

**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, July 6, 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
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 July 6, 2023 Sweetwater Creek Community Development District's Regular Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Public Comment

There being none, the next item followed.

THIRD ORDER OF BUSINESS

**Consideration of Resolution 2023-08,
Designating Officers**

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It was noted Mr. Cervelli was appointed as Chair at the last meeting, however the remaining officers were not discussed. Mr. Lisotta nominated John Smith for Vice Chair. The balance of the slate of officers will remain the same.

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with all in favor, designating John Smith as Vice Chair was approved 5-0.

On MOTION by Mr. Smith, seconded by Mr. Usina, with all in favor, Resolution 2023-08 was approved 5-0.

FOURTH ORDER OF BUSINESS **Approval of the Consent Agenda**

A. Minutes of the June 1, 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 \$199,459.14 was included in the agenda package.

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

FIFTH ORDER OF BUSINESS **Staff Reports**

A. Landscape Team

1. Maintenance Report

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

2. Fitness Center Proposal Options (Mulch, Pinestraw, Rock)

Ms. Marchiano presented three proposals for landscape beds within the fence.

Mr. Lisotta asked that pictures of areas in which improvements are being proposed be included with the proposals that are submitted.

Ms. Marchiano also informed the Board that they may want to wait to do both sides at one time because one side is currently being torn up for the construction of the pickleball courts.

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A few of the board members stated their preference for pinestraw so that it matches the rest of the community, however consideration of the proposal was tabled.

Ms. Marchiano also informed the Board Duval has fertilized the main roundabout islands and will do so again towards the end of the month. In addition, changing the turf to St. Augustine in those areas is being discussed.

B. District Counsel

Ms. Kilinski updated the Board on a small claims court case with Sport Surfaces noting the mediation is scheduled for July 10th. Any negotiated settlement that is less than the full amount of deposit and attorney's fees would need to be approved by the Board at the August meeting.

Ms. Kilinski also informed the Board that there is no update on the derelict boat.

Next, Ms. Kilinski updated the Board on the status of the sexual offender ordinance that St. Johns County is scheduled to consider, stating that it is being updated to reflect the Florida Statutes definitions.

Lastly, Ms. Kilinski noted she would be sending the Board updates on the requirements for ethics training for CDD board members.

Mr. Usina asked if the strip of property between Battersea and the guard shack could be conveyed to the Las Calinas association or turned back over to the County.

Ms. Kilinski responded that if bond proceeds were used to construct that parcel and it's conveyed to a private party, it may violate the bond covenant. She added that staff could ask the county if they'd be willing to take the property over.

Mr. Cervelli stated that the homeowners on Rio Del Norte are still having an issue with the trees that are dying and would like to be relieved of the responsibility for the trees going forward. They've asked who is responsible for sidewalk maintenance.

Ms. Kilinski stated that there are a few options. The plats need to be reviewed to determine sidewalk ownership. She will provide an update to the Board between meetings.

C. District Engineer

1. Ratification of Requisitions 90-95

Copies of requisition numbers 90 through 95 were included in the agenda package for the Board's review.

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On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, requisition numbers 90 through 95 were approved 5-0.

2. Update on Onda Park Drainage Survey

Mr. Lockwood explained that as a result of grading over time, a mound has formed in Onda Park that causes water to drain toward a homeowner’s lot. There is a drainage ditch not shown on the survey that water may need to be redirected to through construction of a swale.

Mr. Usina asked that Mr. Lockwood put together a recommendation.

Mr. Smith asked that the property lines be included on the map for future reference.

3. Discussion of St. Johns County Sewer Main Upgrade

Mr. McGaffney informed the Board that he and Mr. Oliver were notified by the County that they were going to begin surveying and have provided a map. The project is not scheduled to being until the end of fall or early winter. Mr. Lockwood is getting up to speed on the project and can provide an update at the next meeting.

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 Tree Trimming

Mr. Stratton presented proposals to trim the trees along Las Calinas and Ensenada ranging from \$13,225 to \$46,800. He noted Robert’s is the company Duval Landscape uses. Mr. Cervelli stated that he has experience with Taylor’s Tree Services.

On MOTION by Mr. Usina, seconded by Mr. Cervelli, with all in favor, the proposal from Taylor’s Tree Services for tree trimming in the amount of \$13,395 was approved 5-0.

3. Quote for Benches

It was noted five benches were approved at last month’s meeting. No further action was needed on this item.

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E. District Manager

There being nothing to report, the next item followed.

F. Director of Amenities

Ms. Gunia reported that she has had two more meetings with security companies for security cameras. Both are around \$16,000 and \$20,000 depending on the number of cameras needed and that would include a year of service.

Ms. Gunia also asked that the Board consider painting the trim when the fitness center is painted and provided pictures of areas that need to be touched up. She noted the painting of the ceiling could likely be delayed, and that was a large chunk of the proposals.

Mr. Cervelli stated that he would like confirmation of what is left in the bond fund and to prioritize where the money is going to go as there are multiple projects being considered including painting, pickleball court improvements, security system improvements and addition of a parking lot.

Mr. Smith stated the proposal for a gravel parking lot that will hold 15 additional cars has come in totaling \$18,000.

Mr. Usina suggested holding off on a parking lot until the park improvements have been made to see how much money is left and to see if the dog park is needed in that location. If not, it could be repurposed for parking.

On MOTION by Mr. Cervelli, seconded by Mr. Smith, with Mr. Handler and Mr. Smith in favor and Mr. Lisotta, Mr. Usina and Mr. Cervelli opposed, the change order from Hoffman Commercial Construction for adding a gravel parking lot was not approved 2-3.

On MOTION by Mr. Smith, seconded by Mr. Handler, with all in favor, setting aside \$20,000 in bond funds to add a parking lot in the future was approved 5-0.

The Board discussed the change order from Hoffman Construction to add a sidewalk from the front of the fitness center to the courts totaling \$8,512. Ms. Gunia noted the sidewalk could accommodate both the pickleball courts and the dog park and recommended approving the addition.

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On MOTION by Mr. Smith, seconded by Mr. Lisotta, with Mr. Smith, Mr. Lisotta, Mr. Cervelli and Mr. Handler in favor and Mr. Usina opposed, the change order from Hoffman Construction to add a sidewalk totaling \$8,512 was approved 4-1.

Mr. Cervelli asked for the total cost of the pickleball project.

Mr. Smith responded that he has two out of four quotes anticipated for lighting that total \$13,454 and \$16,400. Around \$5,000 is projected for furniture.

Mr. McGaffney stated that \$452,000 has been spent on construction of the pickleball courts and \$40,000 is set aside for lighting.

Mr. Cervelli asked Mr. McGaffney and Mr. Usina to come back to the next meeting with a proposed plan for the parks.

SIXTH ORDER OF BUSINESS

Discussion of Bond Money Project Priorities

This item was discussed under the report for the Director of Amenities.

SEVENTH ORDER OF BUSINESS

Discussion on Improving Internal Communications and Directives

Mr. Cervelli stated that there are five people on the board, each with a different opinion. He recommended having Mr. McGaffney be the channel for board / staff communication.

Mr. Lisotta suggested if it's not an emergency issue, and there is conflicting information, it be brought to a Board meeting to discuss. If it is an emergency, the Chair should be involved in making any necessary decision.

Mr. Handler suggested directing any issues to Mr. Stratton, who can contact Mr. McGaffney if the issue is outside his purview.

Mr. McGaffney stated if there is doubt on who should be responsible, both he and Mr. Stratton, or he and Ms. Gunia if it's an amenity issue, should be copied on the email and they will work it out.

EIGHTH ORDER OF BUSINESS

Updates on Capital Improvement Projects

A. Pickleball Courts (Supervisor Smith)

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There being nothing further to discuss regarding the pickleball courts, the next item followed.

B. Parks (Supervisor Usina)

There being nothing further to discuss regarding the parks, the next item followed.

C. Painting of Fitness Center (Supervisor Lisotta)

Mr. Lisotta stated that the general cleanliness of the fitness center has been an issue, mostly of the floors. Ms. Gunia brought someone in for an evening; however, it was not cleaned to standard. He suggested seeking a quote for a one-time cleaning until the staffing discussions conclude.

Ms. Gunia stated that she would get it done.

Ms. Gunia added that at this point it is in the District’s best interest to adequately address the use of the fitness center, garbage in the parking lot, landscaping, etc. and have someone assigned to the building as there is currently one employee responsible for the entire property. She suggested having a dedicated District employee onsite for responsiveness.

NINTH ORDER OF BUSINESS

Consideration of Proposal from Hoffman Construction for Adding a Gravel Overflow Parking Lot

This item was discussed under the Director of Amenities report. No further action was needed.

TENTH ORDER OF BUSINESS

Discussion of Amenity Staff Restructuring

Mr. Cervelli noted that there is a staffing interlocal agreement that says that Marshall Creek is responsible for any shared staffing expenses. If Sweetwater Creek wants to control its own staffing and facilities, that agreement needs to be terminated and renegotiated. Mr. Cervelli added that he would like for Ms. Gunia to become a full-time Sweetwater Creek CDD employee, which would require giving a 60-day notice to Marshall Creek that ends the staffing agreement.

On MOTION by Mr. Smith, seconded by Mr. Lisotta, with all in favor, issuing a 60-day notice to Marshall Creek to terminate the staffing agreement with the intent of renegotiating the agreement was approved 5-0.

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

THIRTEENTH ORDER OF BUSINESS Discussion of the Fiscal Year 2024 Budget

Mr. Oliver reminded the Board that the budget for Fiscal Year 2024 includes a 4.8% increase in assessments.

**ELEVENTH ORDER OF BUSINESS Ratification of Engagement Letter with
McDirmitt Davis for the Fiscal Year 2022
Audit**

Mr. Oliver noted the engagement letter includes a cost of \$3,800, which is in line with the budget.

On MOTION by Mr. Smith, seconded by Mr. Usina, with all in favor, the engagement letter with McDirmitt Davis for the Fiscal Year 2022 audit was ratified 5-0.

**TWELFTH ORDER OF BUSINESS Acceptance of the Fiscal Year 2022 Audit
Report**

Mr. Oliver noted that the Fiscal Year 2022 audit is a clean audit with a clean opinion letter from the auditor.

On MOTION by Mr. Smith, seconded by Mr. Cervelli, with all in favor, the Fiscal Year 2022 audit report was accepted 5-0.

FOURTEENTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

FIFTEENTH ORDER OF BUSINESS Supervisor Requests / Public Comment

There being none, the next item followed.

**SIXTEENTH ORDER OF BUSINESS Next Scheduled Meeting – August 3, 2023 at
4:00 p.m. at 625 Palencia Club Drive, St.
Augustine, Florida 32095**

SEVENTEENTH ORDER OF BUSINESS Discussion of Security Matters

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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 5:49 p.m. The public portion of the meeting resumed at approximately 6:01 p.m.

EIGHTEENTH 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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Jim Oliver
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Secretary/Assistant Secretary

DocuSigned by:
Ron Cervelli
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Chairman/Vice Chairman