

**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, **October 6, 2022** 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
Charles Usina <i>by phone</i>	Supervisor
Ron Cervelli	Supervisor
John Smith	Supervisor

Also present were:

Jim Oliver	District Manager, GMS
Jennifer Kilinski	KE Law Group
Erin Gunia	Director of Amenities
Chris Hall	Field Operations Manager
Daniel Todd	Account Manager, Duval Landscape
Mike Wooldridge	Duval Landscape

The following is a summary of the minutes and actions taken at the October 6, 2022 Sweetwater Creek Community Development District's Regular Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Lisotta called the meeting to order at 4:00 p.m. Four Board members were present, constituting a quorum. Mr. Usina participated by phone.

SECOND ORDER OF BUSINESS

Public Comment

A resident commented on the website, fitness center, and asked what the funds collected were used for. Mr. Lisotta explained the 4-1 vote on the issue of the fitness center expansion. He

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explained the funds allocated to the certain areas and the Board’s direction on decisions. Discussion ensued on the length of the amenity expansion project timeline and related RFP process costs.

The resident asked why Marshall Creek is not involved in the Comcast discussion. Mr. Lisotta responded that Marshall Creek indicated they would deal with Comcast through their District and their board. He also noted the agreements would still need to be separate.

Resident commented on child watch issue and CPR classes.

THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

A. Minutes of the September 13, 2022 Meeting

Mr. Lisotta presented the September 13, 2022 meeting minutes and asked for any comments or corrections from the Board.

B. Financial Statements

The financial statements were provided in the agenda and were for informational purposes.

C. Check Register

Mr. Lisotta presented the check register.

On MOTION by Mr. Handler, seconded by Mr. Smith, with all in favor, the Consent Agenda, was approved.

FOURTH ORDER OF BUSINESS

Comcast Presentation / Q&A (Supervisor Lisotta)

Mr. Lisotta noted the agenda packet includes a proposed agreement to allow Comcast to lay the infrastructure in CDD easements so that residents can utilize the service. Supervisor Cervelli wanted to know why they would not allow AT&T. Mr. Lisotta responded that he was not opposed to AT&T doing the same thing. He added that Comcast had approached the District to explore this option. He noted there is a presentation proposed for the evening and the agreement would be that Comcast agrees to pay the CDD in consideration for their ability to lay the infrastructure. Supervisor Cervelli stated he wanted a presentation to understand what benefits and services they would offer and other presentations from competitors before a motion. Discussion

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ensued on why others were not allowed the option and why this agreement from Comcast would be approved.

Ms. Kilinski explained, in response to questions, the process to date and that it was a 10-year agreement. Mr. Lisotta stated the residents had asked for a cable company and the objective was to allow Comcast to lay the infrastructure and this would not mean that everyone had to use Comcast. It was noted that the Board had agreed to a presentation by Comcast not a contract agreement. It was pointed out that the Board did not agree to a contract. Mr. Lisotta noted he did not understand a presentation was needed, he thought it would be a Q&A session. Discussion ensued on the specifics of the services of the agreement and what Comcast would provide. It was noted that the CDD would provide access to common areas of the property and Comcast would install and maintain lines and other equipment. Comcast proposed a one-time payment to the CDD of \$69,920. Mr. Smith expressed his concerns and had more questions about the specifics and other issues. The Board felt they needed more information and a presentation. After discussion, it was decided to have Comcast provide a presentation at the next Board meeting and asked Mr. Smith to work with Comcast and counsel on resolving his outstanding questions. There was no vote on this item.

FIFTH ORDER OF BUSINESS**Discussion of Landscape Maintenance Matters (Supervisor Usina)**

Duval landscaping discussed specific maintenance matters to include staffing, training, and current projects. Mr. Usina discussed areas of concern on Duval performance deficiencies including overall services, flower bed planting, grasses, irrigation, and other problems.

Mr. Usina motioned to issue an RFP for landscape maintenance services.

Mr. Handler noted the lack of understanding of Duval on the engineering plan on a specific area of the CDD. However, he stated Duval had corrected the issue. Discussion ensued on complaints and continued issues.

Mr. Lisotta seconded the motion made by Mr. Usina to issue an RFP for landscape maintenance services.

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Mr. Smith and Mr. Handler felt that Duval and Chris were doing the job. The Board discussed the RFP process and how Duval played into the process. Ms. Kilinski responded on how the RFP process would work and if Duval would still be under contract unless and until a termination notice by either party was rendered or the contract expired. She explained the contract renewal and that it was an automatic renewal and a 3-year term. She added there was a termination provision. The Board discussed the previous decision to go with Duval.

Mr. Lisotta asked for a vote.

On voice vote with Mr. Usina, Mr. Lisotta and Mr. Cervelli in favor and Mr. Handler and Mr. Smith opposed, the motion to issue an RFP for landscape maintenance services was approved 3-2.

SIXTH ORDER OF BUSINESS

Consideration of Proposals for Construction Services for Fitness Center Expansion Project and Resolution(s) Related to Same

A. Proposals

- 1. DCS Builds**
- 2. Hoffman**
- 3. Invision**

B. Option A: Consideration of Resolution Rejecting All Bids

C. Option B: Consideration of Resolution Regarding Intent to Award

DCS Builds proposal was for \$1,756,619. Hoffman was for \$1,595,900 and Invision proposal was for \$1,518,961. All three bids for the fitness center expansion project were rejected. The project was considered dead.

On MOTION by Mr. Lisotta , seconded by Mr. Smith, with all in favor Option A; Consideration of Resolution Rejecting All Bids, was approved 5-0.

SIXTEENTH ORDER OF BUSINESS

Discussion on Child Watch

**The Board took this item out of order.*

Mr. Lisotta asked if any of the Supervisors wanted to take a vote on Child Watch. Mr. Handler made the motion to discontinue Child Watch. He noted the effective date as November 12th due to parent/teacher conference, but statistics did not support continuing Child Watch. Mr.

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Smith seconded the motion. Mr. Lisotta asked for discussion. He noted an email with figures that were compiled from the Amenity Center which reflected the cost for 2022 at \$15 per household annually. It was noted it was not a matter of what it cost the residents; it is what the space will utilize. Discussion ensued on the space issue, the overall usage, renovation, and the costs of running the program. Mr. Cervelli felt the space was needed for the fitness center. After discussion the motion passed 3-2 and will end November 12, 2022.

On MOTION by Mr. Handler, seconded by Mr. Smith, with three in favor and Mr. Usina and Mr. Lisotta opposed, Terminating Child Watch as of November 12, 2022, was approved 3-2.

SEVENTH ORDER OF BUSINESS Discussion of Pickleball Courts (Supervisor Smith)

Mr. Smith discussed the pickleball court issue and drawings that reflect the lines of the District's property and the fitness center. He described the measurements for the courts and the location. He noted the cost of the courts was estimated at \$35,000 per court for a total of \$140,000 to build the courts. Other costs would include lighting, security cameras for a total under \$200,000. He asked for direction on how to move forward.

After discussion ensued, the Board motioned to direct staff to work on the pickleball expansion project proposals to start with engineering, with a not to exceed of \$10,000 for engineering costs. Mr. Lisotta clarified the fitness center is \$44,000, the expansion and other costs to include engineering costs of \$10,000. *Mr. Usina did not participate in the vote on this item as he was temporarily not available by phone while in flight.*

On MOTION by Mr. Smith, seconded by Mr. Cervelli, with four in favor, To Give Staff Direction to Work on Pickleball Expansion Project Proposals with a Not to Exceed of \$10,000 for Engineering Costs, was approved.

EIGHTH ORDER OF BUSINESS Discussion of Site Plan and Overlay of Fitness Center (Supervisor Handler)

Mr. Smith stated that there was another item to bring before the Board. He asked the Board for consideration of using the office and converting it to additional space for the fitness center equipment, etc. He proposed a motion for the Board to obtain a site plan and overlay from an

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architect and had spoken to Mike Lucas on the issue. He noted the Board could see what is involved and have contractors look at it. He asked for Board approval to have Mike Lucas create the site plan. He added this would create a new office for Ms. Gunia. Mr. Lisotta responded he had spoken to Ms. Gunia and there was another possibility. She commented she had spoken to vendors on logistics. Discussion ensued on using a general contractor, and the specifics of the space and renovation and other possibilities instead of using overlays and site plans. It was suggested to assign Ms. Gunia to coordinate this effort. He noted he wanted protocol to be followed and added the upper limit was \$461,000. Further discussion was held on the estimates. Mr. Smith stated he would retract the motion. Mr. Lisotta asked for direction on how to proceed. The motion was made to direct staff and Chair to obtain quotes for renovation of the office space. Mr. Lisotta clarified the motion and approval.

On MOTION by Mr. Handler, seconded by Mr. Smith, with all in favor, to Direct Staff and Chair to Obtain Quotes for Renovation of the Office Space, was approved 4-0. Mr. Usina was in flight and not available to vote.

After the motion discussion ensued on accepting the single bid.

On MOTION by Mr. Smith, seconded by Mr. Handler, with all in favor, the fitness expansion and equipment proposal provided by Heartline, was approved 4-0. Mr. Usina was not available to vote.

NINTH ORDER OF BUSINESS

Discussion of CDD Website (Supervisor Smith)

Mr. Smith discussed the CDD website and the number of years of minutes that were needed to keep in PDF form. He added not everything was restored from the server crash. Mr. Oliver clarified that while some documents are maintained on the CDD website, his office is designated as the official District records site. The processes for requesting and reviewing records, ADA compliance, and public records retention and requirements were discussed further. Mr. Oliver noted the records on the website meet statutory requirements.

TENTH ORDER OF BUSINESS

Discussion of Updating Capital Reserve Study (Supervisor Smith)

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Mr. Smith noted a copy of the Capital Reserve study had been requested. It was asked if another study was needed since the last one was 2018. Mr. Lisotta noted they were advised to wait and revise it once the expenditures are made.

ELEVENTH ORDER OF BUSINESS Discussion of Tree Replacements (Supervisor Smith)

Mr. Smith stated he had asked Duval about the tree issue and the analysis of what was going on. He noted that Duval had not responded. Mr. Lisotta commented in his opinion there were plenty of trees, the quote on trees was expensive, and instead it could be sodded. Discussion ensued on the possibility of sodding where the trees were removed. Mr. Smith added he had found a cost savings for the security from Comcast, and it would save around \$300-\$400/month.

TWELFTH ORDER OF BUSINESS Discussion of Path Forward with Envera Security (Supervisor Cervelli)

Mr. Cervelli discussed the security issue and the cable locations. Costs were discussed of new cameras. Mr. Lisotta asked about a joint meeting with both Boards on security. He noted the Board was in favor of a joint meeting.

THIRTEENTH ORDER OF BUSINESS Consideration of Resolution 2022-15, Setting a Public Hearing for the Purpose of Adopting Amended and Restated Rules of Procedure

Mr. Lisotta noted that Resolution 2022-15 was for a public meeting for adopting the amended and restated rules of procedures. Ms. Kilinski commented on the process and the changes. Mr. Lisotta deferred to Mr. Handler on the rule change and the effectiveness of the rule change procedures. Ms. Kilinski noted they could delay action on this until a later date. After discussion the Board decided to delay and there was no action.

FOURTEENTH ORDER OF BUSINESS Consideration of Proposal from Future Horizons for Fiscal Year 2023 Lake Maintenance Services

Mr. Lisotta asked for a motion to approve the proposal from Horizons for the 2023 Lake Maintenance Services.

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On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, the Proposal from Future Horizons for Fiscal Year 2023 Lake Maintenance Services, was approved.

FIFTEENTH ORDER OF BUSINESS Consideration of Proposal for Landscape Enhancements to Fitness Center Grounds (Supervisor Smith)

Discussion was held on the enhancements and some of issues with placement of the controllers. This was tabled to a future meeting.

SEVENTEENTH ORDER OF BUSINESS Other Business

Mr. Lisotta discussed the Comcast issue and that it was brought to him as a possibility for a needed service. He stated his intent was to bring competition that residents had requested. He asked the Board for cooperation and to revisit the issue. Discussion ensued on wanting to hear a presentation. Mr. Smith voiced concerns about agreeing to this project. Ms. Kilinski addressed some of the concerns, issues, insurance provisions, and the language in the agreement. Discussion continued on taking advantage of Mr. Smith’s expertise, experience and knowledge on the subject, the legal expertise of Ms. Kilinski, and other damages that might be created as a result of this work.

EIGHTEENTH ORDER OF BUSINESS Staff Reports

A. Landscape Team – Report

There being none, the next item followed.

B. District Counsel

Ms. Kilinski noted there was no further reports.

C. District Engineer – Consideration of Requisition No. 52

Mr. Lisotta stated that these requisitions are tied to the District Engineer. Mr. Oliver noted this was for \$126.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, Requisition No. 52, was approved.

D. Field Manager – Report

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Mr. Hall noted the issue with vandalism and the brush that needed trimming.

E. District Manager

Mr. Oliver commented on the adopted budget for the current year and a line item for the fitness equipment lease and noted Ms. Gunia was able to secure three proposals. He asked the Board for authority to work with someone on the Board to complete the lease documents.

F. Director of Amenities

Ms. Gunia updated the Board on the Amenity Report including the Fall Festival and other events. The outdoor area for fitness and exercise was discussed.

NINETEENTH ORDER OF BUSINESS

Supervisor Requests/Public Comment

Resident Comments:

There were no resident comments.

Supervisor Comments:

There were no Supervisor comments.

TWENTIETH ORDER OF BUSINESS

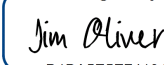
**Next Scheduled Meeting – Thursday,
November 3, 2022 at 4:00 p.m. at 625 Palencia
Club Drive, St. Augustine, Florida 32095**


Mr. Lisotta noted the next Board meeting will be held on Thursday, November 3, 2022 at 4:00 p.m. at 625 Palencia Club Drive, St. Augustine, Florida 32095.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Handler, seconded by Mr. Cervelli, with all in favor, the meeting was adjourned.

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