

**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, August 3, 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
Scott Lockwood <i>by Zoom</i>	District Engineer, ETM
Erin Gunia	Director of Amenities
Paul Stratton	Field Operations Manager, RMS
Grace Kobitter <i>by Zoom</i>	Kilinski Van Wyk
Howard McGaffney	GMS, LLC
Mary Marchiano	Duval Landscape
Josh Boucher	Duval Landscape

The following is a summary of the discussions and actions taken at the August 3, 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

John Vetter commented that the trees that line the nearby lake off Rincon need to be trimmed.

August 3, 2023

Sweetwater Creek CDD

Bruce Brandenburg stated that he was attending the meeting on behalf of the HOA and asked for the Board to approve Mr. Stratton and Ms. Marchiano reviewing the landscaping issues on Rio Del Norte.

THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

A. Minutes of the July 6, 2023 Meeting

Mr. Cervelli asked who is responsible for the sidewalks along Rio Del Norte.

Ms. Kilinski responded that the plats have been reviewed for Palencia North regarding the right of way ownership and that extends all the way to the sidewalks. There is not any information in the HOA documents that require the homeowners to maintain the sidewalks, so her review of the plat and HOA covenants for Sweetwater Creek indicate the maintenance of the sidewalks are a requirement of the CDD.

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 \$110,801.58 was included in the agenda package.

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

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

EIGHTH ORDER OF BUSINESS

Public Hearings

A. Public Hearing for the Purpose of Adopting the Fiscal Year 2024 Budget

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

Mr. Oliver provided an overview of the Fiscal Year 2024 budget noting a mailed notice was sent to all the property owners in the CDD announcing the public hearing and assessment increase of approximately 4.8%. The total expenditures are going up about \$5,000. The reason for the larger difference between the total expenditures and the revenues generated is the District is

August 3, 2023

Sweetwater Creek CDD

not using as much carry forward surplus to balance the budget for FY24. The capital reserves contribution is one of the biggest increases in the budget and is increasing from \$150,000 for FY23 to \$191,000 for FY24. Mr. Oliver explained that the capital reserve study suggests more should be put aside for capital reserves and that capital reserve fund budget is underfunded by \$359,000.

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with all in favor, the public hearing was closed 5-0.

1. Consideration of Resolution 2023-10, Relating to Annual Appropriations and Adopting the Budget for Fiscal Year 2024

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, Resolution 2023-10 relating to annual appropriations and adopting the budget for Fiscal Year 2024 was approved 5-0.

2. Consideration of Resolution 2023-11, Imposing Special Assessments and Certifying an Assessment Roll

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

A resident asked if there are people that govern CDDs at the state level. Ms. Kilinski responded that a CDD is its own unit of local government.

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with all in favor, the public hearing was opened 5-0.

Ms. Kilinski explained that Resolution 2023-11 will levy the assessments that will secure the funding for the budget just approved.

On MOTION by Mr. Smith, seconded by Mr. Lisotta, with all in favor, Resolution 2023-11 imposing special assessments and certifying an assessment roll for Fiscal Year 2024 was approved 5-0.

FOURTH ORDER OF BUSINESS

Staff Reports

C. District Engineer

August 3, 2023

Sweetwater Creek CDD

2. Update on Onda Park Drainage Survey

Mr. Lockwood stated that a quote has been submitted by Duval in the amount of \$38,000 to install a swale and pipe that connects it to the ditch behind the home adjacent to Onda Park.

The Board made the motion below to approve a not to exceed amount to allow for flexibility to obtain other bids.

On MOTION by Mr. Lisotta, seconded by Mr. Cervelli, with all in favor, installation of a swale off Onda Park at an amount not to exceed \$40,000 was approved 5-0 with Mr. Smith authorized to work with staff on obtaining additional bids and Mr. Cervelli authorized to make the final determination.

1. Ratification of Requisitions 96-98

Copies of requisitions 96 through 98 were included in the agenda package for the Board’s review.

On MOTION by Mr. Lisotta, seconded by Mr. Cervelli, with all in favor, requisitions 96 through 98 were ratified 5-0.

Mr. Lockwood informed the Board of drainage issues occurring on Rincon Drive.

Mr. Lisotta stated that he thinks the drains should be inspected, however he recalls a previous quote that was presented totaling somewhere around \$60,000 to \$70,000.

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. Proposal for Pine Straw at Fitness Center

Ms. Marchiano presented a proposal for pine straw around the pool totaling \$1,785.66.

This item was tabled until the pickleball construction is complete.

3. Proposal for Landscape Improvements at the Corner of Las Calinas and Glorietta

August 3, 2023

Sweetwater Creek CDD

Ms. Marchiano presented a proposal totaling \$5,022.09 for landscape improvements at the corner of Las Calinas and Glorietta and informed the Board Duval will cover labor costs associated with the sod repair. Mr. Cervelli noted the District’s portion would be around \$2,500.

On MOTION by Mr. Cervelli, seconded by Mr. Smith, with all in favor, the proposal from Duval Landscape for landscape improvements at Glorietta and Las Calinas was approved 5-0.

4. Proposal to Temporarily Move Main Line During Construction

Ms. Marchiano informed the Board a proposal totaling \$2,700 to temporarily move the main line during the pickleball court construction to ensure the amenity center will continue to have access to water was approved between meetings.

Mr. Usina noted that the irrigation report provided by Duval states that the soccer field irrigation controller has been turned off until the supervisors direct them to turn the pump on, or an alternate water source is identified. He asked that an update be included in next month’s irrigation report.

On MOTION by Mr. Smith, seconded by Mr. Handler, with all in favor, the proposal to temporarily move the main line was ratified 5-0.

A. Field Manager – Report

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

The Board made the motion below to add trimming of the trees on Rincon Drive to the tree trimming project to be executed by Taylor Tree Service.

On MOTION by Mr. Cervelli, seconded by Mr. Smith, with all in favor, amending the proposal from Taylor Tree Services to include trimming trees on Rincon Drive at a total amount not to exceed \$16,000 was approved 5-0.

Mr. Stratton asked for feedback on a paint color for the bollards on Glorietta.

Mr. Usina stated that he thinks one more bollard needs to be added.

August 3, 2023

Sweetwater Creek CDD

On MOTION by Mr. Smith, seconded by Mr. Lisotta, with all in favor, painting the bollards forest green was approved 5-0.

E. District Manager – Consideration of Designating a Regular Meeting Schedule for Fiscal Year 2024

Mr. McGaffney presented a proposed meeting schedule including meetings on the first Thursday of each month, with exception to the months of October, November and July.

On MOTION by Mr. Handler, seconded by Mr. Cervelli, with all in favor, the meeting schedule for Fiscal Year 2024 was approved as presented 5-0.

B. District Counsel

Ms. Kilinski reported that the small claims mediation occurred with the previous company contracted to resurface the courts and the suit is now proceeding to a pre-trial conference, which will set the hearing.

Mr. Cervelli expressed concern that the District is not going to recover all of the money being put in to the suit.

Ms. Kilinski reported that her firm has been working with Marshall Creek on the Envera contract and it is close to being in executable form. Sweetwater Creek’s portion is looking to be around \$2,821 per month.

Ms. Kilinski also informed the Board that St. Johns County is anticipated to consider the ordinance on designating safety zones on August 15th.

Mr. Cervelli asked for an update on the derelict boat.

Ms. Kilinski responded that it should be moved any day.

Mr. Handler asked for an update on the HOA legal issue.

Ms. Kilinski responded that she has not received any updates.

Mr. Lisotta asked to go back to the operations report and stated that Mr. Stratton has obtained a quote for installation of a decorative light pole at North Loop and Ensanada. He noted a previous board approved funding to pull electric underneath the road from Marshall Creek and that has been done. He asked for approval of the installation, which Mr. Stratton added will cost \$1,300.

August 3, 2023

Sweetwater Creek CDD

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, purchasing a light pole for \$1,300 was approved 5-0.

Mr. Lisotta also noted the Torcido Lane drainage repair was \$19,000 and another \$6,000 for a study. The study was declined because there was potential for another \$20,000 to \$25,000 of repair work for smaller areas.

F. Director of Amenities

Ms. Gunia updated the Board on repairs and classes held at the fitness center and informed the Board that she will have security system proposals for the Board to consider at the next meeting.

The Board took a brief five-minute recess at approximately 5:14 p.m. The meeting reconvened and the following items were taken.

FIFTH ORDER OF BUSINESS

Updates on Capital Improvement Projects

A. Pickleball Courts (Supervisor Smith)

1. Ratification of Proposal from American Electrical Contracting for Installation of Light Poles

Mr. Smith presented a proposal totaling \$24,485 to wire and install six light poles on the pickleball courts.

On MOTION by Mr. Smith, seconded by Mr. Lisotta, with all in favor, the proposal from American Electrical Contracting for installation of light poles was ratified 5-0.

2. Consideration of Change Order for Installation of Fans in Cabanas

Mr. Smith presented a change order for electrical services to add fans in each cabana for a total of \$2,150.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, the change order for installation of fans in the cabanas on the pickleball courts was approved 5-0.

B. Gravel Parking Lot Expansion (Supervisor Smith)

1. Parking Lot

August 3, 2023

Sweetwater Creek CDD

2. Parking Lot vs Dog Park Transition

The Board discussed proceeding with extending the parking lot now, versus waiting until after the pickleball court construction is complete. Four proposals were presented ranging from \$10,325 to \$18,570.

Mr. McGaffney noted the two proposals from AL Dirtworks provide options for asphalt millings or gravel and both options would require continuous maintenance.

Mr. Usina asked that a quote be obtained to convert the dog park into a parking lot for golf carts.

Mr. Cervelli suggested tabling consideration of the proposals for 30 days as parking won't be an issue until the pickleball courts are complete.

On MOTION by Mr. Usina, seconded by Mr. Cervelli, with Mr. Usina, Mr. Cervelli, Mr. Lisotta and Mr. Handler in favor and Mr. Smith opposed tabling consideration of the proposals for a parking lot for 30 days was approved 4-1.

C. Parks (Supervisor Usina)

Mr. Usina presented options for five spaces he and staff have identified throughout the community that can be converted into parks. All options presented total \$398,692, which he noted includes \$35,000 in site prep work for Onda Field.

The proposals will be discussed further at the next meeting.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2023-09, Authorizing Board Designees to Execute Permits, Change Orders and Other District Documents

Ms. Kilinski stated that Resolution 2023-09 came about as a result of the number of projects going on. In order to move project considerations that are necessary to make sure there is not a demobilization of certain infrastructure, this resolution authorizes board designees to sign documents for projects that have already been approved by the Board and that if not expended before the next meeting would cause delay, disruption and additional costs to the overall project.

August 3, 2023

Sweetwater Creek CDD

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with all in favor, Resolution 2023-09, authorizing Board designees to execute permits, change orders and other district documents was approved 5-0.

SEVENTH ORDER OF BUSINESS

Update and Consideration of Interlocal Staffing Agreement and Discussion of Cost Sharing Methodology

Mr. Cervelli stated that he thinks the Sweetwater Creek board needs to take control of its own CDD, of its own amenities, and have its own staffing in place. He noted the employees could be 1099, employed by the District, or the District could go through GMS for staffing, but that has yet to be determined. The first step is notifying Marshall Creek that the staffing agreement is going to be terminated.

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

NINTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Supervisor Requests / Public Comment

Mr. Lisotta asked if \$40,000 was allocated in the O&M budget for next year for painting the fitness center.

Mr. Oliver responded that he did not recall that being done.

Mr. McGaffney stated that the Board could amend the budget later to increase the capital reserve outlay expense by \$40,000 and the budget would have to be balanced with more carry forward surplus.

Ms. Gunia stated that she has confirmed with two of the proposers for the paint project that they will hold their price for the walls and the ceilings, subject to the price of the paint.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, painting the fitness center at an amount not to exceed \$40,000 was approved 5-0.

August 3, 2023

Sweetwater Creek CDD

Mr. Handler asked that all backup documentation for the agenda package be provided by the Monday before the meeting at the latest.

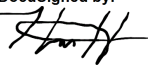
ELEVENTH ORDER OF BUSINESS

**Next Scheduled Meeting – September 7, 2023
at 4:00 p.m. at 625 Palencia Club Drive, St.
Augustine, Florida 32095**

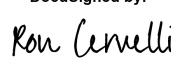
TWELFTH ORDER OF BUSINESS

Adjournment

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

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Chairman/Vice Chairman