

**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 on Thursday, **August 5, 2021** at 4:00 p.m. at 625 Palencia Club Drive, St. Augustine, Florida.

Present and constituting a quorum were:

Rob Lisotta	Chairman
Stephen Handler	Vice Chairman
Scott McNary	Supervisor
John Williams	Supervisor
Charles Usina	Supervisor

Also present were:

Ernesto Torres	District Manager, GMS
Wes Haber	Hopping Green & Sams
Jennifer Kilinski	KE Law
Cheryl Graham	Riverside Management Services
Jerry Lambert	Riverside Management Services
Alison Mossing	Riverside Management Services

The following is a summary of the discussions and actions taken at the August 5, 2021 meeting. An audio copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Lisotta called the meeting to order at 4:00 p.m. Five Board members were present, constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment

Mr. Lisotta asked for any residents who have comments. There being none, the next item followed.

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THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

A. Minutes of the July 1, 2021 Meeting

Mr. Lisotta presented the July 1, 2021 meeting minutes and asked for any comments or corrections from the Board. There being no changes or questions, Mr. Lisotta asked for a motion and approval.

On MOTION by Mr. McNary, seconded by Mr. Lisotta, with all in favor, the Minutes from the June 3, 2021 Meeting, were approved.

B. Financial Statements

Financial statements were provided in the agenda and were for informational purposes. Mr. Lisotta motioned to approve.

On MOTION by Mr. Lisotta, seconded by Mr. Handler, with all in favor, the Financial Statements, were approved.

C. Check Register

Mr. Lisotta presented the check register. The Board had no questions. He asked for a motion to approve.

On MOTION by Mr. Lisotta, seconded by Mr. Handler, with all in favor, the Check Register, was approved.

FOURTH ORDER OF BUSINESS

Consideration of Retaining Hopping, Green & Sams as Legal Counsel

Mr. Lisotta stated that the Board had the option of keeping Hopping, Green & Sams as legal counsel or they could retain the new firm, KE Law Group, with whom Sarah Warren, who is currently acting as District attorney, is part of. Mr. Lisotta recommended they stay with the Hopping, Green & Sams due their history with the District as well as the matched fee schedule offered by Hopping Green & Sams. Mr. Stephens, Mr. McNary, and Mr. Williams opposed his suggestion. Ms. Kilinski presented the new firm to the Board, noting that they would be proposing a fee decrease from \$325 to \$310 for the District if they did use the new firm. Mr. Haber presented his proposal to the Board for Hopping, Green & Sams, noting that they would match the lower fee given by the new firm. He also added that since the firm did represent Lennar in certain cases, they

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would recommend that they obtain separate legal counsel for those certain cases so there were no conflicts of interest.

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with Mr. Stephens, Mr. McNary, and Mr. Williams opposed, Retaining Hopping, Green & Sams as Legal Counsel, the motion failed 2-3.

On MOTION by Mr. McNary, seconded by Mr. Handler, with Mr. Williams in favor and Mr. Lisotta and Mr. Usina opposed, Retaining KE Law Group as Legal Counsel, was approved 3-2.

FIFTH ORDER OF BUSINESS

Consideration of Proposals for Landscape Maintenance Services

Mr. Torres noted that the due diligence period regarding the score sheets had ended and the results were preliminary scored by Mr. Torres prior to the meeting. However, it was noted that scoring sheets were not received from all of the Board members. Mr. Williams asked if there was a way that they could increase Mr. Lambert’s days within the CDD, and Mr. Lisotta responded that that would be a budget item.

Mr. McNary commented that he believed that Trimac would not be able to complete the project within that price due to the fact that they have a blanket bid and excluded any extras. Mr. Usina gave a list of recommendations from various companies around the area that recommended Trimac. The Board discussed different options as far as which company to choose, including Mr. Handler recommending Duval as the choice of company. The Board combined their rankings and scores and determined the following calculations: Duval at 314 points, Trimac at 292 points, Brightview at 288 points, Down to Earth at 156 points, Yellowstone at 203 points, and VerdeGo at 164 points. Mr. Torres asked for a motion to approve Duval Landscape as the new company for landscape services.

On MOTION by Mr. Williams, seconded by Mr. Handler, with all in favor, Duval Landscape’s Proposal for Landscape Services was approved with the Mr. Handler Authorized to Negotiate Terms and Final Pricing, not to exceed the proposal amount.

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SIXTH ORDER OF BUSINESS

**Public Hearing to Adopt the Fiscal Year 2022
Budget**

**A. Consideration of Resolution 2021-07, Relating to Annual Appropriations and
Adopting the Budget for Fiscal Year 2022**

On MOTION by Mr. McNary, seconded by Mr. Handler, with all in favor, the Public Hearing was opened.

Mr. Lisotta asked if there were any public comments on the budget. Mr. Smith commented that he would like to see redistribution in the budget discussions because there was over a \$500 increase across all properties.

Mr. Lisotta asked if there were any other comments, and hearing none he asked for a motion to close the public hearing.

On MOTION by Mr. McNary, seconded by Mr. Handler, with all in favor, the Public Hearing was closed.

Mr. Torres discussed the budget, noting that he had been able to talk with the Chair and Vice Chair regarding the budget. He stated that the District was looking at a 17% increase. The assessments levied for Fiscal Year 2021 were at \$1,423,886, and the approved amount that was noticed was \$1,709,802. His recommendation as he looked at the budget was that the accountant use the carry forward opportunity and she determined that there was enough carry forward to add to the revenues, totaling \$57,207. He also added that as far as the landscaping item, after adding in the mulch piece to the contract of the landscaping, it would free up “Landscape Improvements” with a total budget of \$50,000. Field Repairs and Maintenance was dropped from \$30,000 to \$20,000 due to there being more on-site staff. He noted that Capital Improvement had the \$57,207 carry forward applied to it, making the total to \$102,000. He also added that if all those changes occurred, and they increased the Field Operations from \$48,000 to \$80,000 to bring the full-time person back on, the new total would be \$1,597,595 with a 9.9% increase.

Mr. McNary added that he hoped this would be the last budget increase and that he would fight to keep it at the same level.

Mr. Torres explained as an example that St. Johns CDD had a situation regarding refinancing bonds where they didn’t have enough capital reserves to finance their re-pavement of

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the roads that they owned. He noted they refinanced the bonds so that they could pay for the roads as they use them. He added that the method of paying as you go is the better choice because the debt would get transferred to whoever is using the roads in the future.

Mr. McNary asked Ms. Kilinski to explain the process and conditions of how they could go about doing that, and she responded that they could preliminarily engage an underwriter at no cost and look at the bond documents in conjunction with review, and they would provide a schedule of opportunities. Mr. Torres added that prior to all of that, they should look at the road conditions. Mr. McNary responded he would like to look into it, but that they should just keep going with the reserves currently. The Board made the decision to have a report done on the roads to measure the asphalt and look at the conditions of the road. They also decided to leave the capital reserves at \$110,000, allowing all of the other changes, and making it a 11.5% increase for Fiscal Year 2022.

On MOTION by Mr. Williams, seconded by Mr. Handler, with all in favor, Resolution 2021-07, Relating to Annual Appropriations and Adopting the Budget for Fiscal Year 2022, was approved.

B. Consideration of Resolution 2021-08, Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2022

Mr. Lisotta presented the resolution to the Board and asked if there were any questions. Hearing none, he asked for a motion to approve.

On MOTION by Mr. McNary, seconded by Mr. Handler, with all in favor, Resolution 2021-08, Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2022, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Designating a Regular Meeting Schedule for Fiscal Year 2022

Mr. Lisotta asked if there were any issues with the same dates and times for the meeting schedule. He noted he was in favor of going back to the regular meeting location and that they needed at least three Supervisors to attend. Hearing no objections, he asked for a motion to approve.

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On MOTION by Mr. Usina, seconded by Mr. Handler, with all in favor, the Designation of a Regular Meeting Schedule for Fiscal Year 2022, was approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Ms. Kilinski had nothing further for the Board.

B. District Engineer

There being none, the next item followed.

C. Field Manager

i. Memorandum

Mr. Lisotta asked if any Board members had questions on the Field Manager’s report, and Mr. Handler asked if Mr. Lambert was able to get any information about the light posts from FPL that were delayed. Mr. Lambert responded that he had talked to someone about it and he was waiting to hear back from them. He also asked if why there were so many gaps between the sidewalk and the lift and if that would be fixed when they completed the asphalt, and Mr. Lambert responded he would get an answer to that question.

ii. Proposals for Consideration

Ms. Mossing stated that they were planning on going full-time with Sweetwater Creek, adding that they were proposing that Mr. Lambert remain there for 3 days a week with Ms. Graham filling in for the other 2 days. The Board stated that they had understood that Mr. Lambert would be there 5 days a week and it was decided that they would come back later with a different proposal to see if that could work out.

Mr. Lisotta presented the ratification of a non-exclusive license agreement with Scott Asher for pool installation. He noted that it was already signed off on and that he just needed a motion to approve.

On MOTION by Mr. McNary seconded by Mr. Lisotta, with all in favor, the Non-Exclusive License Agreement with Scott Asher for Pool Installation, was approved.

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D. District Manager

There being nothing to report, the next item followed.

E. Amenity Facilities Manager

There being nothing to report, the next item followed.

NINTH ORDER OF BUSINESS

Supervisor Requests/Public Comment

Mr. Lisotta noted that the Dosel Lane circle of homes were originally plotted to be 83' lots, however they had been changed to a smaller size. Yet they were still assessed at the larger size and this caused some issues with Lennar completing a true-up payment. Mr. Torres responded that the current assessment roll reflected the correct amounts.

Mr. Handler also voiced a request from residents that they put a sign at the fitness center to consider wearing masks. Mr. Lisotta replied he would have a sign made.

Mr. Williams noted that there were several spots around the District where spots that contained dead plants and grass had been filled in with mulch and he asked if they could go back and fill it in with new grass to reduce the cost of mulching twice a year.

Mr. McNary also asked for an update on pine trees that were supposed to be completed along Las Calinas as a buffer, and Mr. Torres responded that it was being followed up on.

An audience member had a concern that the St. Augustine Swim Team was getting too much pool time as well as the parking issue when the swim team was there. Mr. Lisotta replied that the swim meets were over for the year and noted that he would work with residents and staff on the matter.

TENTH ORDER OF BUSINESS

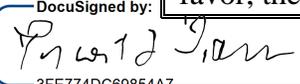
Next Scheduled Meeting – Thursday, September 2, 2021 at 4:00 p.m. at 625 Palencia Club Drive, St. Augustine, Florida 32095

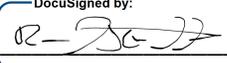
Mr. Lisotta stated next Board of Supervisors meeting is on Thursday, September 2, 2021 at 4:00 p.m. at 625 Palencia Club Drive, St. Augustine, Florida 32095.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. McNary, seconded by Mr. Handler, with all in favor, the Meeting was adjourned.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman