

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, August 15, 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	Riverside Management
Alexis Moeller	Riverside Management
Leah Tincher	Amenities Manager
Agent McCaffrey	Central Security Agency
Residents	

The following is a summary of the actions taken at the August 15, 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. A quorum was present.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

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

SECOND ORDER OF BUSINESS

Public Comment

Mr. Mike Yuro, a resident, felt that the Special Assessment Resolution was unclear. Mr. Oliver explained that in CDDs, assessments were special assessments. Mr. Haber stated that the operation and maintenance (O&M) assessments were levied when the budget was adopted.

FOURTH ORDER OF BUSINESS

Affidavit of Publication

Mr. Oliver stated that the affidavit for publication for the Public Hearing on the budget, which was included in the agenda package, was published in the St. Augustine Record, as required by the Florida Statutes.

FIFTH ORDER OF BUSINESS

Security Update by Central Security

Sgt. A.J. McCaffrey, of the Central Security Agency (CSA) reported the following:

- There was a significant amount of fishing in the CDD ponds and lakes and vehicles were obstructing roadways.
- Two weeks ago, two black males were hiding in a bush next to a house. When the officer on duty attempted to approach, the individuals fled and hopped the fence into The Gables. Three or four navigable foot paths were discovered, leading from The Gables to the green.
- This afternoon, there was large fight in the Brookhaven Drive cul-de-sac. When officers responded, a group of 14, 15 and 16-year-old juvenile males, fled in different directions. The area will be monitored tonight.

Mr. Hayes asked if the pool was supposed to be closed at sundown, according to the rules. Ms. Tincher stated that the dawn to dusk pool signs, were incorrect, according to the Florida Health Department. The pool should be opened 30 minutes after the published time for sunrise, and closed 30 minutes before the published sunset time, if the pool did not have the nighttime lighting permit, which it did not. Mr. Hudson suggested posting the pool times in the newsletter. Discussion ensued.

Ms. Tincher voiced concern about cars parked overnight, blocking emergency vehicles. Ms. Kalke met with the HOA Code Enforcement Committee, at the direction of the Board at the last meeting, to discuss this matter. CSA will enforce the overnight parking, according to the HOA rules. A letter will be sent to homeowners.

SIXTH ORDER OF BUSINESS

Approval of Minutes of the July 18, 2018 Meeting

Mr. Hayes presented the Minutes of the July 18, 2018 Meeting. Ms. Kalke clarified that the large oak tree hit by lightning was on St. Johns Golf Drive. On Page 11, Mr. Hudson was supposed to put a reminder in the August newsletter reminding residents not to leave debris in the middle of the road. It will be in the September newsletter.

On MOTION by Mr. Hudson, seconded by Mr. Murray, with all in favor, the Minutes of the July 18, 2018 Meeting, as amended, were approved.

SEVENTH ORDER OF BUSINESS

Update Regarding Splash Park Construction

Mr. Murray stated that Mr. Torres has been working on this matter non-stop, keeping all parties involved and having great communication with Mr. Murray through the entire process. Since the last meeting, there was improvement regarding the Florida Department of Health (FDOH) issue. Mr. Torres was working with FDOH on the issue with the tank. FDOH requested further information and Vortex responded. All comments were answered and this was the second submission. The following items were necessary for the tank:

- Vacuum and drain for the collector tank
- Collector tank reservoir
- Pool wastewater discharge through the air gap

Mr. Torres stated that Vortex received suggested remedies and were waiting for FDOH to respond. Mr. Oliver noted that FDOH received comments on July 17, and responded after the August 1 meeting. Ms. Cahill indicated in an email that most items could be handled at the on-site inspection.

Mr. Oliver recalled Mr. Correia commenting that the cracking of the cement was normal. Ms. Cahill and her team reviewed the concrete photos, and determined that if the concrete work was performed in accordance with the structural plans, it was unlikely that the cracking was structural and was likely contraction. Wet sealant was often utilized by concrete installers to minimize expansion, especially during high temperatures. Mr. Oliver asked Alex Acree, the District Engineer, to find a third-party independent engineer to determine what the problem was,

and provide the best and worst-case fixes. Mr. Acree and Mike Lucas recommended Legacy Engineering. The pay application would be subject to the results.

Ms. Kalke stated that the last meeting was the first time she heard about the crack and was unprepared. She emailed possible causes of the cracking and solutions to Mr. Oliver. Due to the direction of the cracking, which in one case was an "X", Ms. Kalke surmised that there was either an incomplete mix, too much moisture, the wrong temperature or not enough cure time. There was a large rough patch, due to the concrete not being mixed. Ms. Kalke supported not signing any pay requests, and asked District Counsel about any legal remedies, due to the end product not being the quality that was expected.

Mr. Haber advised that the District has a contract where the contractor was obligated to provide a product that was built to industry standards and met the Board's expectations. Although the responses from Crown Pools and Vortex alluded to the fact that the cracks were expected, the Board did not have an obligation to agree with it. If the Engineer reports actual problems, the District had contractual grounds to demand that the contractor repair the concrete. Ms. Kalke requested that the slope also be verified. Discussion ensued.

Mr. Hayes asked whether FDOH approved the grates, as several on the deck were wide enough for kids to put their feet through them. Mr. Torres talked to Mr. Correia about having grates with a cross hatch and long slats, which he was looking into. Mr. Oliver shared FDOH notes from the Bartram Springs Splash Pad project. Ms. Kalke asked if the District was required to pay Crown Pools. Mr. Haber stated that the law contemplates allowing the payment to be withheld, if there were issues in an amount, equal to or greater than the amount owed. According to Mr. Oliver, there was retainage of \$62,000, with \$16,000 worth of work remaining. A recent pay application was \$50,000. If there was a \$120,000 issue, the entire payment could be withheld or a partial payment if there was an \$80,000 issue. Mr. Haber recommended authorizing Mr. Murray to work with staff.

Mr. Sharpe asked about the delay penalty of \$500 per day. Mr. Haber stated that the contract contemplated that the District was entitled to the delay damages. Mr. Sharpe recalled that a Splash Pad in Sanford, had cracks in 2013, because there were no expansion joints. The County ended up having to have a third party come in to have the Splash Pad redone. Mr. Hayes was in favor of waiting for the Engineer's Report, which Mr. Sharpe agreed with. This item was tabled.

EIGHTH ORDER OF BUSINESS**Consideration/Ratification of Series 2016 Requisitions**

Mr. Oliver presented Requisition #78 for Hopping Green, in the amount of \$604.50, for Splash Pad legal work and Requisition #79 to the Best Fence Company of Jacksonville, in the amount of \$3,662 for the fence installation, between the Splash Pad and the pool. Mr. Hayes asked if the fence was inspected and all of the gates were functioning. Mr. Stephens replied affirmatively, but 20 feet of fence remained to be completed.

On MOTION by Mr. Hudson, seconded by Ms. Kalke, with all in favor, the ratification of Requisitions #78 and #79, was approved.

NINTH ORDER OF BUSINESS**Public Hearing to Adopt the Fiscal Year 2019 Budget**

Mr. Oliver presented the Approved Budget. For Fiscal Year 2018, there were total operating expenditures of \$932,421, versus \$935,709 for Fiscal Year 2019, including a *Capital Reserve* of \$43,000 and *Excess Revenues* of \$218,666. *Assessments* were \$1,203.44, which was the same as the prior year. The Administrative Budget decreased by \$2,000, but the Field Budget increased by \$5,000.

Mr. Hayes asked why *Youth Programs* was \$20,000 over budget. Mr. Oliver explained that this was offset by youth programs revenues of \$73,000. It was not a for profit effort, but was intended to be self-sustained by camp fees. Mr. Hudson asked where money could be taken from, if *Security* was over budget. Mr. Oliver stated that there were unassigned funds from assessment collections, which could be used as *Carry Forward Surplus* to subsidize the budget.

On MOTION by Mr. Hayes, seconded by Ms. Kalke, with all in favor, the public hearing was opened.

A resident asked if enough money was allocated for *Landscape Maintenance (Duval Landscape)*, for the long-term maintenance of common areas. He was told that the landscapers were maximizing their budget. Mr. Oliver stated that the landscape maintenance agreement is based on Duval Landscapes cost proposal. Ms. Kalke would discuss the landscape maintenance under Supervisor's Request.

Mr. Yuro was happy that money was being set aside for reserves, but voiced concern about significant increases in *Amenity Director* and *Repair & Maintenance* and budgeting \$10,000 for *Tennis Court Maintenance*, when residents were blowing leaves off of the tennis courts and the Board choosing a lifeguard company that was 20% more than another qualified company. He stated the District may have been overbilled according to the invoice in the agenda packet.

A resident asked if money was set aside for road resurfacing. Mr. Oliver stated that some resurfacing costs could be paid for by the existing *Capital Reserves*. Another funding source, such as special assessments, short term loan through a bank or longer-term loan through bonds would be needed to fund the balance. There was a Capital Reserve Study to have phased road resurfacing beginning in 2021. Mr. Hudson recalled in 2015, that the Board discussed refinancing the bonds and elected to use that money for the Splash Pad, security and improving the courts. Money from the refinancing could not be used to improve the roads, but there could be a one-time special assessment.

The resident voiced concern about tree root intrusion onto roads and sidewalks. Mr. Hudson stated that according to the HOA covenants, residents were responsible for tree and sidewalk maintenance. Mr. Jeff Gibbons, an HOA Board Member noted that the covenants were written poorly, as the definition of maintenance was not explained.

A resident voiced concern about the Splash Pad being broken before it was open.

On MOTION by Mr. Hayes, seconded by Ms. Kalke, with all in favor, the public hearing was closed.

A. Consideration of Resolution 2018-08, Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2019

Mr. Haber presented Resolution 2018-08, adopting the budget.

On MOTION by Ms. Kalke, seconded by Mr. Sharpe, with all in favor, Resolution 2018-08 Adopting the Fiscal Year 2019 Budget and Relating to the Annual Appropriations, was adopted.

B. Consideration of Resolution 2018-09, Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2019

Mr. Haber presented Resolution 2018-09, levying the O&M assessments, based on the amounts set forth in the budget on the Assessment Roll, and certifying for collection by St. Johns County. Ms. Kalke asked if there were changes in the process from the prior year. Mr. Haber confirmed that there were no changes.

On MOTION by Mr. Hayes, seconded by Ms. Kalke, with all in favor, Resolution 2018-09 Imposing Special Assessments and Certifying an Assessment Roll, was adopted.

TENTH ORDER OF BUSINESS

Consideration of Policy Regarding District Drainage Assessments

Mr. Oliver was working with Mr. Hudson and Mr. Haber on a policy, which was based on resident drainage issues. The purpose was for the District not to get into a cost share issue with a homeowner and be in a position of selecting third-party engineers to make an assessment. Mr. Hayes asked if the District was responsible for paying for the third-party engineer, if it was determined that the drainage issue was the District’s responsibility. Mr. Oliver replied affirmatively. Ms. Kalke pointed out the homeowner would be responsible for paying the third-party engineer, if the District was not responsible.

On MOTION by Ms. Kalke, seconded by Ms. Hudson, with all in favor, the Policy Regarding District Drainage Assessments, was adopted.

ELEVENTH ORDER OF BUSINESS

Discussion Items

A. Discussion of Installation & Operation of Chiller or Water Cooling Cannon for Swimming Pool

Mr. Hayes understood that Crown Pools was going to provide the chillers at cost. Ms. Tincher stated that today, the temperature of the pool was 95.1 degrees, and for the last week-and-a-half, temperatures ranged from 91 to 93 degrees by mid-afternoon. Mr. Hayes suggested running the water slide on the weekends through the next month and asking a chiller manufacturer to attend the September meeting about the number and size of chillers needed to cool the pool. After further discussion, this matter was tabled.

B. Discussion of District Communications Plan and Platforms

Mr. Hudson recalled that CDDs in the southern part of the state, were sued for lack of ADA compliant websites for the visually impaired, and presented a proposal for \$2.95 per page to make a PDF compliant for the visually impaired by converting the document to HTML and RTF. He recommended archiving budgets, agendas and other documents going back to 2008, because if they remained on the website, they must be compliant. Unicorn Web Development that works with Durbin Crossing in Fleming Island Plantation, proposed \$2,495 to get the CDD website ADA compliant, and \$395 per month for hosting the website and assisting with a digital newsletter. Ms. Kalke felt that \$2,495 was a good price, but wanted to review the scope.

Mr. Haber recommended that the Board take action swiftly, by putting a disclaimer on the website, showing that the District was making reasonable efforts to have the website reviewed and update. As long as the Board was having the discussions and considering options, Mr. Haber was satisfied. Mr. Oliver stated that GMS was dissatisfied with the District's website. It was aged and staff did not have access to the website to make changes. After further discussion, this item was tabled for Supervisors to review the proposal and scope, place this item on the next agenda and reduce the website, according to the Florida Statutes. Mr. Hayes thanked staff for all of their hard work.

C. Discussion of Pool Furniture Replacement

Ms. Tincher presented a proposal for pool furniture for the new area, which would incorporate the existing benches. Ten umbrellas were ordered, and would be placed into the tables under the verandahs. Mr. Hayes recommended tabling this item until winter, during the off-season.

D. Discussion of Future Phased Resurfacing of SJGCC Interior Roads (all except Leo Maguire)

Mr. Hayes stated that the District Engineer and the District Manager were working on a plan to phase the resurfacing of SJGCC interior roads. Ms. Kalke noted that the work could not be completed all at once. Mr. Hayes stated that a large cost was moving the equipment. After further discussion, this matter was tabled to allow the District Engineer and a representative from Duval Asphalt to make a presentation.

TWELFTH ORDER OF BUSINESS

Other Business

Ms. Kalke asked about the pool chair and whether District Counsel confirmed that it needed to be mounted. Mr. Oliver confirmed that the pool chair was ADA compliant, but it was time to purchase a new chair. He was obtaining proposals for a permanently mounted chair. Mr. Hayes wanted to have a new chair in place and bolted to the ground, but not all winter long.

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 - Discussion of Meeting Schedule for Fiscal Year 2019

Mr. Oliver presented the Fiscal Year 2019 meeting schedule, which was the third Wednesday of each month at 6:00 p.m. at this location.

On MOTION by Ms. Kalke, seconded by Mr. Hayes, with all in favor, the Fiscal Year 2019 meeting schedule, as presented, was approved.

D. Amenities & Recreation Manager

Mr. Murray asked if Ms. Tincher had a list of trees that residents wanted trimmed. Ms. Kalke suggested including a reminder in the newsletter that Bold City would trim a homeowner's tree at a discounted price, while trimming the CDD trees. Mr. Hayes reported that soccer starts on Friday. Ms. Tincher stated that 21 people signed up. Ms. Kalke asked about the Friday movie. Ms. Tincher stated that the movie was "*The Sandlot*".

Mr. Murray asked for a camp recap. Ms. Tincher noted that camp was nine weeks, 50 kids attended and the additional room was only used during inclement weather. There were no complaints from parents. Mr. Murray asked if any campers were in a program to become counselors next year to earn community service hours. Ms. Tincher indicated that there were three; one was 16, but two were 14 and 15. Discussion ensued. Mr. Murray was in favor of hiring kids in the community and not allowing salaried counselors that mis-behaved to return.

E. Operations Manager - Report

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

- Multiple potholes were repaired on St. Johns Golf Drive and in the Amenity Center parking lot.
- The batteries for the ADA pool lift were repaired and the lift was now operational.
- Paver repairs were made on the front sidewalk at the Amenity Center in two locations. The pavers were damaged by roots.
- Multiple stones were reattached to the columns throughout the Amenity Center.
- The light for the fountain was coming from the manufacturer.

Ms. Kalke clarified that this was the fountain on Drury Court and wanted this information to be included in the newsletter. Mr. Stephens indicated that the light was expected from the manufacturer. It was replaced because it was under warranty. It was not hit by lightning.

- The roadside trees will be trimmed the last week of August or first week of September. The contractor was delayed by three weeks, for the sidewalk repairs/replacements, due to the weather.

Ms. Kalke requested a sidewalk replacement schedule.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Request

Mr. Hayes requested feedback on contractors that were not responsive, and felt that the golf course was putting CDD money towards their landscaping and neglecting CDD landscaped areas. Mr. Stephens met with the golf course, several weeks ago and again this week. The sod along St. Johns Golf Drive was ordered, and would be installed next week, in conjunction with the project by the tennis courts. They removed weeds out of the plant material.

Ms. Kalke asked about the vines at the end of Eagle Point Drive, behind the 9th hole. Mr. Stephens tried to meet with the homeowner, but they were not home. The golf course promised to remove them this month. Ms. Kalke received complaints about dead plants and weeds in the plant beds on Leo Maguire Parkway, at the end of Eagle Point Drive and at the entrance to Stonehenge. Mr. Stephens stated that Duval Landscaping was responsible for the landscaping at the end of Eagle Point Drive and the entrance to Stonehenge, but the golf course was responsible for the area between the first couple of houses on the left and the right.

Mr. Hayes voiced concern about Duval Landscaping not properly maintaining CDD areas. Mr. Murray felt that Mr. Stephens was responsible to ensure that Duval Landscaping was

maintaining CDD areas. Mr. Stephens recommended going out for landscaping proposals. Mr. Murray asked if Duval Landscaping could be put on notice. Mr. Oliver stated that it was not required and recommended directing staff to prepare an updated scope to bring to the September meeting for the Board’s review.

Mr. Hudson requested that the Board revisit the officer structure of the Board every November and asked District Counsel to prepare a policy or procedure that the Board could review at the next meeting. Ms. Kalke requested revisiting the Supervisor areas of responsibility. Mr. Haber advised that the Board could make a motion without adopting a formal policy or adopt a Resolution, setting the officer structure. Mr. Murray suggested having the proper protocols in place to contact management first, when making staff requests. Ms. Kalke asked about the bubbling on the tennis courts. Mr. Stephens stated that the contractor was scheduled to evaluate it on Friday morning.

Mr. Sharpe asked why there was an invoice for the lifeguards for dates when the pool was not open. Ms. Tincher stated that the lifeguards were trained on those dates, as part of the contract. Mr. Sharpe asked why the training hours varied. Ms. Tincher would find out. Mr. Murray asked about the current lifeguards, compared to prior years. Ms. Tincher stated that the current lifeguards were better than prior years, but she wanted them to pay attention to the thunder. Mr. Murray asked if there was an issue with not having enough lifeguards. Ms. Tincher confirmed that there were enough lifeguards this year; three guards were on duty, versus two. She had not heard any complaints, other than the lifeguards being strict.

FIFTEENTH ORDER OF BUSINESS

Audience Comments

A resident asked about the golf cart decals, as residents were still recklessly driving golf carts. Mr. Hayes stated that the decals were not necessary, at this time, because security was doing a good job and there were no complaints; however, this item would be placed on the next agenda.

A resident was sorry to hear that Mr. Murray was leaving the Board and felt that he was an asset. His last meeting will be in October. Mr. Haber clarified that Mr. Murray would be on the Board until November, as the new Board Member would not be sworn in until the second Tuesday in November.

A resident offered the District 36 trees. Mr. Hayes accepted.

Mr. Yuro stated he was frustrated with the lifeguard hours and felt that the District was being taken advantage of, as the District was overcharged for more than 40 hours, and wanted a Board Member to review the invoices with District Counsel. Mr. Murray agreed.

SIXTEENTH ORDER OF BUSINESS

Financial Reports

A. Balance Sheet and Statement of Revenues & Expenditures

Mr. Oliver presented the unaudited financials through July 31, 2018. There were no significant changes.

B. Special Assessment Receipts

Mr. Oliver stated that as of July 31, 2018, approximately 100.42% of assessments were collected.

C. Check Run Summary

Mr. Oliver presented the Check Run Summary for the General and Capital Projects Funds. Mr. Hudson asked if \$239,038 was in the Capital Reserve. Mr. Oliver replied affirmatively. Once the ongoing projects were completed, the Capital Reserve Fund could be reimbursed, which he recommended when the Splash Pad project was complete. After further discussion, Mr. Oliver requested that the Board approve the invoices, except the lifeguard invoices. Mr. Hudson volunteered to review them.

On MOTION by Mr. Hudson, seconded by Mr. Hayes, with all in favor, the August Check Run Summary, excluding the lifeguard invoices, which would be reviewed by Mr. Hudson, was approved.

Mr. Haber asked if Mr. Hudson could approve lifeguard invoices, if he was satisfied with them. The Board agreed.

SEVENTEENTH ORDER OF BUSINESS

Next Scheduled Meeting – 09/19/18 @ 6:00 p.m.

Mr. Oliver noted that the next scheduled meeting was on September 19, but recommended continuing this meeting to August 29, 2018, for an update on the Splash Park project. Mr. Hayes stated that the continued meeting be cancelled, if the report from the third-

party independent engineer on the concrete was not ready. Mr. Oliver would contact Mr. Hayes one week prior to the continued meeting.

A resident asked if there was a charge to hold the continued meeting. Mr. Oliver replied affirmatively. Mr. Haber noted that the staff costs for the continued meeting were additional and the reason for the continuation of meetings was not to publish a notice.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Hayes, seconded by Ms. Kalke, with all in favor, the meeting was continued to August 29, 2018 at 6:00 p.m., to provide an update on the Splash Park.



Secretary/Assistant Secretary



Chairman/Vice Chairman