

**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 **Wednesday, February 8, 2023** at 4:00 p.m. at 625 Palencia Club Drive, St. Augustine, Florida.

Present and constituting a quorum were:

Stephen Handler	Chairman
John Smith	Vice Chairman
Rob Lisotta	Supervisor
Charles Usina	Supervisor
Ron Cervelli	Supervisor

Also present were:

Jim Oliver	District Manager, GMS
Jennifer Kilinski	District Counsel, KVW
Erin Gunia	Director of Amenities
Chris Hall	Field Operations Manager, RMS
Daniel Todd	Account Manager, Duval Landscape
Mary Marchiano	Duval Landscape

The following is a summary of the discussions and actions taken at the February 8, 2023 Sweetwater Creek Community Development District's Regular Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Public Comment

A resident thanked the Board for the CPR class that was offered.

A resident read a statement on behalf of her neighbors stating, "When the Isle of Palencia on Rio Del Norte was developed, one of the aesthetics envisioned was a live oak tree lined street. The owners on the marsh side of the street with sidewalk medians consist of 42 homes. There are approximately 82 live oak trees on the sidewalk medians. This is an average of almost two live oak trees per home, give or take one or two. Just to give perspective, Rio Del Norte Road is 0.8

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miles long and an average lot frontage is approximately 100-square feet. The last of the live oak trees built on Rio Del Norte ended up three to four post warranty years later with dead or clearly unhealthy trees requiring replacement due to installation negligence; 68 fit these descriptions. No remedy for our tree dilemma was found after two years of effort with neither the developer, DR Horton, their contract for landscape, or Sweetwater Creek CDD. At first account they had no remedy either as they said the developer's tree plan could not be altered except for a few alternatives similarly problematic in placement until we asked the question, can any street median trees be placed in our common area as an alternative, and the answer was yes, provided that we pay \$100 for a survey to mark utility lines. Since Sweetwater Creek owns the common areas around Rio Del Norte, we are once again asking for some help in mitigating a small amount of burden some owners will face in replacement of trees, root remediation, sidewalk curb and paver replacement. What we're proposing is an individual homeowner donation and paid planting of Sweetwater Creek approved trees in an irrigated portion of one of our common areas. This will leave us with more spacing in front of some homes."

A resident stated that some residents have started to hear wild boars again.

THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

A. Minutes of the January 5, 2023 Meeting

There were no comments on the minutes.

B. Financial Statements

Copies of the financial statements were provided in the agenda package for informational purposes.

C. Check Register

A copy of the check register totaling \$55,860.40 was included in the agenda package.

On MOTION by Mr. Smith, seconded by Mr. Cervelli, with all in favor, the Consent Agenda was approved 5-0.

FOURTH ORDER OF BUSINESS Staff Reports

A. Landscape Team

1. Maintenance and Irrigation Reports

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Copies of the landscape reports were included in the agenda package for the Board’s review.

Mr. Todd stated that the palm trees in La Palma Park need to be trimmed. Mr. Smith added the quote to trim the Palm trees is \$7,000. Mr. Smith also added that the Crepe Myrtles have not been trimmed in several years and a lot of the Crepe Myrtles in Onda park are dying with some needing to be removed. A proposal to trim the Crepe Myrtles is quoted at \$4,436.28. Mr. Smith proposed setting up a schedule for tree trimmings in the future.

Mr. Usina suggested looking into companies that specialize in trimming trees to ensure the best price for such services.

On MOTION by Mr. Smith, seconded by Mr. Lisotta, with Mr. Smith, Mr. Lisotta and Mr. Handler in favor and Mr. Usina and Mr. Cervelli opposed, the quotes for trimming the Palm and Crepe Myrtle trees were approved 3-2.

Mr. Smith asked that a map of irrigation controller locations be provided.

2. Consideration of Proposal for Landscape and Irrigation Maintenance Services for Fitness Center, Competition Pool and Dog Park Areas

Mr. Handler informed the Board that Marshall Creek currently holds the contract for the fitness center, competition pool and dog park areas, and Duval has proposed Sweetwater Creek taking over the areas to avoid issues borne by two landscape contractors maintaining adjacent areas.

Ms. Kilinski stated that she has spoken to Marshall Creek’s counsel regarding the potential of the change in contracts. The interlocal agreement allows for the districts to work together on transitioning those particular areas with a 60-day notice of termination, unless they are willing to transition it faster. The cost for maintenance of those areas is approximately \$25,000.

Mr. Lisotta stated he was not in favor of providing Duval any more work while they are in a probationary period. The motion below as made to table consideration of the proposal.

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with Mr. Smith, Mr. Lisotta Mr. Usina and Mr. Cervelli in favor and Mr. Handler opposed, tabling consideration of the proposal to add new areas to the landscape contract was approved 4-1.

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Mr. Handler informed the Board that Duval replaced plants eaten by deer at their own expense.

Mr. Smith proposed adding pine straw in the areas in which the grass is dying due to too much shade under trees in an effort to save on irrigation. Mr. Lisotta asked for an estimated cost on the pine straw prior to considering approval.

B. District Counsel

Ms. Kilinski reminded the Board that at the last meeting the Board considered designating certain parks as safe spaces. At a Board of County Commissioners meeting, staff asked for authorization to revisit the related County ordinance. The County attorney disclosed that they were undergoing a review and modifications to the ordinance but did not elaborate. District staff will continue to work with the County on the issue.

Mr. Handler asked for an update on the grounded boat discussed in previous meetings. Ms. Kilinski responded that FWC sent representatives out to look at the boat and it has been red tagged.

C. District Engineer

1. Ratification of Requisitions 66 and 68

Mr. Oliver gave an overview of requisition numbers 66 and 68, noting they were signed between meetings to ensure timely processing to keep projects moving.

On MOTION by Mr. Smith, seconded by Mr. Cervelli, with all in favor, requisition numbers 66 and 68 were ratified 5-0.

2. Consideration of Requisitions 67, 69, 70 and 71.

Mr. Oliver gave an overview of requisitions 67, and 69 through 71.

On MOTION by Mr. Smith, seconded by Mr. Cervelli, with all in favor requisition numbers 67, 69, 70 and 71 were approved 5-0.

D. Field Manager – Report

Mr. Hall provided the Board with an overview of the operations report, a copy of which was included in the agenda package.

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E. District Manager

Mr. Oliver noted he would provide an overview of the budget process for the upcoming fiscal year at the next meeting.

Mr. Handler asked for clarification on line items over budget for this fiscal year that were mentioned earlier in the meeting by Mr. Cervelli.

Mr. Oliver responded that the first line item over budget is landscape due to \$25,000 worth of ground dressings expensed in October. The second is the tree line item due to unexpected tree removals.

Mr. Usina asked that the tree line item be separated to create one for annual tree maintenance and another for emergency tree removals.

Mr. Cervelli forewarned that while the utilities line item is currently favorable, FP&L has been looking to push increases to consumers.

F. Director of Amenities

Ms. Gunia informed the Board that the gas heaters have been installed for the pool and provided updates on the fitness center renovations.

The following item was taken out of order of the agenda.

SIXTH ORDER OF BUSINESS**Updates on Capital Improvement Projects****A. Fitness Center**

Mr. Lisotta reported that the rearrangement of the fitness equipment and purchase of new equipment has been received well.

Mr. Usina stated that he and Ms. Gunia have been discussing the need to update the security camera system to incorporate the pickleball courts, fitness center and parking lot outside the fitness center.

B. Pickleball Courts

Mr. Smith reported that there will be four pickleball courts side by side and noted that other than the paint colors, the aesthetic of the courts will match the tennis courts. A reservation system is also planned for usage of the courts.

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C. Parks

Mr. Usina and Mr. Hall presented proposals totaling \$78,597.60 for installation of a full-size basketball court off Glorietta. Mr. Usina explained they're looking at a play structure and a swing to be installed towards Las Calinas, options for Onda Park, as well as locations to install a dog park. Mr. Usina asked for approval of funds to install a basketball court, play structure and a swing set in the Glorietta area. He will work with England Thims & Miller on finalizing details such as the survey and any necessary permits.

Ms. Kilinski noted agreements would be drafted for the projects.

Mr. Lisotta asked that more quotes for the basketball court be obtained due to the caveats highlighted in the proposals from Pro Sealed Asphalt.

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with all in favor, authorizing an amount not to exceed \$115,000 for installation of a basketball court, and a playground was approved 5-0.

FIFTH ORDER OF BUSINESS

Discussion of Updated Comcast Proposal

Mr. Smith informed the Board there was a concern for how to protect the residents should damages occur while the utility lines are being installed, so language has been added to require a \$100,000 bond that would be posted in cash to an account that the District Manager would manage, however he stated that he believes it's a lot of risk for the homeowners. It was noted those changes have not yet been discussed with Comcast to see if they would approve the language.

Mr. Lisotta stated his preference for continuing to negotiate with Comcast.

Mr. Handler stated that he had concerns with fiber becoming antiquated and the number of problems installation could cause for the residents.

Mr. Usina commented that residents are consistently looking for other options for utility providers.

Mr. Cervilli commented on the issues he's had with Comcast in his business.

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with Mr. Lisotta and Mr. Usina in favor, and Mr. Handler, Mr. Smith and Mr. Cervelli opposed, moving forward with continuing to negotiate with Comcast was not approved 2-3.

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SEVENTH ORDER OF BUSINESS Food Court Cooperation with Marshall Creek

Mr. Cervelli stated that because of his restaurant experience he was asked what could potentially be done with the pool. He has made some recommendations on the menu and the equipment that will be shared with Marshall Creek.

Ms. Gunia added that she and Ms. Belynda Tharpe are speaking with vendors and the Marshall Creek board as far as what direction they want to go in as far as updating the facility and equipment.

EIGHTH ORDER OF BUSINESS Discussion on Envera

Mr. Cervelli expressed his concerns with Envera and the issues with the lack of response when assistance is needed at the gate.

Mr. Usina added that he would like to look into changing the recording used at the gate.

Mr. Hall added that he has requested a tag reader camera for the exit lane.

NINTH ORDER OF BUSINESS Discussion of Final Asphalt Lift on Certain District Roads

Mr. Handler informed the Board that there is a question of whether Lennar finished the second asphalt lift on Las Calinas and Ensenada Drive prior to leaving the community.

Mr. Oliver stated that a Lennar representative came out to the community to investigate and confirmed the second lift was applied. The next step is to have the engineer investigate to get his opinion.

TENTH ORDER OF BUSINESS Discussion of St. Johns River Water Management Matters

Ms. Kilinski reminded the Board that at the last meeting the Board received copies of correspondence from a resident to the HOA and St. Johns River Water Management District as it pertained to conservation easement impacts. Shortly before that meeting, counsel received a notice from the water management district that they reviewed the impacts and deemed them not to be a violation of the easement. She added since that time, there have been continued threats of litigation from the resident that complained originally. There is no claim against the District that District Counsel is aware of. A cease and desist was issued to the homeowner that impacted the

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vegetation by the water management district and this District. She noted the District is not legally required to demand a replanting, however that is an option the District has.

Mr. Handler asked that an update be given at the next meeting should there be any change in information by that time.

ELEVENTH ORDER OF BUSINESS Consideration of Resolution 2023-04, Setting a Public Hearing to Consider Adopting Revised Suspension and Termination Rules

Ms. Kilinski stated that the purpose of revising the suspension and termination rules is to ensure the rules generally match what Marshall Creek has adopted, and to include the ability to impose fines to the extent that there is property damage or vandalism that occurs as well as the ability to suspend privileges if those fines are not paid.

Mr. Usina stated that he would work with Ms. Gunia on obtaining quotes for an upgraded security system.

On MOTION by Mr. Smith, seconded by Mr. Usina, with all in favor, Resolution 2023-04, setting a public hearing for April 6, 2023 for the purpose of adopting revised suspension and termination of access rules was approved 5-0.

TWELFTH ORDER OF BUSINESS Other Business

Mr. Usina asked if there is an update on the issue of a deposit paid to Sports Surfaces.

Mr. Oliver responded that he and Mr. Smith spoke with the President of Sports Surfaces after the last meeting who said that he would look into it. The next step would be small claims court.

On MOTION by Mr. Usina, seconded by Mr. Smith, with all in favor, authorizing District Counsel to proceed with small claims court for the deposit made to Sports Surfaces was approved 5-0.

THIRTEENTH ORDER OF BUSINESS Supervisor Requests / Public Comment
Supervisor Requests:

Mr. Lisotta asked staff to look into the request made earlier in the meeting for residents to install a tree in a common area at their expense.

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Mr. Cervelli stated that he believes it’s an HOA matter to decide how they want their street to look and the other residents on the street should be given an opportunity to provide their opinion on the request.

Public Comment:

A resident asked if the Board has considered sound barriers for pickleball.

Mr. Smith responded yes.

A resident asked why the CDD would consider the basketball court on Glorietta with the amount of traffic and noise it would create in the area.

Mr. Usina responded that there is only one basketball court and one playset in all of Sweetwater for all 746 homes. He also noted certain areas suggested such as by the school or by Publix are not owned by the District.

Multiple residents provided comments in favor of pursuing the Comcast agreement.


FOURTEENTH ORDER OF BUSINESS


Next Scheduled Meeting – March 2, 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