

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 on Wednesday, May 27, 2015 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:

Tracy Hayes	Chairman
Pamela Watt	Vice Chairman
Steve Sharpe	Supervisor
Shawn Murray	Supervisor
Paul Armstrong	Supervisor

Also present were:

Jim Oliver	District Manager
Wes Haber	District Counsel
Mike Yuro	District Engineer
Jill Flores	Art of Living Director

*The following is a summary of the minutes and actions taken at the May 27, 2015 meeting. A copy of the proceedings can be obtained by contacting the District Manager.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Public Comment**

There were no comments from the public.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the March 25, 2015 Meeting**

On MOTION by Mr. Armstrong seconded by Mr. Hayes with all in favor the Minutes of the March 25, 2015 meeting were approved.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the April 22, 2015  
Budget/Finance Meeting**

On MOTION by Ms. Watt seconded by Mr. Armstrong with all in favor the Minutes of the April 22, 2015 Budget/Finance meeting were approved.

**FIFTH ORDER OF BUSINESS**

**Presentation by KB Homes.**

Sarah Milner of KB Homes made a presentation requesting approval to install directional signs on District property fronting CR 210 to promote Glen St. Johns Community. Handouts were provided. After much discussion, no motion was made, and the request was not approved.

**SIXTH ORDER OF BUSINESS**

**Consideration of Proposals to Provide  
Architectural Planning Services for Pool  
Deck Renovation and Upgrades**

Ms. Watt met with ELM and Basham & Lucas for architectural planning for pool and deck renovations. Ms. Watt indicated that B&L understood the CDD and gave a more detailed proposal. It will take about 9 months to complete the projects, which includes proposals, permitting, and building. The cost for the renovations and upgrades is projected to be \$450,000 to \$500,000 and does not include re-marcoing the pool. The first step is the concept, and after that is established, use the RFQ process to consider architectural firms in accordance with the Consultants Competitive Negotiation Act. The board discussed the timelines and decided have a concept created.

On MOTION by Ms. Watt seconded by Mr. Hayes with all in favor the proposal from Basham & Lucas for a research and design concept in the amount of \$3,600 was approved.

The board members discussed having another meeting before the next regularly scheduled one. Mr. Oliver stated before we adjourn, we will set a meeting for late June.

**SEVENTH ORDER OF BUSINESS**

**Update Regarding Series 2006 Bond Refunding**

Mr. Oliver stated by June 1, we will get the assessment rolls from St. Johns County and will provide those to MBS Capital Markets. They will put together a credit package for Standard & Poor's, which will take about 3 weeks to turn around. There will be an update at the next meeting.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Draft FY14 Audit**

A copy of the audit is located in the agenda package. Once the audit is finalized, it will be submitted to the Auditor General as required by Florida statute and also disseminated to investors. It is a clean audit. It has the standard language that "in our opinion, the basic financial statement referred to above present fairly in all material respects the financial position of the governmental activities and each major fund of Sampson Creek CDD as of September 30, 2014, in conformity with accounting principals generally accepted in the United States of America." Page 29 states, "In consideration of internal controls...our audit did not identify any deficiencies in internal controls that we consider to be material weaknesses." Under the Management Letter, the auditor states in the paragraph under prior audit findings, "there were no recommendations made in the preceding audit reports," so there is nothing for us to correct. Under Financial Condition, it says "the CDD did not meet any conditions described in Section 218.503(1) Florida Statutes," and that particular statute has to do with emergency financial conditions. We are strong and did not meet those conditions. Under Other Matters, they are required by the Auditor General to address in the Management Letter any recommendations they have to improve financial management, and they had no such recommendations.

On MOTION by Mr. Armstrong seconded by Ms. Watt with all in favor to accept the FY14 Audit was approved.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-04 Approving the Proposed Budget for Fiscal Year 2016 and Setting a Public Hearing Date for Adoption**

Mr. Oliver stated a copy of the resolution and the proposed budget is located in the agenda package. Once the budget is approved and turned in to St. John's County, you will have 60+ days before a public hearing can be held. Once you have the public hearing, you can adopt the budget, and our deadline for adoption is September 1. There is no change in assessments. Some line items can change between now and the time the budget is adopted because better data will be available.

On MOTION by Mr. Armstrong seconded by Mr. Hayes with all in favor to adopt Resolution 2015-04 approving the proposed budget for FY16 and setting a public hearing for July 29, 2015 at 6:00 p.m. was approved.

**TENTH ORDER OF BUSINESS**

**Review of Recommended Scopes for AOL Director and Operations Manager**

Mr. Shawn Murray provided a handout detailing the job scope for the Art-of-Living Director. Jill Flores put the information together and provided a lot of details regarding what is involved in that position. Mr. Yuro also provided input. The board reviewed the material.

Mr. Murray presented recommended revisions to scopes of service for positions of Operations Manager and-AOL Director. Proposed added responsibilities to the AOL Director scope include the amenity building and pool area. Other responsibilities of the AOL Director include oversight of the lifeguards, janitorial services, and regular inspections of the amenity areas including fitness center vendors. Any maintenance items would then be directed to Yuro and Associates via email based on those inspections. Mr. Murray gave an overview of what Mike Yuro does for the CDD in his capacity as Operations Manager.

Mr. Oliver stated these revised scopes will be used to solicit proposals from current vendors. The proposals and the scopes will become the supporting documents for the agreement.

Ms. Flores and Mr. Yuro both stated they agreed with the revisions to the scopes of service for-their positions.

On MOTION by Ms. Watt seconded by Mr. Armstrong with all in favor to have staff put together formal scopes of services and seek proposals from the contractors was approved.

**ELEVENTH ORDER OF BUSINESS****Other Business**

The issue of parking was discussed, especially when the swim team is present. An email will be sent encouraging carpooling or parking on the access road or Brookhaven.

**TWELTH ORDER OF BUSINESS****Staff Reports****A. Attorney**

Mr. Haber stated at the last meeting there was a detailed discussion about the sidewalks and the repair work the District does with the sidewalks and liabilities if we damage trees. He did research on what is the extent of the liability if a tree is killed. The Declaration of Covenants and Restrictions for this community are clear. A homeowner has the responsibility to maintain the sidewalk and the landscaping located in the right-of-way adjacent to their home. The HOA documents specify that the CDD has the right but not the obligation to maintain those improvements if it chooses to do so. In 2010, the District adopted a resolution that acknowledged its right without expressing any obligation to do such maintenance, and subsequent to the adoption of that resolution, the District has undertaken such maintenance in limited circumstances. The biggest issue the board has is if a tree is killed, what is the District's obligation to the homeowner or the HOA. The reality is the sidewalk and trees, even though the homeowner has the responsibility to maintain them, because they are on CDD property, the CDD owns those improvements. If a tree is killed, it is the CDD's tree. A homeowner would have no recourse against the CDD if it kills its own tree. With that said, the concern is raised that because the HOA documents put the obligation on the homeowner to maintain those trees, the HOA documents define the word "maintain" to also include replace. So if the HOA took the position that CDD, you killed the tree, HOA is coming after me to maintain, which also includes replace the tree, I am going to sue you because you killed the tree to begin with. That is where the CDD opens itself up to potential liability to the homeowner because they are now being forced by the HOA to replace the tree. I think it is in everybody best interest to deal with trip hazards on sidewalks for the safety of the community. To the extent that the HOA is willing to provide a waiver that if a CDD-owned tree is killed as the result of the CDD trying to fix a sidewalk, the HOA will not seek to enforce either the homeowner or the CDD to replace the tree.

That would help limit the liability the CDD may have. If it is a homeowner's tree that is causing the sidewalk to go up, and the homeowner's roots are growing into the CDD-owned property, Florida law has a provision that says that an owner of property, if they have limbs above the property or roots under the property, you have a right of self-help. That mean you can cut those roots, and you can cut those limbs up to your property line. Even if that results in the tree dying, that is not your responsibility because you haven't done anything to their property. If you make a mistake and trespass on their property and kill their tree, then we would be responsible for their tree. This information is provided as a result of questions being asked, and no board action is required.

**B. Engineer/Property Manager Report**

Mr. Yuro presented his report located in the agenda package.

Mr. Yuro stated I was asked to look at options for replacing picnic tables. The recycled picnic tables that would match some of the benches can be purchased online at a cost between \$810 and \$850 each, and there is about \$600 worth of delivery charge. The playground company that has provided items in the past quoted tables for \$975 each plus \$726 for delivery and installation would be \$600. The total was \$5,226 or \$1,300 per table. The other tables would be around \$4,000 for four tables including delivery, and we would put them together.

On MOTION by Mr. Sharpe seconded by Mr. Hayes with all in favor to install and secure four picnic tables by Southern Recreation for an amount NTE \$5,000 was approved.

Mr. Yuro stated proposals were received from Southern Recreation and Valley Crest for installation of new mulch at the playground. Southern Recreation quoted 75 yards at \$2,550, and Valley Crest quoted \$3,225.

On MOTION by Mr. Sharpe seconded by Mr. Armstrong with all in favor to install new mulch at the playground by Southern Recreation for \$2,550 was approved.

Mr. Yuro stated the sign for the pedestrian crosswalk has been ordered, and it should be installed by May 29.

Mr. Armstrong asked about getting recycling bins on site, and Mr. Yuro stated that has been requested in the past, but we can't get pick-up service for recyclables. The swim team is to be responsible for taking recyclables home with them.

Mr. Hayes asked about getting with FPL regarding the lighting in the neighborhood. Can some of the lights be shifted around?

Mr. Yuro responded he would check into it, but he would expect FPL would not move any closer to the road.

Mr. Hayes mentioned the pillar that had stones missing.

Comcast will install music in the fitness center at a cost of \$34.90 a month.

Mr. Sharpe discussed security cameras including a proposal from TAPMC for \$56,430. The system would capture car tags for traffic entering and exiting three entry roads into SJGCC neighborhoods. Additional cost proposals to be presented at next meeting.

**C. Manager – Report on the Number of Registered Voters**

Mr. Oliver stated the number of registered voters in the District is 1,835. Voter precincts are needed to be added, and the Supervisor of Elections wants to set up a voting precinct at the amenity center. The District will allow a voting precinct to be set up for three 2016 election dates: presidential primary in March, primaries for other elections in August and general election in November.

**D. Art of Living Director**

Ms. Flores presented her report located in the agenda package.

Mr. Hayes asked that notice be put in the fitness center listing the website and the app that is available.

**THIRTEENTH ORDER OF BUSINESS      Supervisors Requests**

Giddens Security coverage schedule was discussed. The board decided to increase coverage from 5 to 7 nights during summer season.

On MOTION by Mr. Sharpe seconded by Mr. Armstrong with all in favor to increase Giddens Security coverage from 5 to 7 nights until school starts was approved.

**FOURTEENTH ORDER OF BUSINESS      Audience Comments**

An audience member asked about the line in the budget for the Art of Living Director, and if that was the amount that was paid to Riverside. He asked why that line couldn't be designated as such.

Mr. Oliver stated it is the amenity manager. It is to staff that position. The description also explains what the line item service is and the contracted company.

**FIFTEENTH ORDER OF BUSINESS      Financial Reports**

**A. Balance Sheet and Statement of Revenues & Expenditures for the Period Ending March 31, 2015**

Mr. Oliver stated you have the unaudited financials through March 31, 2015. There are no unusual variances.

**B. Check Run Summary**

On MOTION by Mr. Armstrong seconded by Mr. Sharpe with all in favor the Check Run Summary was approved.

**C. Special Assessment Receipts**

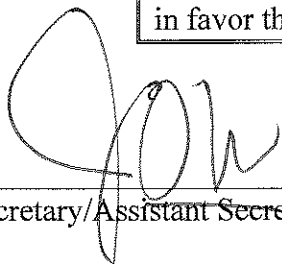
Mr. Oliver stated in your agenda package is the assessment receipt schedule. You are 99.07% collected.

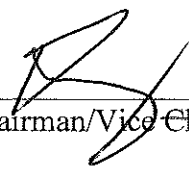
**SIXTEENTH ORDER OF BUSINESS      Next Scheduled Meeting**

The board decided to hold a special meeting to review conceptual plans for pool and deck renovations on July 8, 2015 at 6:00 p.m. The next regular meeting and budget hearing is July 29, 2015 at 6:00 p.m.

**SEVENTEENTH ORDER OF BUSINESS      Adjournment**

On MOTION by Mr. Armstrong seconded by Mr. Hayes with all in favor the meeting was adjourned.

  
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Secretary/Assistant Secretary

  
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Chairman/Vice Chairman