

**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, September 7, 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:

Howard McGaffney	District Manager, GMS
Jennifer Kilinski <i>by Zoom</i>	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
Jim Oliver	GMS, LLC
Mary Marchiano	Duval Landscape
Josh Boucher	Duval Landscape

The following is a summary of the discussions and actions taken at the September 7, 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

Bob Denman thanked the Board for approving the construction of the pickleball courts and asked if it would be possible to build at least two more courts in off of Onda.

THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

September 7, 2023

Sweetwater Creek CDD

A. Minutes of the August 3, 2023 Meeting

A copy of the minutes of the August 3, 2023 meeting was included in the agenda package.

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. Usina, with all in favor, the Consent Agenda was approved 5-0.

FOURTH ORDER OF BUSINESS

Staff Reports

A. Landscape Team – Maintenance Report

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

Mr. Cervelli questioned if irrigation is really being checked throughout the CDD on a regular basis. He also stated that he has received complaints from residents on the mowing of the CDD controlled areas.

Ms. Marchiano explained that when it is very hot, it is not good to mow the grass in areas that are not irrigated, which is almost every single pond bank in the community.

Mr. Usina stated that there is a picture of a controller and valves on Onda and he was under the impression that Onda had more irrigation than just on the one side.

Ms. Marchiano stated that it does have irrigation heads, but there is no water because the water is supplied by the irrigation swale and there is no water in the swale, so it can't be turned on, hence the proposal provided previously for a shallow well.

Mr. Usina asked if an additional well can be installed on Onda.

Mr. Lockwood responded that a shallow well could be installed with a permit, however he cautioned that shallow wells may not produce enough water. Water could be pulled from the stormwater pond, however it would need to be replenished to avoid a "bathtub ring".

Mr. Usina also stated that the pine straw, especially on the roundabout and the area along Ensanada has a greyish color and asked when it will be replenished.

September 7, 2023

Sweetwater Creek CDD

Ms. Marchiano responded that her team is working on pulling out all of the dead material from September through October and at the same time they're working on pulling plants that have planted themselves in beds that don't match.

B. District Counsel

Ms. Kobitter informed the Board that a pre-trial conference was held in regard to the small claims case with Sports Surfaces and the next step is to set the case for trial. She asked the Board if they'd like to hold an attorney-client shade session at the next meeting to discuss the litigation.

The Board members agreed that a shade session is not needed.

Ms. Kobitter also reported that a memorandum on the St. Johns County safety zone ordinance was sent out to the Board and noted the updated ordinance is set to be heard on September 19, 2023.

Mr. Handler asked what the initial payment was for the small claims case and what legal costs have been accumulated so far.

Ms. Kilinski stated that the total is at about \$8,000 in legal expenses and noted there will be fees for trial preparation and attendance. The deposit that wasn't returned by Sports Surfaces was a little over \$1,700, so it is about a \$2,000 claim plus attorney's fees.

On MOTION by Mr. Lisotta, seconded by Mr. Usina, with Mr. Handler and Mr. Cervelli opposed and Mr. Lisotta, Mr. Usina and Mr. Smith in favor, proceeding with the small claims case was approved 3-2.

1. Update on the Interlocal Agreement

Ms. Kilinski reminded the Board that at the last meeting, the Board directed staff to notify Marshall Creek of the termination of the interlocal staffing agreement. Staff has been working with Marshall Creek representatives on trying to come up with a workable solution to share costs for ongoing maintenance services. A draft agreement was provided to the Board for their review. Ms. Kilinski asked the Board to consider a few key provisions. First, there is no guarantee Marshall Creek will approve the agreement. Second, whether the Board is comfortable with the concept that its at Marshall Creek's option, rather than a contractual obligation, to provide maintenance services. Finally is the standard for the provision of those maintenance services. If there is not an

September 7, 2023

Sweetwater Creek CDD

agreement in place before the next meeting, Sweetwater Creek CDD will need to obtain proposals for pool maintenance and handy-man services.

The Board discussed the Chairs and attorneys from both Districts meeting to try to come to an agreeable solution. Ms. Kilinski suggested in the meantime authorizing a month-to-month contract for a maintenance provider and proposals can be brought to the next meeting for consideration.

On MOTION by Mr. Usina, seconded by Mr. Handler, with all in favor, authorizing the Chair to work with staff to negotiate the interlocal staffing agreement and authorizing staff to enter into a contract for interim maintenance services if needed was approved 5-0.

Ms. Kilinski asked the Board if they were agreeable to extending the termination date of the staffing agreement to from October 3, 2023 to October 8, 2023 as requested by Marshall Creek’s counsel.

Mr. Lisotta temporarily stepped out of the meeting at this time.

On MOTION by Mr. Smith, seconded by Mr. Handler, with all in favor, extending the termination date of the interlocal staffing agreement to October 8, 2023 was approved 4-0.

2. Update on Envera Contract

Ms. Kilinski informed the Board that Marshall Creek has changed their security plan, which has changed the nature of the agreement with Envera. The agreements are being separated and the updated agreements and associated pricing are expected by the end of the week.

C. District Engineer

1. Ratification of Requisitions 99-101

Copies of requisitions 99 through 101 were included in the agenda package for the Board’s review.

On MOTION by Mr. Usina, seconded by Mr. Smith, with all in favor, requisitions 99 through 101 were ratified 5-0.

September 7, 2023

Sweetwater Creek CDD

2. Update on Standing Water on Rincon Drive

Mr. McGaffney stated that he would ask Mr. Lockwood to update the Board via email on this item.

3. Update on County Main Line Improvement

Mr. McGaffney stated that the district's engineer and county's engineer are working together on the main line improvement. Staff is trying to keep the community updated via e-blast on when the work will begin.

D. District Manager

There being nothing to report, the next item followed.

E. Field Manager – Report

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

Mr. Usina stated that there have been questions on when the dead trees will be replaced.

Mr. Stratton stated that there is no plan in place yet.

F. Director of Amenities

Ms. Gunia stated that the Board authorized \$40,000 for the security cameras and painting of the fitness center, however both estimates have come in slightly higher. She recommended authorizing a not to exceed amount of \$45,000 for the painting.

Mr. McGaffney noted these items were not included in the agenda.

On MOTION by Mr. Usina, seconded by Mr. Smith, with all in favor, amending the agenda to include consideration of painting of the fitness center was approved 5-0.
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There were no public comments on the painting of the fitness center.

September 7, 2023

Sweetwater Creek CDD

On MOTION by Mr. Smith, seconded by Mr. Cervelli, with all in favor, painting the fitness center at an amount not to exceed \$45,000 was approved 5-0.

The Board took a brief recess at approximately 5:08 p.m. The meeting reconvened and the following items were taken.

FIFTH ORDER OF BUSINESS

Business Items

A. Consideration of Staffing for Fitness Center (Supervisor Cervelli)

Ms. Kilinski provided a brief overview of the options for staffing of the fitness center and the pros and cons of each, including an independent contractor, direct district employees, professional employer organization, and a third-party contractor.

The Board discussed the options and made the motion below to utilize Riverside Management Services for staffing.

On MOTION by Mr. Usina, seconded by Mr. Smith, with all in favor, using Riverside Management Services for staffing of employees was approved 5-0.

B. Consideration of Parking Lot Expansion Proposal from AL Dirtworks

Proposals were included in the agenda package with options for gravel or asphalt millings for a parking lot expansion at the fitness center.

On MOTION by Mr. Smith, seconded by Mr. Usina, with all in favor, the proposal from AL Dirtworks for asphalt millings totaling \$10,325 was approved 5-0.

C. Updates on Pickleball Courts (Supervisor Smith)

Mr. Smith informed the Board concrete is being poured this week and asphalt, light pole and fence installations will follow.

D. Updates on Park Improvements

- **Park Improvement Estimates (Supervisor Usina)**
- **Playground Comments and Observations (Supervisor Smith)**

September 7, 2023

Sweetwater Creek CDD

- **Onda Park Drainage Swale (Supervisor Smith)**
- **Proposal for Dog Park Fencing (Operations Manager Stratton)**

Options for five spaces that Supervisor Usina and staff identified throughout the community that can be converted into parks were included in the agenda package for the Board’s review.

Mr. Usina informed the Board that he met with residents at the end of Glorieta Drive to discuss options in that area. An email was sent to Mr. Lockwood to ask if there is anything in the locations identified that would impede any improvements, however he has not received a response. Mr. Usina also noted that he has heard numerous comments on Privado Park and asked staff to work on a quote for improving the field space and possibly even installing a small swing set a couple soccer goals.

Mr. Cervelli commented that some of the Marshall Creek’s supervisor’s views is that parks hardly ever get used but are a maintenance nightmare.

The Board discussed the need for a workshop to discuss all the options for park areas in the community and the motion was made below.

On MOTION by Mr. Cervelli, seconded by Mr. Lisotta, with Mr. Lisotta, Mr. Cervelli, Mr. Usina and Mr. Handler in favor and Mr. Smith opposed, holding a workshop on October 5, 2023 to discuss the parks was approved 4-1.

Dr. Handler commented that depending on what is done with Onda Park, it may solve the drainage issues in the area without the need for a swale.

Mr. Lisotta commented that there is no guarantee that anything will be done with Onda Park and this issue has been delayed since 2019. He added that the Board has an obligation to correct an action that was made by the District that is to the detriment to a single homeowner.

On MOTION by Mr. Lisotta, seconded by Mr. Cervelli, with Mr. Lisotta, Mr. Cervelli, and Mr. Usina in favor and Mr. Handler favor and Mr. Smith opposed, authorizing staff to seek additional proposals for adding a drainage swale at Onda Park at an amount not to exceed \$40,000 was approved 3-2.

Mr. Lisotta left the meeting at this time.

September 7, 2023

Sweetwater Creek CDD

Mr. Smith asked if the funds for this work would come from the capital reserve fund or repairs and maintenance line item.

Ms. Kilinski stated that she thinks it could fall under capital improvements, however the Board can direct staff as to how to allocate the funds.

Mr. Handler asked Ms. Kilinski to confirm with bond counsel as to whether the project could be paid with bond money.

Mr. Smith left the meeting at this time.

E. Discussion of Safety Items

On MOTION by Mr. Usina, seconded by Mr. Cervelli, with all in favor, tabling the discussion on the safety items to the next meeting was approved 3-0.

F. Ratification of Addendum to Landscape Maintenance Agreement with Duval for Emergency Storm Clean Up Services

Mr. McGaffney informed the Board this addendum allows Duval Landscape to be the District’s provider for post-storm clean up services.

Ms. Kilinski added that this addendum would meet FEMA’s 2023-2024 standards and would make the District a priority on the landscaper’s schedule following any major storms.

Mr. Usina asked if this addendum locks the District into exclusively using Duval for storm clean up.

Mr. McGaffney responded that there would likely be higher pricing from other vendors.

On MOTION by Mr. Usina, seconded by Dr. Handler, with all in favor, the addendum with Duval Landscape for storm clean up services was ratified 3-0.

G. Consideration of Workshop – October 5th at 4:00 p.m.

The Board motioned to approve the workshop earlier in the meeting.

SIXTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

September 7, 2023

Sweetwater Creek CDD

SEVENTH ORDER OF BUSINESS

Supervisor Requests / Public Comment

There being none, the next item followed.

EIGHTH ORDER OF BUSINESS

**Next Scheduled Meeting – October 26, 2023 at
4:00 p.m. at 625 Palencia Club Drive, St.
Augustine, Florida 32095**

NINTH ORDER OF BUSINESS

Discussion of Envera Contract

This item was discussed under District Counsel’s report.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Usina, 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