

**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, June 1, 2023** at 4:00 p.m. at 625 Palencia Club Drive, St. Augustine, Florida.

Present and constituting a quorum were:

Ron Cervelli	Chairman
John Smith	Vice Chairman
Rob Lisotta	Supervisor
Charles Usina	Supervisor (by phone)
Stephen Handler	Supervisor

Also present were:

Jim Oliver	District Manager, GMS
Jennifer Kilinski	District Counsel, KVW (by phone)
Erin Gunia	Director of Amenities
Paul Stratton	Field Operations Manager, RMS
Grace Kobitter	Kilinski Van Wyk (by phone)
Howard McGaffney	GMS, LLC
Mary Marchiano	Duval Landscape

The following is a summary of the discussions and actions taken at the June 1, 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. Four Board members were physically present, constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment

Mr. Earl Oltz, 130 Rincon, stated that there are tattered flags on Mitad Circle. He also commented that nearby communities that are constructing pickleball courts are putting in a minimum of ten courts and the only way group events can be held are if there are enough courts and asked the Board to consider more courts.

A resident asked the Board to consider additional pickleball courts.

THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

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A. Minutes of the May 4, 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 \$22,882.53 was included in the agenda package.

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

FOURTH ORDER OF BUSINESS

**Discussion of Supervisors' Code of Conduct
(Supervisor Handler)**

Mr. Handler stated that the code of conduct included in the agenda package was revised to include only the conduct and procedures. The controversial items covered before have been removed.

Mr. Lisotta expressed concerns with multiple rules within the document, questioned how it will be enforced and stated that he was still not in favor of approving it. He also questioned why legal staff time was being spent on this.

Mr. Cervelli stated that his view on this document is it is not binding, and he does not think asking people to be civil to each other needs to be documented.

Supervisor Usina joined the meeting at this time and provided his opinion that this is a gentlemen's agreement.

Mr. Handler motioned to approve the Supervisors' Code of Conduct. There being no second, the motion failed.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Landscape Team

1. Maintenance Report

Mr. Handler stated that over the weekend there was an issue with a non-functioning breaker and the irrigation system being shut off due to the rain sensors, which caused some plants to die. Duval is taking responsibility for not responding earlier and replacing the plants at their expense.

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Ms. Marchiano provided an overview of the maintenance report, a copy of which was included in the agenda package.

Mr. Smith stated it was unacceptable to see freshly planted flowers have died and that the District is not be getting the service paid for with the irrigation controllers.

Mr. Lisotta asked for a list of areas in which sod is being replaced or has already been replaced.

Two proposals were included in the agenda package behind Duval's report, which the Board noted will be added to the wish list.

B. District Counsel

Ms. Kilinski updated the Board on a small claims court case with Sport Surfaces noting a check for the deposit has not been received yet. Sport Surfaces was also asked for evidence of transmittal of the check, and she has yet to receive that either. The case has been referred to mediation, and the attorney for Sport Surfaces is offering to settle the case for the deposit amount. She provided two options: to accept their offer of settlement or move forward with the case in an attempt to recover legal costs.

Mr. Cervelli expressed concerns with spending more money in legal fees to settle this matter.

Mr. Smith stated that he does not think the District should settle for just the deposit money.

Mr. Usina expressed his concern with setting a precedent if the District settles for just the deposit.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with Mr. Lisotta, Mr. Usina, Mr. Handler and Mr. Smith in favor and Mr. Cervelli opposed, proceeding with mediation and appointing Supervisor Usina to attend the mediation was approved 4-1.
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Mr. Lisotta asked to be an alternate to attend the mediation should Mr. Usina not be available.

Ms. Kilinski stated that if anything less than legal fees is proposed, her firm will bring that offer back to the Board at the July or August meeting for consideration. She also noted that the District Manager's office is aware that if a check for the deposit is finally received, it should not be cashed and will be held in escrow pending the successful mediation of the claims.

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Mr. Handler stated that at the last meeting a question was raised as to whether the expenses for expanding the fitness center parking lot would be shared with Marshall Creek and asked if that has been answered.

Ms. Kobitter stated that the interlocal agreement provides for shared costs related to maintenance, operation, upkeep, repair and replacement of the Marshall Creek recreation facility and the Sweetwater Creek recreation facility, so it would likely be a shared cost.

Ms. Kilinski reminded the Board that any cost share items are supposed to be due to each district by June 1st, so if there are items on the cost share list that may be subject to the interlocal provisions, an estimate needs to be provided ASAP, or it will need to be added to the wish list for next year.

Mr. Lisotta stated that it could be a wish list item for next year.

Mr. Handler also asked for an update on the ground boat.

Ms. Kilinski responded that FWC is reporting that the boat should be removed in about seven weeks.

C. District Engineer

1. Ratification of Requisitions 85-88

2. Consideration of Requisitions 89

Copies of requisition numbers 85 through 89 were included in the agenda package for the Board's review.

Mr. Cervelli asked if there will be more money due to Invision Construction.

Ms. Gunia responded that she submitted the remaining invoices to be processed this morning.

On MOTION by Mr. Smith, seconded by Mr. Lisotta, with all in favor, requisition numbers 85 through 89 were approved 4-0.

3. Update on Onda Park Drainage Survey

Mr. Oliver reported that the survey has not yet been received.

D. Field Manager - Report

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

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The Board discussed the need to trim the trees up along Las Calinas Boulevard due to the District owning the right of way up to Battersea Drive. Mr. Stratton is working on obtaining proposals for this work.

E. District Manager

Mr. Oliver informed the Board that as of April 15, 2023, the St. Johns County Supervisor of Elections Office reports that there are 1,561 registered voters within the District.

F. Director of Amenities

Ms. Gunia informed the Board the best estimate she received for installation of security cameras totals \$14,000 from ITS Jax.

The Board asked that consideration of the proposals for security cameras be deferred to next month to allow more time for review.

Ms. Gunia also informed the Board that she's received three estimates for painting the interior of the fitness center.

Mr. Lisotta asked to look over the facility and find areas that are a priority as he is concerned about spending \$90,000 at one time.

Mr. Handler noted that bond money could be used to fund the project.

Mr. Cervelli stated that he did not believe staining the wood trim needed to be done.

Mr. Usina stated that he was not in favor of using bond fund money for painting the fitness center as he feels it should be used for constructing new amenities. Additionally, he believes painting the fitness facility should be a cost share expense.

On MOTION by Mr. Smith, seconded by Mr. Lisotta, with Mr. Lisotta, Mr. Usina, Mr. Smith and Mr. Cervelli in favor and Mr. Handler opposed, tabling consideration of painting proposals to allow time for Mr. Lisotta to determine which areas of the facility require painting was approved 4-1.

SIXTH ORDER OF BUSINESS

Updates on Capital Improvement Projects

A. Pickleball Courts – Contractor Recommendation and Overview for Construction of Pickleball Courts (Supervisor Smith)

Mr. Smith informed the Board that Court Surfaces' proposal increased by approximately \$130,000 due to grading and adding to the existing systems. He introduced Mr. Paul Hoffman of Hoffman Construction and noted they have provided a final quote totaling \$452,000, which does

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not include lights as he’s found lights can be installed for about three-quarters of the proposed fee of \$80,000.

On MOTION by Mr. Usina, seconded by Mr. Smith, with all in favor, the proposal from Hoffman Construction for construction of pickleball courts was approved 5-0.

B. Parks (Supervisor Usina)

Mr. Usina informed the Board that District Counsel is still waiting on a response from the County and stated that now that pickleball money is earmarked, he can look at what is left to possibly be used for park improvements and report back to the Board at the next meeting.

SEVENTH ORDER OF BUSINESS

Discussion of Park Benches (Supervisor Cervelli)

Mr. Cervelli asked to install a total of five benches along the sidewalk down Las Calinas that circles down to Ensenada for approximately \$5,000.

On MOTION by Mr. Cervelli, seconded by Mr. Smith, with all in favor, installing five benches along Las Calinas at an amount not to exceed \$5,000 was approved 5-0.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2023-07, Approving a Proposed Budget for Fiscal Year 2024 and Setting a Public Hearing Date for Adoption

Mr. Handler noted the public hearing is scheduled for August 3, 2023 at 4:00 p.m.

Mr. Oliver provided an overview of the budget noting that the surplus from the previous year is being used to reduce some of the line items in this year’s budget. He also informed the Board that property insurance is projected to increase 50%. Assessments are proposed to increase 4.8%.

Mr. Cervelli pointed out that the CDD does not have many reserves built up, and there are a few projects anticipated to be needed in the next year.

On MOTION by Mr. Cervelli, seconded by Mr. Smith, with all in favor, Resolution 2023-07, approving a proposed budget for Fiscal Year 2024 and setting a public hearing for August 3, 2023 at 4:00 p.m. was approved 5-0.

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NINTH ORDER OF BUSINESS

Consideration of Settlement Offer – Sports Surfaces

This item was covered under staff reports.

TENTH ORDER OF BUSINESS

Other Business

Mr. Smith stated that some of the residents of Codo Court have stated that they have trouble turning left onto Las Calinas due to excessive speeding and are requesting installation of a blind spot mirror. The Board asked Mr. Stratton to obtain an estimate for the mirror and report back to the Board at the next meeting.

The following item was moved up the agenda.

TWELFTH ORDER OF BUSINESS

Discussion of Nominations and a Vote for Leadership Positions (Supervisor Lisotta)

Mr. Lisotta stated that he wanted to have a discussion on changing the leadership roles, particularly the Chair role and made the motion below.

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with all in favor, Ron Cervelli serving as Chair was approved 5-0.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests / Public Comment

Public Comment:

A resident asked where the benches will be located and if residents will be informed.

Mr. Usina left the meeting at this time.

Mr. Cervelli responded if the residents need to know, the information will be disseminated and stated that the locations are flexible.

Supervisor Requests:

Mr. Cervelli asked if there is enough space to construct additional pickleball courts, and if the answer is yes, if it would require the same infrastructural work that is required for the four courts whether that should be done now.

Mr. Smith responded that he has investigated that as he's received the same question and the problem is the area to the left is not buildable due to drains while the area on the right side provides room for maybe one court. At this time, he does not think it makes sense to do the facility work for just one more court.

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THIRTEENTH ORDER OF BUSINESS

Next Scheduled Meeting – July 6, 2023 at 4:00 p.m. at 625 Palencia Club Drive, St. Augustine, Florida 32095

FOURTEENTH ORDER OF BUSINESS

Envera Security Report (Supervisor Cervelli)

This 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 system plan. The closed session began at approximately 5:34 p.m. The public portion of the meeting resumed at approximately 5:52 p.m. and the following motion was made.

On MOTION by Mr. Smith, seconded by Mr. Handler, with all in favor, a proposal from Envera totaling \$15,810.12 was approved 4-0.

FIFTEENTH ORDER OF BUSINESS

Adjournment

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

DocuSigned by:
Jim Oliver
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Secretary/Assistant Secretary

DocuSigned by:
Ron Cervelli
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Chairman/Vice Chairman