

**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, **December 1, 2022** at 4:00 p.m. at 625 Palencia Club Drive, St. Augustine, Florida.

Present and constituting a quorum were:

Stephen Handler	Chairman (Newly appointed)
John Smith	Vice Chairman (Newly appointed)
Rob Lisotta	Supervisor
Charles Usina	Supervisor
Ron Cervelli	Supervisor

Also present were:

Jim Oliver	District Manager, GMS
Roy Van Wyk	KE Law Group
Erin Gunia	Director of Amenities
Chris Hall	Field Operations Manager
Daniel Todd	Account Manager, Duval Landscape
Mike Wooldridge	Duval Landscape
Robert Bullock	Duval Landscape

The following is a summary of the discussions and actions taken at the December 1, 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 joined the meeting in person late.

SECOND ORDER OF BUSINESS

Public Comment

- A resident commented on potential usage for areas.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Oath of Office for Newly Elected Supervisors

Mr. Oliver administered the oath of office to newly elected Supervisors John Smith and Rob Lisotta.

December 1, 2022

Sweetwater Creek CDD

The following item was moved up the agenda.

**SEVENTH ORDER OF BUSINESS Discussion Regarding Term Limits
(Supervisor Cervelli)**

Mr. Cervelli commented on the term limits for Chairman and noted that change was good. He asked if others wanted to discuss otherwise, he felt they should follow the two consecutive 1-year terms. Discussion ensued on how each Supervisor felt on the issue and they agreed this should be a gentlemen’s agreement for the two consecutive 1-year terms. Mr. Lisotta noted that he did not feel a motion was appropriate. It was noted that Mr. Usina should participate in this discussion, but was delayed and he should be here late.

THIRD ORDER OF BUSINESS Organizational Matters (Continued)

B. Consideration of Resolution 2023-02, Designating Officers

Mr. Lisotta ask if they wanted to make changes to the officers. Mr. Smith made the motion to consider a new Chair, Mr. Handler. Nominations were taken around the room. Mr. Smith, Mr. Cervelli and Mr. Handler nominated Mr. Handler for Chair. Mr. Lisotta nominated Mr. Usina for Chair. Mr. Cervelli, Mr. Handler, and Mr. Smith nominated Mr. Smith for Vice Chair. Mr. Lisotta nominated Mr. Usina for Vice Chair.

The new slate of officers as nominated was Mr. Handler as Chairman, Mr. Smith as Vice-Chair, and Mr. Lisotta, Mr. Cervelli, and Mr. Usina as Assistant Supervisors.

On MOTION by Mr. Smith, seconded by Mr. Cervelli, with 4-0 vote in favor, the Resolution 2023-02, Designating Officers as Mr. Handler as Chair and Mr. Smith as Vice Chair, and other officers as Assistant Supervisors, was approved 4-0.

Mr. Usina was not present at this point in the meeting. Mr. Handler commented on the new role, and thanked Mr. Lisotta for his service as Chairman.

FOURTH ORDER OF BUSINESS Approval of the Consent Agenda

A. Minutes of the November 3, 2022 Meeting

Mr. Handler presented the November 3, 2022 meeting minutes and asked for any comments or corrections from the Board.

December 1, 2022

Sweetwater Creek CDD

B. Financial Statements

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

C. Check Register

Mr. Handler presented the check register and asked Mr. Oliver for comments. It was noted this was the new fiscal year. A question was asked about capital reserve. Discussion was held on money left for spending on amenities. Mr. Usina was not present at the meeting at this point.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, the Consent Agenda, was approved 4-0.

FIFTH ORDER OF BUSINESS**Updates on Capital Improvement Projects****A. Fitness Center****1. Plans**

Mr. Handler stated there was a Supervisor on the Board that has experience in commercial renovation, and he has the time to be there every day. Mr. Handler offered Mr. Smith the position of Lead Supervisor for the Fitness Center. Mr. Lisotta questioned on what front would Mr. Smith lead because the project is in the demo stage and the plans for construction were already completed and approved. Mr. Lisotta wanted clarification on what the recommendation was based on. Mr. Handler stated Mr. Smith had the opportunity to be there all day, any time of day, he had experience on doing commercial remodel in the past and the expertise to look at it. Discussion ensued on what the lead role would entail and the opinions of why this change would be made. Ms. Gunia commented that the major construction has been completed or is in process as far as the structure itself. After discussion, Mr. Lisotta noted he was still willing, able, and eager to continue as the lead for this project.

Mr. Handler stated that a budget needed to be set up for each of the three areas, the fitness center, the pickleball courts, and the parks. He noted Mr. Usina was not here at this point. He recommended setting an upper limit for the pickleball courts and the fitness center at about \$300,000. He doesn't mean they will be at this point, but wanted a budget to be set aside. The other \$500,000 he wanted for the parks and contingencies. Continued discussion was held on costs of other investments and security systems, the proposals and if further Board approval would be

December 1, 2022

Sweetwater Creek CDD

needed. It was clarified this would be projected limits and Board approval would be needed for specifics.

Ms. Gunia wanted to know if this budget limit would authorize her to spend the limit or would Board approval be needed. She had a list of items for review. Mr. Handler noted that additional parking was needed with the addition of the pickleball courts.

The Board discussed proposals of the following budgets:

- Fitness Center - \$200,000
- Pickleball Courts & FFE - \$325,000
- Parks (multiple) - \$350,000
- Remaining funds balance to serve as contingency.

2. Proposals

Ms. Gunia reviewed the proposals in the packet. She explained the increase in pricing from Invision includes several items such as the laundry room, the flex space, meditation room and storage spaces.

On MOTION by Mr. Smith, seconded by Mr. Cervelli, with all in favor, the Proposal from Invision for Additional Space, was approved 4-0.

She discussed the added equipment proposal and flooring proposal. Mr. Lisotta suggested looking now for options for new space for potential Child Watch space in the future. Mr. Handler noted the Board had made a position for elimination of Child Watch and discussion ensued on the repurposing of several areas. Ms. Gunia suggested this extra \$2,000 could make good use of space.

On MOTION by Mr. Smith, seconded by Mr. Lisotta, with all in favor, the Extra Money to Support Spending for Flooring with a Not to Exceed \$5,000, was approved 4-0.

Ms. Gunia reviewed other proposals to include audio equipment. Discussion ensued on cost, space, and additional equipment. The total is \$40,000 for equipment, audio and other items needed. She added she would come back next month for security cameras.

December 1, 2022

Sweetwater Creek CDD

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, the Proposal for Fitness Equipment, Audio Equipment, and Overage for \$40,000, was approved 4-0.

B. Pickleball Courts

This topic was covered earlier in the meeting and a motion was made.

On MOTION by Mr. Smith, seconded by Mr. Cervelli, with all in favor, the Proposal for Pickle Ball Courts, was approved 4-0.

Mr. Smith reviewed the pickleball court proposals. He proposed putting the same shades and outdoor furniture at the pickleball court area. He added this will include the fencing and the screening. He reviewed all the vendors that submitted proposals. He added he cannot do anything until the survey is done and it should be completed in early January. It was requested the Board authorize the issuance of the RFP and approve the evaluation criteria in the packet. It was noted all details would be worked out in January.

On MOTION by Mr. Smith, seconded by Mr. Lisotta, with all in favor, Authorizing the Board to Issue the RFP and Approve the Evaluation Criteria for Pickleball Court, was approved 4-0.

The following items were taken out of order of the agenda to allow for Mr. Usina to weigh in on the parks. Mr. Usina jointed the meeting by phone during this time.

SIXTH ORDER OF BUSINESS

Consideration of Code of Conduct Policy (Supervisor Cervelli)

Mr. Cervelli covered the code of conduct policy including social media. He noted today this is not as much of an issue as it was at one time. He added social media is still a concern with a Board member commenting. He asked for the Board to agree if they go on social media to make it a Board decision and not an individual decision.

Mr. Cervelli made a motion to approve the code of conduct policy and Mr. Smith made a second. Further discussion continued.

Mr. Lisotta noted his concerns of not having enforcement and will not sign it. He added he refused to take a Board position on items and wanted to have his 1st amendment right to speak his

December 1, 2022

Sweetwater Creek CDD

thoughts. Discussion ensued on the actual document, wording of the document, support of each other, meeting discussion and enforcement. Mr. Usina added comments from the phone on his perspective. Mr. Handler added comments about the Sunshine Law and Board members making comments on social media. Constitutional rights were further discussed.

Mr. Van Wyk added comments on Board responsibilities to obey the Sunshine Law. He noted it was an individual responsibility to make sure they don't violate the Sunshine Law. The Sunshine Law is a prohibition on the discussion of District items with other elected officials from the same Board about items that will come before the Board for discussion and vote. He added he can't say that you can't respond to friends, but you should not have a discussion between Board members. Social media is a fine line and can be easily crossed. He suggested Board members do not respond on social media. Mr. Handler noted this was needed to have it on record. Discussion continued on social media threads and Board responses. Mr. Handler asked Mr. Van Wyk to add comments on social media and Board responses. Mr. Van Wyk noted this was not an enforceable document and suggested the Board not adopt given discussion by the Board. Mr. Handler called for a vote.

On voice vote with one in favor and four opposed, the code of conduct policy was not approved.

EIGHTH ORDER OF BUSINESS

Update on Grounded Boat (Supervisor Cervelli)

Mr. Cervelli stated he understood the owner had been contacted and the owner stated he was in contact with his insurance company to get removal. He added the St. Johns Sheriff's Office had conversation with the boat owner relative to timelines of removal. It was noted it was 45 days. Mr. Cervelli added by the first of the year the boat owner or insurance company should remove the boat or potential criminal action would be taken. Mr. Van Wyk noted the state and local offices have been contacted.

**The Board took a 5-minute recess at 5:15 p.m. and would resume at 5:20 p.m. Mr. Usina joined the meeting in person at this time.*

TWELFTH ORDER OF BUSINESS

Staff Reports

A. Landscape Team

The team covered the updates on new annuals, sodding, replacements and other items in

December 1, 2022

Sweetwater Creek CDD

progress. Discussion ensued on the \$5000 quote for playground woodchips. It was clarified the woodchips were certified.

On MOTION by Mr. Cervelli, seconded by Mr. Smith, with all in favor, Playground Mulch Installation for \$5,000, was approved 5-0.

Mr. Smith mentioned the irritation issues which caused the St. Augustine grass to die. He asked what the plan is to remedy the issue. Mr. Woolridge responded that they will begin to replace the sod within the next two weeks at Duval's expense.

Mr. Smith suggested a board member be present for inspections on the irrigation systems. Mr. Usina requested the reports generated by recently installed "smart controller" irrigation system equipment. The Board asked for status of poinsettias per contract. The decision was made that annuals will be changed and that petunias are not a good seasonal choice. Further discussion continued on installation of oleanders.

FIFTH ORDER OF BUSINESS

Updates on Capital Improvement Projects (Continued)

C. Parks

Mr. Usina mentioned at the last meeting development of Onda Park was discussed and stated that he does not believe it is in the best interest of the community to put all resources into one park or area. He asked the Board to consider how much money the pickleball project will cost and how much money is earmarked for the fitness center, and to put a contingency buffer in and whatever funds are remaining, allow a certain amount of funds for Mr. Usina's project.

Discussion continued on budgeting for various projects. Mr. Handler wanted to know the number of locations for parks. Mr. Usina wanted a ballpark for spending on this project. Mr. Handler noted the need for parking as budgeting was considered. Discussion continued on various locations for parks.

The Board discussed proposals of the following budgets: Fitness Center - \$200,000, Pickleball Courts & FFE - \$325,000, Parks (multiple) - \$350,000, and remaining funds balance to serve as contingency.

NINTH ORDER OF BUSINESS

Discussion on Revisions to Suspension Rule

December 1, 2022

Sweetwater Creek CDD

This item was discussed, and it was noted a public hearing was needed. Mr. Lisotta wanted to know what the current rule was for the District. Mr. Lisotta suggested the Board pause on this decision and reach out to Marshall Creek to ensure no conflicting language in the policies are adopted by the two sister Districts. A motion was made to table this issue.

On MOTION by Mr. Usina, seconded by Mr. Lisotta, with all in favor, tabling the Discussion on Revisions to Suspension Rule, was approved 5-0.

TENTH ORDER OF BUSINESS

Discussion of Issues Brought up at Marshall Creek Meeting (Supervisor Smith)

Mr. Smith shared his concerns on the damage to the dock and budgeting for sharing the expenses for repair. Discussion ensued on cost, timeline, repair and maintenance costs.

ELEVENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS

Staff Reports (Continued)

B. District Counsel

District Counsel noted a letter had been received from the HOA regarding wetland issues and they have been addressed. A letter has been sent to the property owner. Discussion continued on decision to take action or to drop this issue.

C. District Engineer

1. Consideration of Requisitions No. 58-59

Mr. Oliver gave an overview of the requisitions #58 and #59 on the area surveyed and the reimbursement on the initial work.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, Requisitions No. 58-59, were approved 5-0.

2. Consideration of Work Authorization 14 for Palencia Phase 1 Surveying

December 1, 2022

Sweetwater Creek CDD

Mr. Oliver explained the Work Authorization 14 on a flooding issue and the surveying to detect the problem. It was asked if this was a necessity or not. Mr. Lisotta expressed concerns on the water and flooding and lack of confirmation on corrections.

Mr. Handler made the motion to approve the work authorization. The motion failed due to lack of a second.

D. Field Manager – Report

Mr. Hall was commended on the painting of the basketball court. Mr. Hall summarized the Field Manager’s report. Mr. Usina had a question regarding a check issued to Duval removal for fallen trees. He expressed concerns on how the costs added up for landscape maintenance. Mr. Lisotta explained he approved one of the projects on removal of a tree. Discussion ensued on tree removal due to liability, concerns with paying Duval and oversight of their work.

E. District Manager – Discussion Regarding Board Direction for Court Resurfacing Contractor

Mr. Oliver noted court resurfacing had previously been discussed. Sport Surfaces had been contacted for refund and there has been no response from the company. Mr. Smith will work with District Counsel to make a joint call in a final attempt to secure a refund. If there is no response, the small claims court will be next if it is worth the legal costs to pursue.

F. Director of Amenities

Ms. Gunia noted the tree lighting would be December 2, 2022.

THIRTEENTH ORDER OF BUSINESS Supervisor Requests / Public Comment

Resident Comments:

A resident commented on her previous request for CPR training to residents. Discussion ensued on how to proceed and costs for providing.

Supervisor Comments:

A question was directed to Mr. Hall regarding parks, security, cameras, and costs.

Mr. Handler ask for updates on Comcast. It was noted that Comcast is working on the 3 red line areas of concerns on insurance liability risks, customer service, and fee. Mr. Lisotta stated the compensation is not changing. Comcast topic will be brought back to the agenda in January. It was noted the two areas of concerns are risk and services.

December 1, 2022

Sweetwater Creek CDD

Mr. Lisotta made the motion the meetings be capped at 2 hours. It was noted it is the responsibility of the Chair to make the direction and control the meeting.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with Mr. Handler and Mr. Cervelli opposed, Capping the Meetings to 2 hours, was approved 3-2.

FOURTEENTH ORDER OF BUSINESS Next Scheduled Meeting – Thursday, January 5, 2023 at 4:00 p.m. at 625 Palencia Club Drive, St. Augustine, Florida 32095


Mr. Handler noted the next Board meeting will be held on Thursday, January 5, 2023 at 4:00 p.m. at 625 Palencia Club Drive, St. Augustine, Florida 32095.

FIFTEENTH ORDER OF BUSINESS Adjournment

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with all in favor, the meeting was adjourned.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman