

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, July 28, 2010 at 6:00 p.m. at the Swim Club Meeting Room, 219 St. Johns Golf Drive, St. Augustine, Florida.

Present and constituting a quorum were:

Rose Bock	Chairperson
John Thibault	Vice Chairman
Tracy Hayes	Supervisor
Brenda Griffey	Supervisor

Also present were:

James Oliver	District Manager
Wes Haber	District Counsel
Heather Mickelson	GMS, LLC, Art of Living Director
Mike Yuro	Yuro & Associates

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Affidavit of Publication

Mr. Oliver stated included in your agenda package is an affidavit of publication of the two notices of tonight's public hearing to adopt the FY11 budget.

THIRD ORDER OF BUSINESS

Approval of Minutes of the June 23, 2010 Meeting

Mr. Oliver stated included in your agenda package is a copy of the June 23, 2010 meeting minutes. Are there any additions, corrections or deletions?

On MOTION by Ms. Bock seconded by Mr. Thibault with all in favor the Minutes of the June 23, 2010 Meeting were approved.
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Mr. Oliver stated I have also distributed the minutes of the May 26, 2010 meeting. Are there any additions, corrections or deletions?

On MOTION by Mr. Hayes seconded by Mr. Thibault with all in favor the Minutes of the May 26, 2010 Meeting were approved.

FOURTH ORDER OF BUSINESS

Discussion of Results of Capital Project Survey

Mr. Oliver stated as you recall at the last meeting staff was directed to send a mailed survey to residents to determine what capital projects they would like the Board to consider. We have 799 lots and there were 184 responses. 82 of the respondents want improvements to the fitness center as their first choice. 16 of the respondents listed heating the pool as their first choice. 21 of the respondents had construction of a water park as their first choice. 18 of the respondents had the playground improvements as their first choice. 47 respondents fell in the other categories to include other improvements, as well as no improvements at all. I have provided to each of you, all of the survey responses.

Ms. Bock stated I thought it was interesting that 82 people thought the fitness center was the first thing we should take care of. 36 people said absolutely not to spend any money right now because of the economy. 12 people in their comments worked in a very large concern about increasing their fee at all as it would be an imposition and just something they couldn't handle. It was interesting when you open the door to people what they would want. Some people came up with some very good ideas. One person was asking if we could get some energy efficient light bulbs to use. Two people felt like we spent too much money on flowers. Another person wanted us to just put in things that didn't need water. There were a lot of comments about the bathrooms. They wanted us to update the bathrooms and one person wanted us to put in air conditioning in them.

Mr. Hayes asked are the fitness center restrooms air conditioned?

Mr. Yuro responded no.

Mr. Hayes stated it is the same building.

Ms. Bock stated two people wanted lights for early swimming.

Ms. Mickelson stated the pool opens at 7:00 a.m.

Ms. Bock stated they wanted 3:00 a.m., 4:00 a.m. and 5:00 a.m. Are there no lights in the water?

Ms. Mickelson responded there are. They are not timed to come on that early.

Mr. Haber stated there is a County standard for specific lighting requirements for swimming before dusk or after dawn. Maybe these people know we don't meet those requirements and are requesting that we install lighting necessary to meet those requirements.

Mr. Randolph joined the meeting.

Ms. Bock stated I think it would be a good idea if Heather and Mike would look at these comments to see if there is any little thing that we could improve that has not been something that we looked at. I would like to talk to the club because a big thing was 15 people wanted the grill, or the ability to get food over here. To me, I thought there is the person walking around taking the orders and bringing the food back from the club.

Mr. Yuro stated I emailed Pam because she started doing that. She said she was going give us feedback on how much activity they got from that.

Ms. Griffey stated some people already have their number and they call and they just go get it when it is ready. I think there was also a suggestion for lights on the basketball courts and soccer field that we might consider.

Mr. Yuro stated that has been talked about in year's past and it was specifically decided not to put the lights on the basketball courts because we were not wanting to attract activity late at night.

Mr. Thibault asked how many people mentioned a gate?

Ms. Bock responded I only counted 12. I think through something in our newsletter we can get the word out that we went through the gate exercise at one point. We are a CDD and we can't have a hard gate, just like Palencia. Anyone can get into Palencia. They can't keep you out.

Mr. Randolph stated people keep mentioning safety but we really don't have any issues.

Mr. Yuro stated the report we got back from the sheriff's office said that our neighborhood was much better than most of the other neighborhoods, including those with gated communities.

Ms. Griffey stated I noticed there were 80 some people that wanted the gym but there were also some with financial concerns, so maybe we could consider a smaller version to reduce some of the costs.

Mr. Randolph asked how many people said something about money?

Ms. Bock responded 12.

Mr. Yuro stated at the last HOA meeting we had some residents there who asked to share the number of houses in foreclosure with the board. I went through and counted it up and currently there are 25 foreclosures and five bankruptcies.

Ms. Griffey asked on the foreclosures do the banks end up paying the fees?

Mr. Oliver responded the District is right at 100% collected.

Mr. Thibault asked is the HOA a secured or unsecured creditor when it comes to those listings?

Mr. Yuro responded I'm not sure.

Mr. Thibault asked what is the likelihood they are going to get paid when it is a short sale?

Mr. Haber responded I think is a secured creditor. They have less priority than the CDD, the County and the mortgage on the home.

Mr. Thibault asked so then short sales will almost always exempt the HOA because short sales are less then the mortgage in most cases?

Mr. Hayes responded I wouldn't assume that. The banks are calling the management company and asking what needs to be paid because they have to clear the title of the home.

Mr. Oliver stated so regarding the capital project survey you have the information. I suggest it is something to continue to study over the next few months.

FIFTH ORDER OF BUSINESS

Discussion of Expansion of Fitness Center

Mr. Oliver stated there is no decision to be made tonight about expanding the fitness center. At the last two meetings you have seen a few prototypes of what an expansion could look like. There could be other options out there. What you will do later in this meeting is discuss the responses for the request for qualifications that you advertised for architectural services. Once you go through the process of negotiating and selecting an architect, you will have the opportunity to give guidance to the architectural firm to come up with options. Once the architect gets the orders, he will come back with some plans. The board would decide which direction they want to go with a concept, if they want to proceed. The next step is to issue an RFP for construction services, for which price is a factor. You can have it priced out in such a way that they can give you the basic plan that you selected, and also give you some additional costs as some things would be add ons. Once you make the selection, the board will decide

whether to enter into a contract. I think we are several months from entering into a contract. I think it is going to be a slow and steady progress. We are going to have this item on every agenda until we are either complete with the process or until the board stops the process.

SIXTH ORDER OF BUSINESS

Discussion of Playground Improvements

Mr. Yuro stated in the last couple of meetings we talked about the playground and the fact that there were some needs to repair the slide and put in mulch and either upgrade the current structure or replacing that structure with something different. The playground was part of the survey and I guess there were a number of people that selected that as a high priority. At this point I would look for some direction from the board.

Mr. Randolph asked what was the ballpark figure?

Mr. Yuro responded I recall it being around \$7,000 or \$8,000 at a minimum. The big slide needed to be repaired. Mulch needs to be brought in. We need to add a few smaller structures for the toddlers. Then it was \$25,000 or \$30,000 to maybe do away with that structure and do a couple other smaller structures.

Ms. Griffey stated a fitness structure would be nice for kids.

Mr. Yuro stated my thoughts were to add a couple spring riders. It would be a smaller structure that included a slide and a tube they could run through. It wasn't encased in a wall, like what we have now. Then there was a separate structure that had chin up bars and more of the fitness element. The current swing set would stay.

Ms. Griffey stated I feel that the playground is a part of the amenities that already exist and we should either maintain it or replace it.

Mr. Hayes asked if we did \$10,000 in repairs this year, how much would we have to put in next year?

Mr. Yuro responded I wouldn't expect after a \$10,000 upgrade this year that you would have to replace any of that. My own personal concern with the current structure is from a security standpoint the fact that it is built like a fort and our security guards are chasing kids out of there in the evenings. The other concern I have is that it is a 100% wood structure, so all the handrails splinter.

Mr. Thibault stated at the last meeting we talked about how the HOA may be able to contribute some money.

Mr. Yuro stated that was discussed at the last HOA meeting and on the strong recommendation of the HOA manager they recommended the HOA hold onto those funds. The HOA is writing off bad debt on a fairly regular basis due to foreclosures, so they recommended strongly that the HOA hold onto those funds. If you decide to move in this direction I think the next step would be to get a professional in to look at this space and give us a picture and a plan and bring a recommendation back.

Ms. Bock stated I would agree.

Mr. Hayes stated I would like to have Mike put some proposals together and get some bids for the next meeting.

SEVENTH ORDER OF BUSINESS

Review and Ranking of Qualifications of Architectural Firms

Mr. Haber stated as the board is aware, at the last meeting it was approved that staff move forward with an RFQ for architectural services that resulted in the packages that were sent to you. We have prepared the ranking sheet. What the board is required to do is review the packages and then rank the packages based on the criteria set forth in that sheet on a range from one to five. Subsequently, District staff will send a letter to all of the respondents letting them know that the board has met and disclose the rankings. There is a 72-hour period where they could protest those rankings. Assuming no protests, District staff will begin the process of negotiating a contract with the highest ranked proposer. If they are able to reach an agreement that the board is comfortable with based on the terms of the agreement, as well as price, then you enter into a contract with them and begin the process of designing a proposed facility expansion. If you are unsuccessful you move to the next highest ranked proposer. I did not review the packages for qualifications or your rankings. It is really entirely up to you. We did review to make sure that they did meet the mandatory requirements set forth at the top. Boards do this differently. It is not uncommon for one board member to be more prepared than others.

Mr. Thibault stated I have reviewed all of the architect's proposals and I have two companies that have tied for a highest ranking of 25. I didn't give them anything on the volume of work because none of them had any, so I just left it blank. I gave both Basham & Lucas and Fisher Kopp a 25. However, I would rank Fisher higher because Basham seems to really be concentrated in pools and that is not really what we are looking for. Fisher has a lot of fitness center expansion. They have worked on both pools and fitness centers though. When it comes

down to the ability and the adequacy of the professional personnel they are all professional engineers and architects, so I gave most of them 5's. Most of them didn't mention anything about being a certified minority business, except some would say that they subcontract to minority business owners or they attempt to. One of them had a bunch of government work in it, so obviously they must comply with it. It was kind of pass/fail for me. If they said they were a minority certification then I would give them a five and if they didn't mention it at all they got a one but if they mentioned it and they subcontracted it then I gave them a three. They both had past performance doing this kind of work. As far as the willingness to meet time and budget we are way under priced for most of these guys. When you look through the projects they have done we are talking about multiple million dollar projects, so my concern is are they expecting a million dollar project.

Ms. Griffey stated I had the same thought when I was looking at them and the projects they have done.

Mr. Thibault stated they all got threes and fours in that category for me.

Mr. Hayes stated this is a resume and if you had a part time job in the middle of these big jobs you probably wouldn't mention it. You are going to lead with your biggest and most impressive projects.

Mr. Thibault stated there is actually a section in the proposal that ranks it and the amount of work that they do in each category. I used this form a lot in my rankings, the standard form 330. It identifies the amount of revenue that they produce in different facets of the industry, which I thought was a fantastic tool. It was easy to go through this and determine these people may not do the kind of work that we want to do.

Ms. Griffey stated I think there was one of them that did a significant number of YMCAs.

Mr. Thibault stated Pond does a lot of governmental work. They have done a few military facilities. They did the Brooks Rehabilitation Center. They have done the Duval County Public Athletic Facilities. My only problem with them is they aren't really local and that was my only problem with them. I think with us being a local government we should try to use as much local business as we can. They have an office on Southside Boulevard, but their headquartered in Atlanta, Georgia.

Mr. Randolph stated I think they were all pretty well qualified. For me, Basham & Lucas ranked the highest, so that is who I would recommend.

Mr. Haber stated the board will need to break any ties because it is a ranking system and that will dictate how we negotiate. You could all rank them individually and give those scores and we could take your sheets and add them all up and that would be how it comes out, so you don't all have to agree that one is the top and one is the last.

Mr. Thibault stated I think that is how we should do it. I think that is just the fairest way and collect everyone's sheet.

Mr. Hayes stated I went through and was looking more at the amenity centers and looking at the different projects that they have done because it is part of the amenity center and what they are going to design. I was just looking at relative experience and local experience. I'm good with Basham & Lucas.

Mr. Haber stated the board needs to score it all then. If the remainder of the board can agree that they are in agreement with John's scores then the board has scored them and we could give them the scores. We do need a ranking and the ranking will be on the scores.

Mr. Thibault stated I did have a tie though.

Mr. Haber stated that is something you will need to discuss further.

Mr. Hayes asked, "Ed, did you have a tie?"

Mr. Randolph responded no. I had Basham & Lucas and then I had Ervin Lovett Miller. The point is well taken about the pools being kind of their focus.

Mr. Thibault stated they have great pools and if we were building a pool these would be my guys for sure. My only concern is I don't know if they can do fitness centers. They haven't proven to me that they can with Basham.

Mr. Oliver stated they did the expansion for Bartram Springs Amenity Center.

Mr. Thibault asked have you seen it?

Mr. Oliver responded yes, because it is one of my Districts. However, I have no preference for any of these firms.

Mr. Randolph stated for me, they were a few points higher than anyone else and for me that is my personal choice.

Ms. Bock asked which is who?

Mr. Randolph responded Basham.

Mr. Thibault stated I don't have a problem putting them up there because they seem like a professional organization. Everything else that I have read tells me that they can do the job.

Mr. Oliver stated it shows in their packet that they have done fitness centers.

Mr. Thibault stated you are right. I missed it. They have Julington Creek in here too. I put them on one less point of ability and adequacy of professional personnel because I didn't see that they could fitness centers, so that gives me the edge to be able to give them a five there, which would give them a 26.

Mr. Haber asked so there are no other ties?

Mr. Thibault responded no, that was it. We have a clear one and two now.

Mr. Haber stated I have sent notices where we have ranked one and two and some of the other firms were tied. I indicated in the notice that we have ranked them this way and these following firms have tied for third place. If the District is not able to successfully negotiate with either the number one or number two ranked firm, the board will meet again for the purpose of breaking a tie.

Mr. Thibault stated I like that idea.

A resident asked are you going to talk to both or are you going to talk to one and talk about price and then decide?

Mr. Haber responded that is arguably one of the flaws in the process. You can certainly talk to outside sources and get a feel for how much these things cost and have a number prepared and negotiate off the number. I don't think you should go in there blindly. You can certainly gather information and go and negotiate the contracts with a number in mind. What the process doesn't allow for is you to go to one and then go to the second ranked firm and have them play against each other.

A resident asked like you put this qualification thing out, could you also put another thing out there for price?

Mr. Haber responded you can't include price. The way you choose your architect is through the process we have just gone through. You go through this process if you anticipate what is being designed is in excess of \$288,000 approximately. If you are very comfortable you are not going to break that threshold, then this board can determine the process and you can get prices. The problem is if an architect draws something for you and you guys fall in love with it and it is going to break that threshold, then you have the problem of now we didn't properly award the contract.

A resident asked from a legal perspective, how would that come back to the board?

Mr. Haber responded this is all done in the Sunshine Law, so you are going to have notices going out to all these architects letting them know how they were ranked. If those architects monitor what goes on and they see what is constructed and they see there is no way that what they just built fell under that threshold, they could file a lawsuit against the District saying they have been damaged and at least cause the District to expend funds to defend a suit. I don't really know what their damages would be but if you didn't go through the proper process in awarding the contract, you subject yourself to liability for a lawsuit for not following the law.

A resident asked did you list any questions in your inventory regarding fees ratio of total fees to total project costs, so the board could get an idea of how much money they would charge?

Mr. Haber responded it wasn't asked. It could have been asked. We asked what was required by the statute. There are specific elements that are required to be analyzed as part of the statute. You could reject all of them if you want to and go back through the process.

Ms. Griffey asked if we contracted them could we tell them we only want to spend between this range of money?

Mr. Haber responded yes. You are supposed to do your homework. The government is supposed to know what it is going to cost to have these services done. Then you go to whoever your number one ranked firm is and you say let's begin this negotiation process. If they say it is going to cost you this much and it only minimally exceeds what you expected to do, then you say sorry we are going to pay this and nothing more. You go to the next one. In the RFP process that you go through for a general contractor, you can use price as one of the evaluation criterion. You are evaluating them on what they have done in the past, who their employees are and everything they have submitted to you in these packages. What I think you should do is once you have a contract with these companies is to go do your homework and if you can't get that desired amount, then you say sorry. Even though you were ranked number one, you don't get this contract. We are going to go to the second ranked firm and see if we can get the price we are looking for.

Mr. Thibault asked you mentioned that the only thing you did to evaluate number one and two was that they held the applicable federal, state and local licenses and that they are a current and active corporation, so how are you able to evaluate that because for many of these I wasn't able to determine that in their packets?

Mr. Haber responded that is included on the web site Sunbiz.org.

Ms. Bock stated so we have to decide if we are going to go with John’s sheet.

On MOTION by Ms. Bock seconded by Ms. Griffey with all in favor the Board Accepted the Rankings made by Mr. Thibault for Architectural Firms.

Mr. Oliver stated once staff does negotiate we will need to bring back to the board an agreement. Would you like to bring that back to the board at our next meeting in August?

Mr. Haber responded essentially you would be authorizing someone to work with Jim to figure out what your parameters would be on that negotiation. You would be authorizing one board member to sign an agreement or you could still authorize someone to go through that negotiation process and bring it back to the board and have the board approve it.

Mr. Randolph stated I don’t mind volunteering for that.

On MOTION by Ms. Bock seconded by Mr. Hayes with all in favor Authorizing Mr. Randolph to Negotiate a Contract & Execute the Contract on behalf of the District was approved.

EIGHTH ORDER OF BUSINESS

Review and Ranking of Qualifications of Engineering Firms

Mr. Oliver stated this is similar to the process that we just went through, except there are no price thresholds.

Mr. Haber stated price thresholds would apply if you are having an engineer for a specific project but what you are looking to do here is an engineer for a continuing contract.

Mr. Randolph stated I had two firms that rose to the top. It was close but I had Yuro & Associates at the top and then RS&H is my second. Yuro & Associates is familiar with the facility and the community and the existing structures here. I had RS&H second because of their qualifications and the past projects they have worked on that are similar to this.

Mr. Thibault stated I had the same one and two rankings. One of the primary reasons why I enjoy having Yuro & Associates on for doing this project is because he has already been performing and providing engineering services for the District for a year. My only concern is nowhere in our rankings did we ask for the insurance.

Mr. Haber stated and that will be the negotiation process. In other words, when we negotiate this contract it will be price and the contract will say if you want to enter into this contract with us you need to provide us with proof of insurance. Because there is so much conversation regarding price, one thing that is different than when you do award or look to award a construction project is price will be a factor there but one thing that is different in that process from this process is negotiation is not a factor there. In other words, you put that project out for bid and you get your prices and you can reject them all if you don't like any of the prices but you can't say we are awarding it to this company. This is a negotiation process. It is different than a bid process.

On MOTION by Mr. Hayes seconded by Ms. Bock with all in favor the Board accepted the Rankings made by Mr. Randolph for Engineering Firms Ranking Yuro & Associates as the #1 Ranked Firm.

On MOTION by Mr. Hayes seconded by Ms. Bock with all in favor Authorizing Mr. Thibault to Negotiate Contract & Execute the Contract on behalf of the District was approved.

NINTH ORDER OF BUSINESS

Acceptance of FY09 Audit

Mr. Oliver stated included in your agenda package is a copy of the fiscal year 2009 audit.

Mr. Thibault stated my concern is as I go through it I am looking at the financials and I see that we had a net decrease in assessments during 2009. Additionally, it looks like we had what I would classify as a net loss but in government terms they call it something else. In here it references in governmental activities, so did the variance come from the reissuing of the bonds?

Mr. Oliver responded the largest reason was the fact that back in fiscal year 2009 there was a payment made to the Developer for collection of debt service. On the first page is the opinion letter. In the third paragraph it says, "In our opinion the basic financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities in each major fund of the District as of September 30, 2009, and the respective changes in financial position and the budgetary comparison for the General Fund for the year then ended in conformity with accounting principles generally accepted in the United States of America." This audit was performed by Berger, Toombs, Elam, Gaines & Frank,

which you selected through the RFP process. On page 28 you have the report on internal control. At the top of page 29 the last sentence of the first paragraph says, “We did not identify any deficiencies in internal controls or financial reporting that we consider to be material weaknesses, as defined above.” Then perhaps the most important statement on page 31 says, “Sampson Creek CDD has not met one or more of the conditions described in Section 218.503(1), Florida Statutes and is not in a state of financial emergency.”

Mr. Thibault asked I was wondering if they could add to the footnote because I did read that it said MBNA was not required for these management discussions, which is typically not true and that is where that would be covered? When you look at these financial statements and then you come to the end on page 31 and then it says we are not experiencing any financial hardship but you don’t see that in these financial statements, so I’m thinking somewhere in the footnotes there should be some kind of explanation that says yes, the organization was in the black for the year but then there was an additional payment.

Mr. Oliver responded we can construct some type of statement. We do present this is draft form, so we can finalize before it gets sent out. If you can accept the audit, subject to review by the Vice Chairman that would be perfect.

On MOTION Mr. Randolph seconded by Ms. Bock with all in favor the Fiscal Year 2009 Audit was approved, subject to review by the Vice Chairman.
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TENTH ORDER OF BUSINESS

Public Hearing Adopting the Budget for Fiscal Year 2011

A. Consideration of Resolution 2010-05, Relating to Annual Appropriations and Adopting Budget for Fiscal Year 2011

Mr. Oliver stated before you is the budget that has been updated with the June actual expenditures and projections. The bottom line of this budget is your assessments are staying the same and your expenditures are essentially level. There is no carry forward surplus being used. You are paying your own way. There is nothing that I find particularly extraordinary about this budget. You can see that on page two of the general fund budget the next to last item is capital reserves and we are setting aside \$80,000.

On MOTION by Mr. Thibault seconded by Ms. Griffey with all in favor the Public Hearing Adopting the Budget for Fiscal Year 2011 was opened.

Mr. Oliver stated we had the initial report on the capital reserve study a couple months ago and based on Mr. Sheppard's advice, we kept capital reserves relatively high. We were going to have a larger jump with electric because of the projected increases in electric rates, but as you can see we came under budget, so we were able to keep those costs down because the usage wasn't as high.

Mr. Hayes asked we are not going to have any excess revenues?

Mr. Oliver responded when we end fiscal year 2011 we should at the least have \$80,000 that we are setting aside. Assessments are based on the fact that we expect all landowners pay their tax bills by November 30th and take the 4% discount, but some don't so some money will be realized there. Interest rates used to be part of that also but interest rates are so low right now. At the end of the year we would expect to be looking at about \$95,000 for capital reserves. We don't try to generate a surplus because it is your money.

Mr. Thibault stated we are setting aside \$80,000 for capital improvement projects.

Mr. Oliver stated by the way, that is not for a specific capital improvement project, but is for capital reserves.

A resident asked do we use our whole budget for landscaping regardless of what our plants look like?

Mr. Oliver responded landscape/maintenance contract is about \$191,000 plus contingency for other things that have to be done that are outside the scope of the landscape project.

A resident asked as far as general cleaning, where is that?

Mr. Oliver responded pool maintenance is specifically for the treatment of the pool by Arsenault and general cleaning is for the entire facility.

A resident asked what about cleaning the deck?

Mr. Oliver responded that is not part of Arsenault's contract.

Mr. Thibault stated so pressure washing the deck, cleaning the bathroom, cleaning this floor, washing the windows are general cleaning items.

A resident asked the cell tower?

Mr. Oliver responded I don't know it is not CDD owned.

A resident asked is it HOA?

Ms. Bock responded no. It is privately owned. St. Joe does not own that.

A resident stated I was on the board of a community up in Jacksonville and what we wound up doing was putting zero scape in all the islands, so we didn't have to constantly be replanting and watering. It worked out very well.

Mr. Thibault stated I would be a little careful about that. I am going to play devil's advocate for a second. In this packet that we have for everyone's suggestion one person mentioned that our holiday decorations are not as impressive as everyone else's on 210. Some people are very sensitive to how it looks, so I think those people that are sensitive to that would have a problem with zero scape.

A resident asked does removing alligators get covered under lake maintenance?

Mr. Oliver responded no. The State of Florida deals with alligators.

Mr. Yuro stated if you have an issue with an alligator the licensed trapper needs to get approval from whoever has jurisdiction over the lakes. A couple months ago we had to remove one because the golf course owns the majority of the lake, so the golf course had to sign off that it was okay for the licensed trapper to be out there.

A resident asked is there a size limit?

Mr. Yuro responded my understanding is they won't really address them unless they get larger than four feet or become aggressive or show no fear of humans. They really try not to remove them.

<p>On MOTION by Mr. Randolph seconded by Ms. Bock with all in favor the Public Hearing Adopting the Budget for Fiscal Year 2011 was closed.</p>

Mr. Haber stated Resolution 2010-05 adopts the budget and appropriates the funds as set forth in your budget. There are actually two budgets you are adopting; there is the O&M budget and then there is also the debt service budget, which is set for the term of your bonds. At the most basic level Resolution 2010-05 adopts both those budgets and appropriates the necessary funds to make the payments for those budgets. The resolution addresses if line items need to be changed and those types of things on the budget.

On MOTION by Ms. Griffey seconded by Mr. Thibault with all in favor Resolution 2010-05 Relating to Annual Appropriations and Adopting Budget for Fiscal Year 2011 was approved.

B. Consideration of Resolution 2010-06, Imposing Special Assessments and Certifying an Assessment Roll

Mr. Haber stated Resolution 2010-06 levies the assessments for the O&M budget and certifies for collection the assessments that have already been levied for the debt service. As I indicated we didn't hold a public hearing on the assessments. The reason why that is somewhat important is because we didn't notice a public hearing. You weren't obligated to notice a public hearing because assessments didn't go up. You are levying the O&M assessment and you are certifying for collection. What that means is you are authorizing your District Manager to contact St. Johns County and provide them a copy of the assessment roll and say for all the lots within the community please include on their tax bill the assessments for both the debt and O&M.

On MOTION by Mr. Randolph seconded by Mr. Hayes with all in favor Resolution 2010-06 Imposing Special Assessments and Certifying an Assessment Roll was approved.

Mr. Oliver stated we will provide the certified assessment roll to the tax collector.

ELEVENTH ORDER OF BUSINESS

Consideration of Amendment to Agreement with Yuro and Associates, LLC, for Contract Administration, Field Management and Repair and Maintenance Services

Mr. Haber stated I drafted the amendment, although I will defer to Mike for the explanation behind the amendment. The agreement you currently have with Yuro & Associates for these services is an ongoing agreement that renews annually. The agreement didn't address any variation in price over those renewals. What this amendment does is it addresses that very issue and the amendment sets forth what those increases will be on an annual basis. It attaches a different exhibit A, which I believe more accurately reflects the actual services that Mike has been providing as compared to the exhibit that was initially prepared.

Mr. Hayes asked do you have the amendment?

Mr. Yuro responded it was emailed to you.

Mr. Haber stated the substance of it being section 2A.

Mr. Thibault asked does this proposed budget reflect this amendment?

Mr. Oliver responded yes, we increased line items for maintenance and contract administration.

On MOTION by Ms. Bock seconded by Mr. Hayes with all in favor the Amendment to the Agreement between Yuro & Associates, LLC & Sampson Creek CDD for Contract Administration, Field Management and Repair and Maintenance Services was approved.

TWELFTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

THIRTEENTH ORDER OF BUSINESS Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer

There being none, the next item followed.

C. Manager – Proposed FY11 Meeting Schedule

Mr. Oliver stated included in your agenda package is a proposed meeting schedule for fiscal year 2011, which is bimonthly, typically on the fourth Wednesday of the month. In November it is the third Wednesday because of the Thanksgiving holiday. The meetings will be at 6:00 p.m. at this location.

On MOTION by Mr. Thibault seconded by Ms. Bock with all in favor the Fiscal Year 2011 Meeting Schedule was approved.

D. Art of Living Director

Mr. Thibault asked how often do they do the family movie night?

Ms. Mickelson responded that was our first one.

Mr. Thibault asked do we own that blow up screen?

Ms. Mickelson responded no. I rented it.

Mr. Thibault asked how much did that cost?

Ms. Mickelson responded \$230.

E. Property Manager

Ms. Bock asked what happened with the fires?

Mr. Yuro responded one of them there was a trailer back by the maintenance shed and kids set the trailer on fire and I believe they got caught. About a week before the 4th of July back by the cemetery there was a fire and that one looks like it may be an early firework. It was kind of between the cemetery and the tower and it burned an area about the size of this room. The fire department had to come put it out and then fortunately we got a lot of rain shortly after that. I'm not sure where the third fire was at. Dan Zimmer at the golf course mentioned there was a small fire within the property limits. I don't think any of them were lightning related.

FOURTEENTH ORDER OF BUSINESS Supervisor's Requests

Ms. Griffey stated a couple meetings ago you mentioned the Stingrays had non-residents on the team and you were having problems getting their names. Did they ever come through and give you the names and where there indeed non members on the team?

Mr. Oliver responded they never did comply. They never gave us the names. I presume there were some non-members on the team. Next year, we will require a formal agreement between the District and the swim team. The agreements are very clear regarding their responsibilities and obligations.

Ms. Griffey asked does that mean revoking their privileges if they don't follow through?

Mr. Oliver responded yes.

Ms. Griffey stated if we have rules they need to be followed because they will just keep adding more and more and we have plenty of children in our neighborhood to be on these teams. We don't need to bring in other people.

A resident stated our team didn't fill up this year.

Mr. Oliver stated we will bring an agreement to the Stingrays and their leadership will have the opportunity to negotiate with staff. The board can make any changes to the agreement that they wish and then enforce that agreement.

Ms. Griffey asked so that will be brought up at one of the early meetings next year?

Mr. Oliver responded yes.

Ms. Griffey stated we need to check to see if there are non members in tennis too.

Mr. Oliver stated essentially because you pay for these facilities the recreational policies say these facilities can only be used by assessment paying landowners or non resident fee payers or the guests of those fee payers.

Mr. Thibault stated on zillow.com says we are zoned for Nease High School.

Ms. Griffey stated no. I have a child that goes to Nease and it is out of zone school for him.

Mr. Thibault stated I know we talked about Bartram High School Swim Team not being charged and the conclusion was they should probably pay something to help with the cost of the maintenance for the use of the facilities. Did we get any further with that?

Mr. Oliver responded I would have to check the minutes. I don't recall reaching that conclusion.

Mr. Haber stated they typically approach us with a letter agreement that says we would like to use your pool again this season. When that letter comes before the board we could certainly approve it subject to you agreeing to pay for whatever terms.

Mr. Hayes stated I thought they were only utilizing it when they are competing against our team.

Mr. Thibault stated no. This is their home pool.

Ms. Griffey stated my understanding with the other schools that don't have pools is you have to pay them a fee to use their facilities because it does cost them in maintenance.

Mr. Haber stated our special assessment authority is only within our boundaries. We could just say you are asking to use our facilities and there is wear and tear on our facilities and we would like to make sure we have sufficient funds to make up for that, so your use of our facilities is going to be subject to you paying a fee. I do recall there was a fairly large turnout from the community because there are a lot of residents who have children on that swim team who use the pool.

Mr. Oliver stated Creekside High School uses the facility at Julington Creek and they pay for the lifeguards that are required but that is the only thing they pay

Ms. Griffey asked why do they require lifeguards?

Mr. Oliver responded they require lifeguards anytime the pool is open.

Mr. Yuro stated you might want to check the agreement because it may be a multi-year agreement.

Mr. Thibault stated they came to us asking us to do a five year agreement and we stood our ground and said no way. We weren't sure about the zoning.

Mr. Oliver stated we will address that.

Ms. Griffey stated I think it was for five years but with the ability to terminate it.

Mr. Hayes stated we could terminate it and say we will keep in place if you pay x amount.

FIFTEENTH ORDER OF BUSINESS Audience Comments

A resident stated regarding the fitness center expansion maybe you shouldn't present it as a whole dollar to people but let people know if it is long term financing or what. I think that is what scares people is they say we are going to spend \$300,000 but they don't do the math. I'm assuming we would vote on it before a decision was made?

Ms. Bock responded it would just be us who would vote on it, but that is the reason we asked.

A resident asked are there safety inspections done? Are there weekly inspections done?

Mr. Yuro responded no.

A resident asked are there ones done at the pool area?

Mr. Yuro responded I personally look at the playground and pool area almost daily. I wouldn't call it an official safety inspection. If I notice something that needs addressing I will try to get someone to address it and then if residents see something they will typically email me or Heather with their concerns.

A resident stated I know you guys were talking earlier about the zero scape but I would hesitate to do that and be like other communities because I think that is what makes us different here. A lot of other neighborhoods have gone down and we have maintained. I think that is important to remember.

A resident stated he brought up a valid point. I know we have Nocatee building up and I think positioning ourselves as a District to maintain our value is a good idea.

Mr. Hayes stated with the incident over at Cimarrone I think we are going to be pushed to do something about the golf carts. I am hearing more and more complaints.

Mr. Randolph asked what was the issue?

Mr. Hayes responded a homeowner with their kid driving fell off the golf cart and broke her arm and a demand letter was sent to the insurance company and the insurance company of the HOA and Cimarrone paid out. Now there is a sign at their gate that you have to have a driver's license to drive a golf cart.

Ms. Griffey stated if you are a golf cart approved community you have to have a license to drive on the street, so a child that is 10 no matter where you are can't drive it.

Mr. Thibault asked so everyone who drives a golf cart on the streets of our community is breaking a law?

Ms. Griffey responded yes.

A resident stated another issue that should be addressed is where to park at the pool because golf carts are everywhere.

Ms. Griffey stated they are supposed to park in the parking lot.

A resident stated I think it is the owner of the golf carts responsibility if their kid crashes it up.

Mr. Haber stated Cimarrone is not a CDD. I think Cimarrone has private roads and they are entitled to designate their roads as appropriate and legal for golf carts. These roads have not been designated. They are public roads. As John indicated it is illegal to ride a golf cart on the roads in this community. If someone was riding their golf cart on the roads in this community and they got injured and they went to a plaintiff's lawyer they are going to look at who owns the roads, which is the CDD. They are going to see if the CDD has deep pockets. There are sovereign immunity limits but still in all likelihood the CDD is going to get sued.

Ms. Griffey asked but what about the fact that it has been brought up and we chose to ignore it?

Mr. Haber responded we don't enforce it. The same way we don't enforce the speed limit on our roads. The CDD doesn't have a position on it but if the CDD wanted to make it

clear the CDD could put a reminder on their website that it is illegal to drive a golf cart on the roads within the community. It is a violation of State Law and County Law.

A resident asked do you tell the off duty officers what to patrol?

Mr. Yuro responded yes. They typically work different hours. It is typically 8:00 p.m. to 12:00 or 10:00 p.m. to 2:00 a.m.

A resident asked so are you saying you want them to start ticketing golf carts?

Mr. Thibault responded they have the right to but the problem is usually the golf carts aren't running when they are here.

Mr. Haber stated at another District I represent there was a lawsuit against the District for a car accident. The lawsuit was based on a line of sight issue. The CDD had a tree and the branch was out too far and supposedly it violated the County's line of sight, so presumably if a golf cart has that very same issue a lawyer is going to say whether they were in a car or a golf cart the CDDs branch was too long and they got hit. If it is an accident that is caused by the fact that it is a golf cart then it is illegal on the streets and you may buy yourself a little less liability by making it clear that the CDD is not approving or agreeable to allowing residents break the law.

A resident asked so if you have a golf cart you are supposed to drive on the sidewalk?

Mr. Haber responded no. You are supposed to drive it on the golf course.

A resident asked I'm assuming the space on Leo McGuire is CDD land?

Mr. Yuro responded the Leo McGuire right-of-way is County owned.

A resident asked how far is the right-of-way?

Mr. Yuro responded I want to say probably a 60 foot right-of-way.

A resident asked from the center line?

Mr. Yuro responded yes, so the sidewalk is technically inside the right-of-way, although we maintain it. It is similar to the fact that we maintain our front entrance that is within the County right-of-way. Then once you get outside the right-of-way then it is CDD property.

A resident asked so what about a County Sheriff sitting over in the grass and burning out our grass in the middle of the summer?

A resident responded I have seen them sitting on the west.

A resident stated I have seen them on the east side in the bushes and you drive past the next morning and the grass is all brown because his car was sitting there.

Mr. Hayes asked should we be proactive and make a statement?

Mr. Haber responded there may be some benefit to it. There is no guarantee that by doing that you are going to relieve yourself from any liability but yes, I think if you make a proactive effort to make sure residents are aware that it is illegal to ride golf carts on the street then it can't hurt if you get sued for someone riding their golf cart on the street.

A resident stated it might help because we have had notices in the past where it says you must be 14 years old to ride a golf cart.

Mr. Yuro stated it used to be 14. It might be prudent to include the County ordinance.

Mr. Thibault stated that is the rule on the golf course.

Mr. Haber stated you have never been able to ride golf carts on the streets. Where would you like to post something?

Mr. Randolph responded put it on the website and the newsletter.

Mr. Haber stated I will draft something.

SIXTEENTH ORDER OF BUSINESS Financial Reports

A. Balance Sheet as of June 30, 2010 and Statement of Revenues & Expenditures for the Period Ending June 30, 2010

Mr. Oliver stated included in your agenda package is a balance sheet and income statement as of June 30, 2010.

B. Check Run Summary

Mr. Oliver stated included in your agenda package is a check run summary.

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

C. Special Assessment Receipts

Mr. Oliver stated included in your agenda package are the special assessment receipt schedules. You are 100% collected.

SEVENTEENTH ORDER OF BUSINESS Next Meeting Scheduled – August 25, 2010 at 6:00 p.m.

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

EIGHTEENTH ORDER OF BUSINESS Adjournment

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

Secretary/Assistant Secretary

Chairman/Vice Chairman