

MINUTES OF SPECIAL MEETING  
SAMPSON CREEK COMMUNITY DEVELOPMENT DISTRICT

The special meeting of the Board of Supervisors of the Sampson Creek Community Development District was held Thursday, February 28, 2008 at 4:05 p.m. at the Swim Club Meeting Room, 219 St. Johns Golf Drive, St. Augustine, Florida.

Present and constituting a quorum were:

Bill Petkoski	Chairman
Mike Yuro	Vice Chairman
John Thibault	Supervisor
Charles Sheppard	Supervisor

Also present were:

Jim Oliver	District Manager
Jamie Fowler	District Counsel (by telephone)
Susan Rudd	District Engineer
Heather Mickelson	Art of Living Director
Emile Benoit	GMS, LLC
Rich Whetsel	GMS, LLC
Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Oliver called the meeting to order at 4:05 p.m.

Mr. Oliver stated this is a special meeting and it was noticed in the newspaper on February 21, 2008 to meet the noticing requirement.

**SECOND ORDER OF BUSINESS**

**Consideration of Agreement by and between  
St. Johns County, St. Johns County Sheriff's  
Office, and the District for Traffic Control of  
District Roads**

Mr. Oliver stated Item 2 is consideration of agreement by and between St. Johns County, St. Johns County Sheriff's Office, and the District for traffic control of district roads. To let you know how we got here I will discuss what's happened. At the last meeting one of the residents talked about the Traffic Calming Program that St. Johns County sponsors. A week or so later, there was an article in the newspaper about it talking about the different communities and

neighborhoods that use the calming program. In order to qualify for the calming program we have to have an agreement with St. Johns County and the St. Johns County Sheriff's Office to patrol these streets. As counsel has previously stated, since we have public roads, theoretically we should not have to enter into such an agreement because we should be qualified already. However, this is what St. Johns County requires and for us to be able to move forward, we need to enter into this agreement. To enter into this agreement for them to patrol these streets, they want a checklist prepared and completed by a qualified engineering group. They offer on their website several engineer groups that can perform this study.

Mr. Yuro asked is this the Sheriff's office that wants this agreement?

Mr. Oliver responded the Sheriff's office and the county. It's in order to make sure the roads and signage are in compliance with the county and DOT standards. We wanted to pursue the calming study, but in order to do that we have to have an agreement in place with the county and the Sheriff's Office. In order to meet those requirements we have to have an independent engineer perform a traffic study and checklist required by the county. If we do enter into this agreement there are some side benefits, also. Not only will you have a Sheriff's Deputy patrolling the roads for traffic control, their presence may help some of the other security issues we have talked about at other recent meetings, too. Counsel, Wes Haber in particular, has looked at the agreement and finds no problem with the agreement itself. That leads us to the engineering study. You have two proposals before you. I will turn it over to Susan Rudd, the engineer, to discuss those proposals we received from the two engineering groups.

Ms. Rudd stated I received two proposals, one from Ayres and Associates and one from England-Thims & Miller. They both appear to be comparable in the scope of what they are covering and I did provide them the exhibit and the traffic agreement that we are considering. I know that Ayres was working on some of the 210 traffic calming and the work that the county is interested in up there. Both individuals I spoke with at each firm appear to have the experience they want. Ayres, the fellow that would be working on it, was the traffic engineer for Lee County and handled the types of agreements we are pursuing for that county. Mark Manwell from England-Thims & Miller handled the same type of stuff for the City of Jacksonville. They are both coming to us with experience on this type of agreement. I believe they both spoke to the county, Greg Kennedy, on what they are going to be looking for as far as Exhibit B. As far as

my feel on which one is better, I'm not sure and don't have a preference on either one. I believe the office manager at Ayres is actually a resident here.

Mr. Sheppard stated I have a question that is not really related to the two proposals; it's more related to the fact that this is a fairly new neighborhood. Do you think the traffic control devices meet the current standards?

Ms. Rudd responded yes, I do.

Mr. Sheppard stated so this is just a formality, this checklist.

Ms. Rudd stated it's possible that the stop signs might not be at the right height because there are certain criteria you have to have for that. All the signs were develop installed so they may not meet those criteria. Sometimes you can get off of a speeding ticket or running a red light or stop sign if the sign is not properly installed. I think those are some of the things they are going to be looking at.

Mr. Sheppard asked once the study is done is that going to obligate the district to do whatever improvements are required?

Ms. Rudd responded I don't really know the answer to that.

Mr. Oliver stated I would say if improvements are needed in order to qualify for the traffic control agreement, we would have to do that.

Mr. Thibault asked would this fee from the engineering firms include making the corrections? I think \$11,000 for a drive through seems a little excessive.

Ms. Rudd stated no, if you have a yield sign in the wrong place they are not going to go out and move that sign. What they are going to do is provide that as part of their recommendations, move sign here or remove this sign, that sort of thing.

Mr. Thibault asked do we have to pay them another \$11,000 to come out to check and make sure it's right? Is that what you are telling me?

Mr. Yuro responded it sounds to me like they are going to use their engineering judgment to determine if the traffic control devices, signs, or whatever are properly installed or not. If not, they will make recommendations and then it would be a different contractor that would actually do the work if something needs to be changed.

Ms. Rudd stated an engineer is not going to go out and move the signs.

Mr. Thibault stated when they come out and things are in the wrong spot or the wrong height they are not going to sign off that everything is right. They are going to make

recommendations for us to make changes and we make the changes. Do we have to call them to come back out and do the study again?

Ms. Rudd responded we would certainly want them to recheck those areas.

Mr. Thibault asked are they going to charge us another \$11,000 do come back out and do that?

Ms. Rudd responded no. I'm sure they would do it on a time and material basis just as long as it would take them to do a reconnaissance study of the area, depending on if they had five items to come back out and look at those five items.

Mr. Yuro stated when we talked last time I think one of the residents had mentioned this traffic calming initiative, I forget exactly what it is called, what is the benefit. Can you elaborate on the benefit? Let's assume we go through this traffic study and we get this agreement with the county. What's in that benefit we are looking to get out of this program? The way I understood it, and obviously I misunderstood it, is part of what we were looking for was a study from the county to come out and tell us what was going on.

Mr. Oliver responded it is. In order to qualify for this traffic calming study we have to be in agreement with the county and the Sheriff's Office that these roads and signage meet the specifications demanded by the DOT and whatever other traffic laws there may be. Once the agreement is in place, the traffic calming study is to come in and study the traffic flow itself and find out if there are problems, and if so, what are the recommendations to fix those problems, such as whether or not a stop sign needs to be added or speed bumps, whatever the case may be. That newspaper article I passed around says sometimes a traffic calming study is done and the report indicates although residents may say there are problems, we have done a traffic calming study and all is fine as is. That was the gist of that article. Some of them came back saying we don't see a problem here.

Ms. Fowler stated for the board's knowledge, the St. Johns County Sheriff's Office, in conjunction with the St. Johns County Attorney's Office, they maintain a position that those roads within Sampson Creek are owned by the district. They don't think they have any jurisdiction over those roads. Whether they do or they don't, I'm not sure. If you called them and said someone is speeding through the neighborhood they would say we can't patrol those roads, it's not something we can do; we can't give tickets for traffic infractions. They don't believe they have jurisdiction over those roads. If there is a crime or someone came into your

house they will come out and enforce those kinds of laws, but as far as the traffic enforcement agreement, they are in the opinion and the position that they don't have the authority to enforce traffic regulations within in the district. These studies will lead to this traffic enforcement agreement, if the district wants to enter into that agreement, and will give the St. Johns County Sheriff's Office that authority, in their minds, to come in and enforce traffic laws in general within the district, which is speeding, running stop signs, and whatever other traffic infractions that may occur in the district. As it stands, they will say they do not patrol in the district and do not give tickets. Whether or not they actually do I don't know. They also said if they did give tickets they are unenforceable because they don't have jurisdiction over those roads. Part of what this agreement will be is giving them jurisdiction. The agreement doesn't give the district any additional patrols or anything outside the normal and customary patrols of the Sheriff's Office as they do other public roads within the county, but it will allow them to treat the district roads the same way they do every other public road in the county that is not owned by the district. I believe there is something in the traffic study that will also allow the county to designate certain roads in the district for use by golf carts driven by adults if the district would like to do that.

Mr. Yuro asked would it dedicate them as approved or not approved? I saw something in the agreement about golf carts and that would be specifically to say that they are allowed on certain roads?

Ms. Fowler responded if you want them to be, yes. Right now the default, under Florida Law, is golf carts are not allowed on public roads. The county can designate certain roads as golf cart appropriate roads, but they require this study to be done to do that. In conjunction with the study for the general traffic enforcement agreement is an additional study included in that list included in the proposal that will allow the county to designate roads for use by adult driven golf carts during the daytime if they would like to do that. Golf carts are never allowed to be driven by anyone under the age of 16 on the roads ever. Of course, that is another regulation that may be enforced if the patrol starts happening.

Mr. Yuro stated right now there are a lot of golf carts out here and a lot of residents are using that privilege if you will. Is there a chance that by entering into this study we get certain streets that are now off limits? Right now the Sheriff's Office can't come out and tell you no and people are using it. Are we opening up a can of worms that potentially people who have golf

carts that have been enjoying that luxury are not going to be able to drive to their house with them?

Ms. Fowler responded it's illegal. They can do it now because it is known that has the police out there to enforce it. It remains illegal to do that now; it's just not being enforced.

Mr. Petkoski stated because these are CDD owned roads, that's the reason it's not enforced because they are not in here.

Ms. Fowler stated it's still illegal. There is no one to enforce it. They will say they can't enforce it because they don't have the authority and the district can't enforce it because we don't have enforcement powers. It's still illegal.

Mr. Petkoski stated I see where you are going. The golf cart thing will become a big issue in the community, which may not be a bad thing.

Ms. Fowler stated if the district enters into that agreement and those roads are designated for golf cart use, then if there is a 10 year old driving a golf cart crazy, there is someone with authority to stop them.

Mr. Yuro stated it could be that the agreement says all the roads in here are eligible for golf cart use then you are covered. Leo Maguire is not part of this neighborhood anyways.

Ms. Rudd stated one thing I have taken from this is the Ayres proposal is a lot more descriptive on a task by task of what they are going to do. Basically what they are going to do is come up with the study and give it back to us and say here are our recommendations, here are our results of this study. At that point, you as a CDD, need to make a decision if you want to proceed to make those changes, and that report is going to tell you golf carts not here, not here, not here, change the sign, do this that and the other. At some point you are going to have to make a decision that yes, we are going to make these changes, and yes, we want a final report given to the county. Up to that point the report is still within your hands and it is still up to your decision on whether or not you really want to go into that agreement or not.

Mr. Sheppard asked are there specific areas that are problems or is it just speeding in general?

Mr. Oliver responded it came to light at the last meeting because on one particular street one of the residents complained that cars are going too fast with kids at play nearby and asked about a stop sign. Another resident, in response to that, brought up the traffic calming program.

At the last meeting staff was directed to get more information on it. We found in order to qualify for the traffic calming program we had to have a traffic control agreement with St. Johns County.

Mr. Petkoski stated the main spot that a lot of the group I think at the last meeting was talking about was at the one bus stop. That is what a lot of the moms were talking about. I think that is the real hot button, not that it's the only one.

A resident stated if I understood her correctly this will not bring any extra patrols per se from the police department in our area and they will only come in if requested if there is a trouble spot.

Ms. Fowler stated no, they will bring in patrols.

Mr. Whites stated it will bring in patrols.

Ms. Fowler stated yes, currently there are none. It won't give you any extra security then what is provided to others. It's just as they patrol the whole county. You are not going to get any increased level of service as opposed to what other communities get. You will get the same level.

Mr. Petkoski stated if there is a community across the street that is non CDD owned roads and the Sheriff's Office is patrolling there, with this agreement we would get equal service.

Ms. Fowler stated exactly.

Mr. Petkoski stated it would be increased for our community.

Mr. Whites stated we don't get any now, right.

Mr. Yuro stated I think what happens now sounds like it's inconsistent. I know, and my wife has seen, police cars parked between holes six and seven as if they were looking to enforce speeding. I also know there have been residents who have called and gotten the response that they won't come out because it's a CDD.

Ms. Fowler stated it's not consistent. The different patrolmen will give you different answers. Different people you call will give you a different answer. The position of the county through the county attorney is that they don't have the right to enforce traffic violations on roads within the district. Any tickets they have issued within the district for traffic infractions, in the absence of the TEA, are not enforceable.

Mr. Yuro stated it sounds like worse case this would actually clarify that issue and make it very clear that they are allowed in here and allowed to issue tickets, but in order to execute this agreement we need to have this study done.

Mr. Oliver stated that is correct.

Mr. Yuro stated I go back to my other question. If we are already having this study done, and I saw part of the proposal from ETM indicates traffic calming recommendations or techniques. What exactly, if you take it to the next step and get with the county, what is the county going to do for us?

Mr. Oliver responded number one, when I spoke yesterday by e-mail with Susan that is why I had them break that price down into two tasks because our intent is not to use either of these firms for a traffic calming study, although they quoted a price. We simply want to meet the requirements in order to enter into an agreement with the St. Johns County and the Sheriff's Office. As I understand it task 2 is not necessary if we are selected for the traffic calming study by the county.

Mr. Yuro stated that is the service the county would provide to us as a free service. We wouldn't have to pay for the county to come in here and conduct that traffic calming study.

Mr. Oliver stated correct, although you can see most of the costs are in task No. 1.

Mr. Petkoski stated so we are clear on the numbers, it's \$10,000 for Ayres versus \$9,000 for ETM for task 1.

Mr. Yuro stated where I was headed was it would be cheaper to just hire these firms to do a traffic calming study for us instead of letting the county do it.

Ms. Rudd stated that's where I was going. Task 2 at least gives you an idea of the value of the service that the county is going to provide.

Mr. Yuro stated we are spending \$9,000 or \$10,000 in order to get a \$3,000 study paid for by the county, but if spending \$9,000 or \$10,000 clears up the confusion we have been having for the last couple of years about the police patrol, I have a little different attitude about it. I think it's probably worth it.

Mr. Petkoski stated to have this agreement in place you can't get around task 1.

Mr. Oliver stated correct.

Mr. Petkoski stated we could spend some money and fix things in the community on our own by when Mr. or Mrs. Homeowner calls and we don't have this agreement, St. Johns County can say the same thing.

Mr. Yuro stated it won't be enforceable, we can put in traffic control whatever and it won't be enforceable.

Ms. Fowler stated it's not just the golf cart issues that aren't enforced; allegedly they are not enforcing speed. If you call and say someone is going 150 mph down a residential street they are like sorry. It's not just the golf carts that aren't being enforced; it's the other traffic regulations as well.

Mr. Sheppard stated the big deterrent here is to get the Sheriff in here to start giving tickets out.

Mr. Oliver stated right.

Mr. Sheppard stated I don't see a whole lot of value in just having traffic calming enhanced. It might help a little bit, but the hammer is going to be the Sheriff's Department.

Mr. Oliver stated I think their visibility helps with some of the security issues that we have been talking about too.

Mr. Sheppard stated I do have a concern about they are going to bill us for their time. They want to be compensated, but it doesn't say how much or what their rate is. It just says a reasonable rate. We don't know when they are going to be here, so how do we know. I doubt that's in the budget. Do we have any idea how much we are going to pay for this service?

Mr. Oliver responded that additional service would be at our request. As Jamie explained, they are going to have the normal patrolling they would do for any other qualified community or area.

Ms. Fowler stated they are not just going to decide they took too much of our time and we are going to bill them extra. It's something that the district would need to request from them, an additional stepped up level of service.

Mr. Yuro stated I wouldn't suspect the district would get billed if residents are calling up and saying we haven't seen you and we have some issues, we want to see our tax dollars spent out here.

Mr. Oliver stated right.

Mr. Yuro stated if it was a formal request from the district for something above and beyond the normal, is that correct.

Mr. Oliver stated correct, it would have to come through the district because the agreement is with the district itself. This may help also, I believe last summer Mike we were talking about rather than using some of the civilian security firms, for slightly more, I think in the area of \$30 per hour versus \$25 an hour, St. Johns County Sheriff's Office would perform

some of the security functions out there too. Those could actually work hand in hand. There are probably some good additional benefits to this agreement. The reason that we wanted to bring it to your attention now was because if you look at the engineering proposals, it takes a number of weeks to go through all these steps. I believe it was 14 to 16 weeks for the Ayres proposal with all the steps they need to take and we just didn't want to wait until the next meeting to have this discussion.

Mr. Petkoski stated is it worth \$9,000, the answer is yes. It's just frustrating we are pigeon holed in to having to do this other agreement because of the county.

Mr. Thibault stated I have a question on line 6 of this agreement with the Sheriff's Office. It says retainage of revenues. It goes to say that the revenues shall be apportioned in a manner set forth by applicable statutes. Do any of those statutes set forth a portion coming back to the community, to the CDD, since we own the roads according to the county?

Mr. Oliver stated Jamie, I think we are talking about revenues from writing tickets. Do you know of any districts that get revenue from writing tickets?

Ms. Fowler responded no.

Mr. Thibault stated I know if you get a \$100 ticket only like \$30 of that is actual revenue to the county, everything else is these charitable funds. If they are saying we own the roads, that is what I am getting at. What does the statute say?

Ms. Fowler stated I don't know off the top of my head. If the county writes that ticket then it goes to the county. I don't know what the statute says; I would have to look that up. The districts don't normally get revenue from that.

Mr. Petkoski asked do we know of any other districts that are in this agreement?

Mr. Oliver responded I don't know of any other districts in that agreement.

Ms. Fowler stated only one district that we work with, and we work with a lot of districts in St. Johns County. St. Johns County owns the roads in most of those districts. Marshall Creek in Palencia, they do have an agreement, but their board decided not to go forward because their engineering study was going to be between \$30,000 and \$40,000. They are not considering it at this time because their study was going to be three to four times what yours is.

Mr. Broadbender stated playing devil's advocate down the road, let's say they do a study, and designate a few roads non accessible for golf carts, although I just watched one pull up to the soccer field. Are we going to open up a can of worms where people who have golf carts will

really be, excuse the language, busy? Then what do we do, do we backtrack and cancel the whole thing? This is a major road and I would be surprised if that okays for golf carts.

Mr. Petkoski responded I would think that there are rules. Would we have any control, and I think it was mentioned earlier, there are uses of the golf carts that I think everyone who is prudent would say, I live in a community to where way too many kids drive them, people drive them where they probably shouldn't, can something come good out of this where the community gets the people who shouldn't be driving the golf carts not driving them? Didn't you say earlier that we could kind of almost, and I don't want to say massage it, but work it to where, or maybe Mike said, work it to where we help set up the rules when it comes to golf carts saying we want access but we don't want to have kids that are under, which is the law, kids under 16, we want that enforced.

Ms. Fowler stated it's per the other traffic violations that would be enforced automatically by the Sheriff's Department. It's just like any other traffic enforcement; it's going to be selective. The SJSO don't stop everybody that's speeding. It's not something that I could tell you exactly what would happen. I think that would be another area, if that particular patrol or Deputy is looking for that bad guy, or whatever, it's another refraction where people might receive tickets for engaging it. Like I said, no matter if the roads do say it's for golf cart use or not, it's never legal for someone under 16 to drive a golf cart on the road.

Mr. Yuro stated to your point, I would suspect the use of a golf cart, there is some subjectiveness to that that the CDD board and residents could probably have some influence on it. One of the things it references is speed limits. All the roads in here are residential roads with 25 mph speed limits whether it's a cul-de-sac street or the main road. They all have driveways and they are all 25 mph speed limits. It would stand to reason to me that most of the roads ought to be treated the same, where as Leo Maguire is a county road, it's a collector road, it's a 35 mph speed limit, it's a different animal. I would suspect that there is some judgment that can be used with that. Susan, would you agree?

Ms. Rudd responded I would agree with that. Also, this agreement would really open up the door if you have some young teens that it's summer time, they are habitually getting in golf carts and riding around the neighborhood during the day, you could at least call and report them and have a Sheriff's Office representative come out here and ticket them at that point.

Mr. Sheppard asked in both proposals, is task 1 equivalent?

Ms. Rudd responded I didn't get the England-Thims & Miller proposal until 3:00 p.m. today, so it would seem to me that Ayres is more encompassing just based on the amount of taxed and time that they put into it. They did have more time on the proposal than ETM did. I had talked to Ayres first and kind of got scared towards the end that we weren't even going to get a proposal, so I called ETM to try and get one from them as well. I can go back to ETM and talk to them about their task 1 and go through these tasks item by item if that is what you would like.

Mr. Sheppard stated I think the starting point is if we decide we need this we need to find out what the study says and then determine whether it's going to be an asset to the community or if it's going to be bad to file this because of the golf cart issues and there maybe some other costs that could uncover. You don't want to learn that after you file it. This agreement wouldn't be executed until after the study.

Mr. Oliver stated correct.

Mr. Thibault stated after the private study. If we want the county to do the study we would have to issue this agreement prior to the study.

Ms. Rudd stated the county would not do the task 1 study for you.

Mr. Thibault stated I am talking about task 2.

Mr. Oliver stated you are saying we can't enter into an agreement until this study is done.

Mr. Thibault stated correct.

Mr. Sheppard stated task 1 goes with the agreement and then task 2 would be after the agreement is signed. Is that correct?

Ms. Rudd responded task 2 we may not even want to do because we could enter into St. Johns County's traffic calming program. I got task 2 just in case they want to go that route and so we would have a number for it. Some of the comments I got from both firms was we definitely want to come to the community and show some exhibits and that sort of thing, because a lot of times we may make a recommendation and the community just does not like the appearance of some of these traffic calming solutions. A lot of times they make a recommendation to do something and the community says we don't want that in our community. Unless it's incorporated in at the very start, it's just not going to have the feel of what the community is going to want.

Mr. Oliver stated as far as the golf carts go, you do have the luxury of time on addressing that issue, because the study will have to be done first before you decide whether or not you want to enter into the agreement.

Mr. Petkoski asked was it Ayres that was involved in this 210 area?

Ms. Rudd responded yes.

Mr. Petkoski stated from what I am thinking it doesn't sound like we have a choice. If we want to take this issue further we have to do something with one of these two people. If we have to do something with one of these two people I would make a recommendation that we do it with Ayres. I would like not to spend \$1,000 more dollars with them over ETM, but number one, you can see the difference in the detail, plus the fact that they are involved with the area study. I think it gives me some more comfort and it's a big deal to this area. I would propose that if we select one it be Ayres. I just throw that out there for more discussion.

Mr. Yuro stated I generally agree that in regards to the two, the agreement in order to clarify things with the Sheriff's Office I think is a very important issue. We have had more than one meeting where it's come up with the residents and they have expressed frustration. This is certainly a step in that direction that we can make it clear. I tend to agree with Bill on this based on what I am seeing here and their involvement in the area. I don't think we can go wrong by selecting Ayres.

Mr. Oliver asked is there any other discussion?

Mr. Sheppard asked where are these funds being drawn from?

Mr. Oliver responded from the general fund. You have adequate funds in there and would be able to get is from reserve, not to mention you are going to have additional funds because of the excess revenues.

Mr. Yuro stated if we want to cut down on security we are going to have to spend it here.

Mr. Petkoski stated I like, and I think you made the comment about having them involved with the security issue rather than another company I think is important too. It could help out in a lot of ways.

Mr. Yuro asked do we need to make a motion?

Mr. Oliver responded yes. This won't have anything to do with the agreement itself because we can't move forward with that until the traffic study is completed. We would be looking for a motion approving the proposal with Ayres and Associates for an engineering report

and signing plan to meet the requirements of the St. Johns County agreement for traffic control not to exceed \$10,000.

On MOTION by Mr. Petkoski seconded by Mr. Yuro with all in favor the proposal from Ayres and Associates for engineering report and signing plan not to exceed \$10,000 was approved.

Mr. Oliver stated that was the meaning for this special meeting, and of course at our next regular scheduled meeting we will give you an update on where we are.

Mr. Yuro stated dealing and coordinating through Ayres, I'm glad to see that Susan was involved in getting the proposal. Will Susan still be a point of contact with Ayres?

Mr. Oliver responded correct.

**THIRD ORDER OF BUSINESS**

**Supervisor's Requests**

There not being any, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Audience Comments**

There not being any, the next item followed.

On MOTION by Mr. Yuro seconded by Mr. Sheppard with all in favor the meeting adjourned at 4:42 p.m.

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chairman/Vice Chairman