

*Sweetwater Creek  
Community Development District*

*Agenda*

*January 3, 2019*

# AGENDA

# *Sweetwater Creek*

## *Community Development District*

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135 W. Central Blvd., Suite 320, Orlando, Florida 32801  
Phone: 407-841-5524 – Fax: 407-839-1526

December 27, 2018

**Board of Supervisors**  
**Sweetwater Creek Community**  
**Development District**

Dear Board Members:

The regular meeting of the Board of Supervisors of the **Sweetwater Creek Community Development District** will be held **Thursday, January 3, 2019 at 1:45 PM at 4730 Casa Cola Way, St. Augustine, FL 32095**. Following is the call-in information and the advance agenda for the meeting:

Call-in Info:           **Conference Number:** 1-719-359-9722 or 1-888-757-2790  
                                  **Guest Passcode:** 343866

1. Roll Call
2. Public Comment Period (<sup>1</sup>Speakers will fill out a card and submit it to the District Manager prior to the beginning of the meeting)
3. Organizational Matters
  - A. Consideration of Resolution 2019-05 Naming Jill Burns as Assistant Treasurer
4. Approval of Minutes of the December 6, 2018 Meeting
5. Consideration of Revised Joint Amenity Center Policies (*provided under separate cover*)
6. Consideration of Additional Security Hours
7. Consideration of Changing Meeting Time and Location (*Requested by Supervisor Handler*)
8. Consideration of Conveyance of Parcel from Lennar to Sweetwater Creek CDD (*Special Warranty Deed provided under separate cover*)
9. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. Field Manager's Report
  - D. District Manager's Report
    - i. Balance Sheet and Income Statement (*provided under separate cover*)
    - ii. Ratification of Payment Authorizations #2019-04 (*provided under separate cover*)
10. Other Business
11. Supervisors Requests
12. Adjournment

The second order of business is the Public Comment Period where the public has an opportunity to be heard on propositions coming before the Board as reflected on the agenda, and any other items. Speakers must fill out a Request to Speak form and submit it to the District Manager prior to the beginning of the meeting.

The third order of business is Organizational Matters. Section A is consideration of Resolution 2019-05 naming Jill Burns Assistant Treasurer. A copy of the resolution is enclosed for your review.

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<sup>1</sup> Comments will be limited to three (3) minutes

The fourth order of business is the approval of the minutes of the December 6, 2018 Board of Supervisors meeting. The minutes are enclosed for your review.

The fifth order of business is the consideration of the revised joint amenity center policies. A copy of the revised policy will be provided under separate cover.

The sixth order of business is the consideration of additional security hours. Supporting documentation is enclosed for your review.

The seventh order of business is the consideration of changing the meeting time and location of the meetings (requested by Supervisor Handler). There is no supporting documentation.

The eighth order of business is the consideration of conveyance of parcel from Lennar to Sweetwater Creek CDD. Supporting documentation is enclosed for your review and the Special Warranty Deed will be provided under separate cover.

The ninth order of business is Staff Reports. Section C is the Field Manager's Report. A copy of the report is enclosed for your review. Section D is the District Manager's Report. Sub-Section 1 includes the balance sheet and income statement which will be provided under separate cover. Sub-Section 2 includes Payment Authorization number 2019-04. A copy of the Payment Authorization and supporting documentation will be provided under separate cover.

The balance of the agenda will be discussed at the meeting. In the meantime, if you should have any questions, please do not hesitate to contact me.

Sincerely,

Jill Burns  
District Manager

CC: Wes Haber, District Counsel  
Paul Hutchinson, District Engineer  
Jill Burns, GMS

Enclosures

## SECTION III

# SECTION A

**RESOLUTION 2019-05**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF SWEETWATER CREEK COMMUNITY DEVELOPMENT DISTRICT DESIGNATING AN ASSISTANT TREASURER OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Sweetwater Creek Community Development District (hereinafter the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within unincorporated St. Johns County, Florida; and

**WHEREAS**, the Board of Supervisors of the District desires to appoint an Assistant Treasurer.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SWEETWATER CREEK COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** \_\_\_\_\_ is appointed Assistant Treasurer.

**SECTION 2.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 3<sup>rd</sup> Day of January, 2019.

**ATTEST:**

**SWEETWATER CREEK  
COMMUNITY DEVELOPMENT  
DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chairperson, Board of Supervisors

# MINUTES



MINUTES OF MEETING  
SWEETWATER CREEK  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Sweetwater Creek Community Development District was held Thursday, December 6, 2018 at 1:48 p.m. at 4730 Casa Cola Way, St. Augustine, Florida.

Present and constituting a quorum were:

Zenzi Rogers	Chairperson
Scott McNary	Vice Chairman
Rob Lisotta	Assistant Secretary
Stephen Handler	Assistant Secretary
John Williams	Assistant Secretary

Also present were:

Jill Burns	District Manager
Wes Haber	District Counsel
Brian Stephens	Field Manager
Several Residents	

The following is a summary of the minutes and actions taken at the December 6, 2018 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Burns called the meeting to order at 1:48 p.m. and called the roll.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Administration of Oath of Office to Newly Elected Board Members**

Ms. Burns being a notary public of the State of Florida administered the Oath of Office to Mr. Lisotta and Mr. Handler.

Ms. Burns stated when we have new Supervisors we generally go over information you need to know as new Board Members. I wanted to do that within a publicly noticed meeting so there is no concern that we are violating the Sunshine Law. I recommend that we add it to the end of the agenda just before adjournment with the understanding that there will be no business

undertaken during that period it will strictly be a discussion about what the expectations are for new Supervisors. We will be doing it in the sunshine, and everyone is welcome to stick around.

On MOTION by Ms. Rogers seconded by Mr. Handler with all in favor the agenda was amended to have a Board orientation at the end of the regular business meeting.

## **SECOND ORDER OF BUSINESS**

### **Public Comments**

Mr. Leathers asked what is the ownership of the CDD of property between the back of the lots and the river and is it subject to a conservation easement and is the interest salable?

Mr. Haber stated there are a number of areas within the boundaries of the District where the CDD owns the real property in fee simple title, they are the owner of the property. Without knowing which specific lots, which specific areas you are talking about it is difficult for me to say right now whether the CDD owns a particular piece of property.

Mr. Leathers gave the location of the property.

Ms. Burns stated we do own it and it is subject to a conservation easement.

Mr. Haber stated the property is salable, that being said any party we sell it to it would be taken subject to the conservation easement so whoever owns it would have the same limitations and it is only if the Board wants to approve selling it.

Ms. Burns stated if you look on the property appraiser's website it shows the parcel line. You should also have a survey when you closed as to where the back of the property is. There was a home on that lot that cleared about 16 trees behind there and the Water Management District sent the CDD a letter, I met with them today. The Water Management District can fine the CDD at which point we would go after the resident who trespassed on CDD property and cleared the trees. It looks like in this particular instance they are going to require us to replant back there. This is the third or fourth time we have had an issue on that particular street with residents clearing past their property. We haven't been fined yet but that could change.

Mr. Haber stated if all they are doing is making us replant the trees to some degree they are still giving us a pass. I have seen them be much stricter in different counties where you not only replant the trees, but they also require a fine. We would have to pay the fine and we would go to the person who trespassed on our property and who damaged our property and say you damaged our property and we would have a valid claim against them for recovering that against them, but we don't have the ability to pass through the fine. In this case we would advise the

homeowner who did this that the Water Management District is requiring us to replant the trees and we anticipate seeking from you reimbursement for this District's cost to replant those trees.

Mr. McNary asked if they refuse would you have to engage in litigation?

Mr. Haber responded unfortunately, yes.

Mr. McNary asked is there any provision for payment of attorney's fees?

Mr. Haber stated no, I don't think so.

Mr. McNary asked if this goes to litigation the costs will be borne by the CDD because of the actions of the landowner so all of us in the CDD are going to be responsible on a prorate basis?

Mr. Haber responded yes, if we are not able to collect from the homeowner.

Ms. Burns stated everybody who lives on that street received a letter from us that beyond the back of their lot line is CDD property and subject to a conservation easement, that they are trespassing on the property and they are not to do any maintenance to that area. Should they have issues with that area they can contact the CDD. We also posted the information on the District's website.

Mr. Hooten stated I live on the street also and there are holes gouged out and when it rains there are tons of mosquitos coming out of that area. It is a simple matter to fill that hole. There are also trees that have been knocked down. Across the street is a standing water area, a swamp, that was generated by the developer because they are planting pine trees and they are dying because they are in standing water. I would like to see the water level dropped down. As far as the access behind us I would be satisfied with an easement to let us build an elevated walkway back there.

Ms. Burns stated it is a conservation area and we cannot do anything to that area.

Mr. Suderman stated I put a request in to allow the residents to get the black barcode stickers for their cars. We like our cars, everyone has tinted windows and the white stickers stand out like a sore thumb. I solicited on the Facebook page and it is up to 134 stickers from 59 residents. They are \$4.50 to \$5.50 and everyone said great they would love to have them. I forwarded the list to Jill last night.

Mr. Cervelli stated for 13 years I lived in Marshall Creek and had CDD fees there. The fees went down after the bond was refinanced. Moving to Rio del Norte the fees have gone up significantly. In Marshall Creek I believe everybody pays the same, but I don't believe that is the case in Sweetwater Creek and I want to understand the logic behind that.

Ms. Burns stated the debt assessments in this community are based on the front footage of your lot and the operations and maintenance is assessed the same way. It is up to the Board if they

want to change the way the O&M assessment is levied. The lots on Rio del Norte have significantly more square footage than other 73-foot front lots and pay more for the larger lot. The budget has gone up 25% so your assessment has gone up 25% across the Board in the entire community not just on Rio del Norte.

Mr. Cervelli asked if I asked the Board to consider making the assessment uniform like Marshall Creek, how would I do that?

Mr. Haber stated there are two aspects of the CDD assessment; the debt assessment, which secure the bonds and I don't think we are talking about changing those, those will remain as they are. Those are stratified based on the different lots that you just discussed. Then there is the operation and maintenance assessments and that is what this Board does control, that is adopted on an annual basis. There is always going to be a public hearing on the budget and that typically is announced in May and held no sooner than 60 days after that often more than 60 days after that. If the budget is going to go up in addition to a budget public hearing, there is an assessment public hearing. I would say it is during that timeframe or prior to that timeframe and probably the sooner the better so you let the District know of your concern the time it would be most relevant to this Board is when they are considering the adoption of their budget and more particular the levy of the assessments to fund that budget and the manner in which those assessments get levied. In the past those assessments followed the same method of allocation as the debt assessments. That is common for CDDs to do. Another common method of doing O&M assessments is doing all of the O&M assessments the same for all the properties. That can be explained to the Board at that time by the assessment methodology consultant and the Board can make a determination how they want to go about levying those O&M assessments.

Ms. Burns stated Supervisor Handler and I have spoken of this before and I ran the numbers for him for the current year if we had assessed equally rather than the allocation we have now so that he could see the breakdown of how many people would pay more and how many people would pay less and how much by lot type and I would be happy to share that with the rest of the Board if you would like that information. You can review that information and if you decide to consider that we will have to do a mailed notice to the owners in the District.

### **Continuation of Item Three**

#### **B. Consideration of Letter of Resignation from Stephen Handler from Seat 4**

Ms. Burns stated we had a vacancy on the Board when Monique Perna moved and resigned and at that point Stephen Handler had already qualified for a seat on the ballot and was appointed to the seat that Monique vacated, which was seat 4. His name was on the ballot for seat 2 and could not be removed before the election and he won that seat. When he was elected to seat 2 he submitted his resignation from seat 4. Seat 4 has a term that ends in 2020 and is now vacant.

**C. Appointment of Individual to Fill the Board Vacancy with a Term Ending November 2020 and Administration of Oath of Office**

Mr. McNary stated I would like to nominate John Williams. He is a businessman by trade and has been on a number of Boards not only homeowner Boards but corporate Boards and from the standpoint of the community we definitely need someone with business acumen on the Board.

On MOTION by Mr. McNary seconded by Ms. Rogers with all in favor John Williams was appointed to fill the unexpired term of office.

Ms. Burns being a notary public of the State of Florida administered the Oath of Office to Mr. Williams.

**D. Consideration of Resolution 2019-02 Electing Officers**

On MOTION by Mr. Handler seconded by Mr. Lisotta with all in favor Resolution 2019-03 was approved as follows: Zenzi Rogers Chairperson, Scott McNary Vice Chairman, Jill Burns Secretary and Assistant Treasurer, George Flint, Stephen Handler, Rob Lisotta and John Williams Assistant Secretaries, Ariel Lovera Treasurer.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the November 1, 2018 Meeting**

On MOTION by Ms. Rogers seconded by Mr. McNary with all in favor the minutes of the November 1, 2018 meeting were approved as presented.

**FIFTH ORDER OF BUSINESS**

**Public Hearing on Amenity Center Rules and Rates**

On MOTION by Ms. Rogers seconded by Mr. McNary with all in favor the public hearing was opened.

**A. Consideration of Resolution 2019-03 Adopting Amenity Center Rules and Rates**

Ms. Burns stated attached to the resolution are the rates that were published in the paper. Marshall Creek previously updated the annual user fee for non-residents and these are the same as what Marshall Creek adopted and we need to be in line because we have joint amenities. Counsel for Marshall Creek will have updated policies we will also consider in the near future but that does not require a public hearing.

A resident stated over the last few years we had some tennis players from the outside to fill out our leagues and we want that rate for the tennis to be reasonable compared to what residents pay to support the tennis program and that it not be so high so as to discourage people we need to fill out the leagues.

Ms. Burns stated the tennis and the other most used is the \$100 fee for the swim team memberships that all the kids pay. I don't think anyone takes advantage of the full \$3,500 non-resident user fee.

On MOTION by Ms. Rogers seconded by Mr. McNary with all in favor the public hearing was closed.

On MOTION by Mr. McNary seconded by Mr. Handler with all in favor Resolution 2019-03 was approved.

**SIXTH ORDER OF BUSINESS**

**Consideration of Proposals for Website ADA Compliance**

On MOTION by Mr. Handler seconded by Mr. McNary with all in favor the proposal for website compliance from VGlobalTech in the amount of a one-time fee of \$1,750 was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of ETM Work Authorization for Continuing Engineering Services**

On MOTION by Mr. McNary seconded by Mr. Williams with all in favor the work authorization from ETM for Fiscal Year 2019 general engineering services was approved.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Conveyance of Parcel from Lennar to Sweetwater Creek CDD**

Mr. Haber stated we received an email from Lennar that they were going through their records and noted that there were two parcels of property both of which are conservation parcels that have not been conveyed to the CDD. There is a proposed deed that would effectuate the conveyance from Lennar to the CDD as well as a map showing the location of the parcels. Lennar has provided my office a title report on the property that the real estate lawyer in my office is reviewing. To the extent that you are comfortable with accepting the conveyance of the property my recommendation would be that you authorize the conveyance subject to final review by District Counsel on the title report and authorize a Board Member to formalize that acceptance once my office signs off on the title.

Mr. McNary asked what is the downside if we don't?

Mr. Haber stated my guess is Lennar will want to find an entity to own this property at some point in the future and if it is not the CDD it may be the HOA. The benefit of the CDD owning the property opposed to the HOA is that the CDD has sovereign immunity so to the extent there is an issue with respect to a tree falling or something like that as a community it is a left pocket right pocket type issue, the community is better off so the downside may be that if the CDD doesn't take it, it is going to go to another entity and that entity may not be as beneficial as the CDD. It is typical for CDDs to take ownership of conservation property within communities.

On MOTION by Mr. McNary seconded by Mr. Handler with all in favor the conveyance of the property from Lennar was accepted subject to District Counsel's review of the title report and the Chair was authorized to approve the final conveyance documents.

**NINTH ORDER OF BUSINESS**

**Las Calinas Security Updates**

Mr. Handler stated the issue of the security at the north entrance to Sweetwater and in coordination with Marshall Creek has come up the last three or four months. I would be willing to serve as liaison with Marshall Creek so that we can share information. This weekend the exit gate was stuck in the open position at Sweetwater. We are supposed to have cameras and gates. I would like this to get taken care of with new cameras, arms and have a secured entrance and exit.

Ms. Burns stated I met with First Services this morning and they have been onsite a couple of days. Marshall Creek has appointed Scott Greenback to meet with the security company on a monthly basis and if Mr. Handler is willing to meet with them as well then this Board has a representative involved in those conversations.

Ms. Rogers stated I suggest that Brian attend those meeting also.

On MOTION by Mr. Williams seconded by Mr. McNary with all in favor Supervisor Handler and Mr. Stephens were authorized to meet on a regular basis with the security company and the liaison from Marshall Creek on behalf of the Board.

Due to a technical issue with the recording the balance of the meeting was summarized.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being none, the next item followed.

**B. Engineer**

There being none, the next item followed.

**C. Field Manager**

**i. Consideration of Yellowstone Quote for Pond Bank Clearing**

Mr. Stephenson reviewed his report, copy of which was included in the agenda package.

**D. Manager**

**i. Balance Sheet and Income Statement**

Ms. Burns stated a copy of the balance sheet and income statement was provided to you under separate cover. There is no Board action required.

**ii. Ratification of Payment Authorization 2019-03**

On MOTION by Mr. McNary seconded by Ms. Rogers with all in favor payment authorization 2019-03 was ratified.



**iii. Discussion Regarding Trespass on District Property and Procedure on Handling Violations**

This item was discussed under audience comments at the beginning of the meeting.

**iv. Consideration of Gate Access Bar Code Color Options**

This item was discussed under item nine.

**ELEVENTH ORDER OF BUSINESS      Other Business**

There being none, the next item followed.

**TWELFTH ORDER OF BUSINESS      Supervisor's Requests**

There being none, the next item followed.

**THIRTEENTH ORDER OF BUSINESS      New Supervisor Orientation**

Mr. Haber reviewed in detail Chapter 190, F.S., the sunshine amendment, ethics and other laws pertaining to public officials.

On MOTION by Mr. Lisotta seconded by Mr. Handler with all in favor the meeting adjourned.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman

# SECTION V

*This item will be provided under  
separate cover*

# SECTION VI



# RAMCO PROTECTIVE

Security Solutions By Professionals

Contact >>>>>>>>>>		Sweetwater Creek CDD			12.19.18
Exhibit ' A '					
Service Type	Weekly Hrs	Hourly Rate	Weekly Costs	Annual Cost	Rate Schedule
Security Officer (Pay Rate \$11.00)(SW)	5.0	\$17.00	\$85.00	\$4,420.00	Mon To Sun
<b>Sub-Total</b>			\$85.00	\$4,420.00	
Taxes (EXEMPT)					
<b>Total</b>	5.0		\$85.00	\$4,420.00	
<b>WE LOOK FORWARD TO WORKING WITH YOU!</b>					
<b>Ramco Protective Inc.</b>					
				Date:	12.19.18
Benjamin W Griggs					
<b>Sweetwater Creek CDD</b>					
				Date:	12.19.18

# SECTION VIII



Overview



Legend

- Parcels
- Cities

0721530013  
 0900  
 Sweetwater Creek Community  
 Development District  
 Acres 59.21

Physical Address OLETA WAY  
 Address SAINT AUGUSTINE  
 Mailing LENNAR HOMES LLC  
 Address 9440 PHILIPS HWY STE  
 7  
 JACKSONVILLE FL  
 32256-0000

Building Value	N/A	Last 2 Sales			
Extra Feature Value	N/A	Date	Price	Reason	Qual
Total Land Value	N/A	n/a	0	n/a	n/a
Just Value	N/A				
Total Deferred	N/A				
Assessed Value	N/A				
Total	N/A				
Exemptions					
Taxable Value	N/A				

Date created: 12/4/2018  
 Last Data Updated: 12/5/2018 10:45:30 PM

# SECTION IX



# SECTION C

# ***Sweetwater Creek***

**9655 Florida Mining Blvd. W., Bldg. 300, Suite 305, Jacksonville, FL 32257**

## **Memorandum**

**Date:** January, 2019

**To:** Jill Burns                      Rich Whetsel                      via email  
District Manager                      Operations Director

**From:** Brian Stephens  
Operations Manager

**Re:** Sweetwater Creek CDD  
Monthly Operations Report

The following is a summary of activities related to the field operations of the Sweetwater Creek Community Development District.

### **Common Areas:**

1. One (1) basketball net was replaced.
2. All of the storm grates have been cleaned throughout the community.
3. RMS conducted a check of all of the District owned street lights.
4. The neighborhood Entrance Monuments have been cleaned.

### **Landscape / Irrigation:**

1. RMS and Yellowstone are conducting monthly landscape inspections.

### **Resident Questions/Comments:**

1. None at this time.

Should you have any questions or comments regarding the above information, please feel free to contact me at (904) 627-9271 or Rich at (904) 759-8923.

# SECTION D

# SECTION 1

*This item will be provided under  
separate cover*

## SECTION 2

*This item will be provided under  
separate cover*