms. Minnis stated I was going to ask them off line because I do have questions and I was waiting until supervisor's requests to ask my questions to Jerry. Brandy was with me related to the question I'm going to ask. Tell them that we appreciate their time.

Ms. Hernandez stated you can ask me I may be able to answer it.

Ms. Minnis stated I came out here to see what the parking situation was like I found a backboard, but I came on a Sunday which I found was the wrong time to come. I rode my bike up so on the way back I stopped by the other pool and Brandy was there so we walked around the whole pool and I agree we found a big chunk of paint in the bathroom and could not figure out where it came from. It looked like a piece of drywall paint kind of plaster. We couldn't figure out where this thing came from and how it even got in there. It was very odd in this location, it didn't even match the paint in the bathroom. We started looking at all the door frames and there was a cost of about \$4,000 to remove the whole frame and the door. We kind of saw that the doors didn't look like they all needed to be replaced.

Mr. Hill stated we had the doors painted and some minor repair work done before the facility opened. If you go up to the chemical room all three doors out back by the back bathrooms and storage rooms just give them a little tap with your toe, rust is going to fall out, through the inside of them they are rusting out. Going into the shower and the ladies locker room, the frame is loose, the door is rubbing at the top of the wall, there needs to be work done and below that has been filled in with a caulking type material because it rusted out and was all jagged and there was a space of about 1 1/2" high that hollowed out that rusted out. We have that filled in so that it would be more presentable so somebody couldn't get their foot underneath there but that is all rusted away. That was all patched and repainted so that it doesn't look bad.

Ms. Minnis stated I can say that we didn't go from the bottom all the way to the top, up and down and take each door. We just kind of looked at the doors straight at eye level and we did not look at the chemical room. The bathroom other door she opened it and we got distracted with something else.

Mr. Hill stated the two locker room doors, the front bathrooms are in better shape than the rest of them.

Ms. Beaugrand stated they are covered.

Mr. Hill stated exactly but the one coming from the concession stand out to the back dumpster area that one is really bad, the chemical room door is probably the worst one. We went through all of them and I had them all repainted because we wanted the place to look good when it opened.

Ms. Minnis stated I was impressed with Brandy's knowledge of the amount of time she has been around pools. I spent a lot of time around pools and I was an operator and manager. One of the things that she pointed out is the decorative walls that we have with the palm trees that we got a new thing from Martin Pool to put in, when they put in a new pool this is the new thing and she was saying there was nowhere for the plants when they water to leach the mills and they end up coming out onto the deck. She said all we can do is keep cleaning.

Ms. Beaugrand asked are you talking about here or at the other pool.

Ms. Minnis responded the other pool.

Ms. Beaugrand stated that has been an issue from day one.

Mr. Hill stated there was also I believe reinforcing rods put into those planters to hold the brick and wall at the top so that is now rusted and that is what some of that rust is that is coming out on the deck.

Ms. Beaugrand stated that has been coming out for years.

Ms. Minnis stated walking through it with her was beneficial to see. For anybody if you have the time to go through there with her she is very knowledgeable. She pointed out a lot of things about the deck and it was a quiet day there weren't a lot of people, that is a good way to go see it. That pool needs improvement and I really truly believe we need to put the money into it.

D. Manager – Report of Number of Registered Voters

Mr. Oliver stated in your agenda packet you have a letter from Penny Halyburton, the supervisor of elections for St. Johns County and as April 15, 2009 there were 12,772 registered voters living within the district. We are required by the statute to put that on the record annually.

Mr. Pincket stated that number seems remarkably high to me. That is a high percentage of registered voters for that number of homes.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests

Ms. Beaugrand stated I got reminded today when I was looking at that particular thing that we have our annual reports due to the supervisor of elections so don't forget to do that. It got mailed to us but you can do that online as well.

Mr. Dosch asked when is it due?

Ms. Beaugrand responded I think it is due July 1st. You can go the supervisor of elections website and the dates are there and it is pretty simple to do it real quick online.

Mr. Pincket asked is there a roof leak upstairs?

Ms. Hernandez responded we had a leak.

Mr. Pincket asked what was the extent of the damage? Did we have a lot of tiles that need to be replaced?

Mr. Hill responded we had 21 tiles that had to be replaced.

Mr. Pincket asked was water leaking down into the room? Did we have to replace carpet?

Mr. Hill responded we didn't have to replace any carpet because we caught it and we put buckets everywhere that we needed to catch the water. The ceiling tiles had to be replaced. There is still one that has to be replaced because there is a smoke detector right in the middle of it.

Ms. Beaugrand asked were they all in the fitness room?

Mr. Hill responded they were in the teen retreat room and the fitness room.

Mr. Pincket stated all upstairs.

Mr. Hill responded the teen retreat is down here.

Mr. Pincket asked there is no second story above that?

Mr. Hill responded no.

Mr. Pincket asked did we call in the roofing contractor, was it all taken care of, did it cost us anything?

Mr. Hill stated it is all covered under warranty. They came out and found around the cupola the bonding material had separated so they replaced that. They found that the louvered decorative vents they had to put weep holes in them, the water was coming into them and not draining out therefore, when it filled the little channel it came back in the building and down the rafters and into the ceiling.

Mr. Pincket asked was it a design problem or installation problem?

Mr. Hill stated all I know is they sent people out, they drilled the holes through them, they immediately emptied the water and that took care of that problem.

Ms. Beaugrand stated so over the weekend with the rain we had we didn't have any additional leaks.

Mr. Hill stated we have not had any leaks since that week where we had rain every day and they were out here in the rain trying to fix it. Some of it they had to wait until it dried.

Ms. Hernandez stated Stewart came out immediately. We called him and he was out here within the hour and called the roofers, they immediately came out and they were working in all of that torrential rain so they really jumped on it quickly. We were very happy.

Mr. Pincket asked do we have any damage to our property inside at all, no equipment, no carpet, nothing like that, just the roof tiles and that was all paid for by Dicky Smith or the roofer or somebody?

Ms. Beaugrand stated the warranty.

Mr. Hill stated so far everything for the most part has been under warranty.

Mr. Pincket stated okay. The other comment I have is I heard that we had an incident in the pool where someone was having difficulty swimming, I won't say drowning but they were in difficulty and some parent had to jump in to pull this kid out. This was probably a month ago. The guards weren't paying attention.

Ms. Hernandez stated I don't know that I would say they weren't paying attention but the mother got there before the guard did and that happens from time to time. A mother is usually closer than the guard in most cases, not all cases. I guess it depends on the age of the child. The mother was closer in proximity to the child so she was able to get to the child before the guard did.

Mr. Pincket asked how old was the child?

Ms. Hernandez responded I don't recall.

Mr. Pincket asked did the mother seem upset that she had to jump in the pool to rescue her kid or that the guards weren't on top of that?

Ms. Hernandez responded we had so many incidents that I would have to look over the records, the incident accident forms, we write everything down. I never got a phone call. Normally if a parent is that angry and upset I get a phone call.

Mr. Pincket stated I was just wondering if she was upset at the scene that she had to jump in. Did you say you recall the incident?

Ms. Hernandez stated I recall the incident. I'm called on every incident. I don't know how many saves we have had it happens on a weekly basis.

Mr. Pincket stated I was just wondering what her reaction was to the fact that she had to jump into the pool. Maybe it happened so quickly that the guard wouldn't have seen it but she did?

Ms. Hernandez stated that happens.

Ms. Beaugrand stated a parent is going to be watching their child more than the guard is going to be looking specifically at one point if the guard is scanning the pool and the parent is primarily responsible.

Ms. Hernandez stated right the guards are there to identify an active drowning.

Ms. Minnis stated a lot of times in the years that I lifeguarded the kid is looking at you and then he is like I can't swim but he kept his head above the water and then you are like, oh. There are times you don't realize they can't swim and a mother might jump in. Based on what Brian is asking how many incidents have you had that you wrote up since the pool has opened? I know two were adults.

Ms. Hernandez responded 2 adults and 20 or 30 kids.

Ms. Minnis stated that is a lot but you have a lot of people.

Ms. Hernandez stated that is what we want, we want to be able to save them.

Ms. Minnis stated once it happens who is responsible for writing up the report?

Ms. Hernandez responded the guard that makes the rescue.

Ms. Minnis asked are they relieved from their shift to go do it immediately?

Ms. Hernandez responded correct. Sometimes depending on the nature of the parent or child that guard will try and pacify the child and/or the parent if they are upset. Then another lifeguard will go in and give the incident accident book. A lot of times the manager will jump and go get that book and bring it out and then have the lifeguard fill it out because they are the one who actually did the save.

Ms. Beaugrand stated so someone will take over their stand.

Mr. Pincket asked in a situation when the lifeguard doesn't do the save like in this one where the parent did who writes the report?

Ms. Hernandez responded probably the supervisor or the aquatic director whoever is there. I don't recall who wrote that one up.

Ms. Minnis asked how long have we been self managing this?

Ms. Beaugrand responded three years.

Ms. Minnis asked all the pools?

Ms. Hernandez stated yes.

Ms. Minnis stated I thought it was longer. Then in three years as overcrowded as that one has been this is the first time we have ever heard of this in a meeting.

Mr. Pincket stated because it is the first time it has been brought up in a meeting. She said there are several saves. I just heard about the incident so I was curious to know.

Ms. Beaugrand stated I meant to bring this up when Stewart was here but the air conditioning upstairs it is still not right. It just seems that the humidity level is well above normal. In the fitness room you can walk in there and the temperature says like 66° or 69° and it is not 66° or 69° and as you progress through a class it is even worse. Even with the overhead fans and a lot of times they will bring in a second floor fan and there is now a dehumidifier in there. There has got to be something that they can do so you can look into it with Stewart if there is some way to adjust it better. I know part of it is because heat does rise but during the classes people are dying.

Mr. Dosch asked are there two zones, one downstairs and one up?

Ms. Beaugrand stated there are more than two zones. There is a control just in the fitness room itself.

Mr. Hill stated the yoga wants it super hot.

Ms. Beaugrand stated yes but by the time yoga gets in there I can tell you it is super hot because it has been heated up by the class ahead of it and they just turn off the fans and they are fine. The warmth and the smell hits you in the face when you walk into that room.

NINTH ORDER OF BUSINESS

Audience Comments

Mr. Marshal Bearson stated you were talking about the pool. What kind of liability do you carry with this stuff?

Mr. Haber stated we have \$1 million liability and the district has sovereign immunity from tort actions. The district is going to be pretty well protected as it relates to those types of incidents.

Mr. Pincket asked it is \$100,000 exposure on that.

Mr. Haber responded yes.

Ms. Behrmann asked do you have an extra copy of the budget?

Ms. Beaugrand stated we are going to post it on the website.

Ms. Behrmann stated I was here at the time of the biohazard incident and first and foremost I want to say that we have some incredibly rude and unruly residents here.

Ms. Beaugrand asked are you talking about the people who created the biohazard or were mad about the biohazard?

Ms. Behrmann responded the people who had to get out because of the biohazard.

Mr. Pincket asked they were upset they still wanted to swim?

Ms. Behrmann responded they were very upset and the staff took a lot of verbal abuse from some people. One thing I thought of that may help and it may not is you know how we have the pool lane signs, swim lanes or whatever, we might get a couple of those made up that says "pool closed" and put them at the front entrance before they even get here so maybe it will quell their anger a little bit or won't even end up here. If you tell them from the get go at the entrance as long as it is not a windy day they should sit out there and it doesn't happen that often and signs I don't think are terribly expensive.

Ms. Beaugrand stated especially if it saves staff from taking verbal abuse.

Ms. Behrmann stated also before people make their trip back here and they all get disappointed out there and they may turn around and leave.

Feedback about the other swimming facility I can give you some and it goes totally against what I always wanted over there but I have a lot of adult people who absolutely love the fact that there are no kids over there and no slide especially on weekends. I guess on weekends there is not as much usage over there at least so far. I'm sure that will change now that school is out. There is a contingent of adults that relish that pool for its tranquility.

Ms. Beaugrand stated that is why I think it makes sense to do a survey because we need to know the pluses and minuses so I think that is great.

Ms. Behrmann stated there are a lot of adults who like that and I had a question about the swim team. Now that school is over are they going to stop their night practices earlier?

Ms. Hernandez responded they are going to go up in time, yes. They are going to start earlier they are moving some of them earlier in the morning as well and they are shorter in the afternoon. They will still have the afternoon they will be a little bit shorter and will be over sooner.

Ms. Behrmann stated this is the part where Susan won't like, this other out of the box thought. D.R. Horton has four lots for sale. Is it at all possible to look into them selling them because they are obviously no being bought by people? The reason I say that is I know we have a parking issue. Could that be turned into "overflow parking"? I'm not talking about paving I'm talking about grading it and just gravel and making a pathway to the back and maybe the fourth little lot that is off by itself because this is something people had brought up a long time ago is throw up a fence and make it a dog park. I'm talking about very minimal not spending a lot of stuff that would be O&M related but it would certainly help on the overflow if you took those three lots and made that into overflow parking. I don't even know if you can get the zoning for it but D.R. Horton is not selling them and maybe they would let them go fairly cheaply and we can never get any more land, it is what it is. The other thought was if you want to go the opposite way and make money on it remember back when we did the original ad hoc people were looking for boat and RV storage. I remember something about it.

Ms. Beaugrand stated the people in Brian's neighborhood would eat your lunch on that. I don't like that it is too visible in that location.

Mr. Pincket stated I think the parking lot is an excellent idea.

Ms. Behrmann stated I don't want to pave it but if it is graded well enough and gravel and put up a few lights. I don't want to make it into a Kmart parking lot it is overflow parking. Maybe that will help in a lot of the functions that we have. I haven't been here on a Saturday or Sunday I have brought customers in every once in a while and it is a zoo and it is hard enough to park and it is not even summer yet. I can't imagine what it is going to be like.

A resident asked where are the lots located, in a subdivision?

Ms. Beaugrand responded they front on Durbin Creek they are not in a subdivision.

A resident asked there are no deed restrictions?

Ms. Beaugrand stated there probably are.

Ms. Minnis asked how do you prevent all the football fans from parking there and soccer and lacrosse when it is reserved for people paying CDD assessments and they have a football game they are all going to park there?

Ms. Beaugrand stated they are parking along the road there anyway.

Ms. Behrmann stated I was just trying to think of another way to help. This is only if we can get it for a reasonable price. I don't even know if you can switch from residential. What do you zone a parking lot?

Mr. Haber stated another thing you would need to consider is if they are lots within the district you would have to pay off the assessments on those lots as well.

Ms. Behrmann stated it was just something outside the box.

Ms. Beaugrand stated it is a money issue too. It could reach as far as the excess bond funds because it is related to the rec center but it is land purchase, those bond funds usually not used for land purchase.

Mr. Haber stated generally not. Generally if you are going to have a land purchase in bond funds it is something that would be identified in the report.

Ms. Behrmann stated or not do anything with it yet but as we all know land is land and maybe later on do something. It is something I don't think we ever discussed before and they are conveniently right there and D.R. Horton is not doing anything with them.

Mr. Pincket stated they might let them go cheaply.

Mr. Haber stated I have three other district meetings today and they are all D.R. Horton districts I know some of the guys over there and would be happy to make a call.

Mr. Pincket stated okay.

Mr. Currington asked have we been able to come up with a number of parking spaces that we are short?

Ms. Beaugrand responded it is not that we are short. We are to code. We have the proper number of parking spaces based on what we have constructed here. There are special events where I'm not sure it would matter how many parking spaces we would have, we would have issues with. If there is a tennis tournament or a swim meet or when we had the run those are going to be issues no matter what. We have maxed out what we can do here based on the uplands that we have on this particular site.

Mr. Currington stated just the normal weekend not the special events.

Ms. Beaugrand stated I think we have been okay with staff parking out front.

Ms. Hernandez stated with staff parking out front which is anywhere from 15 to 20 individuals that are requested to park out on Durbin between 12:00 p.m. and 4:30 p.m. on Saturday and Sunday. Right now that seems to work on a nice hot day on Saturday and Sunday. We will see what happens this weekend.

Mr. Currington stated I had a question about that. I can understand special events but on the weekends I have come by a couple of times on Saturdays and Sundays and there have been staff cars out front but there has been as many as 50 parking spaces in here.

Ms. Hernandez asked between 12:00 p.m. and 4:30 p.m.?

Ms. Beaugrand asked available do you mean?

Mr. Currington responded yes around 2:00 p.m. when I have been here. I didn't know if that was a problem or just a special instance.

Ms. Beaugrand stated we have had kind of crazy weather this year so it is hard to tell.

Ms. Hernandez stated it has been raining every weekend. I started this a few weeks ago and as soon as I did it seemed to work but we have had bad weather. I'm going to see what happens this weekend. When we have had parties out here, we have gone from 4 parties to 3 parties and we are hoping that provides more spaces.

Mr. Currington asked when the sidewalks are extended is that going to be an issue? Wouldn't they have to park on the sidewalks?

Ms. Beaugrand responded no the sidewalk is going to be off the road. Remember there is still a right of way there. They are going to be at the very edge of the right of way closer to where the ditches are and where the tree line is.

Ms. Behrmann asked are there any programs that are far exceeding our revenues? When we started looking we had no idea and then we told tennis if you want clay courts you have to use them. Is it a good profit center?

Ms. Hernandez responded tennis is doing the best.

Ms. Behrmann asked is there anything other than tennis that is a good profit center?

Ms. Hernandez responded camp and non CDD memberships are slowly picking up. I will be able to tell you two months from now because now is when we start making our money.

Ms. Beaugrand stated until you get a full year in you can't really tell.

Ms. Behrmann stated everybody talks about our tennis facility.

TENTH ORDER OF BUSINESS

Financial Reports

A. Balance Sheet as of April 30, 2008 and Statement of Revenues and Expenditures for the Period Ending April 30, 2008

B. Treasury Report – April 30, 2008

C. Assessment Receipts Report

D. Check Register Summary

1. General Fund

Ms. Beaugrand stated the next item is the check register.

On MOTION by Ms. Minnis seconded by Mr. Pincket with all in favor the general fund check register check numbers 1690 through 1694 was approved.

2. Recreation Fund

Ms. Beaugrand stated behind tab 2 is the recreation fund.

Mr. Pincket asked swim meet entry fees, can you explain to me the flow of funds for that? Why are we paying for entry fees for the Loggerheads?

Ms. Hernandez responded we actually talked about this a couple of months ago. They have to give Bolles one check. You will see Episcopal and other meets. They request one check. The swim team pays us we pay them.

Mr. Pincket stated there was a charge on here it looked like it was wet ceiling tiles which is what we talked about earlier. North Florida Custom Painting, repair roof, caulk tiles, repair bath ceilings and paint, also patch. Was that at the old facility?

Mr. Hill responded yes.

Mr. Pincket stated Ocular Equipment Finance lease, it is a lease payment and doesn't say what the equipment is.

Ms. Beaugrand stated that is fitness equipment.

Mr. Pincket stated First Place Sports management services, \$3,300.22.

Ms. Hernandez stated this is for the Fun Run.

Ms. Beaugrand asked did we get our numbers on that Stacie? Did we make money on the race?

Ms. Hernandez stated we have not made money on the race.

On MOTION by Ms. Minnis seconded by Mr. Pincket with all in favor the recreation fund check register check numbers 4050 through 4186 was approved.

ELEVENTH ORDER OF BUSINESS

Next Scheduled Meeting – July 14, 2009 at 6:00 p.m. at the Julington Creek Plantation Club Multi-Purpose Room, 350 Plantation Club Parkway

Ms. Beaugrand stated the next meeting is July 14, 2009 at 6:00 p.m. I won't be here. I will be out of town all week that week.

On MOTION by Ms. Minnis seconded by Mr. Dosch with all in favor the meeting adjourned at 7:17 p.m.

Secretary Assistant Secretary

Chairperson/Vice Chairperson