

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, January 28, 2009 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:

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| Mike Yuro | Chairman |
| John Thibault | Vice Chairman |
| Brenda Griffey | Supervisor |
| Charles Sheppard | Supervisor |
| Rose Bock | Supervisor |

Also present were:

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| 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.

SECOND ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignation Letter From Bill Petkoski

Mr. Oliver stated in your agenda package you have a resignation letter from Bill Petkoski, who has been serving as Chairman. I ask for a motion accepting the resignation of Bill Petkoski.

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| On MOTION by Mr. Yuro seconded by Mr. Sheppard with all in favor the resignation letter from Bill Petkoski was accepted. |
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B. Introduction of Candidates for Open Seat

Mr. Oliver stated I sent you an e-mail last week which included a resume that was received after the deadline.

Ms. Griffey joined the meeting.

Mr. Oliver stated as of the deadline for application we received six resumes. Subsequent to that we received a resume from Rose Bock. I forwarded that e-mail and resume to you. I spoke with counsel to see if the board could consider that resume since it came in after the deadline. I will ask Wes to speak to that and then we will turn it over to the board.

Mr. Haber stated Chapter 190 sets forth the process the district needs to follow in order to fill the vacancy caused by no one qualifying for the actual general election that took place in November. It doesn't go as specific to provide a procedure to fill the vacancy. What this district did is kind of create its own procedure. It sent out an e-mail, posted on the website that a vacancy was available, and set a deadline to turn in resumes. The board has, I think, the option of determining how strictly they want to enforce the deadline that was set forth for the submission of the resumes. You have two choices, one is to make a determination that if you are beyond the deadline we are not going to consider it, or, I think she submitted a letter explaining why she was late, you can take that into consideration, allow it to be considered, and if you want it to be considered, then as part of your evaluation, take into consideration her resume was late. It's all entirely up to the board how you want to decide. I think that's a threshold decision you need to make before you move on to review all the candidates and determine who you will ultimately appoint to fill the vacant seat. I would be happy to answer any questions, but it's really up to the board whether it wants to consider the resume or not.

Mr. Yuro stated Rose had indicated at the past couple of meetings she was very interested. I think it's unfortunate she missed the deadline, but the main thing I want to ensure is if the board does allow it, we are still well within our rights to do that.

Mr. Haber stated you are within your authority to allow that. This board, this district, set that criteria; there's no more specific or strict guidelines under Florida Law that allows the district to fill that seat. This is the manner in which you chose to fill it and if you want to make an exception for what you previously established, you can. You set a deadline for the submissions of resumes, but I don't know that you ever established a definite if that deadline is not met these are the consequences.

Mr. Sheppard asked did anyone else submit their resume late?

Mr. Oliver responded that was the only late submittal.

Mr. Haber stated you established the deadline in order for the board to have a sufficient amount of time to review the submittals in time for tonight's meeting. Obviously you can look at when she submitted it in comparison to tonight's meeting whether you had enough time, but it's entirely up to the board. I don't have much concern that you are acting somehow outside of the scope of your authority by doing it.

Mr. Yuro stated I personally don't have any issues accepting the resume.

Mr. Oliver stated I ask for a motion to accept Rose Bock's resume for consideration.

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| On MOTION by Mr. Sheppard seconded by Mr. Yuro with all in favor accepting Rose Bock's resume for consideration was approved. |
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Mr. Oliver stated in your agenda packets you have seven resumes that were submitted. I ask, for each resume in the order in your agenda package the candidates introduce themselves to the board and briefly state why they would like to serve on the board. Joseph Montano corresponded with me today and was going to be here tonight, but some business brought him out of town. He did ask that I make a profile available to you in addition to his resume and it's on the table in front of you. The first candidate is Robert Broadbent.

Mr. Broadbent stated I live at 1880 Cross Point Way, which is in the southwest area of the community. Sometimes I call it the other side of the railroad tracks. I feel it's a good idea to have a rep from that area. There are about 150 homes over there and I feel it would be a good idea to have someone from that area. I moved here about three and a half years ago from Myrtle Beach where I was in a small community and active in the HOA. I supervised the fundraising and the overseeing of the construction of the clubhouse, which was in dire need of rebuilding. While I was in Myrtle Beach I retired from Sears with 40 years of service. I started a new division at Sears that later became the most profitable. Today I am working at the Slammer & Squires Golf Course and loving life as a retired gentleman and I feel like I could do a good job on the board. Thank you for your consideration.

Mr. D'Alessio stated I was one of the first persons to move into the neighborhood. I moved from New Jersey where I was working at the post office at the time and took a transfer down here. I was a Postmaster in various size offices. I worked in safety, personnel, arbitration,

just about everything, process management, dispute resolution. I was also responsible for a large facility including equipment maintenance and other issues, and of course, customer complaints. I retired a few years ago after 35 years at the post office. I enjoy living down here and take advantage of all the facilities. When I saw there was a vacancy I was concerned there might not be some interest. I want to keep our neighborhood like it is and improve it if we can. I am willing to do that and feel I am qualified to help out in that way.

Mr. Jones stated I have lived in the community about five years. My family enjoys the community and I want to try and step forward and do a little community service to make sure we keep the community up. I have a background with community associations and other boards and have that understanding of the financial side. I would like to add my part.

Mr. Oliver stated the next resume is from Joseph Montano. You have a profile on the table in front of you. He talks about his service as a past president of Stone Bridge Village Homeowners Association, past president of Vista Condominium Association Board of Directions, and also lists some of his key accomplishments while in those positions.

Mr. Randolph stated I have lived in the community about five years. I served on the HOA in this community for about two years and just recently resigned. I have about 10 years experience in real estate planning and real estate management. I currently work for the Jacksonville Economic Development Commission overseeing the redevelopment for the Cecil Commerce Center. I think my experience will help this body ensure our community stays in good shape, both esthetically and financially. I'm looking forward to the opportunity to serve.

Mr. Watt stated I wanted to join your group because having lived here three years we own two homes in the community. Using the facilities and being very active in the things that go on, I wanted to lend some value through my experience. I have 20 years in the Navy. I was a Navy Commander and ran tons of budgets. Logistically I had to run the Navy Exchange and Commissary at Jacksonville for four years. We were the number two store in the Navy for two of those four years. It's all about attention to detail; never mind sales, never mind budgets, never mind customer service. My first job out of the Navy was running the Cabana Club in Ponte Vedra. We took that club over at minus \$141,000 it was in debt for 1994 and 1993. When it was sold to Marriott three years later we were \$750,000 in the black and the club sold for twice the price Marriott had offered it. I have been in real estate for five years. I have a vested interest in making sure this community stays up to speed and improves and matures. I have two boys in

school at Liberty Pines. I am also in the St. Johns Rotary. I want to give something back and would love to be a part of your team.

Ms. Bock stated I have lived in St. Johns Golf & Country Club for two and a half years. My husband and I both enjoy living here. My experience in the business world has been mostly with two major developers in this market, one being Stokes and Company and the other being St. Joe. I have been very involved in the development of St. Johns Golf & Country Club from the inception of the land plan through most of the sales. I wrote the job description for the Art of Living Director and have been very involved in helping with a lot of the functions we have had here. I attend all of the CDD meetings and certainly have the time to commit to this. I feel I can bring to this position the vision that is St. Johns Golf & Country Club and make certain we continue to maintain the standards that were set from the first day the doors opened. I would appreciate your consideration.

Mr. Oliver stated you have heard from all the candidates. There's not a ballot to fill out. It's a matter of making a nomination, getting a second, and bringing it to a vote. If someone makes a nomination for a candidate and there's not a second, that nomination dies. If it comes to a vote and it is a two to two deadlock then the motion dies. The first candidate to receive three votes will be appointed as the next supervisor.

Mr. Haber stated just because someone may be nominated and the vote dies, doesn't mean that person can no longer be considered. Someone could be reconsidered if someone changes their mind and you think there's a possibility that voting for them again may achieve three votes. You don't need to necessarily think that if somebody doesn't win on a particular vote that they are no longer in the running or up for consideration.

Mr. Oliver stated once a candidate is nominated and seconded, if any of the supervisors wish to discuss, before taking a vote, you certainly can do that also. Are there any nominations for appointment to the position of supervisor?

Mr. Yuro stated I would like to thank everyone would put their name in. I personally don't think the board can go wrong with any of the candidates. I appreciate everybody's interest.

Mr. Thibault stated I reviewed all the resumes and I have to say I don't think any one person is more qualified than anybody else. When it comes to doing work on the board, like someone said, attention to detail is important, and having that need to serve your community is really important. However, with all that said, I had one of the candidates approach me a long

time ago about joining this board and I told them that it would come to qualifications and we hadn't discussed it and when it was time to qualify. After the qualification was over he came to me again and I told him we had a spot open. At this time I would like to nominate Ed Randolph. He was the first person who brought his resume in and showed the desire to be on the board.

Mr. Oliver stated we have a nomination for Ed Randolph, do we have a second? With no second the motion dies. Are there any other nominations?

Mr. Yuro responded similar to John, the first person that expressed interest to me was Rose Bock. I like the fact that she has a background with the neighborhood from the inception of the development. I would like to nominate Rose Bock.

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| On MOTION by Mr. Yuro seconded by Mr. Sheppard with all in favor the nomination of Rose Bock to fill the vacant seat of supervisor was approved. |
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Mr. Oliver stated I appreciate everyone that did apply. They were impressive resumes. You never know when a vacancy will occur on the board. Hopefully, some of you will apply again when the opportunity comes about.

C. Oath of Office for Newly Appointed Supervisor

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

Mr. Oliver stated Rose serves as a supervisor at another district, so she is aware of her responsibilities and also the ethics rule, but I still want to go over some of these for the record. You are now a public official in the State of Florida so you are subject to the Sunshine Laws, which means you cannot communicate with any of the other four supervisors about issues that may come before this Board unless it's in a publically noticed setting. That includes conversations, telephone, and e-mails. You can't use a staff member as a conduit to get information to another supervisor. You probably already have a copy of Chapter 190 of the Florida Statutes. Chapter 190 is the governing document for CDDs. You have a copy of the Sunshine Law document. Form 1, Statement of Financial Interests, you have already filed with the St. Johns County Supervisor of Elections. We will make them aware you are also a supervisor for this district. You will need to complete a W-4 and I9 for this district. You should

be careful to segregate any district business from other business records and personal records in case there is some type of records request.

Mr. Haber stated one thing we commonly see as an error is on e-mails. Jim will send an e-mail to all of you seeing if you are available for a meeting or perhaps some other issue. Generally it will have a warning "please do not reply to all", try and remember that. Even if your response is as simple as "yes, I'm available" it could be construed as a communication outside the Sunshine Law. You want to respond to just the sender of that e-mail. As boards become more resident controlled there are issues that involve the community that aren't necessarily CDD issues that you may want to discuss with a fellow board member. If you have any concerns that it may somehow overlap into a CDD issue or an issue that's going to come before this board, feel free to give me a call and I will give you advice. Generally speaking you want to be careful. Anything that will come or could come before this board you want to have at a publically noticed meeting.

D. Consideration of Resolution 2009-02, Election of Officers

Mr. Oliver stated earlier in the meeting the board accepted the resignation of Bill Petkoski, which left the Chairman's position vacant. Is there any nominations for the position of Chairman?

Mr. Thibault responded I nominate Mike Yuro as Chairman.

On MOTION by Mr. Thibault seconded by Ms. Griffey with all in favor the nomination of Mike Yuro for Chairman was approved.

Mr. Oliver stated that creates a vacancy for the position of Vice Chairman. Are there any nominations for the position of Vice Chairman?

Mr. Yuro asked when do the current board member's terms expire?

Mr. Oliver responded John's term expires 2010, Mike Yuro 2012, Brenda Griffey 2010, Charles Sheppard 2010, and Rose Bock 2012.

Mr. Haber sated I think that's a good question, particularly since we have so many of the people who wanted to be on the board still in the audience. The reason why we went through the process today is because nobody submitted papers with the county to get on the general election ballot. Keep those dates in mind, I know they are far off, but to the extent you are still interested

at that time, submit it and then it's not a decision by the board, but you will actually be on the ballot with the governor or anyone else who is running at that time. There will be a special ballot for the Sampson Creek CDD and you will be elected by all the residents who participate in the vote as opposed to going through the process we went through today.

Mr. Yuro stated I nominate John Thibault for Vice Chairman.

On MOTION by Mr. Yuro seconded by Mr. Sheppard with all in favor the nomination of John Thibault for Vice Chairman was approved.

Mr. Oliver stated typically I would continue to serve as secretary, James Perry, who is a CPA with our company, serves as treasurer; Patti Powers and Jim Oliver serve as Assistant Treasurers so we can execute documents on behalf of the district. Assistant secretaries would be the balance of the board, as well as James Perry, Patti Powers, and Dave deNagy. I ask for a motion adopting Resolution 2009-02.

On MOTION by Mr. Thibault seconded by Mr. Sheppard with all in favor Resolution 2009-02 was adopted.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the November 19, 2008 Meeting

Mr. Oliver stated the next order of business is approval of the minutes of the November 19, 2008 meeting. Counsel has shown me some administrative corrections to the minutes and I will incorporate those changes. Are there any comments or corrections to those minutes? If not, I ask for a motion to approve the minutes.

On MOTION by Mr. Yuro seconded by Ms. Griffey with all in favor the minutes of the November 19, 2008 meeting were approved.

FOURTH ORDER OF BUSINESS

Consideration of Amendment to Traffic Study Agreement

Mr. Oliver stated the next order of business is consideration of amendment to traffic study agreement. It's actually become a moot point and we will be tabling it tonight. During discussion the engineer had spoken with St. Johns County and they asked the engineer to do a nighttime evaluation of the signage. Subsequent to that we had a conference call with staff and the new Chairman and it's been Mike's experience that the county is looking for new requirements. I got back with Ayres and Associates and asked if this was an existing requirement or after the fact. They responded it was an after the fact requirement. He is getting back with St. Johns County to see if that requirement can be waived. We can't just keep having add ons with this traffic study. The good news is since that traffic study started you have St. Johns County deputies patrolling out here. We will bring back more at the next meeting.

Mr. Yuro stated it was going to cost an additional \$3,000 for this request by the county that may not be necessary.

FIFTH ORDER OF BUSINESS

Discussion of Report on Excess Funds in Revenue Account

Mr. Oliver stated Vivian Cerecedo has taken a look at the covenants of the bond and the funds in the revenue account. There are excess funds of \$37,194.48 that will be able to be used in the general fund for any legal purpose. This comes about because of the fact that when we do the assessment rolls we assume everyone out here will take advantage of the 4% discount, not everyone does, but we have to budget conservatively just in case they do. That's where most of the money comes from. Also, there are interest earnings on the account.

SIXTH ORDER OF BUSINESS

Discussion of Virginia Graeme Baker Pool & Safety Spa Act

Mr. Oliver stated we discussed this at the November meeting and the board authorized staff to get proposals and consult with the Chairman and execute the appropriate action. I'm happy to say this week Rick Arsenault informed Rich Whetsel, our director of operations, that we are fully in compliance. He has made the necessary grate changes and the pool is compliant. Heather is going to send out an e-mail blast to that effect. This is a big problem nationwide affecting 90% of the public pools and there is a severe shortage of drain covers, so this is good news.

Mr. Thibault asked are the drain covers raised?

Mr. Haber stated I have seen multiple kinds that were acceptable. It may depend on the shape of the drain. The one I have seen in person almost had waves on the top, it was bumpy. The purpose is to have it contoured as opposed to flat so when you rub up against it it doesn't suck you in. The contours are there to prevent the suction and getting stuck to the bottom. I don't know that there's one that you would say this is the drain cover that meets the standard.

Mr. Thibault asked what do ours look like?

Mr. Haber responded I haven't seen ours.

Mr. Thibault stated if they are raised and there is a shelf underneath them, would that cause any kind of liability for people stubbing their toe or whatever?

Mr. Benoit stated our covers are raised, but they are at the deep end. The only place it may cause a problem is in the kiddy pool. It's in the center of the kiddy pool.

Mr. Yuro stated there weren't a lot of options.

Mr. Benoit stated the covers are raised and wavy and have a green plug in the center. It's uncomfortable to walk on.

Mr. Oliver stated it's meant to be.

Mr. Thibault stated I'm not bringing it up to dispute it. I just want people to be aware and keep it in mind.

Mr. Benoit stated we had no other options.

SEVENTH ORDER OF BUSINESS Other Business

There not being any, the next item followed.

SIXTH ORDER OF BUSINESS Staff Reports

A. Attorney

There not being any, the next item followed.

B. Engineer

There not being any, the next item followed.

C. Manager

There not being any, the next item followed.

D. Art of Living Director

Ms. Mickelson stated I should have the \$660 reimbursement check from Downtown Charlie's next week and will put it towards the Spring Fling. The new soccer nets have been ordered. I am still waiting on a quote to re-strap the pool furniture. I'm working on a new Spring Camp for Kids and the Spring Fling event.

Mr. Yuro asked for the Spring Fling and other events are you getting volunteers from the neighborhood?

Ms. Mickelson responded not any more. Sometimes I get teenagers to help out.

Mr. Yuro stated you are putting a request out and nobody is answering the call.

Ms. Mickelson stated it makes it kind of difficult.

E. Operations Manager – Ratification of LMI Landscape Invoice

Mr. Benoit stated the electrical connection box at the Amenity Center was repaired and painted. The fitness room was painted, the floors scrubbed and sanitized, and two mirrors were replaced. We repaired a couple of holes in the walls. DTE seems to be doing a good job. We worked with them on locating irrigation. They have begun the annual plant replacement. Mulching and pine straw should be late February or early March.

Ms. Griffey stated the report stated we had some vandalism on the playground that was fixed. What kind of vandalism was it?

Ms. Mickelson responded kids writing things in Sharpie.

Mr. Thibault stated I live on Glennfield Crossing and on the road to the left on the corner there's a light that's always out. You replace the light bulb and a month or two later it goes out again.

Mr. Yuro stated those lights are FPL.

Ms. Bock stated there's a number on the light pole and if you call FPL they will come out and fix it.

Mr. Yuro stated your report says painting of district light poles is continuing. Is this routine?

Mr. Benoit responded the poles on Stonehedge are the ones we have left. We painted the poles because they were chipping.

Mr. Thibault asked what kind of paint are you using?

Mr. Benoit responded oil base with an additive to dry faster.

Mr. Thibault stated the decorative bulbs are metal. Are we using a rust proof paint that protects the metal?

Mr. Benoit responded it's an exterior paint made for metal. We are prepping them before we paint.

Mr. Oliver stated in the back of Emile's report is an invoice from LMI for the purchase and installation of sod at the lake on Meadow View right-of-way. The amount is \$1,340. Staff went ahead and did this rather than wait for the next meeting, but would ask for a motion to ratify that action.

Ms. Griffey asked is that where we replaced the drain pipe?

Mr. Yuro stated Meadow View is the one the engineer took a look at because the level of the lake was much lower than where the sod line stopped and it was getting erosion.

Mr. Magnus stated somebody had complained that the grass was too high up on the bank. We went out and looked at it and tried to bring it down to where both sides were even.

Mr. Thibault stated this was only one or two strips of sod.

Mr. Magnus stated a little more than that. The grass, as it went along, it went up and down, probably an average of two to three strips.

Mr. Thibault asked how many feet of lake front?

Mr. Magnus responded the whole lake.

Mr. Thibault stated we ended up doing multiple lots, I assume.

Mr. Magnus stated no, the lake is only fronted, as I recall, about two to three lots. The grass stopped and you had about five feet of bare dirt before you hit the lake banks.

On MOTION by Mr. Thibault seconded by Mr. Yuro with all in favor the LMI Landscapes invoice in the amount of \$1,340 was ratified.

NINTH ORDER OF BUSINESS

Supervisor's Requests

There not being any, the next item followed.

TENTH ORDER OF BUSINESS

Audience Comments

There not being any, the next item followed.

ELEVENTH ORDER OF BUSINESS Financial Reports

A. Balance Sheet as of December 31, 2008 and Statement of Revenues & Expenditures for the Period Ending December 31, 2008

Mr. Oliver stated behind Tab A is the balance sheet for the period ending December 31, 2008 as well as a statement of revenues and expenditures for the same period. These are unaudited and will be audited when you have your FY09 audit.

Ms. Griffey stated since October we have spent \$16,000 on special events.

Ms. Mickelson stated the next two events are much smaller.

Ms. Griffey asked do you have enough money left over for the rest of the year?

Ms. Mickelson stated yes.

Mr. Yuro stated under revenues you have youth programs income. Don't you charge the kids for many of the programs so it offsets it?

Ms. Mickelson responded yes.

B. Check Run Summary

Mr. Oliver stated behind Tab B is the check register. I have been e-mailing the invoices to you.

Mr. Yuro stated in a phone call I asked about water service. There's a pretty enormous consumption for St. Johns Golf Drive commercial for the swimming pool.

Mr. Benoit stated we pulled the last 13 months statements. That feeds everything inside the black fence, plus a little bit going up towards the park. It feeds the pools, showers, all the irrigation inside the black fence, and we think it feeds on the other side of the black fence heading towards the playground. We are still working on trying to locate wells.

Mr. Yuro stated it probably takes care of some of the sports field.

Mr. Benoit stated no, they said the sports field is all off of the lake. The timer for this feed has 12 zones. We are running 12 zones, plus feeding the pool and the showers.

Mr. Yuro asked does the pool take a lot of water?

Mr. Benoit responded there is a constant fill up because of evaporation and splashing.

Mr. Sheppard stated the holiday traditions snow was \$3,400?

Ms. Mickelson stated it's not just snow.

Mr. Sheppard stated the snow was \$3,400?

Ms. Mickelson stated it went up a little bit this year.

Mr. Oliver stated I had this conversation with Heather yesterday on that same item. They have been doing this at this district for about four or five years now. If the board ever wants to eliminate that, they can.

Mr. Sheppard stated Mike had asked you about getting help with your programs. Does that also relate into a lower participation rate?

Ms. Mickelson responded it seems just as many people come to the events as they always have.

Ms. Griffey asked how many people come to the big events?

Ms. Mickelson responded the Fall Festival I would say at least 400.

On MOTION by Ms. Griffey seconded by Ms. Bock with all in favor the check run summary was approved.

C. Special Assessment Receipts

Mr. Oliver stated behind Tab C is the special assessments receipts schedule. The collection rate was about 81% through the end of December. I'm sure we had some come in in January. Rose, when I swore you in I should have asked if you want to accept compensation as a supervisor, as the other supervisors do.

Ms. Bock stated yes.

TWELFTH ORDER OF BUSINESS

Next Scheduled Meeting –03/25/09 at 6:00 p.m. @ the Swim Club Meeting Room

Mr. Oliver stated the next meeting is scheduled for March 25, 2009 at 6:00 p.m. at this location.

Mr. Thibault stated in Heather's report it stated a resident requested we hold a Spring Break Camp this year.

Ms. Mickelson stated I am having one this year.

Mr. Thibault asked are you going to charge for the event?

Ms. Mickelson responded yes. It's basically going to be like the summer camp.

Mr. Thibault asked will it be a full day event?

Ms. Mickelson responded yes.

THIRTEENTH ORDER OF BUSINESS Adjournment

Mr. Oliver asked do we have a motion for adjournment?

On MOTION by Mr. Yuro seconded by Mr. Thibault with all in favor the meeting adjourned at 6:50 p.m.

Secretary/Assistant Secretary

Chairman/Vice Chairman