

MINUTES OF MEETING
SAMPSON CREEK COMMUNITY DEVELOPMENT DISTRICT

A continued meeting of March 27, 2013 of the Board of Supervisors of the Sampson Creek Community Development District was reconvened on Wednesday, April 17, 2013 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:

Mike Veazey	Chairperson
Tracy Hayes	Supervisor
Bob Sevestre	Supervisor

Also present were:

James Oliver	District Manager
Wes Haber	District Counsel (by phone)
Mike Yuro	District Engineer
Andy Ames	St. Johns County – Engineering Division
Mike Adams	St. Johns County – Engineering Division
Brad Davis	Prosser Hallock

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

**Update Regarding Interlocal Agreement with
St. Johns County**

Mr. Yuro stated I submitted a memo to the Board yesterday. The memo details pretty specifically what happened. Mike Veazey and I had a meeting with the St. Johns River Water Management District and the County and their consultants. We had a lot of discussion. I think where we are at right now is I don't believe there is going to be an opportunity to try to get that water level to be raised at all. The County and their consultants have offered some additional enhancements to the pond to try to satisfy some of their concerns. With the lower water, there is going to be less visible surface area, so in the narrowest point adjacent to County Road 210, they have talked about expanding that pond to give us more surface visibility. They also talked about working with us on some enhancements around the slope treatment by the one side of the bridge. We haven't finalized what that would be but there are multiple options that could be discussed.

At this point my recommendation would be for the Board to move forward with the design as it is and then continue working with the County on these other enhancements they have offered.

Mr. Veazey stated I think we are disappointed that we couldn't keep the water level at least, where the design level was if not all the way where everyone has been seeing it for years. Basically, they are willing to expand the pond towards County Road 210. The drawing that they had showed was actually fairly close to the sidewalk and I think they would be willing to go anywhere from where it is now to the sidewalk. We might want to leave a little bit more space after looking at it afterwards.

Mr. Yuro stated the west side of the bridge is where the wall ties in. That is where if the water level gets lower, they have offered to look at that for some kind of treatment.

Mr. Hayes stated the only concern I have is reading your memo. There was a point, where we should have been consulted or that is what I interpreted. There was a point when this discussion was going on when this was going on and somehow it was kind of overlooked and we should have been brought back to the water level. Now, we are past that time of going back.

Mr. Andy Ames stated in hindsight looking at those things it was a few years ago where that type of thing was portrayed. I think what we are trying to do is create a visual perspective, so if you are looking at it from 210 from taking some of the vertical grade out, it creates that visual perspective of the water body again. The embankment from the bridge, we are going to be able to pull that back and provide a preferential method to stabilize it. That will create that widening back.

Mr. Veazey stated I think that was years ago when they requested to go in through the St. Johns River Water Management District. It is in the memo that they might have gotten it. They don't know for sure but now that is closed and it has been closed for years, I think the thought is to go back in and do that is pretty much gone.

Mr. Yuro stated at this point moving forward, I don't believe it would be an option because that required getting back into that conservation easement. I do agree with everything they have said in the past. The engineer for the St. Johns River Water Management District confirmed how difficult it is to get into a conservation easement. It has to go before the Board. In my opinion it would be very, very difficult and not likely that they would get anywhere if they try to go that route again. I don't believe that is a viable option.

Mr. Veazey stated the other option is we don't agree and the County can go a different route.

Mr. Hayes stated I don't think they have that card either because all of their permits are going to expire long before that card would be played. One of the things that was talked about in 2009/2010 was the term "concessions." I think the Board is at the point of saying okay County you screwed up but let's go ahead and proceed but in talking to Mr. Tomkins and Mr. Sanchez is in his email here it basically suggests to submit our application for the County to take over the roads and he would deeply consider that. It is not saying guaranteed but I want that to be on the record that our community is working hand in hand with the County. We are going to submit the application.

Mr. Andy Ames stated once the job is done and built, we can see what we have left to do. We are looking at doing some additional landscaping. We will make sure we provide plans to Mike, so he can provide it to the Board.

Mr. Yuro stated Paul Armstrong sent me an email and asked me to bring up a thought that he had, which was potentially installing one or two fountains in the front pond. I have no idea if that is something anyone else would like to consider but Paul asked me to bring it up because he wasn't going to be here today.

Mr. Haber stated the agreement that we have with the County obligated them to provide us a plan. They have done that. We had the right to either comment on the plans or approve the plans. I think what you would be looking to do is a conditional approval with the understanding that you would be given the authority to work with the County as it relates to those additional enhancements; the expansion, the other side of the bridge, etc.

Mr. Andy Ames stated we had provided Mike Yuro with some concept plans for the improvements that we were just discussing. I think we want to try to finalize those with Mike and the Board, so that we can get full approval, so we can get it constructed.

Mr. Yuro stated I think what Mike Veazey was trying to point out was where that pond was being expanded, you guys were taking the 4:1 slope off the back of the sidewalk and Mike's comment earlier was maybe it makes more sense to go five feet and then go. I sounds to me like conceptually the Board is okay with what you guys have presented but that may be some of the fine details. It would be approval in substantial form of what they have provided with the ability to work with you on some of those enhancements that you are doing on our behalf.

On MOTION by Mr. Veazey seconded by Mr. Sevestre with all in favor St. Johns County Current Plan & Conceptual Enhancements to CDD Property was approved, subject to review by the District Engineer & final approval by the Chairman.

Mr. Veazey stated since we are working with the Board of County Commissioners, the acceptance of the roads by the County is important to us.

Mr. Hayes stated we need to do whatever we have to do to reapply for the County accepting the roads.

Mr. Yuro stated before we go down that road I think you need to get a strong level of comfort. There is some money to spend upfront. There is a significant engineer report. There is legal work. There is survey work. I think it is a great option but it will require money to be spent and they may still say no.

Mr. Hayes asked is there really a way to get that warm and fuzzy feeling that they are going to take it?

Mr. Yuro responded the bottom line would be the commissioner. If you have a commissioner who is saying that I am encouraging you then I would feel a lot better. When I had the meeting the Assistant County Engineers, Andy and Chris, their comment to me was even if they recommended it, they couldn't envision a scenario where the commissioners would accept it. I think if you got some commissioner support then I would feel more comfortable with it.

Mr. Hayes stated we have two of the five commissioners attention in that scenario.

Mr. Yuro stated last time we tried to get them to give us a letter that says if we bring it up to speed, you guys will accept it. If we can get that then that would be ideal.

Mr. Hayes stated I think I would like to present to the commissioners and say for us to do this we are going to expend x amount of dollars or more, so we need a warm and fuzzy before go and stroke a check for that kind of money.

Mr. Yuro stated for the next meeting I will go back and see what the soft costs were.

THIRD ORDER OF BUSINESS

Update Regarding Sidewalk Repairs

Mr. Yuro stated I tried to reach out to everyone who was sent the letter but didn't respond. There were actually two residents that I couldn't get in touch with. There were a total

of 12 residents that were sent letters with the waiver. I think only one had responded prior. In my discussions with seven of the other ones, they almost all indicated that they didn't realize that there was something to be returned. One resident, JB Cross, did not sign it. He wanted to hear what the Board's discussion was. He was of the opinion that something has changed. I tried to explain to him that nothing had changed. He indicated he wasn't going to sign the letter until he came to this meeting and heard some of this discussion but he is not here today. All of the other residents generally indicated that they didn't realize there was a place for them to sign it and return it. Virtually everyone I spoke to returned it, so now we have seven returned that said yes. There were two that I couldn't get a hold of and then Mr. Cross that was waiting. I think by and large the residents have acknowledged this is a good thing and realized there is minimal risk on their part. We want to try and get this scheduled. These are the 12 worst areas. There are a few areas that don't require resident approval in the common areas. I think it was \$110 per panel. If the Board approves moving forward, I will still try to reach out to the people that I couldn't get in touch with and try to get their waivers. I know there was some talk about setting a number and fixing as much as we can up to that number. We can do that or we can go with these top 12 locations and then reevaluate.

Mr. Sevestre asked are the ones that haven't signed really bad ones?

Mr. Yuro responded one of the ones is probably the worst one. I did speak to them on the phone. I did get the impression that they were going to be okay with it. I just haven't received it back from them yet.

On MOTION by Mr. Veazey seconded by Mr. Hayes with all in favor to Proceed with First Round of Sidewalk Repairs including Common Areas was approved.
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FOURTH ORDER OF BUSINESS

**Next Scheduled Meeting – May 22, 2013 @
6:00 p.m.**

Mr. Oliver stated the next scheduled meeting is May 22, 2013 at 6:00 p.m.

FIFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Veazey seconded by Mr. Sevestre with all in favor the Meeting was adjourned.

Secretary/Assistant Secretary

Chairman/Vice Chairman