

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, March 26, 2008 at 6:00 p.m. at the Clubhouse at St. Johns Golf and Country Club, 205 St. Johns Golf Drive, St. Augustine, Florida.

Present and constituting a quorum were:

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

Also present were:

Jim Oliver	District Manager
Wes Haber	District Counsel
Susan Rudd	District Engineer
Jamie Fowler	Hopping Green & Sams
Heather Mickelson	Art of Living Director
Emile Benoit	GMS, LLC
Rich Whetsel	GMS, LLC
Jeff Church	Amenity Services Group
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Approval of the Minutes of the January 23, 2008 Meeting, and the February 28, 2008 Special Meeting

Mr. Oliver stated the next order of business is approval of the minutes of the January 23, 2008 meeting and the special meeting that was held February 28, 2008. Are there any comments or corrections to the January 23, 2008 minutes?

Mr. Yuro stated on Page 25, the second paragraph from the bottom, the word conservation should be conversation. On Page 11 of the February 28, 2008 minutes, the second paragraph from the bottom, the word collective should be collector.

Mr. Oliver asked are there any other comments or corrections to the minutes? Hearing none, I ask for a motion for approval of the minutes of the January 23, 2008 and the February 28, 2008 meetings, as revised.

On MOTION by Mr. Petkoski seconded by Mr. Sheppard with all in favor the minutes of the January 23, 2008 and February 28, 2008 meetings were approved as revised.

THIRD ORDER OF BUSINESS

Discussion of Security Gate System and Pricing

Mr. Oliver stated the next order of business we are going to move up discussion of security gate system and pricing. Before we get into board discussion I would like to bring everyone up to speed as to how we have gotten where we are. At the January 23, 2008 meeting the board directed staff to come up with a rough cost estimate of what it would cost to have a gating system for Sampson Creek CDD. There are a few facts that I need to bring up for you to consider as you look at that security option, as well as some other options that are on the table, or combinations of options. First, if you look at the map in your agenda package, unlike many communities, there are three distinct entrances into this community into specific neighborhoods. Another fact to consider is CDD roads are built with public funds. They are public roads, therefore entrance cannot be denied to anyone. To have a gated community, because of the structure of Leo Maguire and the three neighborhoods that feed off of Leo Maguire, you would have to have some type of gating system at each of those entrances. The two types of gating systems you could have would be a staffed gate, where a security officer could talk to each visitor that comes in and ask them where they are going, which is fine to do, but they would eventually have to let the people in. That would have to be staffed and we are looking at 12 hour staffing during the peak crime possibility hours of 6:30 in the evening until 6:30 in the morning. The other option would be to have a soft gate. A soft gate simply means that anyone that pulls up to the gate the gate would be triggered to go up. It would be a gate in appearance only because of the fact that all public must be allowed to come into the community. It would be unstaffed and the gate would have to open, otherwise, you are denying entrance, and then you have a host of legal problems. Some communities have a staffed gate in the front, and for secondary entrances they have a gate which allows some type of card reader or other type of

access, because there is more than one entrance into that specific community or neighborhood. In this case, because of the three distinct entrances into the three distinct neighborhoods, you don't have that option. You are either going to have to have one or all of the roads staffed or have soft gates. We did put together some rough costs and those are on the next page. If you look at the idea of one gate house and two soft gates, or three gate houses, the minimum capital cost could be anywhere from \$210,000 to \$250,000. That estimate could easily double. That includes the guard house, the gating, DVR and cameras, and radio transmitters for resident gate assist. It could be, if you decide to go that route, that there would be some architectural considerations. You would want so the guard houses would fit with the ambiance of the community. That would be something the board would have to consider. You would also have operations costs on top of that. Essentially, for 12 hour coverage, 365 days a year, you are looking at about \$75,000 for staffing for each of the gates that aren't using a soft gate system. If you were to have one gate staffed it would be \$75,000 with the impact on individual assessments of about \$100 per year. If you staffed all three gates and had gate houses at all three entrances it would be about \$225,000, which would be a \$300 impact on assessments. Should you decide to go with a gated community, staff would need to formalize the process, get an architect involved, get bids, and permitting with the county. There are other effects of this gating system also. For instance, if you have people making a left hand turn off of Leo Maguire into the community, it could be that a queue develops on Leo Maguire Road where there would have to be some road changes or expanded turn lanes. Those considerations would have to take place. There would be engineering work, architectural work, legal work, and permitting. These would be soft costs that would be incurred by the district whether the county approves a gating system or not. Those are just some of the things the board would have to consider.

Ms. Griffey stated the sidewalks will all remain open and anyone can come and go via the sidewalk.

Mr. Oliver stated no one will be prevented from coming in.

Ms. Griffey stated there will be no one there to ask who are you when you are walking in, is that correct?

Mr. Oliver responded that is correct. I'll add to that, and you bring up a good point, if you do have staffing at one or all three gates, this staffing will be stationary to man the gate, which does not help with the internal security issues that seem to be occurring. A resident did

provide me with a proposal from Giddens Security. Giddens would provide roving security throughout the district at a cost of about \$75,000 per year for the 6:30 p.m. until 6:30 a.m. time span. Some of the positives with that are they seemed to be well trained and they are not stationary, they can go throughout the community and drive about 40 miles per night. You would not have any upfront capital costs associated with that. If you do incur capital costs we are going to have to find a way to fund that along with the \$220,000 or \$250,000 or more with soft costs.

Ms. Griffey asked what is the extent of their enforcement? They are not Sheriff's officers, they are someone we hire? They can't give out tickets of any sort, so can they only stop people who are doing suspicious activities? They can't stop people who are just out walking.

Mr. Oliver responded they have no enforcement powers, but they do have a working relationship with the Sheriff's Office and immediate contact with them. It's another set of eyes that is going through the community. Number one, it's a deterrent, but also reporting things as they happen in real time rather than finding out about it the next day.

Ms. Griffey stated they only rove on the roads, so they won't be on the golf cart trails. If people are on the golf cart trails, which a lot of times you can't see from the road, they won't be patrolling that area, which I hear there are a lot of things going on through the golf cart path. People are going behind there and that is what you hear a lot of complaints about. This guy won't be patrolling those particular areas.

Mr. Oliver stated he will be in a patrol car which will limit his access to some degree. Fortunately, the county did grant this district security powers so we could use roving security guards beyond the scope of just this location. They could go throughout the residential areas and patrol, which is a good thing. Some districts would not have that option.

Ms. Griffey stated I was just wondering how they would handle the part behind. A lot of homes that are complaining said they entered through the golf course.

Mr. Haber stated the biggest issue is that the golf course is privately owned and isn't a CDD improvement. While they are CDD roads the CDD could, on a contractual basis, grant the security company the right to roam those roads. The CDD has no authority to allow them to roam on the golf course.

Ms. Griffey stated I hear a lot of complaints about people accessing the yards from the golf course.

Mr. Haber stated if the security people see someone on the golf course that looks suspicious from their car on the roadway they could certainly report it. The CDD doesn't have the authority to grant them the ability to go on the golf course.

Mr. Oliver stated district counsel has spoken with bond counsel and making this a gated community will not affect the bond covenants.

Mr. Haber stated to the extent we meet all the requirements of it being soft gates or manned gates.

Mr. Oliver stated with that, I will turn it over to the board for comments or questions.

Mr. Petkoski asked the \$300 increase to assessments per unit, what option was that on with the guard gates?

Mr. Oliver responded there are 799 lots and I am dividing the \$75,000 by the number of landowners. For every \$75,000 you are looking at an effect of \$100 on operations and maintenance costs for the budget. Unmanned gates would have an impact of \$300 on assessments. That is for O&M, not counting the capital costs.

Mr. Thibault stated you mentioned the three separate neighborhoods. The first two entrances on the left side that come to this area you can get anywhere in the community from either entrance. Would it be possible to make one gate a manned gate and one a hard gate?

Mr. Haber responded we had a district that had that same issue and we think from a legal prospective, from a federal tax prospective, it met the standards as far as having access to those roads because once you get into that soft gate you are able to access every road. This particular district where we addressed the issue, while we were comfortable with it, the county in which that particular district was located had issues with it. I can tell you we don't feel it violates the federal tax issue and we think it's okay under Chapter 190, which governs CDDs in general, to the extent the county may have a problem with it when we propose our plan, that's something that is left to be seen.

Mr. Thibault stated if it's going to save us \$75,000 it's at least an option to propose.

Mr. Haber stated I agree.

Mr. Thibault asked what was the county's issue?

Mr. Haber responded it was in Manatee County and Manatee County had quite a few issues with the number of CDDs in the county. I think some of the CDDs had hard gates. There were some CDDs that were just blatantly violating the rules so they had an audit and a strict

scrutiny done of all the CDDs within the county and became extra sensitive at gates on CDDs and I think had a preference for soft gates at every entrance.

A Resident stated I understand St. Johns Forest has a soft gate in the back and they are a CDD as well. They have a hard manned gate at the front and in the back is a video camera that leads into the manned gate in the front.

Mr. Haber stated I agree that is perfectly legal. As district counsel I am saying that is legal. I'm also saying we may have a fight at the county level. I don't know whether that will be the case or not. It sounds like there are other CDDs in the county that have that so we would certainly have an argument that was precedent to do that to save this particular district money.

Mr. Thibault stated what if those other two were hard gates, you couldn't get in without somebody pushing a button to open the gates, but they were video fed to the guard up front, so in essence that one guard is manning all three gates, talks to them and gets their information and let's them in. Is that possible?

Mr. Haber responded I would have to check with bond counsel on that. As long as there is a gate where there is access to every road. We don't want someone getting stuck there for whatever reason, the electronics don't work or whatever. The biggest issue we deal with on these gates is the federal tax issue. If there is a determination made by the IRS that these roads are private, the bonds become taxable, which will be a huge impact on everybody. I'm not comfortable giving advice on that, but I can run it by bond counsel. If I had to guess, the answer would be no. We generally take a very conservative approach because of the sensitivity to the tax exempt status of the bonds, but I'd be happy to run it by bond counsel and see what he thinks.

Mr. Petkoski stated in this \$210,000 figure it doesn't appear you have any civil engineering or other engineering that would accommodate the stacking queue, the traffic, or the other architectural features. Do you have an estimate of what that would cost?

Mr. Oliver responded we do not. That's why I said there would be soft costs, legal engineering, and architectural, that could be an easy \$50,000. You are going to have to make a presentation to the county and we just don't know what the effect is going to be on Leo Maguire Road. Ultimately, if the board wishes to investigate further, I would recommend a cost analysis be prepared by a consultant or engineer.

Mr. Yuro stated you can expect significantly more than that if there are roadway improvements required. Those can run easily another \$250,000 for intersection improvements.

Ms. Griffey stated I see each resident gets two radio transmitters. If you have more than two cars what is the cost for each transmitter? I'm assuming they will have to buy them if they want more than two, correct?

Mr. Haber responded that's correct.

Mr. Thibault asked am I correct to assume that those are the clickers that people hang on their visors for their garage doors? A lot of the gated communities have the bar codes on their car or they put it on their dash board or have a little card like the Bank of America building so when you drive through the scanner reads it and opens up, just like the cards we have for the swim area. You can turn those on and off as they all have an individual number attached to them, but with the little push buttons if someone leaves it somewhere or loses it, someone can steal it. There are so many different things that could happen to those that would completely eliminate the safety that we established.

Mr. Haber stated one thing that needs to be understood is it's either going to be a soft gate that anyone is going to be able to get by, or a manned gate which does not necessarily mean that people are turned away. At the most extreme example someone would say what is your name and what are you doing here, that person could say I'm not telling you my name and I'm not telling you what I am doing here, and the guard has to let them through. The guard could take note of people who look suspicious and take note of suspicious looking cars, take tag numbers, take information down, but they have to be let on the road. It's a public road.

A Resident asked could you recap why that is?

Mr. Haber responded the roads are public. The CDD is a body of government. The CDD paid for the roads and owns the roads, but because the CDD paid for those roads with tax exempt bonds that were issued by the governmental body of the CDD, the roads need to remain public.

A Resident stated St. Johns Forest is a CDD and they have a hard gate and those roads are the same as ours. They are 24/7; they check your ID and don't let everyone in.

Mr. Haber stated if I was their lawyer I would tell them what they are doing is wrong. However, I am not familiar with their gating system or roads.

Mr. Petkoski stated I can tell you at Palencia if you go through the visitors guard gate and say what you need to say, these are public, they have to let you through and they do. St. Johns Forest, I don't know what they are doing, but they are CDD owned roads. The fact that there is a gate there doesn't stop bad things from happening and you all know that, but it will help. Early

on in the community if you wanted to go through they made you take a right and visit the clubhouse and sign in and then you could go look at whatever you wanted to look at.

Mr. Haber stated there are different ways that CDDs can fund improvements. If at that time the developer paid for the roads and the CDD was going to acquire the roads with bond funds, if that acquisition had not yet taken place, the roads may still have been private at that time. I don't know, but it's a possibility.

Mr. Oliver stated obviously we are going to have a lot of discussion and it's a very complicated issue, but these are all points that need to be discussed and hashed out, because it's such a major project. Are we ready to go to audience comments?

Mr. Petkoski responded I think so. We have talked a lot about the gate, but we haven't talked quite as much about roving security.

Ms. Griffey stated it doesn't hurt to try the roving security and if that doesn't work you can go to the more expensive option.

Mr. Oliver stated I had discussions with the Chairman today and do think the board will be in a position, regardless of what direction you go with the gated community, which as you can see because of the complicated issues will take a while to make this happen, but you certainly could use roving security as a stop gap. That would be action that later tonight, after discussion, the board can consider. Obviously, security is an issue that we need to take up right now. The gated community item could take several months because of the architectural work involved, the permitting work, and the funding.

Ms. Zaffino stated you said the start up fees were running anywhere from \$210,000 to \$250,000. Did you get more than one quote?

Mr. Oliver responded that was one quote. It was a complimentary quote. When you get into work of this degree the professionals don't want to come out and give just a quote, they want to see what direction this community is going to go.

Ms. Zaffino stated there are a lot of folks in here that work for either David Weekly homes or other builders that got some quick quotes, similar to what you have, and numbers were a lot less.

Mr. Oliver stated that would be good.

Ms. Zaffino stated I think it would probably be a good idea to get quotes if we decide to do this.

Mr. Oliver stated if the board wants to go in that direction we will formalize the process and energize the entire staff to get it done.

Mr. Haber stated we can get quotes and as quotes come in, depending upon the price range we are getting, there is a minimum threshold on Florida Statutes for bodies of government like CDDs where work has to be publicly procured and if we are near that threshold, once Jim gets a number of quotes and sees what they are, I may have to recommend that the board go out and publicly advertise for quotes to install the system if we are meeting those thresholds. If you are above \$250,000 it has to be publicly bid. It's a process my firm goes through quite a bit and we are familiar with it. We can get the quotes, but to the extent that we are near that number, we may have to publicly award it instead of privately.

Ms. Zaffino stated when you say publicly awarding the bid that means that anyone can give us a bid, we can have 700 bids if we want.

Mr. Haber stated I have never had more than 10 to 15 bids. You put an ad in the newspaper saying anyone who is interested please submit a proposal with these minimum requirements. We set evaluation criteria and the board decides who is the most qualified to do the job.

Ms. Zaffino stated we would still have the right to pick who we wanted.

Mr. Oliver stated yes. Out of curiosity, what was the aggregate number you heard?

A Resident responded the equipment installation for the arm gates was about \$30,000 with around \$2,000 for electrical work. I looked at one today that was a tiny guardhouse. It was over the top and very nice, but it was about \$50,000 and it would never work for what we would want in our community.

Mr. Oliver stated the major cost is going to be the guardhouse.

Ms. Zaffino stated the \$50,000 was for a tiled roof, fancy windows, tongue and grooved, bathrooms, air conditioning, the whole nine yards. It was smaller than what we would want, but that's just a ballpark figure.

Mr. Daddario asked am I correct in that if we have a manned gate we have to have sewer, toilets, and running water?

Mr. Yuro responded I would think if you are going to have someone there for 12 hours you are going to need to provide a facility for them.

A Resident stated I did find out that a guard gate must have a bathroom.

Mr. Yuro stated the follow up question was is there facilities available. We would have to check with the engineer and look at the engineering drawings to see what the routing is of the water and force main and the other facilities.

Ms. Rudd stated there are no existing stub outs for those services, so at the very minimum if there's a sewer line there, you could throw a stub off of it. If there is no sewer line there you may have to permit a sewer line to go to it. You may have to add man holes and tear up driveways to get that stubbed.

Mr. Daddario asked how much more would that be?

Mr. Yuro responded it would depend on how long you have to run it. It could be a substantial cost including the repair work to the roadways, because the sewer is typically in the middle of the road.

Mr. Daddario asked when you figured the fees did you figure reserves for maintenance, insurance, repairs, etc?

Mr. Oliver responded yes, we did.

Mr. Tamwora stated I would like to get a sense from the group here by a show of hands of whether there is support for a roving security guard, or a project to have gates at all. We seem to be getting ahead of ourselves in terms of details before we have really decided whether there is support for different levels of security.

Mr. Oliver stated we may have to formalize this at some point. Like I said, it can be a long process. Obviously, the most interested people are here in the room tonight. By show of hands, please show who is in favor of this being a gated community.

Mr. Petkoski stated I would say that is about half.

Mr. Oliver asked if this weren't a gated community, who would be in favor of roving guards? Let me ask who prefers a gated community over a roving guard.

Ms. Zaffino stated I have this petition with names and names and names of people that do want both.

Mr. Petkoski asked how many names?

Ms. Zaffino responded 119 names.

Mr. Petkoski asked do they prefer a gate or roving security?

Ms. Zaffino responded a majority said gated.

Mr. Yuro asked did the people who signed the petition understand that a gate could not prevent anyone from coming in?

Ms. Zaffino responded yes.

Mr. Oliver stated we are early in the process right now and the board is simply trying to get the pulse of the community on this issue because obviously, there can be some tremendous costs involved with this. If the community wants to go in that direction we would have to come up with a financing mechanism for this capital project. Everyone in the community would have to have a say so because it would affect everyone's assessments, not just those in the room. It's a pretty big project we are talking about, but security matters are very important.

Mr. Krzywonski stated I want to talk about the stop gap measure because it seems that is what needs to happen more immediately. In light of that I would mention the car roving around 12 hours a day. Is there an option to discuss a golf cart? That way they would have the opportunity to hit the golf course, with permission from the appropriate people, and possibly purchase a golf cart or work out something with the golf course. It affects everybody; maybe even two guards possibly.

Mr. Oliver stated that is a discussion that could be made with the golf operation and the HOA. Obviously, the district has no control over those lands and could not enter solely into an agreement with the security company. If an agreement could be reached, perhaps something like that could be worked out with some type of cost share. These are public funds and can only be used in certain ways. There are cost shares in other communities for other types of situations.

Mr. Valentine stated I realize a gated community and a roving guard would make everyone feel warm and fuzzy, but has anyone looked to see whether there's a difference as far as gated versus non gated communities? If I recall correctly, there was a Times Union article about 20 years ago that identified gated communities of Jacksonville actually having higher burglary rates than some of the other neighborhoods throughout the city. I don't know if that's necessarily going to accomplish what we are trying to do. I'm assuming we are addressing crime here.

Ms. Zaffino stated I have a crime analysis I can show you.

Mr. Valentine asked is it gated versus non-gated communities?

Ms. Zaffino responded this is just in our community. For the past 90 days we have had over 50 calls for service just in our community.

Mr. Valentine stated I'm asking if that would actually change as far as the number of calls versus the gated community down the street.

Ms. Zaffino stated I think it would be appropriate to get a crime analysis of Cimarrone. In the 50 calls for service we had domestic battery, burglary alarms, burglary to motor vehicles, mischief, vandalism, reckless driving, suspicious persons, assault and battery, and burglary to residences. That was over 50 calls in 90 days. Basically, what Officer Timmons said is we are having a cop come out here at least every other day.

Mr. Valentine asked would that be impacted by a front gate?

Ms. Zaffino responded it might possibility stop some of the 50 calls in 90 days.

A Resident stated the University of Washington, Harvard University, and the Department of Real Estate and Urban Land Economics, based on their recent survey, stated that traffic is reduced by 67%, traffic accidents are reduced by 40%, overall crime is reduced by 26%, and violent crime is reduced by 50% within 11 months of limiting access to the neighborhood. That is a national survey that was conducted.

Mr. Valentine stated that's not the right comparison. That's limited access 24 hours a day.

Ms. Value stated I think by the show of hands it's pretty significant that the majority of us, whether we are for the gates or not, would be willing to compromise at least in the beginning and have a roving guard like South Hampton does. The gentleman's question about St. Johns Forest, I believe the HOA owns the roads over there, hence the difference. My husband was a guard over there and they could turn people away. They were told by the HOA to turn them away.

Mr. Haber stated you can have a CDD in a community and that CDD can pay for water and sewer and storm water, but not pay for the roads. The roads could be privately financed. You can have a CDD in a community that still has private roads. It depends on what the CDD funds were used for. In this community the CDD funds were used for the roads.

Ms. Value stated at Palencia you can go in, you don't have to tell them where you are going, and they let you in. The gate does not deter anyone at Palencia from coming in.

A Resident stated I disagree.

Ms. Value stated it will be a soft gate based on our CDD, correct?

Mr. Oliver stated it would be a soft gate, whether manned or electronic.

Mr. Haber stated if I could clarify, I think some people may refer to a manned gate as a soft gate because even though the gate is manned, as I mentioned earlier, everyone has to be let through. Soft gate versus hard gate, with a hard gate certain people can be rejected if they are not guests of people who live within the gates. Soft gate everyone would have to go through. A manned gate can still be a “soft gate”, so there may just be a misunderstanding of the terminology.

Ms. Value stated maybe what we should do, at least for a stop gap measure, is to pursue the roving guard and see how it works and if we reduce the crime. Half of those 50 calls have to do with kids going down on the golf course and taking beer out of the back.

Mr. Value stated I am a security guard and am licensed by the State of Florida. To answer the question about the roads in St. Johns Forest, since the developer still isn't out of there he can control the Home Owners Association, therefore they have no say. They are not under the CDD. Security officers under the State of Florida have one job to observe and report. If we see a bunch of kids walking down the street and you know they are in trouble you can't go stop them and ask them what they are doing. Your job is to observe them and if you feel a misdemeanor or felony is about to ensue you contact the police immediately. Don't think that whether they are in a guard house or car that they have any police ability, they don't. Golf carts aren't generally used because they run out of juice at the most inopportune times.

Ms. Huffman stated I don't think that most people are going to notice a soft gate. If they are going to come in here and steal something they are not going to go to the trouble of arguing with a gate man. I would like it gated, but I don't think we can make an educated decision until we come back with some concrete numbers to see how it's going to affect us.

Mr. Thibault stated I would suspect that getting concrete numbers is going to cost \$20,000 to \$30,000. Make sure you understand the difference between getting estimates and getting true estimates to include architectural design.

Ms. Huffman stated we need to know a more specific ball park figure.

A Resident stated St. Johns Forest just completed two buildings. I would think someone here knows someone from St. Johns Forest and could ask how much it cost to build.

Mr. Oliver stated I think you will find these numbers are not very far off. I am most concerned that they are understated. We could be looking at a half million dollars for the capital work, including soft costs.

Mr. Williams stated there is another issue out here and that is unauthorized use of our facilities. If we get a roving guard, will that guard have the capability of asking people for an I.D?

Mr. Oliver responded security guards have done that in other communities, so yes.

A Resident stated I see a lot of cars that cut through and use the access road.

Mr. Oliver asked Emile, who controls the gate on the access road between the townhomes and this community?

Mr. Benoit responded the golf course.

Mr. Oliver stated the golf course controls that gate; all we can do is encourage them to keep it locked.

Mr. Zimmer stated that gate remains locked at all times unless there are deliveries. It hasn't been open in probably four months. The only way to get around it is to walk through; a vehicle can't get through here. We put up posts so you can't cut around it and have done our best to put rocks so people can't go through the culverts. We keep up with it the best we can.

A Resident stated we are all taxpayers and I have seen the Sheriff's Office patrol this area maybe three or four times. Is there a way to get the Sheriff's Office to do more patrolling in our community since we have so many people here?

Mr. Oliver responded the board had a special meeting at the end of February authorizing staff to begin an engineering study that is required by the St. Johns County Sheriff's Office before we can enter into a traffic control program which will cause them to patrol this community more often. The engineering firm, Ayres and Associates, has been contracted and have started the process of this study. The study takes about 16 weeks. Once that is done, the board can enter into an agreement with St. Johns County and the Sheriff's Office.

Mr. Haber stated there are two different issues. We entered into this engineering study with the hopes to enter into what's called a traffic enforcement agreement with St. Johns County. St. Johns County takes the position that because these roads are CDD owned their officers cannot and do not enforce the road rules out here, in other words, running a stop sign or speed limits. We are entering into that agreement with St. Johns County for purposes of getting those types of things enforced. With that said, to the extent there are people who have concerns with teenagers roaming their streets on a nightly basis that they think look suspicious, that is not a road rule and I think that falls outside the scope of a traffic enforcement agreement. I think you could call St.

Johns County and say we are having a problem. We are not asking you to come in here to enforce our speed limits or stop signs, we are asking you to enforce problematic looking individuals in our neighborhood and I think they could do that without that agreement. There are two separate issues. I think St. Johns County would see the difference and come out after calling them about suspicious individuals or crime versus enforcing traffic rules. What we are focusing on now is the enforcement of traffic rules. That will probably increase the presence of Sheriff's officers on your roads, but I still think without that agreement if you see something wrong in your neighborhood it's their job to come out there and take care of those issues, especially if they are not traffic issues.

Mr. Oliver stated I think we would all agree increased patrol by the Sheriff's Office will have a deterrent effect on malicious activity.

A Resident asked if we have roving security would they be allowed to go knock on doors of parents of the kids that were causing the problems after hours?

Mr. Haber responded I would refer to Mr. Value, I don't know the answer to that question.

Mr. Value stated observe and report, that's what the state allows you to do.

Mr. Beltz stated I'm a Sergeant with the Jacksonville Sheriff's Office and as you all know in Duval County crime is really bad. Out here it's not too bad, but with all the influx of people and the influx of homes it's going to get worse. As you said, we either start addressing the issues now, or we come back a year or two from now and address the same issues. It's not going to get any better. I can tell you from experience in Duval County it's very bad and it's only getting worse. If they would have started years ago trying to get control of the crime, it probably wouldn't be as bad as it is now. We had over 50 calls in 90 days and they ranged from minor things to big things. The house on the main road got hit so it's all over; it's not just one person or one house. We either get control of it now or we let it run ramped and then it's out of control and it's going to cost a lot more money.

A Resident asked what will a gate do?

Mr. Beltz responded a gate is a very big deterrent. Where I work there are two gated communities. In the eight years that I have worked there I have yet to hear a call for service. Nothing is absolute; things can happen at any time. You can walk out and check your mailbox and I can come by and hit you. Nothing is absolute, but we take the corrective measures to try

and stop the problems. I'm not saying if we get gates the crime is going to stop. A lot of the crimes are within and that's where the parenting comes in. There are people coming in here doing the crimes. We live in a nice community. A good person is not going to come in here and steal your stuff you worked hard for. I think the last robbery or burglary that happened in St. Johns was six kids from Duval County. Last year in all the arrests they made 6,000 arrests were people from Duval County. We are only about 6.6 miles from the Duval County line and we are right off the interstate. We have the truck stops, and if you didn't know, they just got a guy three months ago at the truck stop that was wanted for murder in Virginia. It's here, so either address it now or address it later.

A Resident asked would you run through the advantages of a roving patrol?

Mr. Beltz asked as far as security?

A Resident responded relative to gates.

Mr. Beltz stated in Duval County we have a channel set up just for security where they actually have a direct connect to us where they can call in things like felonies, or what they think are felonies in progress. It depends on your rapport with the Sheriff's Office. Obviously, some are favored more than others.

A Resident stated the rapport depends on the company.

Mr. Beltz stated I'm sure St. Johns County has off duty officers and that would be an option to have them here a couple hours a day in unmarked cars. I'm sure the golf people would get into a meeting with us to let us access their facilities. It cost them a fortune to repair the damage to the golf course.

A Resident asked if you have video cameras, and most places do, you have a video of everybody that is coming through. You have their license plate and if the guy has to roll down the window to talk to the guard you have a picture of his face. That is a huge deterrent. That is something that I think would be as important as anything else.

Mr. Oliver stated when Rich Whetsel got this proposal together he included a camera system for that purpose.

A Resident asked what money do we have in reserve to start a project like this?

Mr. Oliver responded as far as reserve goes, at year end you are probably going to have around \$150,000 - \$200,000 worth of reserves. You just realized \$151,000 returned to the general fund because of the refinancing you did in December of 2006. Reserves would not fund

the entire project, I'm presuming, based on the estimates and the soft costs we have not gotten yet. I don't think you are going to be able to fund it entirely out of reserves. If the board decides to go forward with the process of investigating this we will come up with different financing options, whether they are solely unreserved, special assessments, a loan for the district, or even issuing bonds. I don't think it's large enough to issue bonds because it's a relatively small capital project compared to others.

A Resident asked could it be a one-time assessment?

Mr. Oliver responded yes.

Mr. Petkoski asked if we opt to, as the stop gap, spend \$30,000 to \$40,000 for the rest of the year for the roving security, could we do that with the current budget?

Mr. Oliver responded yes.

A Resident asked how soon could that be put in place?

Mr. Oliver responded that could be a matter of negotiating with the security company in the next couple of days and reaching an agreement. We have proposals from four different security companies. If you just did a contract through the remainder of the fiscal year, obviously there would be a termination clause in an agreement anyway, but also it would be a good test with the selected security company to decide whether or not you wanted to renew that agreement. If you do go with a gated community, again that's down the road and is going to take a while, you have to decide whether or not you are going to have a gated community with the roving security or instead of the roving security.

A Resident asked didn't we used to have a security guard?

Mr. Oliver responded that was during the summer months from 8:00 p.m. until midnight. It was a stationary guard to protect the CDD assets. What we are trying to look at now is something that is more security for the entire community.

A Resident asked was the security guard a deterrent? I recall hearing about vandalism to the pool while the security guard was there.

Mr. Oliver responded I think it was relatively successful, but it was limited in scope. You are talking about a \$9,000 budget and it was just during the summer months and only four hours a night. It wouldn't help with any of the crime that is occurring throughout the neighborhoods. If you were to go with roving security that would probably be discontinued so you could apply that \$9,000 towards the cost of roving security.

A Resident asked have we addressed identifying homes where the perceived vandalism is coming from?

Mr. Oliver responded that is outside the scope of the CDD.

A Resident asked have we addressed possibly making the parents or the homeowners pay for the damages?

Mr. Oliver responded again, that is outside the scope of the CDD.

A Resident asked who do we need to talk to?

Mr. Oliver responded the HOA.

A Resident stated I have a clarifying question for counsel. I remember at a previous meeting talking about the roads and enforcement of traffic. Could you explain that again?

Mr. Haber responded at a previous meeting I think I probably advised that because the CDD is a unit of government the roads are public. Because the roads are public the St. Johns County Sheriffs are entitled to enforce speed limits and stop signs on the roads. That is the case in CDDs in other counties throughout the state. My firm has met with St. Johns County on multiple occasions and expressed our view and interpretation of Florida Law that allows that, but we have different opinions, my firm and the county. We are not going to win in the argument, so rather than continuing to argue with them, and in order to get some effective enforcement in the district, we have proceeded with the county requirements of the engineering study and the traffic enforcement agreement. Once we have that agreement with the county they will do the traffic enforcement that, what was originally our opinion, they should have been doing just because we are a body of government that owns the roads. We tried our best because there are additional expenses associated with the engineering study and entering into that agreement, but we were unsuccessful in persuading the county that they should be doing it.

A Resident stated from an enforcement prospective the roads right now are somewhat semi-private.

Mr. Haber stated the roads are public. St. Johns County has taken the position that because they are CDD owned they won't enforce those rules. I don't think it's the correct position, that's why we need the agreement. That doesn't change my opinion that the roads are public and doesn't change my opinion that if the county thinks they are somewhat semi-private the rules regarding this whole gate discussion would change. My opinion is that the roads are public.

Mr. Thibault stated if we are spending all this money to do the engineering study and we might have to do some improvements to the roads, which means more money spent, if we put the gates on will that deter St. Johns County from coming in here to do the patrols?

Mr. Oliver responded that wouldn't deter a patrolman from coming through.

A Resident stated I have called as a courtesy and said you need to come and check this out and it will still take them an hour to get here. That's the problem I see, and like you said, we are taxpayers and whether they are private roads or public roads, they may need a kick in the butt to get out here to show some more presence.

Mr. Oliver stated that is why we are entering into that agreement.

A Resident asked if we do have a hard gate do the roads become private?

Mr. Haber responded the roads are public and will remain public as long as the CDD owns them.

A Resident asked if there was a water main break or a sink hole in the road would the county take care of it?

Mr. Haber responded no, if there are damages to the roads the CDD pays for that. That goes along with the question as far as reserves and spending all the reserves on gates. That's an issue and is typically an issue that supervisors get brought up. This district needs to continue to include a line item on their budget for reserves to take care of those issues, roofing, the rec facility, the pool, or damages to the roads. Those are all district responsibilities because they are district owned roads.

A Resident stated it sounds to me like there are still a lot of what ifs. We have a very tentative estimate of what we think it might possibly cost. I think as homeowners we would need to have some hard facts as to how this would affect us as homeowners, cost per year, how it would affect the CDD, and I'm certainly not in favor of spending all the reserves. I think before we do anything we need some hard numbers, not necessarily black and white, but a better estimate for additional costs. You think that for every \$75,000 it would impact the homeowners \$100 per home.

Mr. Oliver stated yes.

A Resident stated if we have an additional \$225,000 plus the road improvements and all of that, instead of being \$300 per home it would be \$600 per home.

A Resident stated you would capitalize that item one time. It would be a one-time assessment.

Mr. Oliver stated all the points you bring up are correct. This was intended to be the opening discussion for a very complicated issue.

A Resident asked for the 40 or 50 houses that people don't live in right now, if the gates were here and everybody was assessed, how do they pay?

Mr. Oliver responded they pay assessments to the tax collector like everybody else whether they live there or not.

A Resident stated I think a possible savings would be that instead of a county fair on every holiday, we could possibly save some money and allocate it to other areas.

Mr. Value stated one question that comes to my mind is, as a resident of the back, if you put a nice manned gate up front and a mechanical one in the back, why should I pay \$100 a year when I am just getting a mechanical gate that just goes up and down.

Mr. Oliver stated if there are no other questions on the security issues I am going to have a discussion with the board. Before we have direction on the gated community, one of the suggestions from the board, and also from the audience, was as a stop gap measure to enter into an agreement for roving security for the remainder of this fiscal year. There are funds available. We can review the proposals and counsel can draft an agreement.

Mr. Petkoski stated I think everyone is in agreement that that is a good option for a stop gap. I did hear someone say 12 hours is not enough, so \$75,000 a year turns into \$150,000 a year. I am throwing this back out to the audience because 12 hours versus 24 hours is a big difference. If we make a decision to do 12 hours and everyone feels that is not enough I think the board needs to hear what the thoughts are. I know South Hampton is doing 6:30 to 6:30, the 12 hours. I don't know how that is working for them. Maybe we should start with the 12 hours and then go from there.

A Resident stated 12 hours does nothing to protect the CDD assets.

Mr. Thibault stated last year we had a monitor at the pool during the weekends and the summer months and we are going to do that again, it's in the budget.

Ms. Huffman stated I was coming out of the workout room two weeks ago around 9:30 and there were teenagers half clothed in our pool. I yelled at them and asked them what they were doing and they told me to mind my own business and to go home. They jumped the fence

and were terrorizing the playground. I called the police, but I don't know if they ever came out or not.

A Resident stated a security guard will change that; they can throw those people out.

A Resident stated I lived in South Hampton for seven years and still have a house there. We had a roving guard and we gave them instructions to kick people out and they had no problems doing that. What I would suggest, since they come in at 6:30, is changing the hours based on what we feel is necessary for the security. We could negotiate that in the contract.

A Resident asked wouldn't it make sense to get statistics from the Sheriff's Office to find out what types of crimes are happening at what times and base your security hours on that?

Mr. Oliver responded we can do that, but I think most of these problems are happening during the evening hours. We will consult with them and find out when the most optimum times for crimes are.

A Resident stated in Duval County we file a trespassing warning. If we have people that act up in certain places, like the pool, they can be trespassing. They keep a database and if they come back they automatically get arrested.

Mr. Oliver stated that happened at Johns Creek a couple of days ago, so that option is available here, also.

Ms. Levins asked do we not have cameras? I had a run in at the end of last summer that was very similar. Are the cameras working or monitored anywhere?

Mr. Oliver responded they are working. If there is some type of crime that has taken place there, they can certainly review that tape. These cameras, at other communities, are mildly effective. It's more of a deterrent than anything else.

Ms. Barrow stated as a follow up to a comment about how the police can break down what crime is taking place and at what time and what type, I preference first I am totally in support of adding security, but I wonder if there's not some form of education. I know we have neighborhood watch, but I wonder how many of these crimes, if you break them down, could be prevented by locking your car, parking your car in the garage, putting your garage door down, and keeping your doors locked. I walk and drive through the neighborhood and there are garage doors up.

Mr. Oliver stated I think this would be more effective if it's used in conjunction with other efforts. The point that Bill had brought up was trying to determine with this stop gap

measure what hours we want to go with, whether initially we want to go with 6:30 a.m. to 6:30 a.m. or less or more.

Ms. Huffman asked could we do more to include after school hours?

Mr. Petkoski responded when I hear 24 hours that takes us into a little different league. I am hearing that 12 hours works in South Hampton and is probably a good first step to take. We can determine after we get some information from the Sheriff's Office what 12 hour time frame it is.

Mr. Oliver stated if we do enter into an agreement we can revise or amend that agreement.

Ms. Huffman stated at South Hampton they also have an off duty St. Johns County Sheriff's officer that is in an unmarked car. He has various times, five hours weekly, and is paid \$25 per hour, or \$150 per shift. He can give tickets for speeders and make arrests. That seems to work because no one ever seems to know who it is. It's certainly another option to add in addition to the 12 hours of roving security.

Mr. Oliver stated we will look into that.

A Resident stated if the county's contention is that they are not responsible for policing our roads and streets, is it their contention that as a governing body and CDD we sublease our roads? It sounds like they are ducking their responsibilities in coming out there and actively patrolling our area. Can we then go out and contract for police force as opposed to security?

Mr. Oliver responded they will say they will patrol this area, but they have to have assurances from an engineering study that everything to do with this traffic area is in compliance with statutes. That includes the height of stop signs and that the signs are placed right. That's what they require and as Wes had said, it was counsel's contention that we should be treated like any other public roads and they should patrol them. After going round and round with them we can continue to spend legal fees on probably an effort we can't win, or we can meet the contracting requirements and enter into an agreement with them. The agreement is at no cost.

Mr. Haber stated Florida law specifically prohibits a CDD from taking the type of enforcement action that you raise even if we hire someone to do it. That's not an option.

Mr. Griffiths stated I think the hours need to be from sunset to sun up for the roving security. There are a whole slew of kids on the basketball court every night. They are out there right now and they don't live here. The roving security can do random searches. Every family

has a card to get in the door, so if they don't have a card they need to get out of there. We need to start getting names. I would suggest we start with patrol from dusk to dawn. My last point is it's not just teenagers who are speeding out here. Half the time people don't even stop at the three way stop.

A Resident stated it seems to me we have a lot of questions and don't have a lot of answers. I would like to recommend we take a look at not only doing the 12 hour shift, but I would be willing to volunteer to put some money in to have an armed person in here or a legal person in here at some hours in an unmarked car. We have heard from a security guard and what they can do and what they can't do. I think we need a stronger deterrent in the beginning.

Mr. Oliver stated we are going to check with the St. Johns Sheriff's Office to see how quickly they could mobilize to that that, whether or not it's contingent upon this traffic study or not.

A Resident stated we keep talking about security for 12 hours and then adjusting it. I don't want to see us start with the 12 hours and then the whole thing just goes away.

Mr. Oliver stated that's not the intent, it's a stop gap measure.

A Resident stated you said the engineering study typically took six weeks, correct.

Mr. Oliver stated 16 weeks.

A Resident asked when did we enter into that study?

Mr. Oliver responded early March. The special meeting with the board to enter into that agreement was held in late February.

Ms. Huffman stated we could still have an off duty officer under cover here despite that.

Mr. Oliver stated we are going to ask the St. Johns County Sheriff's Office if they will do that and at what price and what agreement we can reach.

Ms. Griffey asked can they give tickets?

Mr. Oliver responded I do not know if they are revented from writing a ticket if they observe a traffic violation.

Ms. Griffey stated if the Sheriff's Office is not authorized to give traffic tickets while they are on duty, if we hire an off duty officer I don't think they can still legally give traffic tickets.

A Resident stated off duty you can enforce everything pending the study you are talking about as far as the traffic agreement.

A Resident stated I am concerned about these issues like everyone else. I have some concerns about spending money, although I think that if it's going to have results, then we should spend some money. I don't think the proposals we are talking about and the facts that we are getting are necessarily comparing apples and oranges. I don't think people in the community understand. I did not expect to have this type of discussion tonight. You have to notify everybody, give all the options with the upsides and downsides, so when people sign a petition they know what they are signing. We have to evaluate what's going to affect the crime we are talking about. The list that was passed around, most of the things are from local people, domestic battery, alarm calls, and things like that. All I am suggesting is that we need to let everybody know and have specifics, cost, up and downs on all of these proposals, and then re-evaluate if it's working or not working and come back and start doing the long term stuff. I think too many people are not aware of what's going on and I'm a little confused because we are getting a lot of information but I don't know how much of it is substantive.

Mr. Oliver stated I again want to stress this is the opening conversation for this issue.

A Resident stated as far as the calls for service, keep in mind this is just what people are reporting. People don't report the crime if nothing was lost. This is just for people who have called in, so if it's 50 people who have called in I would figure 25% or more are not called in.

Mr. Oliver stated we need to have some type of measurement of how effective these things are. At least by starting these roving guards we will be through the budget process for FY09 and can make a determination of whether or not it is worth the money and if it's effective. More long range, this gated community issue is going to take several meetings and workshops. It's not going to be an easy fix. The board is not ready to tee this thing up for some type of decision yet.

Ms. Griffey asked how does this affect the cemetery?

Mr. Oliver responded again, they are public roads so everyone has to be let through.

A Resident stated we asked when we first moved in why we weren't going to have a gated community and we were told because of the Sampson Cemetery.

Mr. Oliver stated that would be another reason you couldn't have hard gates.

A Resident asked legally, are the CDD and the HOA allowed to be in the same room and all get aligned to get facts, financially or otherwise?

Mr. Haber responded the CDD and the HOA can set meetings at the same time.

A Resident stated I asked the question earlier and it had to do with the HOA.

Mr. Haber stated there are definitely different responsibilities that the CDD has and the HOA has.

A Resident asked can we be in the same room and discuss it like we are?

Mr. Haber responded any issue is open for discussion and the CDD and HOA can collaborate on issues and the CDD and the HOA can enter into contracts to jointly deal with issues. The most important thing, as far as the CDD is concerned, is it's a body of government, any CDD meeting has to be publicly noticed in a newspaper of general circulation in St. Johns County with seven days advance notice. There's definitely the ability for cooperation amongst the two groups.

A Resident stated clarify for me the soft gates. A soft gate lets anybody through; it's not like having some kind of a bar code or something else.

Mr. Petkoski stated you can have a bar code and it can still be a soft gate, meaning the residents have the code on their windows, yet the outside world, if they say the right thing they are going to get in. If they know that those are CDD roads with public money they know the guard has to let them in.

A Resident stated I'm talking about the remote gate. We were talking about having a manned gated and two remote gates. On a remote gate that they would need to gain access to the cemetery you would need a soft gate, which I think means there is no bar code.

Mr. Oliver stated I agree with you.

A Resident stated if we have to have a gate that just opens and closes this whole thing is moot.

Mr. Petkoski stated one of the options is to have manned soft gates at all three openings.

Mr. Oliver asked before I ask for a motion, do you want to discuss the stop gap measure of roving security?

Mr. Yuro asked can you give us your recommendation? We have four proposals, what would be the recommendation of staff?

Mr. Oliver responded my recommendation is that we go with Giddens Security. The other three proposals were gathered before the Giddens Security and were based on the clubhouse security. Giddens Security seems to be very well trained, very professional, they do

other communities in this area, and have excellent hourly rates of \$14.89 an hour and .40 cents per mile. That would include roving of about 40 miles per night in this community.

A Resident asked if the guard is roving, how is he going to maintain security for the amenity center?

Mr. Oliver responded this will be his base of operations right in here, he won't rove for 12 hours, he is going to go to different spots and check in, but this will be his base of operation. I still think it will be adequate. If someone wants to commit a crime bad enough, they will be able to work around it. Like someone said, there's no perfect solution. You would have the option of having the roving security, plus have security at the amenity center. As a pilot program you may just want to go with the roving security. Again, we can always revise or amend whatever agreement you reach tonight. I would be looking for a motion authorizing staff to enter into an agreement with Giddens Security for the remainder of fiscal year 2008 based on the rates they have quoted in their proposal of \$14.89 per hour and .40 cents per mile on approximately 40 miles per night. That comes to about \$190 to \$200 per night based on 12 hours. If you authorize staff to enter into an agreement counsel would review the agreement, prepare the agreement, and bring it to the Chairman for execution.

On MOTION by Mr. Petkoski seconded by Ms. Griffey with all in favor authorizing staff to enter into an agreement with Giddens Security was approved.
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Mr. Oliver stated what staff will do for the next meeting is begin gathering more definitive information regarding the gating systems in response to some of the issues and questions that were brought up tonight so that we can get into round two of the different options with gating systems including the different financing systems that would be available to meet those requirements.

Ms. Griffey asked is there any chance we can get a closer quote like if we have to widen the entrance ways or things like that?

Mr. Oliver responded through this process we will try and get some firmer numbers and also have discussions with St. Johns County for at least some back channel discussion of what requirements they would have, like if they have any issues that would be potential road blocks for us. There are a lot of questions to be asked. Even with that I would not say it will be ready

for a decision at our next meeting. There are a lot of issues that need to be hammered out. This is an unusual venture for a CDD and I'm sure we'll need the advice of a party more experienced in this process.

Mr. Yuro asked will you also check with the county on the issue of an off duty officer and the agreement?

Mr. Oliver responded I will check on that.

Mr. Value asked when you have a roving guard you are supposed to have clocks around the development. You have to figure that into the money as far as who you get to install them and where you are going to install them, etc. You just don't trust the guard to make so many rounds per night. In a place like this you would probably want a dozen.

Mr. Oliver stated during our discussions with Giddens we will work that out.

Mr. Petkoski asked the motion the board made, are we stuck with Giddens?

Mr. Oliver responded I would like to revise that motion to allow staff to recommend to the Chairman other potential security firms that may meet the same requirements if it's more favorable to the district, but we would bring that back to the board for ratification, which would allow security services to begin.

A Resident asked is it possible to have a timeframe when that would be finalized?

Mr. Oliver responded barring outside issues like the one Mr. Value brought up it would be wonderful to have this put to bed a week from now. Whatever is reasonable and depending on how quickly they can get their people mobilized. You have the security, we are going to bring more information about the gating system, and we are also going to contact the St. Johns Sheriff's Office for some type of off duty officer.

Ms. Huffman stated just so I can clarify, the board has decided to go with roving security, roughly dusk to dawn, and this would start when?

Mr. Oliver responded barring any problems, like the one Mr. Value brought up about checking in, we would like to get this put to bed in a week.

Ms. Huffman stated we are obviously going to watch very carefully as far as the sleeping in his car. Am I correct in that he will be responsible for going to our amenity area and asking people where they live and if they don't live here kick them out or call the police?

Mr. Oliver responded correct. We heard a wide range of what the security officers can do because of different security companies and different communities. We want someone that is going to be more on the aggressive side than the complacent side.

FOURTH ORDER OF BUSINESS**Audit Services RFP**

Mr. Oliver stated the next item is the audit services RFP. Chapter 218 of the Florida Statute requires that governmental bodies undergo an audit every year, as we do here, but every three years or more we must go through the request for proposal process so that different audit firms have the chance to compete for this business. We did that in 2006 and Dufresne & Associates of Orange Park was selected to perform the audits for FY2005, 2006, and 2007. We want to start the process to select an auditor for FY2008 which will end in September. There are a few steps we have to take to do that. We are going to appoint the committee tonight and then notice an audit committee meeting in conjunction with the next regular meeting. At that meeting the audit committee will select the criteria of which to evaluate the proposals from the audit firms and also authorize staff to begin the RFP process. Tonight I need authorization from the board appointing the audit committee board. I would suggest the entire Board of Supervisors serve as the audit committee.

On MOTION by Mr. Petkoski seconded by Mr. Thibault with all in favor the appointing the Board of Supervisors as the audit committee was approved.

Mr. Oliver stated at the next meeting we will notice it in such a way that we will have the CDD meeting and then the audit committee meeting back to back. You will approve the selection criteria, of which there is an advance copy in here for you, and we will authorize staff to begin the RFP process.

FIFTH ORDER OF BUSINESS**Consideration of ASG Proposals**

Mr. Oliver stated the next item of business is consideration of ASG proposals. ASG is the company that has been providing lifeguard services for a number of years. Last year, in addition to the lifeguard services, there were some complaints about unauthorized people in the

pool area even during the regular hours. ASG was contracted to provide pool monitoring services. What this person can do, like the security guard right at the pool area, is keep the towels off of the gates so they are locked and walk around and make sure unauthorized people aren't in there. Jeff Church is here from ASG if you have any questions for him. They presented these numbers to us last summer as you went through the budget process for 2008. The proposals are within the same budget they provided, so you are within budget for that.

Mr. Haber stated immediately prior to the meeting I handed out two separate agreements. One agreement is for the lifeguard/swim lesson services, and the other is for the gate keeper.

Mr. Petkoski stated both of those items are budgeted for.

Mr. Oliver stated correct.

Mr. Yuro stated I saw the schedule was included. Is that consistent with what we did last year?

Mr. Haber responded I believe so.

Mr. Church stated it may be off by an hour or so because we have to match the two lifeguards up. We have operated with one lifeguard and with the slide running it doesn't meet the operator's specs where the slide is involved. When the slide is operational two lifeguards have to be on duty to cover the slide.

A Resident asked is that new because we only had one lifeguard last year?

Mr. Church responded it's not new, it's in the manual. Why it hasn't been covered before I'm not absolutely sure. This is the only pool in any of the districts I have been in that has operated with one lifeguard. I'm not sure why it's been like that, but it's unacceptable. It doesn't meet state requirements. If something did happen the district would be in trouble.

Mr. Petkoski stated you are talking about the one on top. The one on the bottom is okay.

Mr. Church stated the operations manual requires that.

Mr. Yuro asked are the total hours of coverage, days and so forth, consistent with what we did last year?

Mr. Church responded yes.

Mr. Haber stated it looks like you may be starting a little earlier.

Mr. Church stated school gets out June 11th. I believe we go to full time coverage on June 12th.

Mr. Oliver stated the board has the agreement that counsel has prepared.

Mr. Haber stated there are two separate agreements. It looks like in the proposal the name was changed to Amenity Aquatic Staffing.

Mr. Church stated it's a splinter off of Amenity Services Group; it's the same company.

Mr. Haber stated these are the same exact agreements with the exception of the specifics as far as the schedules that you approved previously for ASG. If you want to approve them in two separate motions, you could go with the monitoring services first. The schedule is attached and sets forth the insurance requirements, the fact that they are an independent contractor, the indemnification requirements, all the same terms and conditions we have had in the previous years.

Mr. Sheppard asked why is there a down payment required?

Mr. Church responded it's been part of the process in any of the CDDs as far as I know. We are usually well into the season before the first payment is scheduled.

Mr. Haber stated that payment was made in previous years. It's a negotiable term, but that is what has been done in previous years so I kept it in this one.

Mr. Thibault asked is this down payment like the last payment or do you take this down payment and spread it over the five months of coverage?

Mr. Haber responded the down payment plus the remaining payments for the remainder of the season equal the total amount that the district should pay for the entire season. It's not in excess of.

Mr. Oliver stated as you receive your periodic invoices, it's less the down payment.

Mr. Haber stated unless there are any questions regarding the pool monitoring services agreement it would be a motion to approve the agreement between the Sampson Creek CDD and Amenity Aquatic Staffing, Inc. for fiscal year 2008 for aquatic facility monitoring services.

Mr. Petkoski stated I would like to ask the audience if having the pool monitors helped during the season.

A Resident stated yes.

<p>On MOTION by Mr. Petkoski seconded by Mr. Yuro with all in favor the agreement with Amenity Aquatic Staffing, Inc. for facility monitoring services was approved.</p>
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Mr. Haber stated the next agreement is substantially similar to the one you previously approved for both lifeguards and swim lessons. It's titled Agreement Between The Sampson Creek CDD and Amenity Aquatic Staffing, Inc. It has all the same conditions I mentioned before as far as indemnification, insurance, and being an independent contractor. I would be happy to answer any questions regarding that agreement.

Ms. Griffey stated it states in the agreement we have two lifeguards but they are only doing the water slide and the rec pool. It says lap pool to be marked swim at your own risk. They don't monitor the lap pool at all?

Mr. Haber responded that's my understanding of the arrangement.

Ms. Griffey asked is that the way it's always been?

Mr. Haber responded I believe so.

Mr. Church stated the slide has an operator's manual that comes with it that has to be met. It requires at least one slide attendant on top and a lifeguard on the bottom. We extended it by saying you need a lifeguard at the top and a lifeguard at the bottom and covers the rec pool too. What we have done at other communities is put up signs that say lap pool is swim at your own risk. Lifeguards are on duty for the rec pool only. You know as well as I do, once the community is into the season, and as long as there is not a big influx of kids coming in that don't know the rules of the slide and things like that, the guards are mature enough, these guards I can guarantee coming this year they are good and have worked for us for several years now, they can determine if the attendant is needed at the top of the slide. We will cover the lap pool as much as possible and we are there to respond to anything that happens. It's better for the district and for us because we don't meet the requirements. It's a three guard pool.

Mr. Haber asked do we have that sign up there?

Mr. Church responded it's not up, but we have discussed it.

Mr. Haber stated forgive me, it was my understanding the sign was up there and that's the way previously operated.

Mr. Church stated there is swim at your own risk signs, but once the lifeguards are there we want to make sure it's clearly stated that if your kids are there to swim in the lap pool it doesn't mean there is a lifeguard on that pool.

Mr. Petkoski stated are we going to get those signs?

Mr. Oliver responded unless you want to consider a third lifeguard.

Mr. Yuro stated in the past we have only had one lifeguard, now we are going to have two. Can staff confirm whether those signs are being fabricated or are we in the process of getting those signs?

Mr. Benoit responded we have those signs made up. We had talked about the placement of the signs being right by that side of the pool, by the lap pool. At that time we were still deciding whether or not we were going to have a third lifeguard or go with the swim at your own risk signs and monitor the slide.

Mr. Petkoski stated if something happens in the lap pool that person is going to react, but we have the sign up to protect whoever needs to be protected.

Mr. Church stated the proactive role for a lifeguard is to monitor the pool and specifically have a scan on targets that may need assistance. To say that a lifeguard can scan and target both those pools with one lifeguard is way out of the realm of any lifeguard service that I know of. We are worried about coverage and the company we certify under would never back us up in that position.

Mr. Sheppard asked when you did your study, what standard did you use? Is this your own company?

Mr. Church responded the standard would be under the company we certify under which is Starfish or Starguard. It requires a lifeguard to have a scan zone. There are different standards and I have been certified in all of them.

Mr. Sheppard asked is this your insurance company?

Mr. Church responded no, it's the certifying agency for our lifeguards, Starguard. They require response in a zone to be 10 seconds. They have to sweep their entire zone in 10 seconds and be able to respond anywhere in that zone within 20 seconds. That's the standard with the waterslide aside because that falls under a different category. With the waterslide aside, that's what the guard is required to cover. With the scan zone at the bottom of the slide the way it is, there's no way to scan that entire pool and monitor the bottom slide. Nine out of 10 of your in water rescues are going to happen around that slide. You need a dedicated person and that's what the slide operator manual calls for. We extend the scope and say that he can watch the rec pool and the bottom of the slide. The operator's manual actually calls for a dedicated slide lifeguard at the bottom of the slide.

Mr. Sheppard asked with us posting the swim at your own risk signs for the lap pool are you saying your insurance is not covering that? The professional is saying we need three lifeguards and we are only manning it with two. Are we assuming a risk that we need to manage?

Mr. Haber responded there is risk. There is obviously less chance of a risk at the lap pool with a lifeguard, although the district has insurance to cover injuries at the lap pool. Under Florida law the district is entitled to have that pool open without a lifeguard. There's increased risk, but it's a weighing act the district needs to take. I know the district has been operating for several years with the one. There's always risk and there's always ways to reduce risk. Unfortunately, to reduce risks often costs money.

A Resident stated the swim team platforms are a risk for us. Those are in the lap pool and when the lifeguard is not there, kids are jumping on them.

A Resident stated they used to be removed when the swim team was not using them. Is there a reason they are staying permanent now?

Mr. Haber responded I don't know the answer to that.

Mr. Church stated your swim team is going to start swimming by the first of May.

A Resident stated they used to take them down.

Mr. Church asked every day?

A Resident responded no.

Mr. Church stated they make fairly inexpensive covers for the platforms. I don't know if yours are covered or not, but they do make covers. It's not a great expense and they work well. When the lifeguard is not there, that's a whole other story as far as enforcing the rules.

Mr. Thibault stated when the lifeguards aren't there it's up to the parents to keep their children safe.

Mr. Haber stated if there aren't any other questions, we would be looking for a motion to approve the agreement for the lifeguards and swim lessons.

<p>On MOTION by Mr. Yuro seconded by Mr. Thibault with all in favor the agreement with Amenity Aquatic Staffing, Inc. for lifeguards and swim lessons were approved.</p>
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Mr. Yuro asked would staff look into those covers and at least get a price for the board to see if that is something we might want to do?

Mr. Oliver responded yes.

SIXTH ORDER OF BUSINESS

Consideration of Proposals for Fitness Center Equipment

Mr. Oliver stated this is in response to a meeting we had in January. Several residents said several of the items were breaking down and it was time to replace some of the gym equipment. Both Emile Benoit and Heather Mickelson surveyed this equipment and came up with some proposals for replacing the equipment.

Ms. Mickelson stated I got prices from three different companies to replace two treadmills, the bike, and adding an elliptical. I am recommending Technogym. The proposal in the agenda says \$19,680, but with the discount it would only be \$12,792.

Mr. Oliver stated what you have is a summary of proposals from three different groups that are an apples to apples comparison of two treadmills, one elliptical machine, and a recumbent bicycle. We are talking about four machines. The prices are \$12,792, \$11,300, and \$13,796.

Mr. Petkoski stated Technogym is by far superior equipment to the others. The other numbers aren't adjusted so you are comparing the \$12,792 to the other numbers.

Ms. Mickelson stated yes.

Mr. Oliver asked do you have any estimates of what the shipping would be?

Ms. Mickelson responded shipping for Technogym is \$2,524. Busybody Gyms To-Go is around \$400, and Lifefitness is \$1,367.

Mr. Yuro asked are all four of these pieces of equipment in need of replacement?

Ms. Mickelson responded yes.

A Resident asked what kind of warranty comes with these machines? Most of the machines have had tags on them stating they are out of order since October or November. We also have some pedals that are worn that are going to snap at any time. What kind of warranty comes with the equipment and will they come out and service the equipment? The gym has been left very filthy and dirty and can cause an effect on the wear of this equipment. If we want it to last for a reasonable amount of time it needs to be serviced.

Mr. Benoit responded Technogym has a two year parts and one year labor. Lifecycle has a two year electrical, one year mechanical, and one year labor. The other one only has a one year labor and parts.

A Resident asked is there a recommended maintenance on the equipment?

Mr. Benoit responded we would have to set up and get a quarterly, or however we decide to do it, maintenance agreement.

A Resident stated we can't have the cleaning guys do it.

Mr. Benoit stated they are not qualified to take care of the machines.

Mr. Thibault asked is it possible to lease this equipment with the maintenance? We talked about that at the special meeting.

Mr. Benoit responded when you get up in the hundreds of thousands of dollars the leasing will work, but with this it's not really to your benefit.

Mr. Thibault asked did we get numbers?

Mr. Oliver responded we will get numbers.

Mr. Thibault stated we have been fixing these machines the entire time I have been on this board. It seems like at almost every meeting there is something to be fixed and we are spending hundreds of dollars to replace the motors in the treadmills every other quarter.

Mr. Benoit stated the problem is the treadmill that is in there is basically bottom of the line commercial. Technogym and Lifefitness equipment is very high end. It's built to last longer.

Mr. Oliver asked is there any equipment right now that is not functionable?

Ms. Mickelson responded one of the elliptical machines.

Mr. Oliver asked has that been down since December?

Ms. Mickelson responded yes, but the part is on order.

Mr. Thibault asked didn't we just replace some of this equipment or buy an elliptical?

Ms. Mickelson responded we did buy an elliptical, and it has not been down once.

Mr. Thibault stated I'm thinking if we replace three pieces of equipment every year because of its age, in five years you would have already replaced everything.

Mr. Oliver stated we just did a lease agreement at the Julington Creek Plantation new facility and it doesn't hurt for us to get those numbers.

Mr. Haber stated one thing I want to raise as far as a lease is because we are a CDD and a body of government, there are limits on the terms of a lease we can enter into. Primarily what it revolves around is that each year the board adopts a budget and that budget appropriates funds for various expenses. You never know what a board is going to be willing to do as far as the adoption of the budget and appropriating of those funds, so the lease needs to provide that it can be terminated to the extent the board decides not to appropriate funds for that particular lease for that particular year. What I don't know, and something staff is going to have to report back to the board on, is whether all these companies are willing to enter into a governmental lease for the equipment.

Mr. Thibault stated these pieces of equipment are to replace current pieces of equipment. Are they all non-operational?

Ms. Mickelson responded they are all working with the exception of the elliptical.

Mr. Thibault asked if we do purchase new equipment, what's the plan for the old equipment?

Mr. Benoit responded we have not addressed that.

Mr. Oliver stated Bartram Springs, because there wasn't much residual value and we are a governmental entity, donated it to a local fire station. The board directed us to find some agency, like a fire department or some type of school or other entity in public service, and donate it to them. You could certainly sell it.

A Resident stated it took a long time to get some of the equipment fixed. If you are buying new equipment you may want to consider getting a service agreement that covers regular maintenance and service calls at the same time. I think part of the problem is it does get a lot of use and you don't have the regular maintenance and somebody to service it quickly. If there's only two treadmills and one of them is down it cuts down half the people that can use it.

Mr. Thibault stated I agree.

A Resident asked what about the weight machines? Are we doing any kind of maintenance or looking at replacing them when they break?

Mr. Benoit responded we just had maintenance done on those last week to check the cables, move the bars up, and tighten up the nuts and bolts.

Mr. Oliver asked can we enter into some type of quarterly or monthly maintenance agreement with a company that will service all of the machines?

Mr. Benoit responded yes, we can. The only thing is that with some of the equipment that is there, for example the treadmill, the problem was every time we needed a motor they had to get it from California. The machine is eight years old and they were having problems getting parts for it. Anything new they keep a lot of the parts in their vehicles or at the warehouse. With the new machines we wouldn't have that problem. We can do quarterly or semi-annual agreements.

Mr. Oliver stated I think John brought up a good point. I think we need to at least investigate the pros and cons of leasing.

Mr. Thibault stated if we need new equipment and go into some type of leasing agreement, the leasing company or the company that will be completing the lease might also give us some kind of discount for taking the old equipment. They can take it and refurbish it and sell it themselves. That might be an idea to look into as well.

Mr. Oliver asked the machines that are down right now, are we in a position that we can rehabilitate them at least for a few months as we look at other sources for this equipment?

Mr. Benoit responded with the treadmills, what seems to be going wrong is the motors. The last time the motor went down it took almost a month to get them out there to replace the motor. Three months later the motor went out again. It seems like that machine is eating motors up. Once it goes down there seems to be a lag in time. Anything else, give us a couple of weeks, and we can get them back up again, unless a bar or something major breaks. As far as basic maintenance of the machines, we can keep it up to a certain point, but if something major breaks we will have to shut it down.

Mr. Thibault asked do the motors we are buying have a warranty?

Mr. Benoit responded yes, they do. All we pay for is shipping and labor. Every time the motor goes bad it costs us \$95 to \$100 for the shipping and labor.

Mr. Yuro asked how many times in the last year has a motor gone bad?

Ms. Mickelson responded several.

Mr. Yuro stated if we don't do something today we are rolling the dice for a few months as to whether it will be workable equipment.

Mr. Benoit stated your treadmills are what take the beating. One person gets off and another one gets on. The bikes get used heavily, but you don't see someone standing in line waiting to use it.

Mr. Sheppard asked how much is a new treadmill?

Ms. Mickelson responded one treadmill is \$3,400 and the other is \$5,295.

Mr. Sheppard stated even if we entered into a lease we could still have one more treadmill if there is room, or just not have it in the lease.

Mr. Oliver asked how many treadmills are there now?

Mr. Benoit responded two.

Mr. Oliver stated it seems to be the most popular piece of equipment from what you said, so having three is probably a pretty good idea.

Mr. Benoit stated it would be great if we could make room and have four treadmills, people would love it, but there's very limited space in the room. We are putting in what people use the most.

Mr. Oliver asked how long does it take for the treadmills to come in?

Mr. Benoit responded Technogym comes from overseas.

Mr. Benoit asked did Julington Creek use Technogym?

Mr. Oliver responded I don't know what company it is, but there is a lease for the equipment in the recreational facility.

Mr. Benoit stated I would contact them and see who they are using for the lease.

Mr. Haber stated we represent Julington Creek and we represented them in negotiating that lease and it was hundreds of thousands of dollars worth of equipment, which I think is a large part of why they were willing to enter into the governmental lease where there's no guarantee as far as appropriations. There may be some limits on these leases.

Ms. Fowler stated it was a couple of months of negotiations to get that lease the way the district could enter into it legally.

Mr. Oliver stated what I would suggest is perhaps the board could authorize this purchase subject to research of the lease agreement. If the lease agreement were to be unfavorable or unobtainable then you could authorize the Chairman to execute this purchase so the residents aren't without equipment.

Mr. Petkoski stated a month for someone who works out is a big deal.

Mr. Haber stated it would be a motion authorizing staff to determine the availability of a more favorable lease for this equipment, authorizing staff to do that research and report back to

the Chairman, and to the extent a lease is not available, authorizing the Chairman to approve the purchase of the equipment. Did you want to go with the Technogym?

Mr. Petkoski responded we could say not to exceed \$13,000. I know we did a lot of research about a year ago and went to a lot of clubs and by far they recommended Technogym. Lifefitness is good too, but you get what you pay for. I think with either of those we would be fine. For the money, Technogym is even less than Lifefitness, so I would recommend Technogym.

Mr. Oliver stated that would be for a not to exceed of \$16,000 inclusive of all shipping and handling charges.

On MOTION by Mr. Petkoski seconded by Ms. Griffey with all in favor authorizing staff to research the availability of a lease program for fitness equipment, with Chairman authorized to purchase fitness equipment if a lease program is not available, not to exceed \$16,000 inclusive of all shipping and handling charges was approved.

A Resident asked can we get the water fountain fixed?

Mr. Oliver responded absolutely.

A Resident stated another thing that needs repaired is the no soliciting signs. Someone knocked it down.

Mr. Yuro stated that just happened in the last couple of days.

A Resident stated it was knocked down and I noticed today it was completely gone.

SEVENTH ORDER OF BUSINESS

Discussion of Excess Funds Calculation

Mr. Oliver stated at our January meeting we had a report from Dufresne & Associates, who is the CPA for the district, and during the December 2006 refinancing bond counsel and also the auditor determined assessments were over collected from the developer during fiscal years 2004 and 2005. You had a summary of that in the last agenda packet and also have a memorandum that was prepared for you explaining the process. To go over that with you again, during 2004 you had a number of residents that had their assessments collected in the traditional way through the tax collector rolls, which the tax bill comes in and the resident or the mortgagor pays the assessment. The developer, St. Joe in this case, was direct billed by the management

company, which back then it was a company called Severn Trent. There were two bond funds that were active, the Series 2000 and the Series 2002 with different debt structures. The Series 2002 bond fund had an annual principal and interest payment due of \$25,000 in 2004. The portion that was paid by resident assessments collected from the tax rolls was approximately \$14,000. The difference of about \$11,000 should have been paid by the developer. Unfortunately, the management company billed the developer \$181,000. The developer paid that bill, probably confusing the two bond issues, so that left an excess of funds in the 2002 Bond fund and a deficit in the Series 2000 of which the developer had to pony up the difference so the bonds would not go into foreclosure. They overpaid for both bond funds. The same thing was repeated by direct billing in 2005. During the refinancing, as all the numbers were crunched to issue the new 2006 Bonds this was discovered. Independent calculations were confirmed by Dufresne & Associates. The net effect of that is \$47,000 should be returned to the district. Every year you will have some excess funds to a small degree because some people don't take advantage of the discount period when they pay their assessments, so rather than pay in November and have a 4% discount, they pay in March and get no discount, or later than that and there is a premium associated with that. That money accumulates and there is also interest earnings on it. Of that amount you would have \$47,917 that would be returned to the district. Also, to be returned to the developer because they were overbilled and overpaid, you would have excess funds of \$431,300 plus interest for a total of \$438,000.

Mr. Yuro asked where is this money sitting now?

Mr. Oliver responded in an interest bearing account. You will see it on the balance sheet under assets under capital items reserved.

Mr. Yuro stated when you say \$47,917 returned to the district that means we will just hang on to that amount.

Mr. Oliver stated correct. What happened is when the bonds were refinanced that chunk of money was moved from those bonds that are no longer, the 2000 and 2000A, and moved into the balance sheet under reserved. We had to have this calculation confirmed by the auditor so those funds could be released, both for use by the district and also back to the developer.

Mr. Thibault stated I know they did the audit and I would like to see it, but are we 100% certain that the checks came from the developer and not from the district as far as using some of the bond to pay off this debt. I find it hard to believe that a publically traded company would

pony out \$431,000 extra. I would assume that some controller had an independent analysis of what the roll was going to be from the developer. They should have these budgets, and if the company was doing their due diligence they did. I would assume they do because St. Joe is a multi-million dollar company and they are public. They have to have these controls in place. That's the part that confuses me.

Mr. Oliver stated I can't speak for the developer on that.

Mr. Sheppard asked has St. Joe been contacted to verify this number?

Mr. Oliver responded no, they have not been involved in this process at all.

Mr. Thibault asked are we 100% sure that the cash came from the developer and not from a check written out of the district's funds?

Mr. Oliver responded yes, because it was a result of a direct bill that they wrote a check to the district.

Mr. Thibault asked how much did we pay for the audit? I think out of the \$438,000 that you say we own them the audit fee should be removed from that. They didn't do the audit and they didn't do the due diligence to determine whether or not they made that payment, so I don't think we should be penalized for it.

Mr. Oliver stated I'm sure they would be open to that, but I will talk to them about it.

Mr. Petkoski stated the audit was a specific audit due to just that issue.

Mr. Oliver stated yes. The audit was probably around \$1,000 to \$1,500, but I would be happy to bring that up with the developer.

Mr. Sheppard stated I would suggest we contact the developer and verify this information is correct because it may have some bearing on their reporting obligations.

Mr. Oliver stated that would be the next step after bringing it to the board. This money has been sitting in a reserve account and nothing has been done with it. We did not specifically bring in the developer so that we could maintain independence of the developer.

Mr. Sheppard stated I think the process is correct, but it is somewhat shocking that a half a million dollars goes unnoticed.

Mr. Petkoski asked is there still a step of confirmation that John is talking about before the board takes any action?

Mr. Oliver responded I don't think the board needs to take any action other than be aware of where we are with this. The money is not to be spent in any way right now.

Mr. Haber stated to the extent the money is paid to the developer I think we need board action approving that payment. To the extent the board is not comfortable doing that until the other questions are answered, that's a decision for the board.

Mr. Petkoski stated I would feel more comfortable before I take any action tonight with some confirmation from the developer. Does it have to come back to the board?

Mr. Haber responded we don't need any action tonight other than direction to staff to bring it back to the next meeting.

Mr. Oliver stated the good news is it's controlled by the district and in a reserve account right now.

EIGHTH ORDER OF BUSINESS Other Business

There not being any, the next item followed.

NINTH ORDER OF BUSINESS Staff Reports

A. Attorney

There not being any, the next item followed.

B. Engineer

Ms. Rudd stated I am happy to report I was finally able to acquire all of the FP&L designs for the entire subdivision.

Mr. Yuro asked what is the next step? That is for the lighting issue, right?

Ms. Rudd responded that is for the lighting issue, now what we need to do is search for some proposals from some electrical engineering/lighting engineering companies. I don't know how far you want to take that study. Do you want to do it by subdivision or take a broad look at the street light spacing?

Mr. Yuro asked Rich, what was your next course of action? Are you waiting for direction? It seems to me there have been issues brought up and even some locations have been brought to the board in the past. Maybe get a map and look at the spacing, compare that to the locations, and see if there are obvious areas.

Mr. Whetsel stated I think a qualified engineer should do that.

Ms. Rudd stated I'm not qualified to do that type of analysis.

Mr. Yuro stated there are electrical contractors that can do the same type of work.

Mr. Oliver stated again, that's outside our stand of expertise. We will get the appropriate people out here. We will get the proposals and bring them back to the next meeting.

Mr. Haber stated I have a proposal that I think Jim's office received yesterday, so it wasn't in your agenda package. It deals with some wetland mitigation or wetland creation on some of the wetland property the district has responsibility to operate and maintain under its stormwater permit. I am going to defer to Susan on the issue. I didn't know the absolute necessity to move forward on the work, what requirements we have under the permit to do the wetland creation, but to the extent it was something that was time sensitive I wanted to bring it before the board tonight instead of waiting until the next meeting.

Ms. Rudd stated I spoke with Brian from ESI on that proposal and talked to him about that area, specifically a wetland creation area. We have like nine water management permits, so I am still trying to tie which permit this was actually connected with. In my discussions with Brian, the Water Management District says there is a creation area that needs to be planted. This area can be planted with a minor number of plants and then be monitored for five years, or a previous employee from St. Joe, from the story I have, was able to negotiate with Dale Levell of the Water Management District to beef up the planting in that area and forego the five years of monitoring. I feel that is a good situation, particularly for the district. You don't have to worry about hiring ESI for five years to monitor these plants. I want to confirm with Dale Lovell of the Water Management District that he actually had this conversation and he agrees with that.

Mr. Haber asked the work that is proposed, and I believe it's for a fee of \$4,000 for planting the plants and creation of wetlands, are you saying that is still subject to conversations with Dale as to whether it's necessary?

Ms. Rudd responded it isn't necessary, I would just like to confirm with Dale that if we do this this is it for the creation area, or if he is going to come back and want five years of monitoring on the area. It's a beefier planting scheme than what you would normally do.

A Resident asked why does the CDD now have to create wetland areas?

Ms. Rudd responded their responsibility was to plant and we are finally in growing season to actually be able to plant something.

Mr. Thibault stated I think what he was asking about is if we have to create a wetland why it wasn't done five years ago when we were developing, or even two years ago when we were still developing.

Ms. Rudd stated I just got this proposal today.

Mr. Yuro stated I have heard a little bit about this and my understanding is, like Susan said, there may be nine different wetland creation areas that were all created and monitored and after the five year monitoring this is one area that was not satisfactory or did not meet all the requirements to release it from monitoring. To Susan's point, there is some additional replanting needed in that area.

Mr. Haber stated typically we would have more information, but it came to us at the last minute. To the extent we were going to have issues with our permit I wanted to get it before the board and get action and some authority if it's something that needs to be done in order to stay in compliance with our permit. I defer to Susan's expertise on this, if it's a motion to authorize that work in an amount not to exceed \$4,000, so that way after Susan deals with the Water Management District they say yes, it's work because you need to beef up those wetlands we can get it done without having to wait two or three months until our next meeting. I have reviewed the agreement. It's not something that is a large enough amount that I would recommend that I go back and draft a different one. There's nothing too onerous on the district, so I would recommend a motion approving the agreement subject to Susan's discussions with the Water Management District that it is something that will be required and will cover the CDD's needs.

Mr. Petkoski asked when is our next meeting?

Mr. Oliver responded May 28th.

Mr. Petkoski stated the motion, if it's time sensitive, if we miss the planting season, the board would authorize action. To me this seems a little fuzzy still. If not, this could be an action item for the next meeting.

Ms. Rudd stated correct.

Mr. Thibault asked what happens if we don't do it and don't meet the requirements? Is the EPA going to come down on us and fine us?

Ms. Rudd responded not the EPA, the St. Johns River Water Management District. They can issue fines of up to \$10,000 a day.

Mr. Yuro stated I think there is also a bond amount for the original creation that would still remain an obligation. If you don't create to their satisfaction and get it signed off then you have to maintain the bond.

Mr. Thibault asked has the county or the Water Management District come back and said we have to do this, or is it this firm saying?

Ms. Rudd responded this is in conjunction with meeting with the Water Management District staff. The staff actually comes out and walks every area.

Mr. Thibault asked have we received documentation from them saying we haven't met their standards?

Ms. Rudd responded the story I got today and this is all verbal which is why I want to confirm it with the Water Management District, there were two environmental consultants associated with this project, and this is associated with a previous employee of that environmental consultant.

Mr. Thibault stated I would like the Water Management District to come out and say aye or nay on that area. I would like some kind of documentation.

Ms. Rudd stated it's my understanding that's what he has already done and this is what he has agreed to to rectify this area consistent with the permit conditions. The inspectors typically don't put things like that in writing because they are so busy.

Mr. Petkoski stated it doesn't matter if it's in writing if they come out and start slapping us with fines.

Mr. Yuro stated again, my understanding, and I have had one conversation with the folks at ESI about this, but it's my understanding this was raised as a result of renewing a bond for the creation of that wetland and then the discussion came up that the bond should be in a position to get released except for this one last remaining issue. It didn't sound, from the little bit I heard, that it was a very time critical issue, so I think the prudent thing is to let Susan get the background. If you look at the planning there was two dates, one was March 31st, which we are going to miss anyway, the other one goes until September 30th. I think it's better if we wait until the next meeting and have all the facts.

Mr. Petkoski stated if something comes up that is time sensitive or something the board has to act on, it can be routed through the Chairman or Vice Chairman.

Mr. Oliver stated we can have a motion, subject to review by the engineer and execution by the Chairman, or if it's a crunch, we can have the Chairman execute it and ratify it at the next meeting.

Mr. Petkoski stated I think the board feels, and I'm talking for the board, they feel more comfortable not taking any action, and if Susan finds out we have to act, communication has to come through the management company to the board to the Chairman.

C. Manager

Mr. Oliver stated I do want to mention we will have a general election for the seats occupied by Mr. Petkoski and Mr. Yuro. Qualifying for those seats will be the period June 16, 2008 to noon June 20, 2008, and of course the general election will be November 4, 2008. For more information you can contact the Supervisor of Elections for St. Johns County.

A Resident asked are those gentlemen able to re-run?

Mr. Haber responded in a general election you need to be a resident of the CDD, registered to vote in the county, and over the age of 18. I believe Mike is qualified. I do not believe Bill is qualified.

Mr. Petkoski stated I do not live in the district.

A Resident asked is everyone on the board a resident?

Mr. Thibault responded there are three of us that are residents currently. We have three members with two that are from the developer, one is a landowner vote election, and at the time of the election the developer still owned a majority of the land.

Mr. Yuro stated I will likely run again.

Mr. Oliver stated after November 4th we will have four residents on the board.

A Resident stated I went on the Supervisor of Elections website and the addresses aren't updated for the supervisors. It lists this clubhouse as their address. Are they required to change their address to show proof that they live in the community?

Mr. Oliver responded yes, annually each supervisor has to correspond directly with the Supervisor of Elections to file their annual financial disclosure report and that would be included on that report.

Mr. Haber stated for the general election it's required to meet all the standards I just stated. There is also a landowner's election which takes place for the initial six years of a district up until there are 250 qualified electors within the district. For the landowner's election you do not need to be a resident of the district. To the extent you see addresses that are of people that live outside the boundaries of the district, they were elected in a landowner election as opposed to a general election.

Mr. Oliver stated there are no more landowner elections.

A Resident asked why after the general election will there be one not living in the district?

Mr. Oliver responded the landowner's election, which was held two years ago, was for a four year term. It expires in 2010.

D. Operations Manager

Mr. Benoit stated we are replacing the three lights at the tennis courts. We have a pool pump valve that Clay Pump will be replacing this weekend. We are transferring from fall plants to spring plants.

Mr. Thibault stated on the report it's mentioned the fence behind the pool deck was repaired. What kind of repair was it?

Mr. Benoit responded kids pulled it down and broke one of the posts so we had to pull the post out and put a new one in.

Mr. Oliver stated we may discuss it under audience comments, but I would like for you to explore if we can intensify the janitorial efforts for the gym and the restrooms. It may be a timing issue as much as anything else.

E. Art of Living Director – Monthly Field Operations Report

Ms. Mickelson stated the community web site is up and running. It's very similar to the one used at Bartram Springs. We are using the same company they use. We will still have all the e-mail blasts and I will be able to input information on the forum so residents can get on and discuss issues. I will send an e-mail blast letting people know how to register for the website.

Mr. Thibault asked what is the address?

Ms. Mickelson responded sampsoncreekcdd.com.

A Resident asked will this replace Towntalk?

Ms. Mickelson responded correct.

A Resident asked when will this occur?

Ms. Mickelson responded it's not actually just going to go away. I will post it on Towntalk. The transition will occur over the next 90 days.

Mr. Oliver stated we did not accept a website that would allow advertising because we are a governmental entity. Are some of the features not yet operational, like the forum?

Ms. Mickelson responded residents will have to register for it and I need to send out an e-mail blast telling them to do so.

TENTH ORDER OF BUSINESS

Supervisor's Requests

There not being any, the next item followed.

ELEVENTH ORDER OF BUSINESS

Audience Comments

A Resident asked is the board going to consider hiring a Sheriff's Officer off duty?

Mr. Yuro responded we asked staff to look into that.

A Resident stated I understand the numbers are a little bit more for them, but I had 24 years experience, with about 18 of those years as patrol sergeant, and also had security experience before that. The extra money you spend to get a police officer in here in a marked unit pays for itself ten times over.

A Resident stated it's only about \$10 an hour difference.

A Resident stated there's multiple advantages of having a police officer in your neighborhood. If there is any crime reported at that moment he is the first car there within a minute or so. He can render first aid, make arrests, he has information about the community, and who are the criminals. If he sees someone come in or sees a car that is under suspicion for burglary in another neighborhood he has this information. I don't have to go into the fact that he is way better trained and qualified to perform the job. I strongly urge you to think about that.

Mr. Oliver asked are we talking about having them come out sporadically?

A Resident responded you can contract with them just like you contract security.

A Resident stated it's probably a minimum number of hours.

Ms. Fowler stated I think St. Johns County is four hours.

Mr. Oliver stated as we take a look at this, it may be that you would not need both.

Mr. Petkoski stated 12 hours of security versus nine hours of this might be better and not cost much more.

A Resident stated everyone has their own concerns. Luckily I haven't had any security problems, but whether it kids on golf carts or with all the stuff that goes on, when you have a police car there he knows the kids, he has no problem grabbing the kid and throwing them in his car and taking him to his house. That is much more effective. A security officer can't do that,

and won't do that. The word will get out that the police officers are taking action and as the cop is driving around the neighborhood people will stop and talk to him. It's information gathering on both sides. I would much rather spend the money on that than on a security guard.

A Resident stated he also has access to runs license checks, warrant checks, and should the need arise, he has access via radio to call immediate backup, whereas other security can't. You could have another officer here within four to five minutes, if that long.

A Resident stated I will also point out it's goods for the kids. Kids are kind of impressed by a police car and the cops are good to the kids. It gives the kids a good impression of the police to do the right thing.

Mr. Yuro stated I have asked the St. Johns County Sheriff about it and the one thing he did say, and I keep hearing you say police car, I know a lot of them take the cars home, but they stressed to me it needed to be an off duty cop so they would not be obligated to leave and respond to other calls. If we want them in the neighborhood they would need to be off duty. There is a chance that you could get an off duty officer who does not have a patrol car.

A Resident stated part of that \$25 fee is a \$2 to \$3 fee that goes to St. Johns County for that car.

A Resident stated you are contracting that car so he doesn't have to go somewhere else.

Mr. Oliver stated I would like to take the earlier motion you approved authorizing staff to determine which agreement works best for the district and bring it to the Chairman for execution and revise it to include discussions with the Sheriff's Office, because that may be the route we go providing there are no other road blocks like this traffic study we were talking about. You would authorize us to revise to also enter into an agreement with the Sheriff's Office in lieu of a private security firm.

<p>On MOTION by Ms. Griffey seconded by Mr. Thibault with all in favor authorizing staff to enter into an agreement with the St. Johns Sheriff's Office in lieu of a private security firm was approved.</p>
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A Resident stated when this gentleman was talking about arguing with the county about whether it could be treated as a public roadway, obviously there's two sides fighting. On the security end it's considered public, but the Sheriff's Office doesn't deem it as public because it's under a CDD. If you have an area that is privately owned, even if it's private property, if it's

over a half an acre, like St. Johns Shopping Center, you can't drive drunk, run stop signs, you are responsible for all the rules on the road. I totally disagree with the Sheriff if they are saying they can't enforce the laws in this community.

Mr. Haber stated I also disagree with them.

Mr. Yuro stated I think there was some confusion with that because I know for a fact last summer we had patrol in here issuing tickets. They were school resource officers who were out for the school year and they could be relocated to neighborhoods. I asked them to please have them step up in here and they did. I think even within the Sheriff's Office there might be some confusion.

Mr. Haber stated I think there's confusion between the county attorney and the Sheriff's Office. I don't think the county is straight on how they think it needs to be handled. I think the best course for the district is to get the agreement.

Ms. Fowler stated there's no disagreement in the mind of the county attorney.

Mr. Haber stated the county attorney's mind isn't going to be changed easily. It's the county attorney's position it can't be enforced. We have met with him on more than one occasion to discuss it.

Ms. Weaver stated there is still some graffiti on the road at Eagle Point Drive between the golf course holes four and five. It's a man's anatomy and it's in white paint and really shows up when it rains and looks bad. It's the size of a grown person. I want that taken off the road.

Mr. Benoit stated we will get a pressure washer out there to take care of it.

A Resident stated people were making comments about speeding, I wonder about the signs on the side of the road that tell you how fast you are going.

Mr. Petkoski stated we had those out here about a year ago or so.

A Resident stated we had an issue at the bus stop with people going around the bus and running the stop sign. I called the Sheriff's Office and they said if they get complaints about this from neighbors they will put those out and if nothing else it will give them an idea of when they are seeing the most hits on it so they can get an officer to come out and start doing random checks on the area.

TWELFTH ORDER OF BUSINESS

Financial Reports

A. Balance Sheet as of February 29, 2008 and Statement of Revenues & Expenditures for the Period Ending February 29, 2008

Mr. Oliver stated behind Tab A you have the unaudited balance sheet as of February 29, 2008 and the statement of revenues and expenditures for the period ending February 29, 2008. These will be audited at fiscal year-end by the auditor you select.

B. Check Run Summary – March 26, 2008

Mr. Oliver stated behind Tab B you have the check run summary as of March 26, 2008 totaling \$1,154,853.32. The \$1,000,000 check is the funds that were formally deposited with the State Board of Administration, the state of Florida funds that had some risky investments. That was pulled from the State Board of Administration and then a check was written to US Bank to be deposited with the trustee. You will see that twice in the register, the first one was a voided check.

Mr. Thibault asked why would that not fall in the in and the out in our transfers? Don't we have a transfer in and out in the income statement?

Mr. Oliver responded we don't for the general fund.

Mr. Yuro asked why was Dufresne & Associates paid three different times for the 2007 audit?

Mr. Oliver responded during the audit process there are progress payments. There is an initial payment and then certain amounts of the scope of work are performed that triggers another payment. You will have the audit for your approval at the next meeting. Are there any other questions regarding the check register? If not, I will ask for a motion for approval.

On MOTION by Mr. Yuro seconded by Mr. Petkoski with all in favor the check run summary was approved.
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C. Special Assessment Receipts

Mr. Oliver stated behind Tab C you have the special assessment schedule. That is the funds that are provided by the tax collector after assessments are collected from the tax rolls. Right now you are at a collection rate of 88.07%. That is good for this time of year. A lot of districts ask about foreclosures and how that will affect assessments. For any assessments that aren't paid the tax collector begins the tax certificate sale process. The funds will be coming from the tax collector. We have no vision of when someone pays their assessments, we simply

get the checks from the tax collector, whether it's from assessment collections or sale of tax certificates. We are in good shape.

THIRTEENTH ORDER OF BUSINESS Next Scheduled Meeting –05/28/08 at 4:00 p.m. @ the Golf Club Meeting Room

Mr. Oliver stated the next meeting is scheduled for Wednesday, May 28, 2008 at 4:00 p.m. Is there a motion to adjourn?

On MOTION by Mr. Petkoski seconded by Mr. Thibault with all in favor the meeting adjourned at 9:00 p.m.

Secretary/Assistant Secretary

Chairman/Vice Chairman