

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, September 19, 2018 at 6:00 p.m. at the St. Johns Golf & Country Club, Swim Club Meeting Room, 219 St. Johns Golf Drive, St. Augustine, Florida.

Present and constituting a quorum were:

|              |               |
|--------------|---------------|
| Tracy Hayes  | Chairman      |
| Shawn Murray | Vice Chairman |
| Steve Sharpe | Supervisor    |
| Tom Hudson   | Supervisor    |
| Kim Kalke    | Supervisor    |

Also present were:

|                        |                         |
|------------------------|-------------------------|
| Jim Oliver             | District Manager        |
| Wes Haber              | District Counsel        |
| Ernesto Torres         | GMS, LLC                |
| Brian Stephens         | Operations Manager      |
| Leah Tincher           | Amenities Manager       |
| Officer Shawn Saunders | Central Security Agency |
| Scot Thrapp            | Florida, Power & Light  |
| Jason Webb             | Duval Asphalt           |
| Residents              |                         |

*The following is a summary of the actions taken at the September 19, 2018 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. and all Supervisors identified themselves. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited by all who attended the meeting.

**THIRD ORDER OF BUSINESS**

**Public Comment**

Mr. James Pantuliano, a resident, of 1040 Eagle Point Drive, reported that Duval Landscaping, at the direction of Brian Stephens, was clearing debris and fallen trees from a lake bank owned by the CDD, in back of his house.

Mr. Mike Yuro, a resident, asked if the District was seeking damages from the contractor regarding the Splash Pad, requested that the Riverside contract be thoroughly reviewed by the Board, because the District was still being over billed. He asked that the Amenity Director or the Assistant provide weekend coverage.

**FOURTH ORDER OF BUSINESS**

**Security Update by Central Security**

Officer Shawn Saunders, Director of Operations for the Central Security Agency (CSA) introduced himself and reported the following:

- There was a decrease in rule violations.
- On September 1, a resident was involved in a motor vehicle crash at the intersection of Leo Maguire Parkway and St. Johns Golf Drive, which was turned over to St. Johns County for further investigation. Someone who was issued a trespass notice on September 8, 2018, re-entered the property on Brookhaven Drive, causing an incident in the amenities area.

*# amenities suspension letter*

Ms. Kalke asked if the St. Johns Sheriff's Office (SJSO) was notified about the trespassing. Officer Shawn Saunders needed a clear directive from the District and SJSO, because trespassing was a misdemeanor, and CSA did not have the right to detain any trespassers. Mr. Lloyd Archibald, a resident of 912 Brookhaven Drive, asked why his son was issued a trespass notice, if numerous people were trespassing. This item would be addressed later in the meeting.

- **Approval of Minutes of the August 1, 2018 Continued Meeting and the August 15, 2018 Meeting (Taken Out of Order)**

Mr. Hayes presented the Minutes of the August 1, 2018 Continued Meeting. Mr. Hudson stated that Mr. Jeff Gibbons was not the Chairman of the Covenants Enforcement Committee, Jerry Brannon was. Mr. Gibbons commented as a resident.

On MOTION by Mr. Hudson, seconded by Ms. Kalke, with all in favor, the Minutes of the August 1, 2018 Continued Meeting, as amended, were approved.

Mr. Hayes presented the Minutes of the August 15, 2018 Meeting. There were no corrections.

On MOTION by Mr. Hudson, seconded by Mr. Hayes, with all in favor, the Minutes of the August 15, 2018 Meeting, as presented, were approved.

• **Consideration of Convert of HPS Street Lighting to LED (This Item was Taken Out of Order)**

Mr. Scot Thrapp, of Florida, Power & Light (FPL), presented a program to convert existing FPL lights to LEDs. There was no cost to the District, but there would be a new monthly cost for the lights. A cost analysis was provided to the Board. If the CDD approves the project, the cost savings would be \$85.20 per month and would include more directional lighting and advanced technology for the immediate reporting of power outages.

Mr. Hudson commented about the number of options in the proposal. Mr. Thrapp noted that the District would receive a new fixture with a post top carriage and 3 kilowatt LED light, but there were upgrades at an additional cost. The District could get a 4 kilowatt LED light for dark spots. If the light was too bright, shields could be placed on the lights at no cost. Upon approval of the agreement, it would take six to eight weeks to install.

Mr. Hayes proposed tabling this matter to the next meeting, to evaluate if additional light poles needed to be converted to LEDs. After further discussion, this matter was tabled.

*Mr. Thrapp left the meeting.*

**FIFTH ORDER OF BUSINESS**

**Consideration of Suspension of Access Privileges**

Ms. Kalke reported that since the last meeting, a suspension of CDD privileges was issued to a juvenile, referred to as Juvenile A”, due to the following:

- Going back to March of 2018, Security reported that Juvenile A was involved in six golf cart incidents, particularly performing donuts and dragging a friend behind a golf cart on the soccer field. Juvenile A and friends were using the pool after hours and fighting in the cemetery.
- There were two documented times where Juvenile A’s parent were spoken to. In *a third* ~~one~~ instance, a parent was unavailable or unreachable.

- After this report was provided to the District manager, Juvenile A and his friends were misusing the gym equipment.

Ms. Kalke asked for the Board's preference for length of the suspension and if SJSO should issue a trespass warning. Mr. Haber noted that a letter was sent to Juvenile A's family and their privileges were suspended up to the date of this meeting, under the authority of the District Manager.

The father of the juvenile, asked why the other juveniles were not suspended. Ms. Kalke noted that only Juvenile A, who was 15, was identified by key card access. Officer Shawn Saunders noted that Juvenile A's friends were identified, their parents were contacted and corrective measures were taken. The father clarified that his son was 16, as of July 11. Mr. Oliver noted that most of the golf cart incidents occurred when Juvenile A was 15.

Mr. Murray felt that Juvenile A's father deserved credit for speaking to the Board to resolve this matter and proposed that Juvenile A either be allowed to have access only to the gym with no friends, or suspend access for a year; however, if there was an infraction, Juvenile A would be banned permanently. Mr. Hudson strongly disagreed, as the Board had a responsibility to the community and the rules and regulations, and proposed a 60-day suspension from using the District amenity facilities, effective September 19, 2018.

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| On MOTION by Mr. Hudson, seconded by Mr. Hayes, with Ms. Kalke, Mr. Hayes, Mr. Hudson and Mr. Sharpe in favor and Mr. Murray dissenting, suspending Juvenile A for 60 days from using the District amenity facilities, effective September 19, 2018 and ending November 19, 2019, were approved. (Motion Passed 4-1) |
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The father requested a copy of the video. Mr. Haber advised that, under Florida Law, security footage was confidential and exempt from the public; however, he would review this matter further. Officer Saunders, on behalf of CSA, requested a letter from the Board or CDD Management, on CSA's direction of enforcing situations and rule violations with minors. Mr. Hayes was satisfied with how CSA handled the situation. Officer Saunders asked how CSA should handle Juvenile A, if he was in the Amenity Center during suspension. Ms. Kalke wanted SJSO to issue a Criminal Trespass Notice. Mr. Haber advised that the rules contemplated that someone using the facility during their suspension should be considered trespassing.

Mr. Hudson proposed that CSA report any violations of the suspension to the District Manager and place on the next agenda, versus calling the Sheriff to report trespassing. Ms. Kalke supported this. Officer Saunders noted that CSA provides courtesy notifications to the Board regarding any major incidents, but trespassing and habitual offenders were reported to Mr. Oliver and Mr. Stephens. Mr. Hudson complimented CSA on the way that they handled this matter. Mr. Murray asked about a situation where CSA did not have a key to the Fitness Room. Officer Saunders explained a situation where the officers assigned to the contract were deviated to another situation, and the officer that arrived was not issued a key card to the property. CSA has since been issued additional key cards.

**SIXTH ORDER OF BUSINESS**

**Approval of Minutes of the August 1, 2018 Continued Meeting and the August 15, 2018 Meeting**

The minutes of the August 1, 2018 continued meeting and the August 15, 2018 meeting were presented for review.

On MOTION by Mr. Hudson, seconded by Mr. Murray, with all in favor, the Minutes of the August 1, 2018 Continued Meeting and the August 15, 2018 Meeting were approved.

**SEVENTH ORDER OF BUSINESS**

**Discussion of Future Phased Resurfacing of SJGCC Interior Roads**

Mr. Hayes introduced Mr. Jason Webb, a resident of 371 St. Johns Golf Drive, who represented Duval Asphalt. Mr. Webb was preparing the phased road resurfacing plan with Mr. Torres. Mr. Webb estimated \$955,000 for the entire neighborhood, which was 100,000 square yards and included replacing curb and gutters on St. Johns Golf Drive, from Remington Court and the corner of St. Johns Golf Drive and Drury Court. Mr. Webb proposed \$22,000 to view all pipes in the community or 55,000 linear feet of pipe; however, along St. Johns Golf Drive, the pipe must be plugged at both ends to pump the water out, prior to installing the camera.

Mr. Hudson asked if Duval Asphalt was capable of performing the pipe survey and pumping. Mr. Webb stated that the work would be subbed out. To complete the work in three segments would cost an additional \$70,000. Mr. Hudson preferred to borrow money for the one-time resurfacing, versus completing in three phases, to save \$70,000 and questioned the amount

of time to complete the resurfacing. Mr. Hudson questioned the timeline for the repaving. Mr. Webb estimated 15 days total from start to finish. Mr. Murray noted that the curb was disintegrating and there were huge puddles at 1035 Eagle Point Drive. Mr. Webb could send quotes to residents to repair their driveways, prior to paving. Mr. Hayes wanted to repave St. Johns Golf Drive and the parking lot first, to complete the work one time, versus in phases, as the District would save \$70,000 and the repaving would look uniform. Mr. Oliver pointed out that the District was required to go through a Request for Proposals (RFP) process and a lengthy bidding process.

Mr. Gregg Kern, a resident, requested the plan to develop the scope of work. Mr. Haber explained that the District Engineer would prepare the plans and specifications for the project, which would be included in the RFP. Mr. Hayes stated that Mr. Webb was assisting with the scope. Mr. Torres distributed a handout about the process and steps.

Mr. Hudson requested that this item be placed on the next agenda. Mr. Sharpe asked if \$675,000 was set aside for capital projects. Mr. Oliver stated that there was \$250,000 in the Capital Reserve and \$210,000 in the construction funds. Mr. Webb pointed out that the final total amount could change based on the concrete price. Mr. Herman suggested carrying a 5% contingency, to prevent the issues that occurred with the Splash Pad. Discussion ensued.

**EIGHTH ORDER OF BUSINESS**

**Update Regarding Splash Park Construction**

Mr. Torres reported that the variance was verbally approved at a meeting held in Orlando today, which Crown Pools and Vertex attended. Written documentation was not yet sent by the Florida Department of Health (FDOH), but they requested some modifications regarding the tank, which Crown Pools would handle. Regarding the cracks in the concrete, Crown Pools provided a letter with the following recommendations:

- A. Filling the cracks with electrometric caulk. This option will not hide the appearance of imperfections, but will eliminate the penetration of water into the cracks. It includes cleaning the deck, opening the cracks with a grinder and filling the cracks with flexible crack filler.
- B. Acrylic topping. This option will remove the appearance of any imperfection, but will change the color and look of the deck and eliminate the penetration of water into the slab. It includes cleaning the deck, opening the cracks with a grinder, filling the cracks with flexible crack filler, basing out decks with two-part acrylic

deck topping, applying two-part acrylic texture and applying two coats of anti-skid paint.

Mr. Sharpe asked if the remedies were at Crown's expense or the District's. Mr. Haber indicated that Mr. Brad Correia of Crown, received communication that the District deemed the cracks a defect and expected him to repair the cracks, at no expense to the District. Mr. Sharpe asked if tearing out the concrete and re-doing it was an option. Mr. Haber wanted the opinion of the District Engineer. Mr. Sharpe asked if Mr. Correia admitted that there was a defect. Mr. Haber stated that all documents eluded to the fact that it was a defect and the District expected Crowne Pools to fix it, but Mr. Correia did not formally acknowledge that it was a defect.

Mr. Kern asked if Matthews certified that the as-built condition was on the plans. If it was constructed in the manner that was specified in the plans, there should not be any corrective issues. His opinion was that the Crown Pools caused the cracks and was responsible to remedy it, because the concrete was poured in the heat of the day, according to the pour tickets, which was not the industry best practice. Their remedy to use elastic caulk was unacceptable. Mr. Herman felt that Mr. Correia delivered a sub-standard product and was responsible for rectifying the matter. The Board agreed.

Mr. Oliver proposed continuing the meeting for two weeks, and if Crown Pools did not honor the demand from the District to fix the splash pad to Board's satisfaction, and in accordance with the Engineering Plans and the industry best practices, perhaps a new contractor could be engaged to finish the job and the District would call on Crown Pools performance bond.

**NINTH ORDER OF BUSINESS**

**Consideration of Convert of HPS Street Lighting to LED**

This item was discussed.

**TENTH ORDER OF BUSINESS**

**Consideration of Hold Harmless Agreement with UPS**

Mr. Hayes stated that, for several years, UPS made holiday deliveries using on-site storage and golf carts/trailers, and requested that the container be placed where no one could see it, instead of at the end of Brookhaven Drive. Mr. Stephens would coordinate the location with UPS.

On MOTION by Mr. Hudson, seconded by Mr. Murray, with all in favor, the Hold Harmless Agreement with UPS, was approved.

**ELEVENTH ORDER OF BUSINESS**

**Discussion Items**

**A. Discussion and Consideration of Landscape Scope of Services**

Mr. Oliver recalled that at the direction of the Board, Mr. Stephens prepared a scope to go out for landscape bids; however, there has been improvement in their performance. He suggested remaining with Duval Landscaping, subject to them attending meetings and providing reports. Ms. Kalke agreed that there was an improvement, particularly with the landscaping in front. Mr. Hudson felt that the landscaping should be at a “Disney standard”, that the strip between the cart shed and the Fitness Center be widened, so that grass grew along the concrete and there should be a working relationship with Billy Casper, who owned areas in the District. If Mr. Casper’s areas did not improve, Mr. Hudson would work with District Counsel to enforce it.

Mr. Hayes felt that there was too much shade, particularly around the basketball court. Mr. Sharpe requested weekly and monthly updates and that Mr. Stephens closely monitor them. Ms. Kalke offered to attend ride-throughs with Mr. Stephens. Mr. Murray wanted to see bids from other landscaping companies, to send a strong message to Duval Landscaping.

After further Board discussion, there was Board consensus to not issue an RFP for landscape services, as long as Duval Landscaping’s performance improved in the areas addressed by the Board, and attending the next meeting. Duval Landscaping management updates will be placed on every agenda until their performance levels are to standard.

**B. Discussion of Golf Cart Registration and Details**

Mr. Hayes proposed setting a date the first of the year for registering golf carts and educating residents, since he had not heard any complaints about golf carts and security was handling any issues. Mr. Hudson proposed starting enforcement on January 2, 2019. Ms. Kalke was waiting for the decals and would send an email to CSA, informing them about the date and time for registration.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Proposals**

**A. Riverside Management Services, Inc. for Fiscal Year 2019**



Mr. Hudson proposed approving the Riverside Management Services proposal, with the exception of the lifeguard services. Mr. Hayes recalled that the Assistant Manager was supposed to work, on average, no more than 20 hours. Ms. Tincher reported that year-to-date, they were under budget.

On MOTION by Mr. Hudson, seconded by Ms. Kalke, with all in favor, the Riverside Management Proposal for Fiscal Year 2019, with the exception of the lifeguards, was approved.

**B. The Lake Doctors for Fiscal Year 2019**

Mr. Stephens stated that The Lake Doctors had a difficult time this year, due to environmental conditions, but felt that they were doing a good job. They had good communication and response times.

On MOTION by Mr. Hudson, seconded by Mr. Hayes, with all in favor, The Lake Doctors Proposal for Fiscal Year 2019, was approved.

**C. Unicorn Web Design and Management**

**D. Website Compliance Proposal for ADA Requirements**

Mr. Hudson preferred the proposal from Unicorn Web Design and Management, versus V Global Tech, which was \$2,500 for website design and setup, \$395 per year to be the host of the website and \$4,200 per year to maintain the website. He suggested selling advertisements, to offset the cost of the digital newsletter, like Durbin Crossing. Several realtors in the neighborhood wanted to advertise. Mr. Haber advised that the District must adopt a fee. Ms. Kalke acknowledged that Mr. Hudson did a great job.

On MOTION by Mr. Hudson, seconded by Ms. Kalke, with all in favor, the Unicorn Web Design and Management Proposal for Fiscal Year 2019, was approved.

On MOTION by Mr. Hudson, seconded by Ms. Kalke, with all in favor, the ratification of Requisitions #80 through #82, was approved.

**FOURTEENTH ORDER OF BUSINESS                      Other Business**

There being none, the next item followed.

**FIFTEENTH 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**

There being none, the next item followed.

**D.     Amenities & Recreation Manager**

Ms. Kalke volunteered to work with Ms. Tinchler on the holiday lighting. Mr. Hudson voiced concern about spending \$17,000 on decorations. Mr. Hayes requested completion of the installation prior to Thanksgiving.

**E.     Operations Manager - Report**

Mr. Stephens presented the Operations Manager Report and highlighted the following:

- The benches and shade structures on the tennis courts were pressure washed. Four new nets and poles were installed.
- Trees around the playground were trimmed.
- Additional bollards were cut on the service road. Existing poles were re-painted and new ones were installed. It should be completed next week. The roadway tree project commenced and should be completed on September 21<sup>st</sup>.
- Lights in the parking lot along Leo Maguire were replaced by FPL. When the bollard installation is completed, the lights would be converted to LEDs. The damaged light pole on Leo Maguire was reset by FPL.
- New pine straw was installed.
- The following proposals were presented:

- Removing the dead grass by the Fitness Center, which was damaged by shade and foot traffic, and replacing with tri colored Jasmine, to provide depth and color, for \$750.
- Filling in beds on the south end of Leo Maguire and installing Fakahatchee grass by the power control panel by the lake at the front entrance, for \$435.
- Remediating the area by the volleyball court, specifically on the playground side. The recommendation was to hold off until the spring, as the plant material would not survive a hard winter.

Mr. Hayes voiced concern about the area between the golf cart path, up to the playground, due to washouts. Mr. Stephens planned to install Bermuda sod, a viburnum hedge and Blue Daze, to provide a natural fencing area for \$2,000.

- On the opposite side of the playground, planting 30 additional azaleas for \$850.
  - Placing St. Augustine sod on either side of the concrete sidewalk between the tennis courts and the pool. The work will not be completed until Sports Surfaces evaluates the bubbles on the tennis courts.
- He received preliminary pricing and plant list for the area around the basketball court in the shaded area, and requested an artist's rendering. Blue Daze and Dwarf Xanadu were proposed to provide color. Mr. Hayes voiced concern about foot traffic and golf carts killing the flowers. Mr. Stephens suggested installing bollards or spikes under the dirt

Mr. Shape asked about the leaning Sycamore tree. Mr. Stephens note that it was removed. Ms. Kalke voiced concern about damage to the soccer fields. Mr. Stephens did not want to do anything until there was adequate water. On Monday, the irrigation under the Splash Pad was going to be relocated to the soccer fields. Ms. Kalke asked about the gators. Mr. Stephens noted no further sightings; however, there was a baby alligator that the trapper was not permitted to remove. Mr. Sharpe asked about 1040 Eagle Point Drive. Mr. Stephens confirmed that the strip between 1040 and 1050 Eagle Point Drive, was CDD property. Mr. Sharpe questioned the Board's opinion about the volleyball court. Mr. Hudson was in favor of updating it. Mr. Stephens would obtain a spec.

**SIXTEENTH ORDER OF BUSINESS                      Supervisors' Request**

Mr. Hudson thanked Mr. Yuro for addressing the billing error for lifeguard hours at the last meeting, as the District received a credit of \$629.50. Mr. Hayes met with FPL about the District considering the specs of the lighting change and adding one or two lights in dark areas.

**SEVENTEENTH ORDER OF BUSINESS                      Audience Comments**

Mr. Pantuliano stated that he was a retired firefighter from South Florida and voiced concern about the poor condition of the fire hydrants. He contacted JEA, and they could evaluate and repair them, if necessary. Mr. Pantuliano suggested pressure cleaning the sidewalks, curbs and the Clubhouse roof and asked if trees on the street in front of a home were the responsibility of the owner. Mr. Hudson stated that owners were responsible for street trees and pressure washing, under the HOA covenants. Ms. Pantuliano liked the warm colored street lights and was against LEDs.

A resident stated he appreciated that the Board was civil with each other tonight, even though there were disagreements, and asked if a conceptual plan was filed for Pond 25A, as the pond was at a foot above its design elevation, which was a concern to residents in the event of large rain event or hurricane. Mr. Oliver would contact the District Engineer.

**EIGHTEENTH ORDER OF BUSINESS                      Financial Reports**

**A.     Balance Sheet and Statement of Revenues & Expenditures**

Mr. Oliver presented the unaudited financials through August 31, 2018.

**B.     Special Assessment Receipts**

Mr. Oliver stated that as of August 31, 2018. All assessments were collected.

**C.     Check Run Summary**

Mr. Oliver presented the Check Run Summary.

On MOTION by Mr. Hudson, seconded by Ms. Kalke, with all in favor, the Check Run Summary, was approved.

**NINETEENTH ORDER OF BUSINESS**

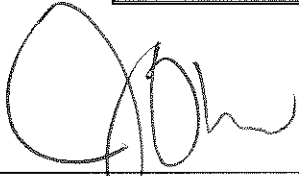
**Next Scheduled Meeting – 10/17/18 @ 6:00 p.m.**

Mr. Oliver noted that the next scheduled meeting was on October 17, 2018, and suggested continuing the meeting to update the Board on the Crown Pools cracking issue. Mr. Hayes asked when the State was inspecting the Splash Pad. Mr. Oliver noted that the inspection would be within 30 days from today, assuming the cracked pad does not cause further delays.

**TWENTIETH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Ms. Kalke, seconded by Mr. Hayes, with all in favor, the meeting was continued to October 3, 2018 at 6:00 p.m., to provide an update on the cracked concrete pad for the Splash Park.



Secretary/Assistant Secretary



Chairman/Vice Chairman