

MINUTES OF MEETING
SAMPSON CREEK COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Sampson Creek Community Development District was held Wednesday, May 25, 2011 at 6:00 p.m. at the Swim Club Meeting Room, 219 St. Johns Golf Drive, St. Augustine, Florida.

Present and constituting a quorum were:

Rose Bock	Chairperson
John Thibault	Vice Chairman
Ed Randolph	Supervisor
Tracy Hayes	Supervisor
Mike Veazey	Supervisor

Also present were:

James Oliver	District Manager
Wes Haber	District Counsel
Mike Yuro	District Engineer
Erin Mixson	Art of Living Director
Greg Boucher	Down to Earth
Dan Zimmer	St. Johns Golf & Country Club
Mike Lucas	Basham and Lucas Design Group
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 Minutes of the March 23, 2011 Meeting

Mr. Oliver stated included in your agenda package is a copy of the minutes of the March 23, 2011 meeting. Are there any additions, corrections or deletions?

Mr. Veazey responded on page three where I spoke the word “Developer” should be “developed.”

On MOTION by Ms. Bock seconded by Mr. Randolph with all in favor the Minutes of the March 23, 2011 Meeting were approved as amended.
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THIRD ORDER OF BUSINESS

**Acceptance of Minutes of the March 23, 2011
Audit Committee Meeting**

Mr. Oliver stated included in your agenda package is a copy of the minutes of the March 23, 2011 audit committee meeting. Are there any additions, corrections or deletions?

On MOTION by Mr. Randolph seconded by Mr. Thibault with all in favor the Minutes of the March 23, 2011 Audit Committee Meeting were accepted.

FOURTH ORDER OF BUSINESS

Discussion of Fitness Center Expansion

Mr. Oliver stated as you recall at the March 23rd meeting, you approved the RFP package to be published. Staff reviewed that package and the RFP was published with a date for proposals to be returned to this District on May 18th. During that period after discussions with staff members and some of the supervisors, we determined that it may not be in the best interest of the District to have construction going on in this area during the busy part of the pool season. There would be parking issues involved with it. There would be all types of construction debris and the restrooms would be closed during that time. We sent out an addendum to that RFP extending the due date for the proposals from May 18th to June 18th, so that we could buy time to bring this issue to the Board. Tonight we are looking to ratify the fact that we issued the addendum and then have a discussion of the process itself. If you were to enter into a contract for this expansion around this time or early summer for a process that wouldn't start until September, it would leave those contractors hanging out for quite awhile, especially at a time when prices could escalate. I think this District does have the luxury of time to lengthen out the RFP process and still be able to start in September if that is what the Board wants to do. As we discussed this, some contractors, particularly some of those who decided not to pick up the bid package, thought some of the qualifications were somewhat restrictive. One of the qualifications was that you have to have built an amenity center at the value of \$1M or greater, which really limits the pool of applicants. Our thought was that if somehow we could reduce that you could certainly increase the pool of proposers, but it would still come down to the Board to review those proposals to pick the best vendor.

Mr. Yuro stated from what I heard it wasn't so much reducing the dollar amount but the specific amenity center because to a contractor a building is a building, whether it is an amenity center or a meeting room.

Mr. Oliver stated that is a good point because essentially we are extending this room out and then over.

Mr. Veazey stated I don't see any reason why we have to have amenity center in there and we are not even building a \$1M building anyway. Who set it at \$1M anyway?

Mr. Oliver responded staff had that discussion early on and the idea is cumulatively this entire facility has a value of \$1M. It wasn't a recommendation made lightly.

Mr. Lucas stated it should be commercial experience because it is a little bit more than building a house.

Mr. Veazey stated sometimes you also want to make sure you don't get a bunch of people bidding, so you want to raise those limits up.

Mr. Oliver stated when you do receive the proposals you will be able to take into consideration some of the special experience some of these bidders may have.

Mr. Hayes asked so are we reducing it to a half million?

Mr. Thibault asked do we need to re-advertise the RFP, so we can get more applicants?

Mr. Haber responded I think it makes sense. The previous advertisement had a requirement for a mandatory pre-bid meeting and obviously that meeting has come and gone. You really have two options. I think it does make sense to re-advertise it to get the word out there and you get additional proposers. As far as the mandatory pre-bid conference, you can remove the mandatory aspect of it, so that way you are able to receive proposals from contractors who chose not to attend the meeting. It is not requirement under law that you make that mandatory. I think it is a good idea for contractors who are interested in doing the job to attend a pre-bid meeting. At this point you would issue an addendum changing it from amenity center to commercial and lowering the amount if you should chose.

Mr. Lucas stated we need to have another mandatory pre-bid meeting. On your bid form they have to sign that they received all of the addendums. It is nice to have a mandatory pre-bid, so you all have an idea of how many bidders are bidding it.

Mr. Hayes stated I think he is right. I agree with this logic.

Mr. Haber stated I did the research and if someone misses it and contacts Mike and said they missed it but they would really like to participate then this Board can say we will waive your non attendance as a minor irregularity.

Mr. Hayes asked can they go meet with him?

Mr. Haber responded no. Any communications they have with District staff needs to be at a meeting that everyone is invited to or through a written addendum that is sent to everyone. They cannot have a private meeting with him.

Mr. Hayes asked by lowering these standards to \$500,000 for amenity centers is it really going to help?

Mr. Oliver responded I think it will increase the pool of proposers.

On MOTION by Mr. Hayes seconded by Ms. Bock with all in favor to Re-advertise the RFP for the Fitness Center Expansion Changing the Qualifications to have to have built Commercial Building at the Value of \$500,000 or greater & Mandatory Attendance at a Pre-Bid Meeting was approved.

Mr. Thibault asked where did we advertise it the last time?

Mr. Oliver responded in the St. Augustine Record.

Mr. Thibault stated we had this discussion before about advertising in the Florida Times Union. What do you think about that?

Mr. Veazey responded the Florida Times Union is pretty expensive. I think the Jacksonville Journal is what we used for another one and I think a lot of contractors get information from them.

Mr. Randolph asked do you mean the Daily Record?

Mr. Veazey responded yes.

Mr. Oliver stated okay. We will advertise it in the Daily Record.

On MOTION by Ms. Bock seconded by Mr. Veazey with all in favor to ratify the issuance of an Addendum to RFP Extending Due Date of Proposals to be June 18, 2011.

Mr. Oliver stated since the pool is still used significantly in September, it makes sense to push the start of construction into October.

Mr. Lucas asked will you write the addendum, like you did before and send it to me and then I will send it out to everyone?

Mr. Haber responded yes. I will also do a new advertisement.

FIFTH ORDER OF BUSINESS

Acceptance of FY10 Draft Audit

Mr. Oliver stated included in your agenda package is a draft of the 2010 audit. Typically in the past years, the Board has accepted the audit in draft form and then authorized the Vice Chairman to work with staff to finalize the audit before it is disseminated and also sent to the auditor general. In the opinion letter it states, "In our opinion the basic financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities in each major fund of the District as of September 30, 2010 and the respective changes in financial position and the budgetary comparison of the general fund for the year then ended in conformity with the accounting principles generally accepted in the United States of America." Then you have management discussion and an analysis. Then after that you have accounting notes and policies. On page 29 is the independent auditors report on internal controls over financial reporting. It states, "We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses as defined above."

Mr. Thibault asked are they auditing GMS and the controls?

Mr. Oliver responded no. They refer to the controls that the District uses.

Mr. Thibault asked does GMS have a control audit done by one specific audit firm and then that opinion is presented out to the various auditing firms at the different Districts?

Mr. Oliver responded no. They are looking at the controls of the District and not the operations of GMS.

Mr. Thibault asked but we don't have controls?

Mr. Oliver responded you do have controls. For instance, the auditors see every document during the fiscal year that is generated by this Board. They read all the minutes and they look at every transaction. They look at the check register, which has been reviewed and approved by the Board. Checks are reviewed and signed by the District's treasurer.

Mr. Thibault asked does GMS have a centralized location that all of the bills are processed? Does your office here in St. Augustine perform all the functions for all of the Districts in the area?

Mr. Oliver responded no. Different accountants are located in different offices and we have three different offices in Florida. The auditors also get independent confirmations from the trustee, from the banks and from the attorney's office also. They are not relying totally on GMS representations.

Mr. Thibault stated I'm just saying that we don't have any planned document that says we are required to have any controls and what controls we are specifically required to maintain.

Mr. Oliver stated I would say the District does have controls in place and it would be operating within the rules of procedure that the District has adopted. The rules were adopted by this District at the inception of this District and they were revised a couple years ago. If this District were to act outside those rules of procedures in a financial matter, the auditor would ask for clarification of why this happened. That is why sometimes you will see a ratification of a financial transaction. Sometimes you will see an amendment to the budget.

Mr. Randolph asked are you asking why GMS is not audited separately because they are managing the District?

Mr. Thibault responded in a way. When a company provides financial services to a group of organizations what typically happens is they have a controls audit done on them to ensure that transactions are being processed properly and to ensure that they are bonded properly, etc. Then the auditors of the individual groups can rely on that, which is called a SAS70. For example, Fidelity has a SAS70 for 401K's and pension, so when you go in and audit the pension of CSX then the controls of the organization of Fidelity has already been performed, so the auditors of CSX don't have to go back and perform the controls tests of Fidelity. It saves everyone money and everyone time.

Mr. Oliver stated it has simply never been a requirement of any of the independent audit firms we work with on District audits. I'm sure GMS complies with the bonding requirements. If you look at the very last page of the audit it says, "Sampson Creek Community Development District has not met one or more of the conditions described in Section 218 of the Florida Statutes and is not in the state of financial emergency."

<p>On MOTION by Mr. Thibault seconded by Mr. Hayes with all in favor the Fiscal Year 2010 Draft Audit was approved & Authorization for the Vice Chairman to work with staff to finalize the audit.</p>
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Mr. Thibault stated one of the houses that holds our bonds called me and told me that we are the only bonds in the State of Florida that really sell and have a market right now. He was calling to ask some questions about the financial stability of the organization because they were still selling and wanted to make sure it was still valid.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2011-03, Approving Proposed Budget for Fiscal Year 2012 and Setting a Public Hearing to Adopt the FY12 Budget

Mr. Oliver stated this is the beginning of the formal budget process. By approving a proposed budget, we can send it to St. Johns County by June 15th, which is required by statute. We will set a public hearing no sooner than 60 days after adoption of this resolution. The assessments to secure the adopted budget will be put into the form of an assessment roll and forwarded to the St. Johns County Tax Collector and then appear on the tax bills that are sent out November 1st. The budget you see today keeps assessments at the same levels that they are this year. There has been no increase for the last three years. We also have on there to increase the capital reserve contribution as recommended in the Capital Reserve Study prepared by Mr. Sheppard of Community Advisors, LLC. There will be some minor tweaking among the line items but essentially I don't see a need to increase the budget this year. I would foresee holding the public hearing for the budget at your next meeting, which is July 27th. If for some reason you need more time to refine that budget then we could extend that by continuing the meeting and having a follow up meeting sometime in August.

Mr. Hayes asked whether the repairs and maintenance under the field is a pool of money to take care of incidentals?

Mr. Oliver responded correct.

Mr. Hayes stated the total projected by September 30th is to be at \$44,000.

Mr. Oliver stated the main thing on the budget is you will have some line items that will exceed your projections from time to time. As long as we can bring the entire budget into balance at the end of the year then we are in balance. We will do any necessary line item and budget amendments at the end of the fiscal year.

Mr. Hayes asked is general cleaning the custodian?

Mr. Oliver responded it is under general cleaning.

Mr. Hayes stated I think we need to take a look at field management, landscape maintenance, lake maintenance, maintenance manager, general cleaning and repairs and maintenance. What we are paying for Mike is a combination of maintenance manager and field management services and my projection is we are going to over that by about \$9,000. You said some of that \$9,000 is spread out in other areas but where we are supposed to be saving money we are not saving money and I think the conditions of the facilities right now need to be in consideration or possibly increasing those or cleaning house and going with new contracts.

Mr. Yuro stated I don't anticipate my contract is going to exceed the budgeted amount.

Mr. Oliver stated those are flat fee numbers.

Mr. Hayes stated it is \$3,666 a month, which is actually \$44,000 annually. In my math for Yuro & Associates billing for 20 months he averages an extra bill. Just in the first four months this year, the extra billing for extra hours exceeds \$650 a month.

Mr. Thibault stated you have to remember he is doing engineering services.

Mr. Hayes stated no. I took out the engineering services and other stuff. This is just 20 bills right here.

Mr. Thibault stated one of the things that we discussed when he came on was instead of outsourcing for them to bring in a lift to change a light bulb, that he would change them and it would get booked to repairs and maintenance.

Mr. Hayes stated the condition of the facilities right now are not of standard. We can go out and look at the bathrooms. We are projected to pay him \$51,000 this year. The contractors working for him need to be brought into consideration, as well. My recommendation is to seek proposals out for every position.

Ms. Bock stated I think you need to share all of this with Jim.

Mr. Hayes stated Jim has all the information. I have about 60 or 70 photos of the community. Some of the members of the community are here to talk about the conditions of the bathrooms, the weeds, the signage and stuff that should have been done over the winter time and hasn't been done. Look at the wasp nests outside of the door. This is stuff that should have been done along time ago. It is just not being done.

Ms. Bock stated I think the best thing to do is to give us the luxury of seeing what you and possibly audience members have looked at. Let us look at it and put it on a subsequent agenda.

Mr. Hayes stated the weeds were plucked this week at the pool area, but if you have a daughter and you are letting her walk on the floor in the ladies room right now then make sure she is wearing flip flops. This stuff needs to be done by the 4th of July. If we wait until the end of July to vote on something and we change over staff by Labor Day then the summer is over. Our community, which is paying the highest CDD fees, are paying these fees for a clean facility. There is chipping paint in the bathrooms. The sign out here is dirty. It is really bad. I think the community needs to act and make a decision to get someone in there that is going to spit shine the pool area and the bathrooms in the next 30 days before the 4th of July. Go look at the light poles out here. Those are things that a maintenance facility manager takes care of in a timely manner. He should be looking at things and saying these things need to be replaced, especially with summer coming.

Mr. Veazey asked do we have a formal process of whether it is community members or Board members to have complaints?

Mr. Oliver responded we can certainly put that policy in writing. We all get phone calls and I think individual supervisors get calls. We have everyone's contact information on the website.

Mr. Veazey asked what I'm saying is should we formalize it, so that it is documented and everyone knows what the issues are?

Mr. Thibault responded obviously we would love for everything to be spit shined and completely immaculate but considering we are a government body and sometimes we go with the lowest bidder I don't think throwing everything out to bid right now would be a good move. I would urge Mike to reach out to the contractors and tell them what the issues are.

Mr. Hayes stated his last two bills for the last two months he spent over 50 hours and that is twice the average hours that he is billed the first 20 months and look at those pictures. You are telling me he is up here 50 hours in the last two months and the buildings look like they do. He promised to be up here as a community member and to be up here in the evenings and pick up trash. He said he was going to save us money but I don't see the savings. Even if he saved us money, we are not getting the results. We can blame the janitorial company. We can blame the landscaping company, but the reality is if your manager slacks, then typically the troops slack and I think that is what we are getting.

Mr. Yuro stated my hours are documented when I am up here. The level of service that I have been providing has been consistent since I took over. I think it is unfortunate that Mr. Hayes has some concerns that weren't shared with me. A lot of the concerns that were brought up tonight have already been addressed or are in the process of being addressed. Remember I have a \$1,000 limit on approvals and I try to be very aware of not just making approvals without the Board signing off on it, unless it is an emergency repair. Things like the signs are going to cost more than \$1,000. I'm a little disappointed with the statement that I am not spending the time that I am billing for because that is certainly not true. I am up here routinely. I am up here in the mornings. I am up here in the evenings. I do pick up trash. I do clean up the facilities. All of the maintenance items are documented and they are specific. I have gotten a lot of positive feedback. This week I just got a thank you letter from the tennis team telling me how great the facility is looking and thanks for helping to have a successful season. I have literally received hundreds of emails over the last year and a half thanking me and saying what a great job people thought I was doing. With that said, with a 10-year old facility, things need to be done. If the Board would like to see more hours spent up here picking up trash then that can certainly be done. There have certainly been some complaints recently about landscaping and we have both companies here, who are well aware that I have been passing around complaints that have been brought to my attention. Most residents that have an issue or something they are concerned about they bring it to my attention or to Erin's attention or to Jim and it will get fixed. I am not aware of anyone who has brought up an issue like that, that hasn't been addressed quickly and efficiently.

Mr. Hayes stated you are taking care of the tennis courts and that is the number one billing item and they should compliment you because you are up there about once a week. There is no doubt that we have the cleanest tennis courts. They are the best tennis courts. The nets are taken care of a couple times a month. These signs that are in the community didn't deteriorate over the last month. Those light poles did not just deteriorate. If we sit back and wait for someone to complain then the community is going to continue to look like this. There is a level of standards that a county club has. We are one of the most expensive communities. People are not buying here because there are other communities advertising no CDD fees. A facility manager needs to be proactive. These signs should have been changed last year at this time. The kiddie pool doesn't even have markings on it. I don't want to hear that you react to the

homeowners. You don't react to the homeowners. Your job is to go out and when you see dirt you clean it and not wait for someone to say it is dirty and then clean it.

Mr. Yuro stated I am up here a lot. I do routine inspections per my contract and I look at it as a resident. I care about this community as much as anyone. I don't pretend to see everything and anticipate what someone else's hot issue is. For example, I think the flowers in the community look great but my wife wants more. Everyone looks at things from a different perspective. I don't pretend to know what everyone's perspective is. I also have to take issue with these false accusations. The signs have been bid out long before this came up. If there are issues then we will address them.

Mr. Hayes asked what was one false accusation?

Mr. Yuro responded you said that I wasn't being proactive and that I was being reactive to resident's complaints and you specifically mentioned the pool signs. The pool signs cost more than \$1,000. I can't approve them. I don't have the authority to get those signs fixed without board approval.

Mr. Hayes stated I agree.

Mr. Yuro stated before anyone took pictures of them, proposals were being sought and you knew proposals were being sought because you got copied on emails indicating it.

Mr. Hayes asked when did that email go out about the proposals? I only got it last week or a week and a half ago and most of those pictures were taken around the 11th. My point is they should have been done a year ago. You can't sit around and wait for someone to complain. The ladies bathroom is a mess.

Mr. Yuro stated I have limited authority and I take direction from the Board. I try to anticipate and I try to address everything that needs to be addressed. It is a big community and things take time. Everyone understands that the restrooms are going to be torn up. The schedule of that has been changing every meeting but I personally don't think it is a good use of District funds to spend whatever it would cost to paint the restrooms when within the next couple of months they are going to be torn up.

Mr. Hayes stated the paint peeling did not happen last week.

Mr. Randolph stated I think we should just go ahead and request that Mike reach out to each of the contractors and look into each of the photos.

Ms. Bock stated this is one of the largest agenda packages we have had in a long time. I am very disappointed that you went to all of this effort, but this is the first I have heard about any of it. This is embarrassing that you want to bring a contractor up and do what you are doing tonight. I am not going to act on anything tonight about firing someone or going out to bid. I would like an opportunity to look at all the things that you have had a lot of time to look at and I haven't. We need to get it on the agenda and treat it appropriately. This is not the way that this CDD conducts business.

Mr. Hayes stated when you go and look at those pictures and you may not say it at the next meeting but the facilities are a mess and we are already into the summer. We need this place to look good right now and it looks terrible.

Ms. Bock stated you have evidently had these feelings for quite some time. Why are you just bringing it up tonight and want immediate attention?

Mr. Hayes responded my recommendation for the 2012 budget, because that is what we are going to be talking about at the next meeting, is that we get some RFP's for the health of the CDD.

On MOTION by Mr. Hayes to Authorize an RFP for all Services failed for lack of a second.

Mr. Thibault asked are we expecting landscape maintenance to increase?

Mr. Oliver responded Down to Earth did hold its prices steady this past year. Informally, I can ask Greg what his feeling is.

Mr. Boucherr responded we are in the last year of the contract. The property has to go out for bid again. I would anticipate an increase.

Mr. Oliver stated we will adjust that through the process.

Mr. Thibault asked why has the security number dropped?

Mr. Oliver responded that is a balancing act between the capital reserve. I am basing that on the actuals. We budgeted pretty high the last couple of years but it has come in under budget. You will continue to have the same coverage from the security contractor.

On MOTION by Mr. Randolph seconded by Mr. Thibault with all in favor Resolution 2011-03, Approving Proposed Budget for

Fiscal Year 2012 and Setting a Public Hearing Date for July 27, 2011 at 6:00 p.m. at the Swim Club Meeting Room, 219 St. Johns Golf Drive, St. Augustine, Florida 32092 was approved.

Mr. Thibault asked so you said this is the third year in a row we have maintained the assessments? I think the two years prior to that we have lowered assessments.

Mr. Oliver responded this would be the same assessments as the fiscal year 2009, 2010 and 2011.

SEVENTH ORDER OF BUSINESS Acceptance of Draft Public Facilities Report

Mr. Oliver stated at the last meeting District Counsel made us aware that it is a requirement by statute to have this public facilities report rendered every five years. Mike has prepared the report.

Mr. Yuro stated there are very specific requirements pursuant to Chapter 189 of the Florida Statutes that the County answered for this report. I have listed each criteria and I have responded appropriately. If the Board approves it then the next step would be a hard copy going to Jim and to the Board and to the County Planning Department. It is fairly standard.

Mr. Thibault stated this map shows the CDD property being on the west side of Leo McGuire.

Mr. Yuro stated it is a graphically area map. That map wasn't intended to be the precise boundary of the CDD. I will be happy to adjust that before it gets submitted.

Mr. Haber stated I reviewed it, as far as compliance with 189 and I think we are fine. One point I wanted to make is on the last page, in paragraph 2E, I would delete the part where it says it will also meet the new 2010 ADA requirements.

Mr. Yuro stated okay.

Mr. Haber stated then as a result of today's meeting you may want to change the commencement of the expansion of the facility to the fall of 2011.

On MOTION by Mr. Veazey seconded by Mr. Randolph with all in favor the Draft Public Facilities Report was approved as amended.

**EIGHTH ORDER OF BUSINESS Presentation of Engineer's Draft Report
Regarding Compliance with ADA Changes**

Mr. Oliver stated as we discussed at the last meeting there were ADA changes published in 2010, which are effective now and we must be compliant by March of 2012. These changes affect certain recreational areas. The District hired the District Engineer to perform the study and to make recommendations to bring those areas into compliance.

Mr. Yuro stated the Department of Justice adopted new standards back in the fall that went into effect March 15th of 2011. Facilities are supposed to be compliant by March 15, 2012. If a facility was constructed under the old standards and you are not doing anything to it then you are grandfathered in. If you make an alteration then you have to comply with the new standards. There are about a dozen elements that don't fall into that safe harbor clause. The reason is because there were no standards before. Now CDDs have to be compliant and bring those facilities into compliance. The pricing that is included in here is my best guess at this point. I am still working with the contractors to get firmer pricing. Contractors have not yet had to retrofit the kiddie pool, so while I am talking to pool contractors to get a price they haven't seen a final design and no one has constructed it yet.

Mr. Hayes asked why would you put pricing in here if you didn't have any idea?

Mr. Yuro responded I put pricing in there, so the Board would have a budgeting tool to have an idea of what you might have to budget for in the future. Hopefully between now and the final report I will be able to fine tune that. There are some things that are easy to get a price on, such as the pool lift. You can go on the internet and see what the cost is with installation but there are some elements that no one has done yet. I am still going to follow up on some of these standards before the final report is done. I am speaking to our playground contractor because the criteria calls for the elevated portion of the playground to have 24 inches minimum width. It also calls for them to be ADA assessable, which means you have to have a transfer station to allow a handicap child to use the handrails and get up to that level. On our new facility the handrails are only 17 inches apart, so the way I read the standard it doesn't comply with the standard and I brought that to their attention. They had some folks this week at the ASTM standard meeting and I got an email two days ago that said there is going to be an addendum to the ASTM that says transfer station handrails are exempt from the requirements. I still want to make sure that the folks from ASTM, who create standards are talking with the folks who wrote the ADA. There is going to be a little more follow up between now and the final report. With all that said, I believe the report in its form is substantially good. Starting with the exercise machines and

equipment, currently the fitness facility is not compliant. You need to have an accessible route and there has to be clear floor space to access each machine. The clear floor space can be shared between machines, so right now we don't come close to meeting it. As an example you have to consider how the equipment is accessed. If it is a treadmill and it is accessed from behind then that is where the clear space needs to be. If that facility were to remain it would certainly need to lose some equipment and other equipment would need to be reconfigured to make sure it provided for clear access. I also noted that the reach range for someone in a wheelchair to reach the access card reader is too high. Assuming that the new facility goes through it is my understanding that they have coordinated the spacing. For the swimming pool, if the linear foot of the wall of the pool is greater than 300 feet, which ours is, you have to have two accessible means of entry into the pool. One of the entries has to be either a lift or a sloped entry. The other can be a transfer platform, transfer stairs or something else. There are after market things you can buy, for example a pool lift can be purchased and installed. There are after market pool stairs you can buy that are compliant that can be installed. One of the things I am trying to get better information on is if our existing steps could be considered the second accessible access point if we had a second handrail. For the stairs, typically ADA requires seven inch high risers and 12 inch deep but for the pool it talks about as long as they are uniform in height, they don't have to be seven inches and I believe ours are eight inches and 12 inches deep. They could be used if we can install a second handrail. I am trying to get some more information on that. The bigger issue in mind is the wading pool. The only option allowed for a wading pool is a sloped entry. The sloped entry has to extend into the deepest part of the pool. The one bit of relief they do give you for a wading pool is it is not required to have handrails. A sloped entry into a regular pool has to have handrails. The wading pool is going to have to be modified with a slope entry. There is no other allowable form of action for the wading pool. There are a number of different elements for the play area, in order to meet the new standards. There are requirements for ground components, which are like seesaws or spring riders or even a tic tac toe board that can be accessed from the ground. There are specific requirements on how many ground elements you have to have, in relation to how many elevated components you have. There is also a requirement that says 50% of your elevated components need to be on an accessible route. An accessible route could be a transfer station that gets the kids up to that level. Our total elements for our playground are more than 20. If you have 20 or more then you have to provide

a ramp access to get to the elevated level. Then there is more breakdown. 25% of the elevated components have to be accessible from a ramp and at that point the accessible route needs to be at least 60 inches and provide a turn around. The other 25% could still be accessible from a transfer station. I did get with the playground consultant, who installed the new playground for us. We met onsite and we looked at different options in order to get it into compliance. If the Board wanted to keep all the existing elements then we need to add the ramp. We would need to make modifications to the deck of the existing wooden structure. The wooden structure has steps up and steps down every six or eight feet and that is not compliant. Then you have to consider both the number of ground components but the elevated components need to be accessible. There are other ways you can get there. You can eliminate a few of the elevated components, so you eliminate the need for the ramp.

Mr. Hayes asked are you saying that steps are not an accessible route within the fort?

Mr. Yuro responded with the current situation out there you have the platform level and then you might have a six foot section and then you have another six foot section that is lowered 12 inches and then it steps back up 12 inches, that is not an accessible route.

Mr. Thibault asked because it has to have handrails with the steps, right?

Mr. Yuro responded it would have to have handrails with the steps with a maximum elevation of eight inches. Eight inches with a transfer support could be considered an accessible transfer. Those steps that are greater than 12 inches with no transfer supports, are not an accessible route.

Mr. Hayes stated I did not read that anywhere in here.

Mr. Yuro stated I did identify the deficiency in the report.

Mr. Hayes stated I am asking where the particular rule is. I couldn't find it. My wife couldn't find it. We researched the ADA and we didn't see that.

Mr. Yuro stated its in Chapter four. The information that I cut and pasted is not always verbatim and it is only portions and that was just so the Board could see the main elements that are driving it. ADA is very complicated. In this neighborhood we have basketball courts, tennis courts and a volleyball court. The rules were really written for tennis courts. They are talking about making sure there is access to get from one side of the court to the other and not be blocked by the tennis net or other things but you need to apply those rules to the other elements. Our tennis courts do comply. There is ample room to get thru the gate. There is access from one

side of the court to the other court. For the basketball courts, I mention in here that they do comply but that is going to be amended. Generally the basketball courts comply but we do have a sidewalk that leads to one basketball court. I am going to amend that to recommend that the sidewalk be connected to the other court. The argument could be made that if there are people playing on that closest court and the handicap person in the wheelchair wants to get to that far court now they are blocked. They would have to go thru one court to get to the other. An accessible surface doesn't have to be concrete. A good turf is an accessible surface. The danger is just saying you are good because you have turf there is if that turf gets worn or gets sandy and becomes not firm or gets muddy then it is no longer slip resistant. The good news about the volleyball court is ADA specifically says that sport courts surfaces themselves and things like a volleyball court don't have to be compliant but access to that court needs to be compliant. We have ground surface up to the court and we have pvc pipes that protrude up about four or five inches. You would need to provide a sidewalk that matches up to the top of that surface, so they have access into that court.

Mr. Hayes asked is there an inch level for the pvc? Obviously a normal step is seven inches but those things don't go up seven inches.

Mr. Yuro responded it is not a step.

Mr. Hayes stated I know but if they can step up a step that is standard. I guess my question is why would that since it is not even?

Mr. Yuro responded because it is greater than a half an inch. Anything greater than a half an inch is considered a hazard. If you want to build a transfer station there then you would have to build a step with handrails. I would recommend that the board go through this report and any comments or questions or concerns then forward them to Jim and he can consolidate them and then get them to me within the next couple of weeks. Then I'll finalize the report and have it submitted before the next meeting.

Mr. Thibault stated I'm upset with the playground contractor because they didn't meet the 2012 criteria.

Mr. Yuro stated there are a lot of grey areas. To the contractor's defense, in his opinion it is compliant. He sent me an email with some literature from ASTM that says those grab bars are going to be exempt from that width requirement but he also clearly said if it is found that it is not then they will change it and make it right.

Mr. Oliver stated so we will carry this over to the next agenda.

NINTH ORDER OF BUSINESS

Consideration of Basketball Court Resurfacing Proposals

Mr. Yuro stated there are a number of proposals that I have obtained between the last meeting and this meeting. The basketball courts were something that were talked about at the last meeting. They are in poor shape and they need to be replaced. It is in the capital reserve study for 2011 in the amount of \$8,245. You can see we have received five quotes ranging in price from \$4,375 up to \$37,000. The \$37,000 is a different product. It is the rubber tiled product, so that is why it costs so much. The other ones are all fairly consistent and they are going to fill in the patch, cracks, resurface and repaint the facility. The other thing I did request from them is they also provide a number for replacing the rims. I replaced one rim last year but the other three are 10 years old. If we are going to update the basketball courts I would recommend also replacing those three rims and add some padding around the backboards, particularly the two lower backboards. Those backboards aren't much more than seven and a half feet and kids can actually get up high enough to hit their head on it. The prices that you see in the center column are for the resurfacing only. Then if a contractor added a quote for the rims or padding I put that to the side.

Mr. Hayes stated if we don't have leagues that need them that low then we should just raise them all up to 10 feet.

Mr. Yuro stated I see the lower courts being used a lot.

Mr. Hayes stated I can find out what height it needs to be. I think raising it another six or eight inches would probably help us.

Mr. Yuro stated at this point I am looking for direction from the board on a contractor.

Mr. Oliver asked do you have a recommendation?

Mr. Yuro responded I haven't dealt with any of these contractors before. From speaking to them, they all seem competent. They all seem like they are going to provide the service. They all seem like this is what they do. I don't have anything to say to be weary of any of those contractors. If I had a recommendation I would say to use Welch Tennis because you are saving \$2,300.

Mr. Veazey stated I see on the proposal from Welch Tennis they are filling the cracks but on the proposal from Fast Dry Courts they are doing a fiberglass membrane, which could help

potentially eliminate those cracks a year from now. I also noticed that Fast Dry has a three year warranty compared to one at Welch Tennis. Have they done any courts around here that we could go look at?

Mr. Yuro responded I am not sure about that. I did go back to Welch Tennis and double check if they could do fiberglass and they said they would. The warranty is certainly something to consider.

Mr. Veazey asked are there any discounts if we get one company to do all of it?

Mr. Yuro responded it is something we can certainly go back and ask about.

Mr. Thibault asked did they give us a price for replacing the rims and the padding?

Mr. Yuro responded a few of them did. They are fairly consistent. One of them quoted \$450 extra for padding and rims and the other ones quoted up to \$1,900.

Mr. Randolph stated I would recommend Fast Dry Courts.

TENTH ORDER OF BUSINESS

Consideration of Tennis Court Re-Surfacing Proposals

Mr. Yuro stated the tennis courts are in the reserve study for next year. The gentlemen from Fast Dry Courts who came out and met me said that the basketball courts need to be done this year and for budgeting purposes the tennis courts could wait a year or so.

Mr. Hayes asked what is the time period on the basketball court and how long is it going to be down?

Mr. Yuro responded I'm not certain. I can find out.

Mr. Hayes stated maybe we should put this off and get some of these guys to make some multiple package deals and make a decision at the next meeting or even early September, so as it cools off and they are not using the courts as much then we are not inconveniencing anyone.

Mr. Yuro stated I would also recommend that we check with the women's leagues that play tennis because I believe they play through the winter and take the summer off.

Mr. Thibault stated I think it would be more advantageous to do it during the summer and the hottest months.

Mr. Hayes stated if we are only down a week then they can schedule their match at another facility. In the evenings they are being used now.

Mr. Thibault asked can you find out who these other companies' clients have been?

Mr. Yuro responded I can certainly get that information.

Mr. Hayes stated it wouldn't surprise me if some of these courts are in some of the facilities that you manage.

Mr. Oliver stated they probably are and I will touch base with Mike.

Mr. Hayes asked can you get us a couple letters of reference?

Mr. Oliver responded there are a lot of moving parts right now. One of the moving parts that the Board has been discussing is for Mike to get with these vendors to see if there is some kind of discounted pricing if they were to get both jobs. It might be best to wait until the next meeting to make a decision on this, so we can get this additional information.

Mr. Yuro stated I am going to see if there are any nearby projects and get some letters of reference and also talk to them about if they were to get both jobs if there is a discount available.

ELEVENTH ORDER OF BUSINESS Consideration of Security Cameras Proposals

Mr. Yuro stated the current security system we have is really outdated. It tapes over itself. It makes sense to do it as part of the expansion project. I contacted three security companies; Certified Security, Web Watchdogs and ADT. The proposals would be upgrade the current system to a dvr. I think they were all web based. The cameras would be upgraded and our system would be upgraded. The proposals range from \$5,995 for Certified Security down to \$5,115 for Web Watchdogs. This is not in the reserve study.

Mr. Thibault asked so these cameras also cover the new expanded facility?

Mr. Yuro responded the price you see here is for what we would need to replace what we currently have, which is nine cameras, a dvr and monitor. They gave us a price for additional cameras for the new facility that would just tie into the system.

Mr. Hayes asked did we research why there aren't cameras at the two entrances?

Mr. Yuro responded at the last meeting a resident brought up about having remote cameras at the entrances for security and I spoke to all three of these companies regarding that. All three of them strongly recommended against it saying it was cost prohibitive. If there was a line of sight you might be able to get away with the cameras being a remote location but because these would not have a line of sight from this facility, the amount of infrastructure you would have to add in order to make it work would be outrageously expensive.

Mr. Hayes asked how many cameras do we have right now?

Ms. Mixson responded eight.

Mr. Hayes asked are we taking areas out?

Mr. Yuro responded no. We discussed adding one additional high resolution camera to capture the top of the slide because right now you get a couple pictures of the pool but there is nothing that captures the top of the water slide.

Mr. Veazey asked are they night cameras too? I just went through this at another community and if you don't have the proper lighting then the cameras won't pick up anything.

Mr. Yuro responded I am not an expert on it. Erin and I met with each of these companies on site and we showed them what we had and we told them what we were looking for and what we needed.

Ms. Mixson stated on the proposal from Web Watchdogs it says outdoor/indoor infrared camera.

Mr. Hayes asked are they all offering the internet or just Web Watchdogs?

Ms. Mixson responded I think just the Web Watchdogs.

Mr. Oliver stated Bartram Springs uses Web Watchdogs.

Ms. Mixson stated we already have Certified Security out here.

Mr. Yuro stated Certified Security is also a monitoring company. Web Watchdogs only do cameras.

Ms. Bock asked did they give you a separate price for the expansion?

Ms. Mixson responded the first quote is just for upgrading the existing system and the second is to do additional cameras.

Mr. Yuro stated we anticipate that we would need three or four additional cameras for the expansion.

Mr. Thibault asked who all has access to the web monitoring?

Mr. Oliver responded you can set it up for as many responsible parties as you wish to.

Mr. Randolph asked is the current security company monitoring the cameras?

Mr. Yuro responded no. They are monitoring the alarm.

<p>On MOTION by Mr. Hayes seconded by Mr. Thibault with all in favor the Proposal from Web Watchdogs for Nine Security Cameras, DVR & Monitor was approved.</p>

TWELFTH ORDER OF BUSINESS

Consideration of New Signs/Proposals

Mr. Yuro stated there are a number of signs around the pool area and around the neighborhood that need to be redone. In addition to those, our marquee sign out front is in need of help, as well. I reached out to four different companies and three of them provided a quote. I gave them all the same written requirements but they all quoted it differently, which is why I sent out the updated proposal today. We got pricing from Sundancer Sign Graphics, Giglio Signs and Fast Signs. We currently have some aluminum signs and some pvc signs. All of the vendors recommended going back with aluminum heavy duty vinyl letter in order for them to last longer. I tried to consolidate some of the signs, for example, we have one sign that says no running and we have another sign that says no food or drink, so where it made sense I tried to combine those three messages into one sign. For the marquee sign, what I asked for is to give us a sign that better matched the other signs in the neighborhood. I understand going back with a wood sign would be cheaper and we can certainly get that price. In looking at these quotes I also see where it could make sense to go with one sign company for the marquee sign and a different sign company for the pool signs based on the unit pricing provided.

Ms. Bock asked, "Erin, are six rows enough for you?"

Ms. Mixson responded I have no idea how many are out there.

Mr. Yuro stated I think that is what we have because they all came out and looked at it and measured. Fast Signs didn't provide me with an exhibit because they said it was a custom sign. They did provide a picture of what the actual case looks like.

Mr. Hayes asked do we have a turn around time for any of these?

Mr. Yuro responded I did not discuss the schedule with them.

Ms. Bock asked is the Sundancer sign metal or wood too?

Mr. Yuro responded they are all metal. They were all told to quote aluminum signs with heavy duty vinyl lettering. Fast Signs quoted two different materials. They quoted a black aluminum or a black poly metal sign. He was recommending the poly metal because it is as durable but a little thinner at the same price.

Mr. Veazey asked, "Jim, have you used any of these vendors?"

Mr. Oliver responded I think we have used all of these.

On MOTION by Mr. Hayes seconded by Mr. Veazey with all in favor the Proposal from Sundancer for New a New Marquee Sign & Pool Signs was approved.

THIRTEENTH ORDER OF BUSINESS Consideration of Tree Trimming Proposals

Mr. Yuro stated I mentioned to you at the last meeting that I was approached by the fire marshall advising me that our trees do not meet the code for clearance. He forwarded me a copy of their code. It says, "Fire department access roads should have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet." I met with him onsite. Our roads are typically more than 20 feet, so he agreed that we could measure that vertical distance a couple of feet into the road, but the bottom line is from their standpoint the trees need to be trimmed. I explained to them that our next meeting was a couple months away and we were going to be looking at getting proposals and he was okay with all of that, as long as we were working on it. If it gets to the point, where he feels we are just ignoring him then they have the ability to issue fines.

Mr. Veazey asked as far as doing it now does it have any effect on the trees?

Mr. Boucher responded it does.

Mr. Veazey asked so we should really wait until they are dormant?

Mr. Boucher responded it should be done just after they do their fall grow.

Mr. Yuro stated the impression I got from speaking to the guy at the fire department was as long as we tell them what the plan of action is it sounds like they were going to be okay and work with us. I asked for two quotes. All of these quotes are to make sure we have vertical clearance on the street side but to also do enough trimming on the rest of trees, so it doesn't look disfigured. I also asked them to provide a quote to haul away all the clippings or pile it up because on Thursday the County comes thru and picks it up. Callahan Timber only wants the County picking it up.

Mr. Hayes asked are you sure the County is not going to have an issue with that?

Mr. Yuro responded they have done it before.

Mr. Oliver stated because I think we are starting to get into a grey area of maintaining assets that may or may not be District owned. Typically, the trees are managed by the HOA. In this area it seems that land between the sidewalk and the street is owned by the District, which means the grass and trees would be also. It may say in the covenants and restrictions that the homeowner is responsible for maintaining those trees in terms of keeping them trimmed. I think many residents are already doing that. The only reason the District is involved in this issue is

because it is a potential safety issue and we have been put on notice by the County that we could receive a fine for this. Hopefully there can be discussions to encourage residents to trim their trees and those that don't by a certain time perhaps negotiate with the HOA to work with them to use some type of enforcement mechanism to have those trees timed. We don't have a mechanism as a CDD to go do the work and bill back the homeowner. We can levy assessments based on the budget but we can't bill individual homeowners for work that is done associated with their property.

A resident stated back in January we did discuss it at the HOA meeting. We did have homeowner complaints, especially on the house side because the trees were so low they were hitting people in the face while they were walking on the sidewalks. Mike got us a quote and I believe it was \$17,000. We have capital reserves of \$34,000. Unfortunately, the HOA gets hit with the cost and we just don't have the budget to do it. What we had decided at that time was to push in newsletters and email blasts to encourage all homeowners to take care of it. It is in the bylaws that the homeowners are responsible.

Mr. Oliver asked maybe some type of financial arrangement or agreement between the HOA and District to finance those repairs or maintenance could be structured, with the idea that when collection was made the District was made whole. It is something we would have to work through because what we want to try to avoid is to set a precedent that the CDD is going to start taking over homeowner's costs.

Mr. Veazey asked can we send a joint letter out between the HOA and the CDD?

Mr. Haber responded I think a joint letter can be sent. The issue is the District owns the property and therefore the trees, so if there is a fine the fine is going to go to the District. The HOA documents provide that it is the homeowner's responsibility to maintain those trees. You may recall this Board previously adopted a resolution authorizing the District for safety measures to cut or trim or maintain those trees, so giving yourselves the authority but not the obligation to do so. There was a clear distinction made that we don't want to become the maintenance entity for a resident obligation. Essentially what I think the letter can say is the District has been approached by the County to deal with the trees. The manner in which the District is going to deal with the trees is to ask the HOA to use its enforcement mechanism to demand that you cut your trees and if you don't cut them the HOA will do it for you by asking the CDD to do it and

when the CDD does it and pays for it, the HOA will fine you and they will pay back the CDD. It would have to be on a case by case basis but it would certainly save money.

Mr. Randolph asked isn't that going to be long and drawn out?

Mr. Haber responded yes.

Mr. Thibault stated I say let's pursue that direction because Mike said the fire marshall said as long as he knew we were working on it he was okay.

Mr. Yuro stated the impression he gave me was he will work with us if he knows we are working on a solution and not just ignoring it.

Mr. Thibault stated the one thing I don't want to happen is for us to go in there and trim the trees and kill them. Would we be required to replace them then?

Mr. Randolph responded I think you are going to spend a lot of time chasing people and going door to door. It is going to be difficult to monitor and police this thing.

Mr. Veazey asked should the people that don't have oak trees have to pay for the ones that do because that is how it is out there? There are a lot of people in here that don't have the issue.

Mr. Haber responded I think the thought is we are paying for it, so the fire truck can have access, which benefits everyone.

Mr. Hayes stated I would also add that none of us would have planted those oak trees if it was our choice. Those are the trees that line our roads that even the guy in the back benefits from all those trees looking good.

Mr. Randolph stated I think this is much better to do in a uniform manner and hire someone to take care of all of them at the same time.

Mr. Veazey stated I want to make sure it is a professional that trims the trees.

Mr. Boucher stated I would rather not do it. You are talking about damaging these trees beyond belief. We have rode this horse once.

Mr. Oliver stated if we agree we don't want to do any tree trimming until after the fall then it makes sense to put this on hold and Mike can contact them and let them know we are working on the issue.

Mr. Thibault stated also ask them if they are taking enforcement action on other similar communities.

Mr. Hayes stated the trees are going every which way. We have two different kinds of trees. They really don't look good. This is something that needs to be done from a cosmetic standpoint.

Mr. Yuro stated last week I got a call again from the school board. I advised them that we solicited bids and that we were working through it and that was sufficient for them. They were glad we were working on it. Whatever is decided to be done I would certainly recommend we try to notify the residents as much as possible. I will touch base back with the fire department and let them know what our proposed plan of action is going forward.

Mr. Thibault stated what I don't like to see is a proposal to come in and then a second proposal come in from the same company at twice the amount.

Ms. Bock asked what happened there? Did they realize it was both sides of the trees?

Mr. Yuro responded yes.

Mr. Thibault stated but they shouldn't have to trim the sidewalk side of the tree.

Ms. Bock stated yes, but we want it to look balanced.

FOURTEENTH ORDER OF BUSINESS Consideration of Tennis Court Windscreens Proposals

Mr. Yuro stated the last proposal I have is for tennis court windscreens. This is something that the Board hasn't heard before. The windscreens that we have are having to be repaired every week. If we get a storm they rip. This certainly is not a have to have thing but I thought it made sense to get some proposals to replace them with heavier duty wind screens that have the metal grommets, so they won't keep tearing. I got three quotes. I got one from Welch Tennis, Fast Dry Courts and Sports Surfaces. The quotes range from \$4,000 to \$6,000 and that is for all four courts. They are for the six foot high wind screen with a seven by seven cut out square every so often to let some of the wind thru. Welch Tennis provided us a quote to add the St. Johns Golf logo, so there would be eight logos total. The total for the eight logos was an additional \$1,310.

Mr. Hayes stated I would like to see this packaged in with the court.

Ms. Bock stated yes and possibly giving us a price break.

Mr. Yuro stated this was also not in the reserve study.

Mr. Thibault asked how are the logos added?

Mr. Yuro responded there are two different ways. The first way they quoted was more of an iron on. The second way they quoted it, it is more sewn in.

Mr. Thibault stated I know the screens look nice when they are first done but then in two years we are going to be sitting here arguing that the logo looks crappy and we need to replace it but we don't need to replace the whole screen. We can't just replace the logo, so then we are going to spend another \$5,000.

Mr. Yuro stated the logos are digitally sewn in and they use a liquid lamination to preserve them.

Mr. Veazey asked have we done this before?

Mr. Yuro responded I'm not sure if they have been replaced before.

Mr. Veazey stated with Sports Surfaces they only have 492 linear feet and one of the other is 965 and the other one is 1,016. They are half as much on the linear footage, even though they are the highest priced.

Mr. Yuro stated I went back to each company to confirm. I sent them an exhibit and measurement. They all confirmed their pricing was for four courts but they might not have updated the proposal they sent on the linear feet.

Mr. Hayes stated I would like us to go back to them and get a package deal with the courts, the screen and resurfacing together.

FIFTEENTH ORDER OF BUSINESS

Discussion of Conveyance of District Roads to St. Johns County

Mr. Oliver stated there is really no update on this. My question for Mike or Wes is, is this area between the street and the sidewalk if these roads were conveyed to the County would that right-of-way conveyed also?

Mr. Yuro responded correct. There is a bit of an update. I did have a meeting the Assistant County Engineer and I asked them if they were required to accept the roads if we went through this process and his comment was he doesn't believe that they are absolutely required. His recommendation was if it is something that the neighborhood wants to consider then he would recommend doing the engineering study first to see what major deficiencies there are, so you could at least quantify what the total costs are and then present that to the County.

Mr. Veazey stated and we talked about maybe making a deal because of the easement in front. Typically the process is they will do an inspection and then they will have a year warranty

on it. Is that going to be a requirement now? I'm saying if it was a new road. When you talk to them ask them if it is the same process and the same requirements, where there is another year warranty on it.

Mr. Thibault stated as I have said in the past I see no benefit to us keeping the roads.

Mr. Randolph asked are the sidewalks within that right-of-way?

Mr. Yuro responded yes, they are.

Mr. Veazey stated you can get an easement over that, where we dedicate to them you get the easement, so the CDD can make the repairs with that easement.

SIXTEENTH ORDER OF BUSINESS

Consideration of Special Warranty Deed with The St. Joe Company

SEVENTEENTH ORDER OF BUSINESS

Consideration of Agreement with The St. Joe Company Regarding the Conveyance of Certain Real Property and Water Management Permits

EIGHTEENTH ORDER OF BUSINESS

Consideration of Non-Exclusive Access Easement Agreement with St. Johns Golf, LLC and The St. Joe Company

Mr. Haber stated you may recall a number of months back this Board approved the conveyance of water management permits, as well as certain real property from St. Joe to the District. I think Ed was given the authority to sign off on any necessary documents to effectuate that transaction. Probably the biggest issue that was holding up the process was that one of the permits to be conveyed to the District had an outstanding issue and it remains an outstanding issue on the permit. What we did was we negotiated an agreement between the District and St. Joe to deal with that outstanding permit issue that would still allow the property and the permits to be conveyed. We said we will take the property and we will take the permits. St. Joe you remain on the hook to deal with the outstanding requirement on the permit and within the agreement we specifically provide that subsequent to the conveyance of the permits, St. Joe will agree to remain responsible. They will provide the District documentation that the water management district accepted the correction and that St. Joe will indemnify the District for any issue that may arise of their failure to correct that. I received word on Monday that St. Joe was willing to enter into this agreement and are ready to sign off on all the documents to get the permits and the property to the District. I figured that rather than putting it in front of Ed and later having the board ratify it, I would just have the board look at the documents again and

explain the total transaction. There are really three documents that you were sent. You received the agreement I just explained, which essentially approves the conveyance of everything with that one additional term. There is a special warranty deed, which is the document that conveys the real property. One thing to note on that is it says the property would be subject to taxes for 2010 and that will be changed to 2011 and in fact, St. Joe will also submit to the tax collector the prorated amount of taxes for 2011 based on last year's bill. Then the District is exempt from those taxes, so the District won't be responsible for any ad valorem taxes on that, assuming the County agrees that we are exempt. There are certain parcels that St. Joe is retaining on which billboards are located. This is an access easement from the District to St. Joe and St. Johns Golf, LLC is also a party to the access easement, in order for them to access those billboards. If you read the transfer agreement there are certain title opinions and other documents that will be exchanged and I didn't provide all those to you. These are really the three most substantive documents of the transaction. I don't think we need any action. I think we would still rely on Ed for the final sign off and approval of these documents.

Mr. Veazey asked is there any way to get any revenue off of them for the easements, since they are making money off the signs?

Mr. Haber responded I haven't discussed it with them.

Mr. Thibault asked in regards to the signs, do they own all the easement and all the space? Are they going to maintain the space between the signs or are they going to give that to us? We can generate revenue, can't we?

Mr. Haber responded you can. The issue would be commercial use. Right now we are exempt from ad valorem taxes because we are using the property for government a purpose. If we start using it for a private purpose, then the County may wonder who owns that property and if it is a CDD then the County may decide that the District is no longer entitled to those exemptions from ad valorem taxes.

Mr. Thibault stated I will look into it.

NINETEENTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

TWENTIETH ORDER OF BUSINESS Staff Reports

A. Attorney

Mr. Haber stated Mike received from the County today a request for the District to grant an easement to FP&L for the installation of certain power lines for the proposed pumps for the redesigned pond. There is an assortment of issues that Mike and I have identified with respect to that easement. FP&L is used to not negotiating their documents but in this case this isn't something this project needs but we happen to be the property owner and there are issues. Essentially, they say they can cut and disrupt any property for any reason as it relates to the power for property on the easement and next to the easement. Conceptually, we don't have a huge issue with granting FP&L an easement but I think we want to make sure that any disruption they are going to do to our landscaping they are going to fix. I think we need to at least negotiate this with them.

Mr. Yuro stated what they need is if you are County Road 210 to go from the last power pole heading west then go underground along an easement in front of a lake and then turn up Leo McGuire to right at the opening of the pond is and that is where they are going to set a transformer. I think the Board would want to have some say on the location of that transformer. If we grant them an easement the way it is currently written then they have the right to add facilities, delete facilities, underground, over the ground, etc., so I think we would want to put some restrictions on anything above ground. I don't see a big issue with granting them an easement to get power to those new pumps but I think the board should have some level of control with the location of anything above ground and also with how much freedom FP&L has in the future.

Mr. Veazey stated if they are putting in a transformer at our entryway then we want it landscaped, so you don't see it as much.

Mr. Yuro stated or located in a place that it is hidden.

Mr. Haber asked did they specify a time?

Mr. Yuro responded no. I got an email this afternoon and it was just here is the attached exhibit, here is the easement and do you think the Board would have any issues with it. I told them we have a Board meeting tonight and we will bring up and I will get back to you.

Mr. Haber stated let us start negotiating with them and then we will bring it back before the Board.

B. Engineer/Property Manager**1. Monthly Status Report**

Mr. Yuro stated we do have the permits in hand and they have been approved from the County for the site plan and from the water management district. All that would have to happen is whoever the contractor selected they would take the building plans and the clearing sheet that have already been approved to get their building permit. From the civil standpoint those permits are already in hand. The water fountain out front has been staying on for several minutes when you hit it. I looked at it to see if I could take it apart but it is 10 years old and the screws are rusted. I talked to Mike Lucas and that is scheduled to be replaced anyways. I got the specs off of his plans and I reached out to a couple plumbing contractors. It is going to be replaced with a high and low fountain to meet the new ADA standards. To replace the drinking fountain it is around \$1,100. The quotes were within \$15 of each other. My recommendation would be to go ahead and get it replaced now.

Ms. Bock stated I would agree.

Mr. Yuro stated I will get that started immediately. There is a homeowner that is down on St. Johns Golf Drive just opposite Remington that notified me a few weeks back that there is a storm drain inlet in the back of her yard that the pipe runs down an easement between her yard and out the back and it goes into the pond on golf hole number 15. After looking at it the pipe is clogged. The golf course offered to get some of their maintenance guys out there to try and unclog the pipe but it was too much for them. What has happened was there is a tree there and the roots of the cypress tree have gotten into the pipe and caused a blockage. The reason there is water flowing in it is that is where the irrigation wells pump into that system to get into the lakes to help irrigate when the lakes are low, so that is how we knew about it. I have reached out to three different companies. One of them was too busy to bid it but the other two did give me a price of \$4,800 and \$2,450. Both contractors have already done work in the neighborhood before. It is something that needs to get done. I would like to get Board authorization to have a not to exceed amount and get this pipe repaired.

Mr. Thibault stated I think the homeowner should bear some of this cost because there is a construction easement for those drainages. You are not supposed to put any vegetation within 10 feet of the center line, so if they put those cypress trees in there then that cypress tree damaged our property and therefore, they should be responsible for some of it.

Mr. Yuro stated that may be valid. I can tell you that when I met with the homeowner there were some issues years ago in that area with erosion. There is a cypress tree on either side of the property. She mentioned to me that she was advised to plant the trees to help with the erosion issue. I don't know who advised her.

Mr. Haber stated I will have to look at the language of the easement.

Mr. Veazey asked a lot of the easements will say its at risk but does that mean that you would get charged back?

Mr. Haber responded I will have to look it up.

Mr. Yuro stated what is happening is the irrigation wells are pumping but it is blocked, so the water is actually coming up through the pipe and over the ground. My recommendation is to get it fixed. We can always worry about how reimbursement happens later but the longer it goes without getting fixed the more potential there is to do more damage to the landscaping. Is the Board okay with the lower number to get the contractor to get it fixed?

Mr. Thibault responded yes.

Mr. Yuro stated I have been in contact with another resident, who is an engineer that does energy audits. I have given him some information for out neighborhood and he is in the process of doing an energy audit for this facility and all the FP&L bills.

Mr. Veazey stated the one meter I was looking at was like \$23,000 a year.

Mr. Yuro stated the biggest FP&L one is for all of the lights. There are 140 street lights. You should have received a monthly report from all of our vendors. It is going to start coming every month and between meetings you are going to get updates. I submitted today an update I received from the golf course and DTE, so the Board can see first hand some of the challenges they are experiencing and also some of efforts they are making. There are two areas in the neighborhood, one on Remington Court and one at the back of Brookhaven, where there is no irrigation. It is Bahia grass that looks poor and there is not much you can do about it. DTE has given me a proposal to plant some natural grasses. They will need initial watering but they are fairly drought tolerant. It is plus or minus \$1,100.

Mr. Thibault asked what if we did something not so labor intensive? What if we put rocks or mulch in there with a bench?

Mr. Yuro responded I'm talking about the core grass. It would be similar to what DTE did along Eagle Point opposite the lake. The two areas are both on the end of a cul-de-sac, where there is no irrigation. The one on Remington is between two houses.

Ms. Bock asked so \$1,100 for both places?

Mr. Yuro responded well, I got a quote for the first one on Remington and it was right at \$1,100. The other one is a similar size, so I think it would be a fairly similar cost.

Ms. Bock asked is the one on Remington between Mike Veazey's house?

Mr. Yuro responded yes.

Mr. Boucher stated there is not a lot of alternatives without irrigation.

Mr. Thibault asked right, so why even go with vegetation?

Mr. Boucher responded if you put rock then it becomes a liability.

Mr. Thibault stated if we start adding a bench, where vegetation doesn't work then it gives the community more of a park feel. When you drive through Palencia you get that feeling because there are benches here and there.

Mr. Veazey stated I don't know that a bench is going to cover that whole end of the cul-de-sac.

Mr. Yuro stated I will take pictures of these areas and bring them to the next meeting, so you can all get a better feel for it.

Mr. Boucher stated if you take pictures then send them to me and I can put them on my program and we can show them what it could look like.

Mr. Yuro stated okay. We will do that. At the last meeting we talked about the pool rules and the slide rules. I was never able to determine exactly who our vendor is. I called the Developer, the contractor and the architect and no one could confirm who the manufacturer was. The one manufacturer that everyone thought it must be is Whitewater. They confirmed it is not them. I did get word from the HOA manager at St. Johns Forest that their slide is Whitewater and they do allow the tandem riding.

Mr. Steve Sharpe stated I was trying to get the rule changed, so that kids ages one to five would be allowed in the lap of an adult age 18 and over. I know there are some liability issues but the insurance group said it was okay with them.

Mr. Oliver stated the Board already approved a motion to change the policies to allow a child under 40 inches to ride tandem on the slide with a responsible adult.

Mr. Yuro stated I will notify the lifeguards. We will make sure that part of the sign gets fixed.

2. Monthly Vendor Report

Mr. Yuro stated as I mentioned earlier we are going to start getting the monthly vendor reports and forwarding them to the Board.

Mr. Thibault asked how often does Mr. Clean come?

Mr. Yuro responded six nights a week.

Mr. Thibault asked and what do they do?

Mr. Yuro responded I have his scope but I don't have it with me. He cleans the bathrooms. He cleans the fitness room. He cleans this room. He empties the trash around the facilities. He cleans the floors in the bathrooms each day and he bleaches them at least once a week but some of the facilities are at the point where they can only be cleaned so much, like the carpet tiles. When the dirt gets in, they are porous materials. He is doing what is in his scope and he is actually doing more than what is in his scope at times. Erin and I have been corresponding and updating his scope because honestly, there are things in there that need to be done that he was contracted to do monthly and they probably need to be done weekly or he was contracted to do them quarterly and they need to be done monthly. Erin and I just finalized that and I am going to get that to him for his comments.

Mr. Hayes stated I have never cleaned tile floor myself but I thought there was an acid wash that you used to clean tiles.

Mr. Yuro stated I'm not sure of the exact chemical he uses.

Mr. Hayes stated it just doesn't seem to be working.

Mr. Oliver stated if you are going to revise the scope, it might be a good time to go out for proposals. You would certainly have the opportunity to retain that contractor again. I have gotten negative feedback regarding janitorial services.

Mr. Yuro stated we can certainly do that.

Mr. Thibault asked do they do anything with the pool deck?

Mr. Yuro responded in season, it is in the lifeguard's scope to clean and empty the trash and straighten up the trash. I will come through at least once a week and clean it up. It is not part of Mr. Clean's specific scope to clean the pool deck.

A resident asked does he do the golf facility, as well?

Mr. Yuro responded yes.

A resident asked has there been any complaints there?

Mr. Yuro responded not that I am aware of.

Mr. Thibault stated it is a different group of people using the golf club versus using the pool. These are people that are wet and there is constant water.

Mr. Yuro stated another thing to keep in mind is that he cleans the facilities at night. People start using the fitness room at 5:00 a.m. I know some people will jog up there in the morning, so if they come through the wet grass then it becomes dirty with grass clippings and so forth.

C. Manager

There being none, the next item followed.

D. Art of Living Director

Ms. Mixson stated we had the garage sale on April 16th and we are only having about 25 homes participate. We do them twice a year now but I am waiting to do them just once a year, so we might get more to participate.

Mr. Thibault stated I think twice a year is fine. It brings a lot of traffic into the neighborhood.

Ms. Mixson stated Friday we have our first dive in movie. It is going to be a 20 foot out by the pool deck, so you can come and bring your floats. The slide will not be open. In July we are going to do an Independence Day Celebration. We are teaming up with the clubhouse to block off the circle out here and have live entertainment on the lawn. The club is going to have a bar buffet and we will have entertainment and games going on at the pool during the day.

Mr. Hayes asked are we going to have a vendor here?

Ms. Mixson responded the club is doing food to go but we don't have any concessions set up for that. The dive in movie starts at 8:30 p.m. but the movie will start as soon as it is dark out.

A resident asked can you make sure the coke machine is full?

Ms. Mixson responded I can contact Pepsi about that.

Ms. Bock stated we have had a request from the HOA that your reports go to the HOA also on what is happening with the landscaping because they field some calls about that.

Mr. Yuro stated I will do whatever the Board wants me to do.

TWENTY FIRST ORDER OF BUSINESS Supervisor's Requests

Mr. Hayes stated I am going to give this list to Mike of some of the things that I have had complaints on or that I have seen that he can hopefully remedy as soon as possible. The bottom of the pool has a light green tint to it. The decorative light poles all need to be redone. There is a lot of trash in the bushes. If you go stand at our sign and you look down you can see where there were plastic plant pots that the plants obviously died but the pots are there. There is a lot of trash along the edges of the front pond. The slide tower needs to be waxed. The paint is peeling off the black steel support. It looks like there is a lot of corrosion. Under the slide it is more organized but it is still dirty. The bins are covered with dirt. The seat at the lifeguard tower has mold on it. One tower has rust on it. The grass area within the pool area has a good amount of weeds in it. The bulletin board by the basketball court doesn't have anything in it. The supports on the wood benches in the bathrooms are rotted and molded. The baby changing table needs to be taken off the wall and bleached. If you open it up there is dirt and mold. There are dead plants throughout the community. The curbs have mold on them all around the community. Is there a street cleaner that can come in and clean them? Things need to look sharp right now. We need to invest in the community because there are so many vacant homes. The HOA is trying to collect and they can't collect from vacant homes. We need to look at remodeling the bathrooms and doing the walls and doing new flooring. The mirror is turning black around the edges. We need to store the janitorial supplies out of sight instead of in the men's room. A big black hose is wrapped on the wall. We need to consider replacing the pavers in the high traffic areas.

TWENTY SECOND ORDER OF BUSINESS Audience Comments

Ms. Jennifer Hayes stated in November we voted on a playground redo. I looked at the ADA report and there is a recommendation in there of falling into the under 20 component rule, which is easily done with our facility. We have until next year to become compliant, so we are holding up refurbishing it. We already bought the supplies for it. Can we just go ahead and do the work knowing that we are only going to spend a few more thousand and make it compliant by March?

Mr. Yuro asked what do you mean we bought those things?

Ms. Jennifer Hayes responded when we ordered the tube, the slide and the parts.

Mr. Yuro stated all of that was put on hold.

Ms. Jennifer Hayes stated I talked to recreations and he said we have it and we are going to pay a restocking fee. He already has it at his facility because we cancelled it too late.

Mr. Yuro stated we haven't paid for it yet.

Ms. Bock stated then we haven't bought it yet.

Ms. Jennifer Hayes stated we signed the invoice for doing all that work.

Mr. Haber stated I would have to look at the document.

Mr. Thibault stated I welcome bringing in the ground level things now.

Mr. Yuro stated we can certainly add bits and pieces. My recommendation would be to finalize the report and then I think it is a Board decision on which way you want to go. There are several options. Adding ground elements really don't affect anything with the structure, other than potential location.

Mr. Thibault stated I just don't want to spend \$10,000 on fixing up the fort if we have to take it down for compliance.

Ms. Bock asked are you saying the fort is okay and doesn't need to be changed?

Ms. Jennifer Hayes responded the way the rules are written our steel structure is 100% compliant. There are eight elevated components there. There are 16 on the floor. We have to reduce it by four, so then we are okay to just add a transfer station. A transfer station costs \$1,500 and you are allowed to have changes in elevation, as long as they are under eight inches and everything in the fort is under eight inches.

Mr. Yuro stated that is not correct.

Mr. Randolph stated I would recommend that we look into this.

Ms. Bock stated you and Mike need to sit down and look at it together.

Ms. Jennifer Hayes asked can we get it stained and repainted?

Ms. Bock responded we think it is not in compliance. My answer would be no. We are not going to do that based on what our consultant has told us tonight.

Mr. Hayes stated Mike's option number two was to make some modifications that can be done. The fort is really looking bad right now. It is summer time. People have play dates and moms are out there. People use it for birthday parties. The picnic tables are being used all the

time. I didn't agree with the volleyball court but there are people out there using it all the time. We need to at least get out there and clean it up, so it looks halfway decent for the summertime.

Mr. Randolph stated I think we need to flush out what the costs may be and what we need to do from a compliance standpoint before we make any other modifications.

Mr. Veazey stated I wasn't involved in the whole playground thing because I wasn't on the Board yet but I don't think we have enough information to make a decision. I don't think we should spend \$6,000 if we are going to tear it out in six months.

On MOTION by Mr. Hayes motioned to Spend Money to Refurbish the Playground motion died for lack of a second.

Ms. Jennifer Hayes asked can we pressure wash it?

Mr. Thibault asked what is it that you want to pressure wash? It is not dirty. It is outside.

Mr. John Thompson stated as we go forward over the next couple years we need to pay a little more attention to the capital reserve report. It has been 10 years, so things are going to start needing updating. I don't think the community looks that bad. We keep bringing up Palencia as the competition. My college roommate, who is now my boss lives in Palencia, so I go down there on weekends and socialize. I also looked at homes there. It came down to buying a house here or Palencia. Their CDD fees are a lot higher than ours. Their home prices are a lot higher than ours. I would have had to pay \$100,000 to \$150,000 more to get the same house there. I could have afforded it but I got everything I want here. If you really want the kind of amenities that are at Palencia then you should go buy a house there.

Mr. Yuro asked I thought you were in support of the amenity center?

Mr. John Thompson responded I am. We don't need one like Palencia has though.

Mr. Brian Rich asked given all of the improvements that need to be made after the community is 10 years old, does it really make sense to spend \$500,000 on an investment in a gym? What seems pretty scary to me is turning over the roads to the County. What are the risks with giving up control of the roads? Is there an imminent domain risk? Is there a risk if you live at the end of a cul-de-sac with a preserve that they could come and blow it out and connect it to Leo McGuire?

Mr. Thibault responded we have actually discussed everything you asked. The answers we got with turning over the roads is imminent domain is always a risk if you own the roads.

Mr. Veazey stated we had the County up here because the last two cul-de-sacs they wanted to connect in. There are houses there now, so I don't think they even can.

Mr. Haber stated we have powers of imminent domain within the boundaries of the District. I think the County could exercise imminent domain on the District's property and take its roads if we didn't want to give them to them.

Mr. Brian Rich asked is one way easier than another?

Mr. Haber responded if we were going to give them the roads then we are giving them the roads but if they need to take them by imminent domain then they would need to pay us.

Mr. Yuro stated also with the transfer of property, the conservation easement that outlines the perimeter of the neighborhood, so anywhere where there is an existing cul-de-sac, for example if you go to the end of Stonehenge Trail Lane there is an open preserve area but once the transfer is complete we would own that property behind the road. The boundaries of the neighborhood doesn't stop right at the edge of the curb.

Mr. John Thompson asked didn't you also say that the largest capital expense is road replacement and that most developments turn them over immediately?

Mr. Haber responded that is 100% accurate. This community is unique in the CDD owning the roads.

Mr. Brian Rich asked has anyone ever thought about securing the neighborhood?

Mr. Haber responded either way the roads need to be public. We are unit of government. We can put up a gate if we own the roads. It would need to be a soft gate, which means you couldn't stop people from coming on the roads. We are less likely to be in a position to successfully put up a soft gate if the County owns the roads.

Mr. Veazey stated I manage a lot of gated communities and there are still issues.

Ms. Bock stated and we would require three of them.

Mr. Thibault stated the gate itself was pretty inexpensive. The part that would have been really expensive would have been altering Leo McGuire traffic flow into the gate.

Mr. Brian Rich asked so it sort of seems like turning the roads over makes everyone feel a little more comfortable about spending \$500,000 on a gym?

Mr. Thibault responded with the new standards our gym would have had to be modified. Extending the fitness center adds value to the community. It addresses a number of concerns that we have gotten from homeowners.

Mr. Randolph stated we have reached out in numerous ways to residents and we did get a majority vote in favor of the expansion.

Mr. Brian Rich stated I would think people would be very sensitive to any assessment in the near future after seeing a massive gym go up.

Mr. Randolph stated we have taken that into consideration and we feel that we are financially in a position to be able to do it.

Mr. Oliver stated the expansion has been in discussion since March of 2010.

Mr. Brian Rich stated between the fourth and fifth hole there is a common area there that has gone downhill pretty quickly.

Mr. Yuro stated we are working with them on that area.

Mr. Brian Rich asked has anyone looked into being able to refinance the bond at a lower interest rate?

Mr. Oliver responded we did that in December of 2006, so we cannot refinance it again.

Mr. Thibault stated with this budget we are holding taxes steady for the third year in a row and the two or three year before that we lowered them.

Mr. Brian Rich stated I think also knowing there is a nice reserve that has been built in over time and there is money to make improvements around here is good.

Ms. Jennifer Hayes stated there is green and red mold on the bathroom floors, so maybe we can acid wash to clean them.

A resident stated the HOA is actually the one that takes a big hit on the intent to lien on the foreclosures and the short sales. How does that affect CDD's?

Mr. Oliver responded when assessments are collected on the tax rolls and when someone doesn't pay their taxes there is a tax certificate sale, so the District is made whole.

A resident asked so the CDD is pretty healthy right now?

Mr. Oliver responded yes. We are 100% collected right now.

TWENTY THIRD ORDER OF BUSINESS Financial Reports

A. Balance Sheet as of April 30, 2011 and Statement of Revenues & Expenditures for the Period Ending April 30, 2011

Mr. Oliver stated included in your agenda package is a balance sheet and income statement as of April 30, 2011.

Mr. Thibault asked what is the difference between the US Bank Custodian Account and the State Board of Reserves?

Mr. Oliver responded simply the entities that are managing those monies. US Bank is the trustee, and commercial bank and the State Board funds are managed by the State of Florida. Both funds are qualified for investment of public funds.

B. Check Run Summary

Mr. Oliver stated included in your agenda package is a check run summary. This includes check numbers 3273 through 3335.

Mr. Thibault asked why was the webmaster's fee \$150 for the first quarter and in the second quarter it is \$200? Who is managing that?

A resident responded there was a time that the webmaster came out to the CDD, the club and the HOA. The club and the HOA are not participating anymore.

Mr. Oliver stated the CDD is now carrying the entire load for running that website.

Mr. Veazey stated it was \$150 for her service and I don't know if there was a difference in her hours or what but I noticed it to.

Mr. Oliver stated I will check that out.

Mr. Thibault asked were you guys paying a portion of it?

A resident responded the HOA did agree to pay it but I don't recall that we have ever paid a bill.

On MOTION by Mr. Thibault seconded by Ms. Bock with all in favor the Check Run Summary was approved.
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C. Special Assessment Receipts

Mr. Oliver stated included in your agenda package is the assessment receipt schedule.

**TWENTY FOURTH ORDER OF BUSINESS Next Meeting Scheduled – July 27, 2011
at 6:00 p.m.**

Mr. Oliver stated our next meeting is going to be May 25th at 6:00 p.m. at this location.

TWENTY FIVE ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Randolph seconded by Ms. Bock with all in favor the Meeting was adjourned.

Secretary/Assistant Secretary

Chairman/Vice Chairman