

**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, April 6, 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 (by phone)
Ron Cervelli	Supervisor

Also present were:

Jim Oliver	District Manager, GMS
Jennifer Kilinski	District Counsel, KVV
Paul Hutchinson	District Engineer, ETM
Erin Gunia	Director of Amenities
Paul Stratton	Field Operations Manager, RMS
Grace Kobitter	Kilinski Van Wyk
Rob Bullock	Duval Landscape
Josh Boucher	Duval Landscape
Mary Marchiano	Duval Landscape

The following is a summary of the discussions and actions taken at the April 6, 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.

Mr. Handler addressed the installation of speed bumps at the Las Calinas entrance stating that he authorized installment of the speed bumps after almost \$6,000 was spent to repair the gate arms, however he noted he would vote along with the remainder of the Board if they voted in favor of removing the speed bumps.

SECOND ORDER OF BUSINESS

Public Comment

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A resident asked why the people who break the gate arms are not being billed for the damage. She also stated the speed bumps in general don't bother her as much as the placement and height do.

A resident commented that in the morning there are about 10 children trying to get onto the school bus and multiple cars will drive by without stopping. She also stated multiple neighbors that signed the petition (Item X on the agenda) in favor of a crosswalk in the area have trouble crossing the street on their bicycles.

A resident stated that you can barely see the crosswalk signs due to the trees, and the lines on the road are faded.

Ms. Tiffany Satterfield asked if it is in the bylaws that someone can make a dictatorship and disrespect members of the Board by making a sole decision against them and the entire community.

Ms. Cecelia Worley commented that the license plate reader cameras are not reading the license plates accurately, so she is having to enter through the visitor's gate.

A resident stated that he didn't have a problem with the speed bumps, but they all need to be the same height.

The following items are in the order in which they were taken during the meeting.

FIFTH ORDER OF BUSINESS

Public Hearing for the Purpose of Adopting Revised Suspension and Termination Rules and Amended and Restated Rules of Procedure; Resolution 2023-06

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, opening the public hearing was approved 5-0.

Ms. Kilinski stated that the purpose of this public hearing is to adopt suspension and termination rules to reflect the changes to Marshall Creek's adopted rule. She noted the only change since the last version was an update to expand which staff has the ability to make decisions on certain suspensions. Additionally, updated rules of procedure are being considered that allow

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Supervisor agenda additions. Specifically, the revision is to allow any board member to submit backup information eight days in advance of putting items on the agenda.

There were no public comments.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, closing the public hearing was approved 5-0.

On MOTION by Mr. Lisotta, seconded by Mr. Cervelli, with all in favor, Resolution 2023-06, adopting revised suspension and termination rules and amended and restated rules of procedure was approved 5-0.

SIXTH ORDER OF BUSINESS

Updates on Capital Improvement Projects

C. Parks

Mr. Usina stated we look to install a park at the end of Las Calinas and Glorietta between the cut-through. Everything looks to be approved, we just need counsel to ensure the documents are accessible for us to sign and move forward with the quote we were provided, and we also need ETM to make sure there aren't issues with us having a parking lot, bathrooms, or anything along that line. If all of those are good to go, we have the money that was ear-marked by the Board, so now I just need \$115,000. I would like to accept those quotes and move forward. Mr. Usina will get with District Counsel and the District Engineer to finalize plans between meetings.

Mr. Usina also addressed a few other items on the agenda due to his pending flight departure. The first item he commented on is a proposal included in the agenda package from Duval Landscape for laying pine straw in common areas. He asked if pine straw can be coordinated with Marshall Creek and what the labor cost would be. The second item is the smart controllers. He stated that he thought the purpose of those controllers was to prevent burn outs of the pumps, however there is a proposal in the agenda for a replacement pump on Barbella Circle, so he asked if there is a warranty for the pump and if the smart controllers are installed properly. He also asked if the thermal sensor was part of the smart controller install. The last item he addressed was the landscape maintenance budget stating that the budget for October was \$49,273, which was double the monthly rate, so he asked for an explanation.

Mr. Oliver stated that the \$49,000 landscape budget for October included a \$25,000 mulch installation.

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Mr. Usina stated that the actuals for the district counsel budget through February 28, 2023 is at \$40,384, the prorated budget through February 28, 2023 is \$14,583 and the adopted budget is \$35,000. He asked if anything outside of projects such as drafting of resolutions, the fitness center expansion is incurring more fees for the District.

Mr. Lisotta noted if Mr. Usina would like to vote on removal of the speed bumps at the guard house, the motion would need to be taken now.

On MOTION by Mr. Usina, seconded by Mr. Lisotta, with all in favor, removing the speed bumps at the Las Calinas guard house was approved 5-0.

Mr. Cervelli offered to assist in coming up with an alternative solution to the damage to the gates at the guard house.

Mr. Usina commented on the pictures included with Duval Landscape’s report of dead grass stating that if the maintenance company is responsible for the cutting, fertilizing, pest control and irrigation inspections, then the District should not have to pay for sod.

THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

A. Minutes of the February 8, 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.

Mr. Cervelli stated that the travel costs for District Counsel need to be reviewed as it is a significant portion. He also asked that the formatting of the income statement be simplified.

C. Check Registers

1. January

2. February

Copies of the check registers totaling \$613,203.72 for January and \$832,519.34 for February was included in the agenda package.

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

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SEVENTH ORDER OF BUSINESS

Consideration of Duval Landscape Maintenance Service Agreement for FY2023

Mr. Handler noted the proposal included in the agenda package totaling \$22,872.56 is to add the fitness center to the landscape maintenance contract.

On MOTION by Mr. Smith, seconded by Mr. Cervelli, with all in favor, the proposal from Duval Landscape to add the fitness center area to the scope of services was approved 5-0.

FOURTH ORDER OF BUSINESS

Staff Reports

C. District Engineer

2. Ratification of Requisitions 72 and 73

Mr. Handler noted requisition 72 is related to a survey for the pickleball courts and number 73 is related to the fitness center expansion.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, requisition numbers 72 and 73 were ratified 5-0.

3. Consideration of Requisition 74

Mr. Handler noted requisition 74 is related to engineering services for the pickleball courts.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor requisition number 74 was approved 5-0.

A. Landscape Team - Maintenance Report

A copy of the landscape report was included in the agenda package for the Board’s review.

Mr. Handler informed the Board that he sat down with the landscape maintenance team and operations staff to discuss the deficiencies in landscape and irrigation maintenance service and things that need to be approved and they came to an understanding on what the team needs to do to improve.

Ms. Marchiano introduced herself to the Board as the new account manager for the District. She informed the Board of the ability for homeowners to submit a work order through Duval’s website, www.DuvalLandscape.com to report any irrigation or landscape issues. She also asked the Board if there was a decision on the proposal to install pine straw in the common areas, and

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added they would like to replace turf in the front entrance area and asked if they should use Bermuda or St. Augustine grass.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor the proposal from Duval Landscape to install pine straw for a total of \$36,740 was approved 5-0.

Mr. Lisotta asked if there are quotes for grass at the front island and noted the island has been Bermuda for many years and it keeps dying.

Ms. Marchiano stated that it would be replaced free of charge, so there are no quotes. Mr. Boucher recommended installing St. Augustine instead of Bermuda.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor installing St. Augustine grass at the front island was approved 5-0.

Mr. Smith will contact East Coast Wells to inquire about the status of a pump located off Torcido that was taken to be repaired.

Mr. Handler asked about the flow sensors.

Mr. Boucher stated when the smart controllers were being discussed, the intention was to install flow sensors only on the ground wells with submersible pumps, however if the pond water needs to be pulled, that flow system will not be available.

Mr. Handler asked to hold on that decision.

Mr. Boucher stated it's believed the impellers are malfunctioning on the pump on Barbella. He added that the proposals for the pumps were provided before the smart controllers were introduced.

On MOTION by Mr. Smith, seconded by Mr. Lisotta, with all in favor, the proposal from Duval Landscape to repair the pump located off Barbella Circle totaling \$7,625 was approved 5-0.

Mr. Boucher stated that he would contact East Coast wells to find out when the pump was repaired and would inquire about a warranty at Mr. Usina's request.

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C. District Engineer (Continued)

1. Report on Las Calinas Asphalt Inspection

Mr. Hutchinson reminded the Board that he was asked to perform an inspection of the asphalt in the community to confirm the second lift of the asphalt was installed. He stated that everything looked like it was in good condition, although there are a few areas of Las Calinas that could use some help. One of those areas, located on Las Calinas Boulevard, is the county's responsibility and for the other area located at the intersection of Esmeralda and Las Calinas he recommended milling and replacing one inch of asphalt for the full width of the roadway. Additionally, there is some settling around four manholes located between the guard shack and roundabout that should be addressed.

Mr. Handler asked staff to obtain quotes from asphalt companies.

D. Field Manager

1. Report

A copy of the operations report was included in the agenda package for the Board's review.

2. Proposals for Monument Repair

Mr. Handler stated that it was his understanding the monument repairs will be covered by insurance, however the District can choose to make the repairs now and get reimbursed later. Two quotes were included in the agenda package ranging from \$2,000 to \$8,935. Mr. Stratton recommended approving the quote from All Weather Contractors totaling \$8,935.

On MOTION by Mr. Lisotta, seconded by Mr. Cervelli, with Mr. Lisotta, Mr. Cervelli, Mr. Handler and Mr. Usina in favor and Mr. Smith opposed, the proposal from All Weather Contractors in the amount of \$8,935 was approved 4-1.
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E. District Manager

Mr. Oliver introduced Mr. Howard 'Mac' McGaffney and noted he's assisting with many of the projects in the community.

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F. Director of Amenities

Ms. Gunia updated the Board on the fitness renovations and amount of positive feedback, noting the renovation is around 95% complete.

B. District Counsel – Request for Lawyer Client Session

Ms. Kilinski updated the Board on the status of the county acknowledging designated safety zones in the community stating that they are not quite ready to make a decision on that.

She also informed the Board there are two lawsuits pending. The first of which is regarding the tennis court resurfacing. There is a case status hearing coming up on April 10th that they will likely file a motion to reschedule as they have been unsuccessful serving the summons on the defendant. The second case is one in which the District has been served a complaint. She noted insurance has picked up that claim and will be covering the legal fees and is actively engaging with the parties of that lawsuit therefore she said she did not see the need for a lawyer-client session and incurring such additional costs unless the Board desired it.

The Board took a brief recess at this time, approximately 5:02 p.m. The meeting resumed at approximately 5:07 p.m. and the items below were taken.

SIXTH ORDER OF BUSINESS

**Updates on Capital Improvement Projects
(Continued)**

A. Fitness Center

There being no updates at this time, the next item followed.

B. Pickleball Courts

Mr. Smith reported that the bid documents have been sent to prospective contractors and proposals are expected to be in about a week before the May meeting.

EIGHTH ORDER OF BUSINESS

Discussion of Benches

Mr. Cervelli stated anyone who drives down Las Calinas sees the benches that the HOA has installed next to the walking paths. I think we should do the same in Sweetwater Creek. I was going to ask Charles to include that as part of his efforts with the parks.

There were no objections from the other board members.

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NINTH ORDER OF BUSINESS

Discussion of Envera

This item was taken during a closed session at the end of the meeting as it pertained to matters of security. The Board discussed wanting to loop Marshall Creek into the discussion to have one system for both districts.

TWELFTH ORDER OF BUSINESS

Discussion of Fiscal Year 2024 Budget Process

Mr. Oliver provided an overview of the preliminary budget for Fiscal Year 2024 noting it is still a work in process. The budget will be brought to the Board for their approval in June and is scheduled to be adopted in final form at the August meeting.

Mr. Cervelli asked for clarification on how the proposed budget line items were calculated.

Mr. Lisotta stated that he believes the District's staff has reached their limit and if the Board continues to add to their plates, they will need to consider adding more staff, which would increase the budget.

TENTH ORDER OF BUSINESS

Discussion of Petition Regarding Pedestrian Safety at Otero Point and Las Calinas Intersection

Mr. Smith stated that he has started to lobby the county to install a couple stop signs on Las Calinas. He also expressed concern about the area at Otero Point and Las Calinas where children must cross the road to load onto the school bus and aggressive drivers are creating a safety issue and it needs to be addressed.

Mr. Hutchinson stated that a crosswalk is doable, and the process would include an engineer designing the crosswalk, ensuring ADA compliance, installing signage, and the project would need to be permitted by the County.

Mr. Lisotta stated that the drivers do not stop for the crosswalk at Palencia Village and throwing \$60,000 or more will not stop the problem. He added that a request could be made to the Sheriff's office to have an officer sit in the area, and they may or may not get to it, or the District could reach out to Marshall Creek who schedules off-duty officers and ask them to visit the area during certain times of the day.

Mr. Hutchinson provided another option of looking at relocating the bus stop to the other side of the road.

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THIRTEENTH ORDER OF BUSINESS Other Business

There being no other business, the next item followed.

FOURTEENTH ORDER OF BUSINESS Supervisor Requests / Public Comment

Public Comment:

A resident commented that he agrees with the crosswalk not being effective and suggested moving the bus stop. He also informed the Board that part of the issue is the bus driver waves drivers around the bus before the children load. Mr. Lisotta added that he suggests residents call the bus depot to file a complaint.

A resident informed the Board that it cost Marshall Creek \$4,466 for four benches.

There were no supervisor requests.

NINTH ORDER OF BUSINESS Discussion of Envera

ELEVENTH ORDER OF BUSINESS Discussion of North Entrance Guard House

This, and the ninth, portion of the meeting was closed to the public in accordance with Sections 119.071(3)(a) and 281.301, Florida Statutes, as the Board discussed matters related to the security plan. The closed session began at approximately 5:43 p.m.

The public portion of the meeting resumed at approximately 5:59 p.m.


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

SIXTEENTH ORDER OF BUSINESS Adjournment

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

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Secretary/Assistant Secretary

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Chairman/Vice Chairman