

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, November 19, 2008 at 6:00 p.m. at the Clubhouse at the Swim Club Meeting Room, 219 St. Johns Golf Drive, St. Augustine, Florida.

Present and constituting a quorum were:

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

Also present were:

Jim Oliver	District Manager
Wes Haber	District Counsel
Jack Magnus	District Engineer
Heather Mickelson	Art of Living Director
Emile Benoit	GMS, LLC
Rich Whetsel	GMS, LLC

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

Mr. Oliver stated the next order of business is the Oath of Office for Mike Yuro. There were two seats that were vacant this year to be determined by the general election. Mike was the only candidate that qualified for the election.

Mr. Oliver, being a Notary Public of the State of Florida, administered the Oath of Office to Mr. Yuro and a copy of the signed oath is attached hereto and made a part of the public record.

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the October 22, 2008 Meeting**

Mr. Oliver stated the next order of business is approval of the minutes of the October 22, 2008 meeting. Are there any comments or corrections to those minutes?

Mr. Sheppard stated I have one on Page 20. I had misread the check run from last month and I don't think the light bulbs are \$300 a piece. I want to make sure the record reflects that GMS is not overcharging.

Mr. Oliver asked are there any other comments on the minutes? If not, can I have motion to approve the minutes of the October 22, 2008 meeting, as revised?

On MOTION by Ms. Griffey seconded by Mr. Yuro with all in favor the minutes of the October 22, 2008 meeting were approved as revised.
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**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2009-01,  
Amending the General Fund Budget for  
FY08**

Mr. Oliver stated the next order of business is consideration of Resolution 2009-01, amending the general fund budget for FY08. As the financials are prepared to be shipped off to the CPA firm to do the independent audit there are certain requirements that the district office must do. One is a budget amendment which brings all line items into balance. We take any line items that were underbudgeted and take funds from an overbudgeted line item. I realize in the business world this would be taking away the management tool of the budget, but it's required by the State of Florida. You can see the line item changes on the next page. Under the revenue section there are two items that are not on a typical budget amendment. The first is the repayment to the developer. That was the payment for the overpayment of debt service by the developer in 2004 and 2005. The other amount, \$161,995, is the excess revenues that were earned because you refinanced the bonds in 2006. Those are now part of the budget. Down towards the bottom of the budget we added two line items. During the summer you directed staff to start using guard services on a seven day a week basis, as well as off duty St. Johns sheriff's deputies so we put funds in for that.

Mr. Yuro stated this updates the budget for 2008.

Mr. Oliver stated correct.

Mr. Yuro asked what is our operating cycle for 2008? When does the fiscal year end?

Mr. Oliver responded the fiscal year ends September 30. At the end of the fiscal year you do a budget amendment and make any journal entry corrections and then send it to the auditor to

commence with the 2008 audit so you can have that in order before you start the 2010 budget process.

On MOTION by Mr. Yuro seconded by Ms. Griffey with all in favor Resolution 2009-01, amending the general fund budget for FY08 was adopted.

**FOURTH ORDER OF BUSINESS                      Other Business**

Mr. Oliver stated I wanted to talk about the vacancy created by the fact that no one qualified for the seat formerly held by Bill Petkoski. As we discussed at the last meeting, the board will appoint a supervisor to fill that vacancy and they will serve a full term. Bill Petkoski is actually in that seat until the board takes that action. The board is required to take that action within 90 days of the vacancy. You still have plenty of time because the vacancy just occurred. Typically what we do for districts in this situation is the board will direct staff to solicit resumes from the residents living within the community. We will collect those resumes and provide them to the board so the board can have plenty of time to review the resumes and then make a decision at the next public meeting. That is what I would recommend.

Mr. Yuro stated I have no objection. How are we going to solicit?

Mr. Oliver responded we will post it on the website and send out an e-mail blast.

Mr. Yuro stated they will send their resumes directly to GMS.

Mr. Oliver stated correct. Typically we get about 10 to 12 responses for a district of this size.

Mr. Thibault asked on that posting will it explain the requirements that each person will have to comply with according to the Sunshine Laws?

Mr. Oliver responded we will give a general description of what is expected of a supervisor and what the rules and responsibilities are, as well as their qualifications. They will have to be a registered voter within St. Johns County living within the district boundaries.

Mr. Thibault stated don't they have to submit financial information to the county like we did?

Mr. Oliver responded if they are appointed to the position they will have to comply with that.

Mr. Haber stated there's a document you all filed with the Supervisor of Elections in the county in which you are located that gives the sources, but not the amounts, as far as the financial disclosure. Are you concerned that you want someone to be able to see that document before they put their name in the hat? I wonder if it's possible to make that part of the e-mail blast saying please note to the extent you become a supervisor you will be required to fill out and send in to the Supervisor of Elections the attached form.

Mr. Thibault asked are there any sources of income that would disqualify someone from holding the position?

Mr. Oliver responded not that they would be willing to put on the document. I will mention that they will have to comply fully with the requirements of public officials including completion of the document. I would be happy to give them a link to the Form 1.

Mr. Haber stated there is a Code of Ethics that a board of supervisors is required to follow. They may want to take a look at that. You have to look out for conflicts of interest, so depending upon who they are employed by, if there are decisions that this board is going to make that would impact who they are employed by it's something they should take into consideration. Without going into too much detail, Chapter 190, which governs CDDs, provides that in the initial stages of a district, because there is primarily one land owner when a district is established, that the employer of that one landowner can put on the board employees, even though there may be conflicts or votes that would necessarily impact their employer. Those things are less likely to be an issue when you have a resident controlled board. It's certainly something we can look into, but it's rare that somebody's employment impacts the decisions they will be making for this particular position.

Mr. Oliver stated staff will move forward with announcing that vacancy.

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There not being any, the next item followed.

**B. Engineer**

Mr. Magnus stated I did go out and look at the pipe repair and it looks like they did a decent job, it just needs to be grassed. He did find that there were two holes in that pipe. It

looked like they were gouging out by the bucket. It could have been done during construction or afterwards, there's no telling, but it's repaired now.

**C. Manager**

There not being any, the next item followed.

**D. Art of Living Director**

Ms. Mickelson stated starting next week Giddens Security is going to be doing the patrolling over the weekends so we are going to take away two days during the week. The sheriff's office will cover the other two days. A resident requested that they also start monitoring the golf carts with the underage drivers and reckless behavior. They have done a really good job with letting me know how many people they have talked to and given warnings to. There have been a couple of times when the sherriff got involved.

Mr. Yuro asked are they monitoring this as a courtesy to the CDD? We are not inviting more issues with the sherriff with golf cart usage, are we?

Ms. Mickelson responded I don't think so.

Ms. Griffey asked can we ask them to monitor certain aspects of golf carts? I thought golf carts weren't really legal anyway. If you ask them to monitor do you have to ask them to monitor it completely, or what does that set you up for?

Mr. Oliver responded the CDD had no role in this monitoring. We were forwarded an e-mail from a resident who received an e-mail from Officer Domingo, who is part of the crime watch program. Someone asked the question can you drive golf carts in communities. His answer in the e-mail was there are no communities in St. Johns County that are designated as golf cart communities. They are not legal on these roads. We were asked what we could do about it. Unless this board were to ask for permission from St. Johns County to allow golf carts, the district doesn't have any role.

Ms. Griffey asked did we ask them to patrol based upon what a homeowner asked to patrol kids on golf carts and reckless drivers? They are not legal to being with, so do we not have to ask them to patrol all golf carts?

Mr. Oliver responded we have not asked them to patrol anything to do with golf carts.

Mr. Yuro stated maybe if there's any communication the communication should be keep an eye out for suspicious or unruly behavior, whether it be on bikes or golf carts, to encompass the whole thing so we are not pointing something out.

Ms. Mickelson stated most of it happens at night.

Ms. Griffey stated I know it does. I just want to make sure we aren't pointing out something specific that's not really legal to begin with.

Mr. Oliver stated the CDD does not have a position on this between law enforcement and the users of the golf carts.

Ms. Mickelson stated GMS repaired three small holes in the fitness center. Next week they are scheduled to paint the bottom half and sanitize the floor. The Holiday Traditions party is coming up on December 7. After that we plan on pressure washing the pool deck.

#### **E. Operations Manager**

Mr. Benoit stated H2O Backflow will be out tomorrow to work on the backflow preventer. They recommend that we replace the backflow preventer since it is seven years old. If they replace just the one seal that's leaking sooner or later they would have to come back and replace the other. When he comes out tomorrow I am going to look at it with him. A new backflow preventer is \$440.

Mr. Yuro asked is it leaking just from wear and tear or did it get hit or something?

Mr. Benoit responded there is a spring with a valve on it and I think it just has a leak.

Mr. Thibault stated you said they are replacing the seal and will have to come back to replace the second seal.

Mr. Benoit stated he is saying it will cost between \$200 and \$300 just to repair what is broke on it right now. There are seals and springs all through that. If he just comes out and repairs it it will cost a couple of hundred dollars. A new one costs \$400 and that provides you with a new complete setup plus the inspection. He said normally between the five to seven year range things start wearing down. If I had him rebuild it it would be the same price as to replace it with a new one. The cast iron pipes are starting to rust around the edges, and this way they will cut them back and put all new piping and seals in there. GMS completed the painting of the light poles around the pool deck. We have been working with Arsenault Pools and they have brought the phosphate levels down to zero. We have treated and shocked the pools. The canopy over the kiddy pool was repaired by Borre Canvas Unlimited. We had them add an extra support pole in the back to increase the strength of the back side of the canopy. We repaired loose handrails on the pool deck. We are working with Arsenault Pools regarding the new drain

covers. They have not come out with a drain cover that's been approved. As soon as that is available we will get them installed.

Mr. Haber stated there was an incident either last year or the year before where a little girl was severely injured in a pool. Federal government passed new legislation that requires pools to comply with specific standards set forth in the legislation. One is certain caps that need to be put on top of the drain intakes and certain pools that were built before a specific date also have to do something with their pump. If I had to guess, this pool is new enough that the only thing it will have to comply with is the drain cover and not the pump. The defined term in the statute is public pools. This pool falls within that definition. It needs to be compliant by December 18 of this year. Have you had the opportunity to look into what it would cost to bring the pools into compliance with those regulations in the statute?

Mr. Benoit responded no, they have not set a price on the covers yet.

Mr. Haber stated the way I look at it is it's something that the district absolutely needs to do. It's not a matter of can we wait to see if it will last longer. Because the date for compliance is prior to the next meeting in January it may make sense to authorize the Chairperson or someone to work with district staff to approve getting that stuff done so that way you are able to be compliant as soon as possible, if not by the December 18 date.

On MOTION by Mr. Sheppard seconded by Mr. Yuro with all in favor authorizing Chairman to work with district staff to approve the pool covers in order to be compliant with the Federal Pool & Spa Safety Law was approved.
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Mr. Yuro asked how does this differ from the general maintenance?

Mr. Oliver responded we don't know what the cost is going to be. In case there is an extraordinary cost we want the Chairman to be able to execute it. The sticking point is the government has not yet approved the proposed entrapment devices, otherwise it would be done already.

Mr. Thibault asked how many intakes do we have at the bottom of our pool?

Mr. Benoit responded six.

Mr. Thibault asked how big are they?

Mr. Benoit responded they are 18 inches by 18 inches.

Mr. Thibault stated I thought it was the ones that were the smaller size that needed the cap.

Mr. Benoit stated the older pools have one intake. The newer pools have multiple drains. The drain cover that goes under is actually raised up so it can't create suction. What you are paying for is the drain cover to be raised so it can't create suction.

Mr. Thibault stated I thought this was simply either a stainless steel or plastic cap so all the water would come underneath it to prevent people from getting stuck. I can't imagine it would be that expensive.

Mr. Haber stated from what I understand it's not the cap, but the other fix, which I think if I had to guess based on the year the pool was built, likely won't be necessary for this pool that will be more costly. I don't know off the top of my head whether you are going to need it or not. I would leave it to district staff to have someone inspect it and see what you need. It's probably the type of thing where you could probably go with the least expensive product that's going to bring you into compliance.

Mr. Benoit stated with our multiple drains we are not going to have to come up with the safety vacuum and release, just the drain covers. We are working with Arsenault Pools and he is one of the most up to date people on it. We shut the irrigation off because of the frost. It should be turned on tomorrow. I will be meeting with DTE next month to do a drive through with them and start getting them in a cycle and getting them up to date on what's going to be happening.

**SIXTH ORDER OF BUSINESS**

**Supervisor's Requests**

There not being any, the next item followed.

**SEVENTH ORDER OF BUSINESS**

**Audience Comments**

Mr. Burbon stated getting back to security, how has it been since we started the patrols?

Ms. Mickelson responded it's way down.

Mr. Yuro stated management staff gets reports on a weekly basis about what kind of activity has been going on.

**EIGHTH ORDER OF BUSINESS**

**Financial Reports**

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

Mr. Oliver stated behind Tab A is the balance sheet for the period ending September 30, 2008 as well as a statement of revenues and expenditures. This is the unaudited version. This along with the budget amendment you approved earlier will be sent with the records to the auditors so they can begin the FY08 audit.

Mr. Sheppard asked is the \$17,400,000 investment the money we took out of the state fund last year?

Mr. Oliver responded no, these are all the assets you have, such as where you are sitting, different things owned by the district.

Mr. Sheppard asked how much money do we have in that fund because I understand it's dropped in value?

Mr. Oliver responded about \$220,000, which when you went through the FY09 budget process you designated as your reserve account.

**B. Check Run Summary**

Mr. Oliver stated behind Tab B is a check register. I e-mailed to you the supporting invoices. I know sometimes they get kicked back because of the size of the file, but if that works for you I will continue to do it that way. If you would rather get a hard copy let me know.

Mr. Sheppard stated I heard the explanation about the welding of the posts and saw the invoice for \$995. It seems like a lot of money to fix a post.

Ms. Mickelson stated they installed a new post as well.

Mr. Benoit stated they installed a new post and had to disconnect or break and re-weld the top cover up. That section is in two pieces.

Mr. Yuro stated the GMS invoices, some are fees for November and some are September. I'm assuming the facility maintenance is an invoice after the fact so you can capture what was done during the month.

Mr. Oliver stated correct. The monthly fixed fees you get the bill at the beginning of the month. The people working for Rich's crew the hours are summarized and then go through Rich for approval and review and then go to accounting for billing. It's a longer process.

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

Mr. Oliver stated behind Tab C is the special assessments receipts schedule for fiscal year 2008. The district collected at a rate of 102.5%.

**NINTH ORDER OF BUSINESS**

**Next Scheduled Meeting –01/28/09 at 6:00 p.m. @ the Swim Club Meeting Room**

Mr. Oliver stated the next meeting is scheduled for January 28, 2009 at 6:00 p.m. at this location. We will set a deadline for receipt of resumes sometime in early January so that you can have those well in advance of the agenda packets and have time to go through those.

**TENTH ORDER OF BUSINESS**

**Adjournment**

Mr. Oliver asked is there any other business before we move for adjournment?

Mr. Thibault stated on the special assessment receipt it says due to general fund \$32.39. I know that can't possibly be somebody's taxes. Is that the interest on somebody's taxes?

Mr. Oliver responded it could have been the way the fees were allocated between the general fund and the debt service fund and the accountant made an adjustment to catch it before the auditor does. Do we have a motion for adjournment?

On MOTION by Ms. Griffey seconded by Mr. Sheppard with all in favor the meeting adjourned at 6:28 p.m.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman