

*Sweetwater Creek  
Community Development District*

*Agenda*

*March 26, 2019*

# AGENDA

# *Sweetwater Creek*

## *Community Development District*

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Phone: 407-841-5524 – Fax: 407-839-1526

March 19, 2019

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

Dear Board Members:

A regular meeting of the Board of Supervisors of the **Sweetwater Creek Community Development District** will be held **Tuesday, March 26, 2019 at 4:00 PM at 625 Palencia Club Drive, 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

**Public Comments:** Members of the public will have two minutes to comment on agenda items prior to a Board vote

1. Roll Call
2. Approval of Minutes of the March 7, 2019 Meeting
3. Discussion Regarding Potential Projects for Bond Refunding
4. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. District Manager's Report
5. Other Business
6. Supervisors Requests
7. Adjournment

The second order of business is the approval of the minutes of the March 7, 2019 Board of Supervisors meeting. The minutes are enclosed for your review.

The third order of business is the discussion regarding potential projects for bond refunding. There is no supporting documentation.

The fourth order of business is Staff Reports. Any staff reports will be discussed at this time.

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

# 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, March 7, 2019 at 4:01 p.m. at 625 Palencia Drive, St. Augustine, Florida.

Present and constituting a quorum were:

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

Also present were:

Jill Burns	District Manager
Wes Haber	District Counsel
Brian Stephens	Field Manager
Justin Rowan	MBS Capital Markets, LLC
Several Residents	

The following is a summary of the minutes and actions taken at the March 7, 2019 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 4:01 p.m. and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comments**

Mr. Rankin stated there is significant damage to the sod along Las Calinas. Is there a plan to repair the damage?

Ms. Burns stated I sent emails to Lennar on that issue and we will wait until Zenzi gets here to address that issue.

Mr. Leathers stated assessments are calculated depending on the size of your lot. The CDD is functioning as a municipality if we didn't have the CDD there would be a municipality that would do things like landscaping, streets, amenity center, and so forth. That function does not correspond to lot sizes, that function corresponds more of a population as anything else, how many cars drive over the streets, how many people use the gym or the pools. Marshall Creek CDD assesses on an equal basis and I support the agenda item that suggests a change here.

*The next item was taken out of order:*

**Field Manager's Report**

Mr. Stephens gave an overview of the Field Manager's report that included updates on maintenance/repair items taken care of during the months.

*Mr. Stephens left the meeting at this time.*

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the February 7, 2019 Meeting**

Amendments were made to identify the correct speaker after which the Board took the following action.

On MOTION by Mr. McNary seconded by Mr. Handler with all in favor the minutes of the February 7, 2019 meeting were approved, as amended.

**FOURTH ORDER OF BUSINESS**

**Discussion Regarding Amending the Public Comment Policy (requested by Supervisor Handler)**

Ms. Burns stated the Board adopted a policy for public comment that allows residents to comment at the beginning of the meeting for items on the agenda and comment at the end of the meeting for anything not on the agenda. Mr. Handler proposed allowing residents to comment two minutes on each agenda item prior to the Board voting on it.

Mr. Lisotta stated I think we should eliminate the three minutes at the beginning of the meeting and allow people to have time to speak on certain issues on the agenda with the appropriate sign-in so that we know who is going to talk and how long they are going to be talking.

Mr. Haber stated the only thing the law requires is that members of the public be given an opportunity to speak about each agenda item before you take action on them. We can do exactly what you asked.

On MOTION by Mr. Williams seconded by Mr. McNary with all in favor the public comment section will be removed from the agenda and the public will be allowed to speak for 2 minutes on each item prior to the Board vote.

Mr. Haber stated we can institute that as of now but there may have been a resolution that the Board adopted establishing the three minutes in advance and it makes sense to look at that so we don't have inconsistent actions by the Board. It may make sense to come back to the Board with a formal resolution that establishes what you set forth today.

**FIFTH ORDER OF BUSINESS**

**Discussion Regarding Changing the Allocation of Operations and Maintenance (O&M) Assessments (requested by Supervisor Handler)**

Ms. Rogers stated before Steve speaks to that issue to me this is a budget issue and budget issues require notice to the entire community and not to just those who attend the meeting. I have an objection to discussing this issue until such time that the proposed budget comes up for discussion.

Mr. Handler stated my understanding is that we can present something and have the Board vote on it, then that would become available for public discussion at the time that the budget is being formed, which is in May so we would have a public forum at that time to discuss it.

Mr. Haber stated in my view you can certainly discuss it. To the extent that a formal change is made to the matter in which the O&M assessments are allocated the Board would be required to send a mailed letter to everyone in the community and a public hearing would need to be held so that would be where everyone would be told, but you as a Board, if you want to have discussions leading up to that final Board action you can do that. Today you cannot make the change because you have to put everyone on notice and hold a public hearing.

Discussion ensued regarding equalizing O&M assessments similar to Marshall Creek, because at the present time they are assessed by lot type. There was support of equalization of

O&M assessments by residents from Rio del Norte which were present. The Board will have further discussions when approving a preliminary budget.

## **SIXTH ORDER OF BUSINESS**

### **Presentation of MBS Regarding Refunding Opportunities (requested by Supervisor Handler)**

Mr. Rowan stated at the last Board meeting we were authorized to approach the rating agencies and insurance companies that would provide the credit enhancements. We prepared a credit package that goes into a detailed analysis about the bonds and what the refinancing bonds would look like.

S&P did provide an investment grade rating on the refunding bonds and AGM provided an insurance commitment on the refunding bonds. We are now in a position to definitely move forward with the refunding.

The first option will reduce the annual debt service for the bonds and reduce every resident's corresponding assessment.

The second option is to generate new project funds by keeping everyone's assessment the same as it is now and you are able to take out the savings upfront without increasing everybody's annual assessment. It won't increase and it won't decrease but you will have these new project funds for an eligible project within the community.

The third option is a combination of annual debt service reduction and new project funds (limit project funds to a certain amount). We would check to see what the maximum project funds that could be generated from the refunding, which is about \$850,000 and from that amount you could choose to set aside X amount for a project and the remainder could go towards reducing everybody's assessment.

On MOTION by Mr. Williams seconded by Mr. McNary, with four in favor and Mr. Lisotta opposed, the second option, to generate approximately \$800,000 in construction funds for new projects, was approved.

Mr. Haber stated even though you had the vote we need to talk about potential projects.

The Board will meet March 26, 2019 at 4:00 p.m. to make a decision on the potential project list.

*Mr. Rowan left the meeting at this time.*

**SEVENTH ORDER OF BUSINESS**                      **Consideration of Proposal for Trustee Services**

Mr. Haber stated this is a decision you make in connection with this new bond issue. Both Regions and U.S. Bank are interested in serving as your trustee, but GMS has had better responsiveness from U.S. Bank.

On MOTION by Mr. Williams seconded by Mr. Lisotta with all in favor U.S. Bank was selected to provide Trustee Services.

**EIGHTH ORDER OF BUSINESS**                      **Consideration of Quotes for Barrier Arms at Las Calinas Gate**

Ms. Burns stated we included \$27,000 for gate improvements in the budget and we discussed barrier arms and camera upgrades. We have been working with Marshall Creek, and Katie at First Services has gotten some of these quotes and has done a lot of the groundwork for us. We have one quote from AT Services in the amount of \$14,363.77 and another one from Ramco in the amount of \$12,958.41. The only difference is the loop system, Ramco proposed to put it underground, which requires cutting into the pavement and AT Services proposes to mount them next to the gate operators, which initially costs more but are easier to maintain.

Discussion ensued with residents regarding the number of gate arms involved, the timing of installation. It was noted if the sensors were buried underground they would be more protected.

On MOTION by Mr. Handler seconded by Mr. McNary with all in favor the proposal from AT Services in the amount of \$14,363.77 was approved.

**NINTH ORDER OF BUSINESS**                      **Consideration of Quote to Add Additional Ponds to District's Lake Maintenance Contract**

Mr. Burns outlined the proposal for maintenance of four additional ponds.

On MOTION by Mr. Handler seconded by Mr. McNary with all in favor District counsel was authorized to prepare an amendment to the lake maintenance contract to include the additional ponds for monthly service at an additional cost of \$241.18 per month.

*Ms. Rogers left the meeting at this time but will participate by telephone.*

**TENTH ORDER OF BUSINESS**

**Discussion Regarding Price Estimate from  
District Engineer Regarding Traffic Study**

This item will be added to the list of potential projects at the next meeting.

**ELEVENTH 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**

This report was given earlier in the meeting.

**D. District Manager**

Ms. Burns stated we had a request of the HOA to leave the gate open on April 6<sup>th</sup> from 8:00 a.m. to 12:00 p.m. during the community-wide garage sale.

Ms. Rogers stated the HOA is not hosting the community-wide yard sale. We had a request from homeowners to have one, we don't typically allow individual yard sales so we granted permission to have one day designated for anyone who wanted to participate in a yard sale, but the HOA is not hosting it.

A resident stated since Marshall Creek is not participating in that other gates will remain closed. The only gate that will remain open is in the back, Las Calinas.

It was the consensus of the Board to keep the gates closed during the community-wide garage sale.

**i. Approval of Check Register**

On MOTION by Mr. Lisotta seconded by Mr. Handler with all in favor the check register was approved.

**ii. Balance Sheet and Income Statement**

A copy of the balance sheet and income statement were provided under separate cover.

**iv. Revised Amenity Rules**

Ms. Burns stated these revised rules were approved at the last meeting then sent to Marshall Creek for their approval and they had some minor amendments and we would like the Board to approve the exact version that Marshall Creek approved.

On MOTION by Mr. Williams seconded by Mr. McNary with all in favor the revised amenity rules were approved.

**TWELFTH ORDER OF BUSINESS                      Other Business**

There being none, the next item followed.

**THIRTEENTH ORDER OF BUSINESS            Supervisor's Requests and Audience Comments**

Mr. Lisotta stated it has been suggested that once the guard leaves the Las Calinas gate, it should be turned into resident access only via that gate.

Mr. Lisotta stated a comment from a homeowner was that we don't have any security at Las Callinas, and what is the Board doing about it. We are moving as quickly as we can on it and rest assured, we will get there.

A Board Member stated we would need a sign stating that after a certain hour the gate does not open.

A resident stated if someone is coming to my home from Jacksonville they have to drive an additional eight miles out of their way to come to my house.

A resident stated we are getting a new system that is more reliable and if we allow residents to go through what is the concern with using the virtual guard? We are putting cameras in those locations that can capture license plates so what is the concern about visitors coming through using the virtual guard? I would vote against it.

Mr. Lisotta stated every deterrent you add to our security is one less person perhaps that won't enter the property. The concern with that gate is no one is monitoring that situation.

A resident asked what has been deterred by having any guard there at all? Are there still crimes being committed in the community even though we have people going through a guarded gate or unguarded gate? Yes, we do.

Ms. Burns stated this a good conversation once we have the security camera options. There are things we are considering that might be ready to present at the next meeting. You can table the discussion until we have the entire gate improvement discussion.

Mr. Handler stated I would like these packets federal expressed to us so that we can make notes on it in addition to any follow-up on emails.

The rest of the Board members opted to receive electronic copies and Mr. Handler will receive a hard copy as requested.

A resident stated where the kids catch the bus there is not one bike rack. That may be an item to add to your list.

A resident stated we have a light problem at the intersection of North Loop Road and Ensenada. I have asked that it be looked into and whether FP&L will install one or if not we use some of the lights being taken out by the model home area and use those.

Ms. Burns stated Brian did reach out to FP&L and he is waiting on an answer.

Ms. Rogers stated we are probably not going to start taking everything out of that parking lot in the model area until end of April or May.

A resident stated going towards the marsh side it is very dark on Pantano Vista Way.

On MOTION by Mr. McNary seconded by Mr. Handler with all in favor the meeting adjourned at 6:37 p.m.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman